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The Wider Implications of the Human Rights and Humanitarian Crisis in Jaffna

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1. Refugee Woes – A Common Pattern in the North East

The events of August were a stunning reminder of how quickly conditions for civilians can deteriorate in Sri Lanka when impunity and communal extremism prevail. Fighting between the Sri Lankan forces and the LTTE closed the A9 Jaffna – Kandy trunk road on Friday 11th August. The resulting humanitarian crisis from displacement and death because of the fighting and also from threats to air as well as and sea borne transport raised international alarms. The killing spree by state-linked killers that followed surpassed even the continued killings by the LTTE, increasing the anxiety of a populace already faced with the threat of starvation. As often happens, in reaction to the concerns raised by local and international agencies, the Sri Lankan government showed some token response before lapsing again into negligence and violence. Thereafter even if the situation gets incomparably worse and basic humanitarian and human rights norms are shamelessly breached, the international actors will inevitably relapse into the silence of disbelief, finding that even their strongest strictures have fallen on ears that are stone deaf. We have reached this point in the North East.

Thousands of Tamil refugees from the Mutur hinterland languish in helpless silence, having barely escaped heavy shelling by the government forces. Their homes are now rubble and the stink of death pervades. Muslims displaced from Mutur in Kantalai have been transported back to the homes they fled under a barrage of government shelling. Many of them returned under duress. In some instances the Police physically threw them out of refugee camps in Kantalai in pouring rain; the authorities even gave notice of cutting off their water supply. The IDP's normal urge to return home is undeniable, but the authorities have taken no account of their trauma, or of the new dangers they face since displaced Tamils from the surroundings have been completely left out. Children with burn injuries from MBRLs were forced to return to ruined homes from where they could still hear the sound of shelling.

Both the Muslims and the Tamil displaced feel insecure going back to homes, which feel haunted without the presence of neighbours from the other community. Muslims fear that their going back without the Tamils would increase communal ill feeling and prepare the ground for more violence. The Government could not guarantee the security of the people 40 days ago, even from their own guns, and there is no assurance that they would do so now. Especially afraid are Muslims from 16 villages that were under LTTE control. They feel that LTTE losses were minor and know that they are still around. They even know the leaders and cadres by name as neighbours and in their assessment, *'the Tiger is crouching'* (*Puli pathunguthu*).

Under fear of the security forces, the displaced from both communities have been reduced to government handouts for their existence are made to parrot official versions of their displacement experience as well as details surrounding the murder of the Action Contre La Faim (ACF) aid workers – at least while they are in this country. Of the 52 Muslims so far identified by local activists as killed, 49 died of government shelling of Mutur, and another 12 have so far been identified as missing, probably taken by the LTTE at Kiranthimunai. According to local sources angry at the State's attempt to cover up the truth, the Government has greased the palms of local agents with vehicles and other perks to destroy evidence of government shelling.

Truth is of cardinal importance in building peace and communal amity. It serves the State's agenda for example to leave the world guessing about the fate of the ACF workers. But LTTE websites have mischievously claimed that they were killed by Jihad elements, laying the grounds for further repressive actions against Muslims. We are now confident that the ACF workers were executed on Saturday 5th August by security personnel.

All in all one instinctively feels there is something very disturbing afoot that threatens to completely erase the cultural and ethnic affiliations of the North East as we have known them. In the name of sovereignty whole areas are being subject to utter destruction by missiles. The sense of proportion evidenced in current strategies could be discerned from one simple fact. The cost of one of the shells that pulverized people in Mutur is of the same order as the compensation due from the Government for one civilian life lost as part of 'collateral damage'.

Transport to Jaffna was brought to a standstill because the LTTE wanted to control all movement to through the A9 Trunk Road, and posed an implicit threat to air and sea transport. Meanwhile, the government has refused to open the A9 exit at Muhamaalai. Although the government is responsible for the welfare of its citizens, the people in Jaffna do not see it taking its responsibilities seriously. In Jaffna people hear constant noises of shelling,

especially by MBRLs into the LTTE controlled areas, particularly Vadamaratchi East, Pooneryn and Thenmaratchy East. All residents of Vadamaratchi East have fled to the Vanni, south of Killinochchi. They too are now among the more than 100,000 invisible Tamil refugees. Those who could afford the fare will move to Mannar and then to India.

There is a general feeling among the people that the Government would prolong this state of affairs until it makes a major military move. The people of the minorities are secondary to these calculations.

It is tragic situation. The LTTE is once again fighting a war in the midst of civilian populations, and has made them inevitable targets of state retaliation by forcing civilians to be part of their provocations. The government's knee jerk reaction shows equally little regard for the fate of those civilians. If the LTTE fires shells, the government will retaliate, using any means at their disposal; in this case shells and MBRLs.

