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The Second Fascist Front in Sri Lanka – Towards Crushing the Minorities and Disenfranchising the Sinhalese

Certain names and references have been removed in this public version of the report.

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This report deals with the following interrelated matters:

- * The State falling prey to the anarchy of a fractious Sinhalese extremist lobby represented by the JVP and JHU under a fickle presidency
- * The growing fascist environment, the leveraging effect in politics of a killer machine under the Defence Ministry and the far-reaching politicisation of the security services. In this connection it deals with unknown aspects of the Raviraj killing
- * The human agony and insecurity, particularly in the North-East, resulting from this state of affairs and their absolute incompatibility with a credible political settlement
- * Raises pertinent questions about the perversion of institutions meant to foster the rule of law.

The extent of interference and crime by an intelligence apparatus at the apex of executive power raises the question, Are we still a democracy?

1. Against Civilians With a Vengeance

The Ceasefire Agreement has been abrogated, the Nordic Monitoring Mission has left and it is now a war without witnesses. Civilians on both sides are the main victims as each side pursues military advantage regardless of them. One way or the other, singly or otherwise, each side has deliberately targeted civilians of the other ethnic group. The bus bombings in Okkampitiya in Moneragala on 17th January and near Madhu in the LTTE-controlled area on 29th January, claiming in all more than two score lives, including women and children, are notable among the continuing outrages.

The LTTE will not be party to any democratic settlement. It will continue along its malefic course giving mutual sustenance to its Sinhalese extremist counterparts. The State, which was functionally truncated into a “Sinhalese State” by the myopic politics of the South and precipitated the Tamil armed struggle, continues to foster impunity – the main tool of an ideologically motivated clique now in control of the government.

Regaining the sanction of the minorities is far from the aims the present government; and the long-term effects of pampering to the extremist and criminal elements are all too evident. Bolstering Sinhalese fears and sustaining itself through the rhetoric of a war to eradicate “terrorism” is its sole agenda.

The political task of marginalising the LTTE is clean outside the lexicon of hardcore “Sinhalese Nationalist” intellectuals – for that would be to win over the minorities by offering them a political settlement giving them a stake in a united Sri Lanka as equals. This for them is absolute anathema. Therefore it has not happened in 60 years of independence. The APRC

fiasco extinguishes the final gleam of hope on the horizon. The present Government has shown itself is unwilling to go beyond any arrangement that would dilute the present structures of control of the North-East – control that is plagued by massive human rights violations, frequently by structures set up by the Defence Ministry outside the regular forces, reminiscent of some of the well-known repressive regimes in the past century. The rulers do not treat the North-East as a part of Sri Lanka.

We have written extensively about the LTTE's fascism, its cost and what it portends. We opposed this current round of war, because less destructive political means of cornering the LTTE have not been tried, it has proved intensely callous of civilians and their protection and is not guided by any vision that offers light at the end of the tunnel.

The war has all the hallmarks of a war of conquest and subjugation in pursuance of a Sinhalese supremacist agenda using the LTTE's intransigence as a pretext. This we argue is not necessarily because of foreordained malice on the part of President Rajapakse, but arises from his courting fractious extremist forces with their own power agendas and being pulled by them competitively and disastrously into greater extremism.

How did the present government get into this impasse? What does it portend? These are some of the questions we attempt to answer. It describes how extremist forces, have built structures and wield influence within the security establishment, control, influence and supervise actions of paramilitary groups particularly in the East, acting as their patrons and giving them access to persons at the apex of power. Such fascist structures establishing a stranglehold on the Government was unthinkable a short time ago.

2. Defence Ministry and Parliamentary Compliance through Abduction, Murder and Intimidation

The fight against Tamil Terror has become the opium through which the Sinhalese have, from 1977, been inured to an astounding range of abuses. Sri Lanka's 77 years of electoral democracy is now being parodied by MPs being bribed or blackmailed to cross over in droves to the side wielding the purse and hatchet. The Government survives on the volatile support of 37 JVP MPs, 27 MPs from the UNP and a number of Tamil speaking Hill Country and Muslim MPs worried that defiance would bring violent consequences for themselves and their supporters. This is one element of the disenfranchisement of the population. Another is revealing of structures that are even more insidious for democracy.

The vote on the third reading of the bloated war-budget on 14th December 2007 was expected to be a close call. The total budget was LKR 925 billion against projected revenue of LKR 775 billion. Defence expenditure was increased 19% to LKR 166.5 billion. This means, economist Muttukrishna Sarvananda points out, an allocation of LKR 8536 per person for defence against 2974 for health and 2359 for education.

To justify the cost, the Government continually presented the South a rosy picture of the war. Army Commander Sarath Fonseka told the *Sunday Observer* (30 Dec.07), "*Our daily target is to kill at least 10 LTTE terrorists*", and by so doing finish off the remaining '*3000 LTTE terrorists*' and the job, now 50% done, by the end of the year. It was made to sound easy with the human misery largely confined to the North-East.

The SLMC decided to leave the Government and the Hill Country MPs representing the plantation Tamils were saying that their constituents were against the war-budget. Two SLFP MPs openly dissented and more were expected to follow if there was a visible tide against the budget. It also seemed, mistakenly, that the JVP too would vote against it.

The Pillayan group on 11th December 2007 abducted persons close to three Tamil MPs from Batticaloa threatening them harm if the MPs voted against the budget. Those abducted were Mr. Nagalingam, secretary to Miss. K. Thangeswary MP, Arunasalam Sivapalan, nephew of Mr. Jeyanandamoorthy MP, and Mr. Sriskandaseya, brother of Mr. Ariyanendran MP. The three MPs abstained from voting and the abducted persons were released. Previously, for the second reading of the budget on 19th November the same group abducted TNA MP Mr. Kanagasabai's son-in-law S. Sajitharan, a teacher, threatening all Batticaloa MPs not to vote against. Mr. Kanagasabai refrained from voting, the three MPs above voted against. Sajitharan was later released.

The event is a grim reminder of the alarming rapidity with which the security forces have become politicised – a dangerous legacy that Pakistan is attempting to reverse. It further carried a message that offered grim choices to all MPs from the minorities. In another technique used for gerrymandering, the security details of several MPs from the minorities who voted against the budget were slashed, from 18 to just two policemen in the case of UNP MP Maheswaran. Maheswaran was gunned down as he worshipped at a Hindu temple less than two weeks later on 1st January 2008. He is the third Tamil parliamentarian to be gunned down. Another MP Mano Ganeshan, a member of the Civil Monitoring Committee, whose security too was slashed, was forced to flee the country.

Take Pillayan who was responsible for the abductions. In 2002 he was the transport head of the LTTE for Batticaloa-Amparai, among the key persons involved in child-conscription (see our Special Report No.14) and a noted thug. When the LTTE split in 2004, he joined Karuna. Now with Karuna in a British prison, Pillayan is being promoted as the Government's chief flunkey against minorities in the East.

The level at which Pillayan moves and is managed emerged during the closing weeks of 2007. He and some of his fellows were guests for dinner of the Commander of one of the fighting arms of the security forces at his Trincomalee head quarters, to sort out matters of mutual interest. What was a professional service commander doing with Pillayan?

It was also the STF who on 5th November escorted the Pillayan faction to the Karuna office in Batticaloa, beat up the Karuna cadres and installed him there, and a month later likewise installed him in Karuna's Araiampathy office after an exchange of gunfire.

Further, Pillayan is now patronised by the Patriotic National Movement (PNM), a rival to the JHU, an earlier patron of Karuna. We will see below that Pillayan is a creature of an intelligence outfit directly under the Defence Secretary who is also the President's brother. The agents assigned to Pillayan, beside their own mischief, support and instigate killings, abductions, extortion and robbery by his men.

This places in context Pillaiyan's abductions in aid of the defence budget. The Defence Ministry, which functions as the property of an American citizen and the President's brother, moved virtually to extort public funds from Parliament, to serve also as a source of fat commissions. And we are celebrating 60 years of independence from colonial rule. The

apparatus of state-terror now in place has a political agenda going well beyond taming the Tigers. The killing of MP Raviraj discussed below shows poignantly the Government going down to the lowest depths in a bid to control MPs by terror.

The record of Karuna, Pillayan and their cadres lays bare the hollowness of the LTTE's attribution of divine, heroic status to such mortals, who are more than willing to stoop to the lowest levels for their survival. The LTTE's claims of 'purity' and 'sanctity' and their unquenchable 'thirst' for Tamil Eelam are canards used to brainwash and entrap the impressionable young. LTTE apologists living in greener pastures ritually sustain the illusion of the LTTE's death-defying eminence, hoping against hope that the Sri Lankan state would perpetuate and justify its existence.

3. Kool Party at Layards Road and a Fatal Pact

Telltale signs of the emerging terror apparatus were evinced by Joseph Pararajasingam MP's assassination at Christmas Mass in 2005. A graphic pointer to the new dispensation was the public execution of five students at the Trincomalee Gandhi statue on 2nd January 2006 (Special Report 24). The executioners were the STF team sent to Trincomalee by Defence Advisor and JHU Treasurer, former DIG Kotakadeniya, with, according to him, the concurrence of Defence Secretary Gotabhaya Rajapakse. Police Superintendent Kapila Jayasekera, formerly of the STF, directed the plot.

After the Karuna group split from the LTTE and the Norwegians and Government abandoned them to LTTE killers, the JHU and JVP befriended them. The new influence the latter acquired under Rajapakse fed into the killer apparatus being assembled from the last months of President Kumaratunge. Whatever the understanding between President Rajapakse and the LTTE which crucially aided his victory by blocking votes for his opponent in November 2005, it broke down quickly.

The aftermath of the security-forces backed Trincomalee riots in April 2006 saw mounting violence and displacement in Trincomalee District. Following the failed LTTE suicide attack on the Army Commander, the Government moved to takeover the LTTE-controlled areas of Trincomalee District and eventually the whole of the East.

The killing of the Bojan sisters in Jaffna in mid-January 2006 was a definite sign that the EPDP had begun killing persons with family or other alleged connections to the LTTE. The EPDP followed this up with others including the attack on the Uthayan Newspaper office and killing two employees on 2nd May 2006 when President Rajapakse was hosting a World Press Freedom Day celebration in Colombo, and participating with the Navy in the Allaipiddy killings on 13th May 2006. These attacks could be seen also as part of tit for tat arrangements left behind by President Kumaratunge after the LTTE killed Foreign Minister Lakshman Kadirgamar on 12th August 2005 or even earlier.

A new compact in service of an extremist agenda emerged in May 2006. We piece the story together from information we received from a number of sources in response to inquiries over the killing of N. Raviraj MP. The various strands support the main drift, as also the revelations over the Gajanayake scandal by Lakshman Seneviratne MP.