The government rarely functions in a rational mode when cornered, and it has no contingency plan to protect civilians in emergencies.

- Why did the Government fail to ask the people to move from areas where fighting was going on and designate places of shelter?

- Why was there no plan in place to feed the population in government-controlled areas in the North?

- How will the Government verify and ensure the safety of refugee camps, even when the LTTE fires from the vicinity? Have they plotted the geographic coordinates of these places to avoid bombing or shelling them?

As long as the government thinks that they can rely on Kfir bombers and MBRLs to successfully weaken the LTTE and has the political support to do so, they will continue in the present mode, ignoring the civilian cost.

2. The Plight of Daily Wage Earners in Jaffna

Since the outbreak of hostilities on 11th August three relief ships have reached Jaffna. The items brought were sold through local coops. At the time the third ship docked in Pt. Pedro on 8th September, many basic items had been unavailable for many days. But this limited supply was earlier of little help to more than half the population. Owing to the disruption of economic life, this section of the population is without cash to buy these goods. They include nearly all daily wage earners, artisans, skilled labourers and fisher folk. Fishing is now banned in all of Jaffna except parts of the Islands. There have been several instances of starved children fainting in schools. The family of a painter, for example, had not eaten for two days. Those with money were living largely on rice. On the positive side, on 11th September food

items were distributed free at coops in Thenmaratchy to all below the poverty line irrespective of whether or not they were displaced. The curfew times have also been relaxed. However the killings are the greatest cause of fear.

3. Killings that Cripple a People

As we pointed out recently, killing in the government-controlled areas has escalated tremendously and most of them now are by persons linked to the State. The LTTE is also killing persons it accuses of being spies or of having some remote connection to an opposition group. On some days the number killed in Jaffna is above half a dozen. The Government along with its proxies is also recklessly targeting persons mildly suspected of links with the LTTE. A number of the victims were supporters of the TULF that later merged into the LTTE-backed TNA.

Among the most blatant instances is the disappearance on 20th August of Fr. Jim Brown, then Roman Catholic parish priest of St. Philip Nery's Church, Allaipiddy, which was shelled by the government on 12th Aug killing 24 refugees. This is an area under Navy control and the Navy is also charged with the killing of a young family of four last May. Some of the killings in Jaffna also appear part of the EPDP's plan to eliminate electoral rivals, something the LTTE had been doing for a long time. Former TULF/TNA MP Sivamaharajah was killed in Tellippalai in August.

Fr. Jim Brown: There is no doubt in the minds of the church hierarchy that the Navy abducted Fr. Jim Brown. Fr. Brown was going to Allaipiddy in the afternoon with a parishioner Vimalathas and stopped at Allaipiddy Junction to talk to the Naranthanai parish priest Fr. Peter Thurairatnam. They then directed their motorcycles their separate ways, Fr. Jim Brown going into Allaipiddy. According to the record at the Navy checkpoint at the Junction, Fr. Jim Brown went into Allaipiddy at 1.50 PM and returned at 2.10 PM.

A source close to Bishop Savundaranayagam said that while the brevity of Fr. Brown's visit according to the naval record is fictitious in itself, Fr. Peter Thurairatnam was in fact talking to Fr. Brown at 2.10 PM, before he actually went into Allaipiddy. The same source said that people had seen naval personnel following Fr. Brown when he went into Allaipiddy. When the LTTE made a brief incursion into Allaipiddy on the night of 11th August causing the church to be shelled, they had gone into the church and talked to Fr. Brown, which he had no control over, and the source added that the Father who had been a priest for just two years had no involvement with the LTTE. The EPDP web site reported, "*[Fr. Brown] was residing in Pudukudiyiruppu, Mullaitivu and had come to Allaipitty a few months ago*". This gives a hint of how judgments are made. Fr. Brown is a native of Puthkkudiyiruppu in the LTTE-controlled Vanni, but had never served there.

The cases below show that while the LTTE continues with its killings, those by the government party have gone out of control and these do not appear to be an issue any longer.

On 1st September, there was a claymore mine attack at Karanavai in Vadamaratchi about 8.00 AM killing one soldier in a route clearing patrol and injuring 5 others. According to local sources the Army had earlier arrested a local thug in Kambarmalai who is now seen with them. According to these sources he named some of his enemies to the Army as LTTE supporters. Shortly after the mine attack the Army asked two persons from Kambarmalai to come to the Uddupiddy camp. They detained one person and asked the other to fetch another

youth. The person who was kept back was released and the other two, Vimalathas (30), a minibus driver and Vijayasekaran (25), were then given a letter and asked to deliver it to the Vallai army camp. While the two young men were returning from the Vallai Army camp and were proceeding on the Vallai – Thondamanaru Sella Sannithy Road just before noon, they were shot dead by a killer unit of four on two motorcycles who had followed them.