It began at the Cabinet meeting held about Wednesday 17th May 2006, soon after the Allaipiddy killings. The President Mahinda Rajapakse openly castigated Minister Douglas

Devananda in the presence of other Ministers for the Allaipiddy and other such incidents in Jaffna. Following the meeting, one source adds, “*Devananda invited President Rajapakse and his brothers Basil and Gotabhaya (I am not sure if both brothers attended) for a kool feast on Sunday 21st May. Navy Admiral Daya Sandagiri was also there. Sivathasan was given the task of preparing kool for 25 persons (27 according to another source). The order was given on Friday and Palmyrah Board vehicles were used to buy the fish and other necessities. The invitees arrived at Layards Road at 3.00 PM and left at 10.00 PM. They posed for photographs with EPDP cadres.*”

The first source who did not speak of Karuna’s presence at the meeting, said they spoke about operations in Trincomalee and the East in general and compliments were paid to Mr. Devananda for his ‘good work’ in the North. Complimenting Devananda’s good work in the North sits strangely beside castigating him in front of the Cabinet. Another source abroad said that Karuna was a good deal at Devananda’s Layards Rd. office around this time, adding that he said over the phone from the office that he was very disillusioned and wanted to go abroad, but Devananda (*Annai*) had given him hope and encouraged him to stay.

A senior person with good EPDP links assured us that Karuna was present at the party and the discussion proceeded with Karuna and Devananda seated on either side of President Rajapakse, while Sivathasan translated. The main outcome was that Karuna and Devananda agreed to cooperate with Rajapakse on the break up of the merged North-East Province (an anathema to the JHU and JVP). In return for the cooperation, Karuna was promised the interim administration of the East for five years and Devananda, that of the North for the same period.

The elements were already in place, such as the JHU patronage of Karuna and Devananda. Clearly, President Rajapakse was pleased. He left backslapping EPDP members Kiruban and Vincent in a comradely gesture. Sivathasan was very upset.

As a consequence of the pact, Karuna forces were to provide units to ‘fight for the liberation of the East’. There were not many more than 200 cadres under Karuna. The lack of numbers was solved by the government forces helping him to conscript boys for his army. This emerged on a conspicuous scale within three weeks of the Kool Party Pact. Human Rights Watch detailed this in a report in January 2007:

*“In one incident in June 2006, the Karuna group abducted 13 boys and young men, holding some of them for a while in a shop across the street from an army post. Some of the parents pleaded with the soldiers to intervene. Two soldiers spoke with the Karuna group members, parents told Human Rights Watch, but the soldiers did not stop the abduction...In November [2006], after UN envoy Allan Rock raised allegations of government complicity in Karuna abductions, the Sri Lankan government promised an investigation. **Instead, government and military officials launched attacks against Rock’s credibility.**”* Another aspect of the pact is deeply sinister.

4. The Multi-Faceted Apparatus of State Terror

The Kool Party Pact foreshadowed a repressive order in the North-East unacceptable to Muslims or the Tamils. It was bound to run into opposition from all Tamil and Muslim politicians commanding public esteem and behind the move were the Sinhalese extremist

forces with their own agenda. Further, sooner or later Karuna and Devananda would have to face elections of some kind.

Is it a mere coincidence that following the killing of Joseph Pararajasingham MP in December 2005, two popular politicians from Jaffna, former MP Sivamaharajah and MP N. Raviraj were gunned down in September and November 2006 respectively?

Raviraj was killed in Colombo on 10th November 2006 (Supplement to Special Report No.23 and Special Report No.26). Although the police story underwent changes, it seemed from what they said that two gunmen who came in an auto-rickshaw had been waiting on Elvitigala Rd. when Raviraj with his police security man Sgt. Lakshman Lokuwela drove out of Matha Rd. to cross the road and turn right. Two gunmen from the waiting auto rickshaw followed on foot and opened fire from behind the car, fatally injuring both occupants. Later information from a frightened witness suggested that a 4WD vehicle had blocked Raviraj's car. Two men on a motorcycle, who had been there prior to the incident, saw it through and went away.

Early on trusted sources told us that the two killers in the auto-rickshaw were Karuna's men, and the two men waiting nearby on the motorcycle were from the EPDP. From the number, the Police traced the motorcycle to the EPDP. This point is slightly misleading, as seen below.

The most astounding piece of information we received was that the two killers who were from the Karuna group were brought to Colombo from the East by an extremist Buddhist monk who had direct access to the Defence Secretary and was also close to Devananda. For many months we failed to make any headway on the identity of the monk and his temple. Devananda had ties with several monks – including one at Narahenpita Junction.

After many months, sources with inside knowledge of the EPDP told us that Devananda was close to and often visited a temple in Colombo North. The priest too visits Devananda and has been seen at his Layards Rd. office. These sources also told us that this temple had a room to put up Karuna cadres who were brought from the East for operations in Colombo and sent back.

Our sources said that the Karuna cadres used in the killing of Raviraj had been brought to the Buddhist temple in Colombo North and were taken back there after the killing. The temple with close links to Military Intelligence we learn has several pay-phone boxes so that people could go in without arousing suspicion, but of late those entering the temple have to go through a checkpoint. The priest, Ven. M, according to our sources has direct access to the President, besides his brother, the Defence Secretary. Ven. M, these sources say met the President within a few days after New Year 2008.

We heard from two different sources that Ven. M is affiliated to the JHU. That does not rule out his having links to other groups such as the JVP or PNM. At lower levels party divisions among extremists are not so important. Interestingly, there are a number of JHU establishments in Narahenpita near the scene of the Raviraj killing.

More important than any party affiliation to Ven. M's role is his affiliation to the Defence Ministry and the President. The information from our first source of Ven. M's closeness to the Defence Secretary would be further clarified below. Our sources also said that Ven. M carries a letter from the President, which helps him at police stations to get things done. On one occasion in 2006, Rudra of the Karuna group was caught near the Pettah CTB bus stand in

Colombo in the act of receiving extortion money. It was Ven. M we learn who got him released by the Police.

The elements of the apparatus (which had been evolving for some months) following the May 2006 Kool Party Pact, we learn are as follows. Both the EPDP and Karuna group contribute persons for dirty operations. The coordinators were Kiruban for the EPDP (who left a little before the Raviraj killing) and Rudra (Thooyavan) for the Karuna (now Pillayan) group. Mr. DS who was used as a translator is from the Deep South and has been with the EPDP from about 1990 and speaks perfect Tamil. Mr. DS and Rudra coordinate with two officers assigned by the Defence Ministry from the intelligence services.

One feature of this apparatus is to render responsibility for killings so confusing and dispersed that it is easy for the Police to cover up. For example the motorcycle present at the scene of the Raviraj killing was traced to the EPDP and two persons who were not involved in the killing were remanded. Scotland Yard was called in and nothing more has been heard of it. The case would drag on at the magistrate's court until it is forgotten. We will give some details to show how this happens.

Another fallout from the *kool* party was the rampant unchecked abductions and extortion of Tamil and Muslim businessmen that surged in August 2006. People observed in disbelief as these criminals went past numerous checkpoints in Colombo and outside taking their victims to places such as Maha Oya and Welikanda. Not in one instance did the Police charge anyone. According to a political source, Karuna cadres used in these operations have also temples around Maha Oya and Amparai town (not the prominent one) where they could lodge. Sources close to the state apparatus said that there are also other lodging places for Karuna cadres brought to Colombo for dirty operations, and in this game they use whoever is usable. Some army camps are also used.

Also of note is former Air Force Squadron Leader Nishantha Gajanayake who with some members of the Karuna group worked closely with the Defence Ministry in dirty operations as well as in abduction for ransom and killings (see Special Report No.26). His services according to press reports were offered to the ruling party independently of the JHU or JVP. The *Senapathi* column in the *Nation* of 24th June 2007 stated, "*The CID maintains that there is evidence to show that Gajanayake was involved with the underworld and various police teams are currently probing different aspects. 'Gajanayake is in deep trouble,' and he has implicated at least one senior defence official in several abduction cases.*" This was a further indication of the Karuna group being used by various parties.

Gajanayake was given bail on 18th January 2008, owing to the Sri Lankan epidemic of witnesses cowering in terror where any trace of the Defence Ministry is visible. We also cited inside information that Gajanayake was involved in the Raviraj killing. The case has been purposefully bungled. An eyewitness at the scene who saw a black 4WD vehicle obstructing Raviraj's car was threatened by a security man on the spot that he had not seen what he saw. We have no public record of which way the killers escaped.

One instance among several where the Police had good evidence says it all. **Thomas Jesudasan** (37), father of two girls, was seen abducted from near his home in Kotahena on 7th January 2007. The Police obtained a video security record at an automated teller machine belonging to Commercial Bank showing the person pulling out the money using the victim's card and his motorcycle number. We learnt authoritatively that the investigation was

suppressed on the order of IGP Chandra Fernando. A poignant feature of the case is that the victim's father had been an Inspector of Police – a colleague of the IGP. The Karuna name also served as a useful cover for security officers involved in crimes of abduction and murder.

As a matter of curiosity, one of those employed as a translator in this apparatus is a middle-aged lady from Mannar connected to the EPDP. She very likely took the job without knowing its nature. In Special Report No.28 the Police investigating an extortion racket in Pt Pedro involving the intelligence apparatus said that the victims were instructed to bank the money into the Mannar account of a lady named Savariamah!

For Karuna and Devananda who were desperate, and the LTTE gunning for them, what the State offered them was double edged. In their desperation they made a crucial error. In keeping their side of the bargain they blackened their name irredeemably. Pacts with a more powerful party where the weaker loses any ability to make the other keep its word are useless. Karuna and Devananda became a useful dump for the Government's crimes. Allan Rock for example was not impressed by the Government's evasions.

By mid-2007, government spokesmen were making virtuous noises about Karuna having to be disarmed. The interim councils Karuna and Devananda were promised became a pipe dream. Their dissatisfaction and fear of being cheated were evident in late 2007.

5. Too Intimate with the Top for Comfort

The killer apparatus, it was widely spoken and as the circumstances below strongly indicate, functioned under Defence Secretary Gotabhaya Rajapakse. While the principal details below are from one trusted source, important ties have been confirmed by information from other independent sources, such as Pillayan's relationship to the intelligence operative Wasantha and their PNM connections.

Two important intelligence operatives who deal closely with Defence Secretary Gotabhaya Rajapakse (GR) are Kamaldeen from the Navy based in Trincomalee and Commanding Officer Tennekoon, of the Army from the Gemunu Watch, based in Welikanda. The latter has rank probably of major or above. Dealing with and directing killer operatives from the Karuna (Pillayan) group and EPDP are Sampath, ex-naval intelligence, who is under Kamaldeen and Wasantha who is under Tennekoon. Sources in Batticaloa have linked Pillayan with Wasantha and the PNM has also been mentioned to us in this connection.