On 3rd September C. Mathan was a tailor and family man in Point Pedro. Given the rising impunity he was sometimes worried about his being killed. On 3rd Sept two men on a motorcycle wearing masks accosted him at 3.00 PM, at the junction of 3rd Cross Street and Thumpalai Road and shot him dead. And as the killers passed an army patrol nearby one of them lowered his mask to show his face to the soldiers and moved on.

On 4th September, very likely as a continuation of the two killings on 1st September, Kanthasamy Nagulanathan, 28, a house painter, was shot dead at Udupiddy junction in Vadamaratchi around 12:30 PM. Ramachandran Dhanushan, an 8-year-old boy from the American Mission School awaiting a bus, was injured and admitted to Pt. Pedro Hospital.

On 15th Aug Sambasivam (47) of Nachchimaar kovil Jaffna, who is a distributor for the Tamil daily *Uthayan*, was returning after distribution in Point Pedro and Atchuvely. He was shot dead near Puttur Junction by killers affiliated to the State. This appears to be a continuation of the attack on Uthayan Press last June by the EPDP killing two employees.

On the night of 31st August gunmen went to the educated women's housing scheme in Mannan Kurichchi, close to Mirusuvil and shot dead Mrs. Thavaneswary Saravalingam (47), and her husband Ponniah Saravalingam (50). Velayutham Thangarathinam, a lady living next door who looked out to see what was going on was also shot dead. A year ago Thavaneswary and her husband had played a leading role in a protest that blocked the A9 trunk Road demanding the resettlement of displaced civilians in Eluthumadduvaal, Vilivalai, Oththuveli, Usan and Karambaham. The latter areas are now part of the Army's high security zone. The protesters also invited TNA MP Raviraj to join them. According to local sources the security forces were responsible for this killing and intelligence may have been provided by the EPDP. Charles of the EPDP was seen in the area over the next two days.

The day following these killings, 1st September, in Kunjarkadai, Vadamaratchi, gun men shot dead Sathiamoorthy Selvaruban (25) and his mother, 55 year old Sathiyamoorthy Thangarathinam, who is said to have tried to stop the killers. Selvaruban was an employee of the NGO Seva Lanka. His wife Shobana was injured in the shooting. The area is close to where the Mirusuvil killings took place. Those in Kunjarkadai are believed to be part of the same operation and related to the claymore mine explosion that morning and the killings near Vallai. In Vadamaratchi the killer units are reportedly based at Pallappai and Udupiddy.

We know of at least 8 persons killed by the LTTE in Jaffna during August. Among them are Mrs. Ranjini Manoharan (40) and Mrs. Puvaneswary Balasubramaniam (40). The first was shot dead at Sakkodai, Vadamaratchi at 7.30 AM, in front of the local welfare center. Puvaneswary was called out of her home near Vaideeswara junction, Jaffna town at 9.30 AM on 23rd August. On 25th August the LTTE shot dead the fish trader C. Lingeswaran (40) at Kattudai Junction. A news agency photograph of his brother and wife on the road crying beside his body fallen from his motor cycle was widely circulated. Because his trade took him to the Islands, the only source of fish now in Jaffan, he came under suspicion for dealing with the security forces.

Kandiah Yogarajah (35) who used to sell vegetables to the Army some time ago was killed by the LTTE in Punnalaikkadduvan on 22nd August. Pathmanathan Beeshmar who led the Aingaran musical group had turned down requests to perform in the LTTE-controlled Vanni and had some friction with them. When the LTTE shot him dead on 2nd August, they accused him of being a womaniser. Sellathurai Kopalasingham (53), father of five, EPDP supporter and former president of the fishermen's union in Vadamaratchy, was killed by the LTTE on 28th August.

These are just a sample to indicate the pattern of numerous killings in Jaffna running at 3 to 8 a day. Killer units of the state go about in white vans and with masks on motorcycles and are by now unconcerned about hiding their affiliations. This is now part of a widespread pattern everywhere in the North East. The impunity with which state groups and their affiliates function was recently in evidence in the spate of abductions and killings in Colombo. The implications are indeed extremely grave where the humanitarian aspect is concerned.