Kamaldeen is also close to Devananda, and an ex-militant R, who had left the country in 1986, introduced the two. The three of them had a long meeting about mid-2007. Ex-air force squadron leader Gajanayake and his operatives being picked to work for the Defence Ministry also indicates that there are several groups operating in this manner. Kiruban who left the EPDP about September 2006 leads another outfit operating also under Kamaldeen. Under Kiruban are four Tamils, including John alias Raju, a former bodyguard of Devananda, later assigned to Kiruban. Though based in Trincomalee, this group is sent for killer operations elsewhere, including Jaffna, when required.

Kamaldeen like many others is motivated by the LTTE having committed crimes against persons very close to them. R who was involved in Joseph Pararajasingham's killing lost his mother, mother's sister and several members of his family to wanton murder by the LTTE. Two or three brothers of Kamaldeen were reportedly killed in Trincomalee by the LTTE

during the 1980s. For persons in their state of mind anyone having even a political association with the LTTE had played with fire and deserves what he gets. The LTTE created a climate where the State could use lots of people blinded by a desire for revenge, for sinister purposes going far beyond purportedly defeating the LTTE.

Ven. M comes into this in more roles apart from sheltering Karuna cadres brought to Colombo for certain operations. Karuna was sent to India for a time and Kamaldeen was instrumental in making some of the arrangements. Ven. M was then a go-between for Karuna and his leaders in Sri Lanka. He carried letters, messages and CDs between them and also discussed party matters. Kamaldeen played an important role in the decision to replace Karuna with Pillyan as TMVP leader. The latter was thought to be more pliable. It was Kamaldeen who brought Pillayan to Trincomalee when the internecine conflict in the TMVP came into the open in May 2007.

We may describe the terror apparatus as having three levels. At the lowest are cadres from the Karuna group, operatives from the EPDP, Muslim paramilitary elements and deserters from the LTTE. The second comprises cadres from the JHU, PNM and the intelligence services, all dealing with persons from the third layer. The topmost layer comprises the State, represented by the Defence Ministry and especially the Defence Secretary, dealing with the second, and occasionally with the third, usually through the second. They try to negotiate boundaries, relations and tensions between the second.

Coming to something more easily verifiable, Chaminda and Jayasuriya who worked for the EPDP obtained the motorcycle present at the Raviraj killing. The two who were apparently earlier connected to the security forces were asked to obtain a motorcycle by Sampath and Wasantha. From around Tangalle, near their home, they obtained the motorcycle from an ex-army NCO Nalanda who suffered a grievous injury, which we understand was then registered under the name of one Ravindra. The latter is from a family that was in the late 1980s at the receiving end of JVP terror and made contact with the EPRLF (EPDP) in Trincomalee. They passed on or probably resold the motorcycle to Sampath and Wasantha in Amparai or Ratnapura.

At the time of the Raviraj killing Chaminda was in EPDP's Layards Rd. office and Jayasuriya was in Amparai. These circumstances suggest that the two men who waited on the motorcycle and left after seeing the killing through were not EPDPers, but Sampath and Wasantha.

The Police arrested Chaminda, Jayasuriya and Nalanda. Chaminda was released sometime in 2007, reportedly because of Devananda's influence. Jayasuriya and Nalanda we understand are still in prison. We reliably learn that Chaminda and Jayasuriya in their statement to the Magistrate fully disclosed the details of the motorcycle transaction. They, with Nalanda, were very angry that the Police kept them under detention to give the impression that they were in earnest about finding the killers, while Sampath and Wasantha have not been touched to this day.

The circumstances above point to Gotabhaya Rajapakse as ultimately the man who initiated the killing of Raviraj. The immediate purpose appears to have been the silencing of the Civil Monitoring Committee, whose reports on abductions, killings and extortion by Gotabhaya's covert outfits, created a huge stink. It is hard to accept that the President who delegated the running of the Defence Ministry to his younger brother and was personally a patron of Ven. M was not party to what was going on. He has a good deal of explaining to do.

Even worse, no one could accuse Gotabhaya of being secretive. The country as a whole had a good sense of what was going on. People were being targeted and killed and were disappearing after abduction, the total now running into thousands, by killers closely linked to the Defence Ministry. Also killed have been a number of media workers. When the President persists in maintaining as defence secretary the very man who threatened the woman editor of a leading newspaper with the Karuna group and one of her staff with elimination, he has no real defence against the worst sort of allegations.

Almost the whole world has condemned the LTTE and rightly continues to interdict its operations. A State, which deals with the minorities and the opposition by the LTTE's methods, deserves the strongest censure and appropriate sanctions.

President Kumaratunge and her advisors should never have allowed room for this state of affairs. Not having the courage to do her duty in giving Karuna and his men the protection of the law, she could not resist opportunistically using them in dirty work while showing a different face to Norway and the LTTE. She left them in the lurch to be picked up by extremist groups and the intelligence services. The resulting compact between intelligence services and extremist parties in their use of Tamils abandoned by the peace process, created an opening for fascist forces, which were waiting for a pliable presidential candidate. The result was the worst of all possible worlds for the people and in turn driving her successor to become the worst of all possible presidents.

6. The Second Fascist Front – a Fractious Family Affair

Fascism is commonly understood as '*a system of government characterized by strong, often dictatorial control of political and economic affairs, and often by warlike nationalism and brutal suppression of political dissidents and ethnic minorities*' (Wordsmyth English Dictionary). The extremist forces behind the Government may be termed a second fascist front, giving pride of place to the LTTE, which as a functioning organisation showed these characteristics from the early 1980s.

All extremist forces in the Sinhalese South, the JVP, JHU, MEP and sections of the SLFP, share much in common in ideas (the inexorable Sinhalese Buddhist character of Sri Lanka and opposition to a federated North-East) and objectives (e.g. Sinhalisation of the East). Particularly the JVP and JHU owe a good deal to the Jathika Chintanaya (National Ideology) movement of the mid-1980s. Formulated by Gunadasa Amarasekera and Nalin de Silva, it gave shape and form to scattered ideas that had motivated Sinhalese exclusivism for many decades. It critiques political institutions and systems (Marxism in particular) imported from the West, sees Sri Lanka as in essence Sinhalese whose genius is to be realised by a unitary state establishing its lost Buddhist ethos.

Like most writings of this ilk, ex-Trotskyite Prof. Nalin de Silva's, though arcane, have a mesmeric quality for the young and impressionable, viz.: "*The western Judaic Christian culture knows only of one consistency, defined with respect to two valued formal logic and only Newtonian bodies and mathematical structures respect this logic. Even quantum particles and bodies have no respect for two valued formal logic.*" (The Island 1 Oct.03)

His obscurantism and intolerance of minorities and their sense of identity is also expressed in the same article: "*It is unfortunate that since the Dutch period the demography in the Jaffna peninsula has been changed with the importation of labour for the tobacco cultivation from*

South India, and since then the western Christian colonialists have been successful in driving a wedge between the Sinhala Buddhists and the imported Tamil Hindus and creating and using a Tamil racism against Sinhala in this country.” It is history plucked out of thin air and violent in its realisation.

When advocates of ideologies, whether Marxist or Nationalist, are heedless of the core values of humanity, they closet themselves in very narrow interpretations, against the demands of responsible humanity. In canvassing their ideas they ultimately appeal to what is low and base in people. Humanism has no barriers, nor is it a preserve of the West. It is indeed very sad if those who are counted intellectuals among us do no better than breed hatred, intolerance and blindness to ‘others’, and their feelings, in the name of countering Western ideology.

Kanishka Goonewardena wrote (*‘National Ideology in a Buddhist State’ Himal, Oct.07*): *“In spite of obvious historical and cultural differences, there exist some remarkable parallels between the ideological forms and epistemological claims of Jathika Chintanaya, Hindutva and National Socialism: their emphases on harmony, community and nature; and their critiques of materialism, modernity and socialism... These groups desperately needed a community with which to identify, as well as an enemy to identify against, both of which were powerfully forged in these cases – as the fates of Sri Lankan Tamils, Indian Muslims and German Jews demonstrate.”*

With so much in common, why are the Sinhalese extremist forces heavily at odds with each other and in the late 1980s even killed one another? Nalin de Silva sees both the SLFP and JVP as children of Bandaranaike’s Sinhala Only revolution of 1956 and as two groups that critically need one another. He was among those greatly pained when the JVP after agreeing to the DPA manifesto on the basis of which to support SLFP leader Mrs. Bandaranaike’s presidential candidature in late 1988, went on a violent binge and ensured her defeat and in February 1989 made an attempt on her life. The SLFP had illusions even after the JVP assassinated Mrs. Bandaranaike’s son-in-law Vijaya Kumaratunge in early 1988.

Political genealogy is awkward business for those who never repented their legacy of terror and conveniently undergo reincarnation as champions of anti-terror. Champika Ranawaka who is described as Jathika Hela Urumaya’s (JHU’s) chief ideologue and a right hand man of the President told the *Daily Mirror* (2 Feb.07) that he left the JVP in 1986 – *“When they were taking [a] violent approach I left”*. By this claim he whitewashed his association in the JVP’s terror including the abduction and murder of socialist student leader Daya Pathirana. We quote from *‘Politics of the South 2000 – 2005’* by Asanga Welikala and David Rampton:

“Some of the current figures in the current JHU (namely the Venerable Athureliya Rathana Thera, Champika Ranawaka and Udaya Gamampila) were once JVP organizers and were active during the 1980s agitation against the Indo Lanka Accord. At that time Ranawaka and Rathana were both ideologically aligned to Jathika Chintanaya and (as Inter University Students Federation leaders) to the JVP...However Champika Ranawaka was to play an integral role in the split with the JVP on two issues. First Ranawaka had a dispute with Wijeweera over the JVP’s ideological path, declaring Marxism dead and urging the JVP to wholeheartedly embrace nationalism as its central ideological engine – a line Wijeweera refused to countenance. Second, the JVP’s refusal to support Mrs. Bandaranaike’s candidacy for the 1988 presidential election triggered the final split between the JVP, Jathika Chintanaya and SLFP-aligned unions.”

In the 1990s, Ranawaka became active in the National Movement Against Terrorism (NMAT), a parent of Sinhala Urumaya (SU). S.L. Gunasekera backed by professionals, university dons and retired army officers held the leadership of SU. At the October 2000 parliamentary elections the SU secured a single national list seat, which the faction led by Ranawaka took over after ousting Gunasekera by intimidation and thuggery worthy of the LTTE. However SU was no winner when it came to elections.

The change came in December 2003, when President Kumaratunge had paralysed the UNF (UNP) government of Ranil Wickremasinghe and was obliged to hold elections. Ven.

Gangodawila Soma died naturally of a heart attack in St. Petersburg where he went to receive a degree. Sihala Urumaya and Ven. Ellawela Medhananda of its associated monks' organisation JSS started a campaign insinuating that Ven. Soma was killed by a Christian fundamentalist conspiracy. A number of churches were attacked. Seizing the opportunity, the JHU was formed fielding all JSS monks for the April 2004 elections, SU 'donating' itself a vessel in service of the JSS monks. It won nine seats in its short run.