4. Killings and their Humanitarian Implications

The category of people being targeted by state killer units is extremely broad, seemingly determined by little but Tamil ethnicity. This communalised mass murder is the terrible and unsurprising result of the reactivation of Southern Sinhalese extremism brought about by appeasement of the LTTE under the CFA. What the LTTE was doing was very acceptable in the South so long as they confined their killings mainly to the Tamils. Once the LTTE began targeting the security forces from the second half of 2005, the Tamils were once again singled out unfairly for the main cause that is at the root – the fickleness of Southern politics. The LTTE used the CFA to force many Tamils to work for them and extort Tamil businessmen. It also used money to obtain the services of many Sinhalese and Muslims. The attack on the Army Commander, though an LTTE job, immediately led to strong suspicions of having been facilitated by inside accomplices. But the targets of the punitive bombing that followed were the Tamil civilians far away in Sampoor and collaterally some Muslims in Mutur.

To go back to the case of the tailor Mathan above, he was given no choice by the LTTE and stitched special uniforms worn by auxiliaries for the Great Heroes day celebration organised by the LTTE in November 2005. This is just the tip of the iceberg. During the CFA the LTTE forced all trades to form unions under them. Whether one was a tailor, barber, dhobi, auto-driver, bus driver, fishermen, toddy tapper or even a nursery school teacher, one had to join the LTTE union to be allowed to work and make a living. One difference between the Vanni and Jaffna is that in Jaffna the LTTE had not yet succeeded in enforcing their authorisation (requiring some kind of training) in order that students could sit for public exams.

Through leaders of their unions, the LTTE assigned tasks and forced members in Jaffna to go in batches to the Vanni to receive training as auxiliaries. A group of young women in a most innocuous of professions was taken to the Vanni on a tour. On their return they were thoroughly upset and told their colleagues not to go on these tours. These women had been taken to a centre and given training, similar to that received by the schoolgirls who were bombed at Vallipulam on 14th August. The LTTE spared no pains to paint stripes on all these people by displaying their activities and parades on their websites.

State killer groups are today targeting these very people: auto drivers, minibus drivers, tailors, etc. Going by the practices of these killer groups, a substantial part of the Tamil population are now potential targets for elimination.

Refugees from Mutur East: The problem becomes even more acute in relation to refugees from Mutur East. More and more of them are being displaced as the government forces are set to make territorial gains. Sheer starvation has driven many of them to refugee camps in Batticaloa, Valaichenai and Trincomalee. What the LTTE has imposed on them was extreme in comparison to what it imposed on their compatriots in Jaffna. Many of them were forced by the LTTE to work 15 days a month for them without wages so that they could spend the remaining 15 days to practice their normal trade and support their families. It is only a question of time before state killer groups (Army, EPDP or the Karuna group) start collecting information about them and the circus of white vans and masked men on motorcycles would begin. It is out of such fear that many of them are desperately fleeing to India. In a refugee camp in Trincomalee with 75 Tamil families from the Mutur area, a social worker reported the presence of less than 10 men. The rest were perhaps afraid to show themselves and in hiding somewhere. Under these circumstances resettling the families would remain a pipe dream and that is what those in power perhaps intend.

5. The Urgent Need for determined International Intervention

The killings of the 5 students in Trincomalee on 2nd January and the Bojan sisters two weeks later were early signs of grave things to come. Both murders were covered up; now we have an epidemic of murders. There are very few sections in Colombo that perceive this as a problem at all. When international human rights actors have raised the case of the 5 students in Trincomalee or the killing of ACF workers in Mutur, the response has been articles in the Sri Lankan press blaming these agencies for not mentioning the Kebbittigollawe claymore bombing of Sinhalese civilians. It is as though we must judge the Government by the standards of the Tigers. One is an internationally accredited state and the other is a group that has been banned by nearly all the leading governments. The important question is whether the Government has shown good faith in response to the restraints placed on the LTTE by the international community, which made its military successes possible.

Today's reality is that there is no section of the State and its apparatus showing good faith in relation to the Tamils and Muslims. If Tamils have been rendered vagrants, the Muslims come in handy as good human shields. The manner in which displaced Mutur Muslims were forced to return by what is in effect a military administration, which shelled them once and may shell them again, was unworthy of a responsible government. Attention has been repeatedly drawn by international actors to the activities of state-related killer groups. But they continue to act with even greater brazenness.

True, what the LTTE has done with the Tamil civilian population constitutes a grave security problem. The way to tackle it is by a political approach and not by mass murder. The LTTE is intrinsically very weak. The way the State has bungled minority issues has guaranteed the LTTE a political base. We do not see any means of safeguarding the life and well being of the Tamils and Muslims except by appropriate humanitarian and human rights intervention that would take both the Government and the LTTE to task. The Government should have the grace to accept it. The first task of an international agency is to identify categories threatened with elimination and take steps to safeguard them -- among them are also a large number who may become LTTE targets, trapped in their areas by the lack of mobility. The second is to ensure that the humanitarian needs of the displaced and of people prevented from working are properly met without placing them under duress or obligation.