The JHU was a wild card from the start, ensuring the victory of the UNP candidate for speaker against the JVP-backed, SLFP-led government's. It took Ranawaka's long experience as a party infighter to bully, kidnap (once an MP monk who voted for the Government's candidate for speaker who was forced to resign), fight Ven. Dhammaloka's attempts to keep power a monopoly of monks, getting thrown out from his secretary's post by Dhammaloka (who then left the party and campaigned for Ranil Wickremasinghe at the 2005 presidential election), before asserting himself in the party.

On the rival track to the JHU and NMAT, the National Patriotic Movement was preceded by the Organisation to Protect the Motherland (OPM) launched at a meeting in Maradana (Colombo) by Ven. Elle (Alle) Gunawanse on 15th January 2003. This was when Ranil Wickremasinghe was prime minister and had in talks with the LTTE agreed in Oslo to a federal settlement. Gunawanse had earlier been patronised by Gamini Dissanaike and President Premadasa.

Opposition bigwigs attended the meeting to endorse Gunawanse's simple argument that the North-East which Jayewardene merged under Emergency Regulations in 1987, should now (15 years later) be de-merged as the Emergency had lapsed under the ongoing peace process. Leading persons at the meeting were Opposition Leader Mahinda Rajapakse, Ratnasiri Wickremanayake, Dr. Gunadasa Amarasekera and Nalin de Silva from Jathika Chintanaya and Tilak Karunaratne from the Sihala Urumaya.

The next stage was on 1st October 2003, when Elle Gunawanse as convener of the meeting following a march from Kandy, inaugurated the National Patriotic Movement (PNM). Gunawanse accused Prime Minister Wickremasinghe of trying to divide the country. Among the participants were SLFP parliamentarians including Anura Bandaranaike, Dr. Gunadasa Amerasekera and JVP propaganda secretary and parliamentary group leader Wimal Weerawanse. Sihala Urumaya declined to participate.

The hostility within the extremist camp as represented by the PNM and JHU could be seen in their acrimonious exchanges. *Jathika Chintanaya's* Nalin de Silva opposed the JHU monks contesting the April 2004 elections independently of the SLFP (PA)-JVP alliance as a divisive move. After the JHU upset the Speaker's election, de Silva (*Lankaweb* 24 Apr.04) accused the JHU of being a plant of the *Vijathika* (alien) forces: de Silva said the JHU '*were financed by Thilanga Sumathipala and his brother, Edirisinghes of Swarnamahala, and were given prominence in media that belongs to Thilanga, [UNP leader] Ranil Wickremasinghe's brother (TNL), Swarnavahini of Edirisinghe and Maharaja's MTV...the monks were put forward by non-national forces only to hoodwink the Buddhists.*'

Going back to 7th August 2000, monks who later were closer to the PNM, including Bengamuwe Nalaka, Muruththettuwe Ananda and Maduluwawe Sobitha, were having a protest meeting against Kumaratunge's proposed constitution at Abhayarama Temple in

Narahenpita, when a bomb went off injuring some. Reports at that time suggested that supporters of Sihala Urumaya that had not been invited exploded the bomb.

Too weak to capture power, the JHU needed a deal with a potential winner, both naïve and pliable. This, the JHU, even as Champika Ranawaka staged his coup within, found in Mahinda Rajapakse and moved quickly in August 2005 to cut short Kumaratunge's presidential term by an appeal to Supreme Court. A solid base of legal authority held the term ended in late 2006 (P. Rajanayagam with citations in *Sunday Observer* 8 Feb.04). The Chief Justice who needed new allies obliged the JHU. A pact was quickly made with SLFP presidential candidate Rajapakse who ditched the SLFP's twelve-year stand on a federal settlement to the ethnic problem. Ranawaka became Minister of Environment in January 2007. The East tragically became the playground of rival extremists.

7. Balancing Extremisms – A Government of Anarchy

Mahinda Rajapakse became president after making promises to several parties who had only one thing in common – their mutual acrimony. The JHU moved to clip Kumaratunge's term and lost no time in signing a pact with him, committing himself to abandoning a federal settlement. The JVP came on board on similar terms. Evidence indicates that he also made a deal with the LTTE, which handed him the election.

During the President's two years, promises to arrive at a reasonable political settlement and to check human rights violations were repeatedly made and as frequently broken. Any criticism by concerned nations and the UN are met with abuse, and repeated pledges made to India were regularly broken, as by proceeding behind her back to de-merge the North-East. Could any president afford to be so indifferent to being taken seriously?

Rajapakse's problems, which drove him in the current direction, are found in his promises. The de-merger of the North-East could be traced to Rajapakse's flirtation with Elle Gunawansa and the PNM from 2003. It was the PNM that later petitioned Supreme Court on de-merger in 2006. Rajapakse's insistence on a unitary state was part of his dealing with the JHU. What he promised the LTTE we do not know, but there appears to have been an expectation on its part that he would deal with Karuna in their favour.

The violence was comparatively low from the time Rajapakse was sworn in as president on 19th November 2005 until 2nd December when the LTTE began an intensive series of provocations through grenade and landmine attacks on the Army. That also provided the cue for Rajapakse's extremist supporters to assert themselves.

The immediate cause for Rajapakse becoming president was the JHU. The JHU Treasurer DIG H.M.G.B. Kotakadeniya (Rtd.) was given a potentially powerful slot in the Defence Ministry as advisor on police matters. An early indication of his power and style was the exhibition massacre of five students on the Trincomalee beachfront on 2nd January 2006 (Special Report 24). In a *Sunday Island* interview (25 Sept. 2005), Kotakadeniya, while saying the only way to deal with the LTTE was to crush it militarily, indicated that there was no love lost between himself and the JVP: "*The JVP had the same grievances as the LTTE and the JVP was crushed mercilessly without any talks*".

Kotakadeniya, the official of a party with a very divisive ethno-religious ideology, had retired just three years earlier (in 2002) and knew the Police department intimately. He was twice

denied the top job of IGP. Appointing him to a commanding position of oversight over the Police was a giant step in the politicisation of the security apparatus.

The appointment as defence secretary of the President's brother Gotabhaya, a retired lieutenant colonel, to what in virtue of that relationship became a position of overall command, was bound to leave serving officers feeling very uneasy. Such a person typically left the army young, before the age of 40, often because life was more attractive outside. But would typically harbour strong ideas about how he would have conducted the war, articulating anger and contempt for the well-justified caution of his seniors.

Uneasiness with a political appointee becomes even greater when officers are also pushed to sacrifice men to satisfy the political whims of the elder brother. A military operation in Jaffna was timed so that the President could interrupt the presentation of the 2008 budget on 7th November 2007 to announce a military success to sell the giant defence allocation. It went awry sacrificing scores of men.

The JHU's commanding position in the security apparatus was bound to rattle the President's supporters from the PNM and especially the JVP whose support in Parliament was crucial. Using the JVP's parliamentary base, the PNM had cultivated a strong lobby in Trincomalee extending into the Navy. This power was brought to the fore in May 2005 when the PNM and JVP were behind the erection of the illegal Buddha statue in the sensitive area of Trincomalee. The Navy's Eastern Commander Rear Admiral Sarath Weerasekera openly identified with the provocation.

In retrospect we may view 2005 as a year when political change was in the air, and people in high places who should have been above politics were staking out political positions with their future in mind. The Buddha statue in Trincomalee may be considered a watershed. As with Rear Admiral Weerasekera, Chief Justice Sarath Silva too took the side of the PNM. The damage done to the security forces as institutions that upheld the rule of law was enormous. This would be discussed further in Appendix II.

Although the JHU exploited the same issues as the PNM in trying to build a support base among the Sinhalese population and the security forces in Trincomalee (Appendix II), it has not been able to match the visible influence of the PNM in Trincomalee and especially the Navy. However the PNM's influence in the security forces could go further only if it had an institutional base.

Not surprisingly, the President was pushed to take another incredible step in the politicisation of the armed forces. On 17th July 2006, three days after the PNM presented the petition for the de-merger of the North-East in the Supreme Court, the President consecrated the Manel Mal (White Lily) Movement (MMM) – the PNM doubling up as a society to advance the morale and welfare of the armed forces. This provided the institutional base for the PNM's penetration of the security forces and to consolidate its influence in the Navy.

Four days later, the Presidential Secretariat sent to Jaffna an MMM (PNM) team including JVP's Weerawansa, PNM Chairman and Jathika Chinthanaya's Gunadasa Amarasekera, PNM president Ven. Dr. Dambara Amila Thero and Bengamuve Nalaka Thero. The team gave the Army a morale boosting suggestion that the problem could be solved in 24 hours by bombing the place – '*they are only Demalu*'. After this was reported in the Press, such displays were curbed or at least not reported. But the PNM had already built a base within the Navy which

was strengthened by the launching of the MMM. It is not hard to understand why violations by the Navy against Tamil civilians during the current round of war reached unprecedented heights.

Although the electoral support of the extremist parties would hardly exceed 15%, the President had cornered himself into satisfying their rival claims to stay in power. One instance illustrates his dependence and also the instability he must contend with. The JVP, which had voted against budget at its second reading, could hardly escape doing the same at the third reading on 14th December 2007 without losing credibility. It had a genuine problem. Unlike the JHU, it could not, however much it liked the war, go on telling its voters to support the war on empty stomachs, after having said also a great deal about corruption in the Government.

It was a largely PNM delegation led by Ven. Elle Gunawanse and Nalin de Silva that went to the rescue and pleaded with JVP's Somawansa Amarasinghe not to jeopardize the fight against terrorism. While the JVP was active in the PNM through Weerawanse, it was not in JVP's nature to be fully committed to any alliance. The PNM on which Rajapakse had come to depend had developed a large stake in the continuance of the war.

JHU's Kotakadeniya had during Rajapakse's election campaign insisted that their deal was only with Rajapakse and would not associate with his party on its election platforms. None of Rajapakse's allies had any respect for the SLFP as a party. The SLFP had become a nullity. Others wanted to manipulate and use Rajapakse as an individual while it suited them. Unlike the JHU, the PNM had a closer and longer association with Rajapakse on chauvinist platforms.

For the Jathika Chitanaya leaders it was rather like 1988. They are again (through the PNM) brokers between the JVP and SLFP leader – a flirtation the JVP in 1988 ended in an explosion of violence, leaving both Jathika Chitanaya and the SLFP in the wilderness. Before the crucial 2008 budget vote, the JVP refused to talk to Rajapakse, who was obliged to depend on a rescue by the PNM. The JVP extracted its pound of flesh in the abrogation of the CFA. It is from this broker's role that the PNM derives its strength, besides having Weerawanse of the JVP as general secretary. Rajapakse must hope and pray they could prevent the JVP doing a 1988 repeat of sorts. The relative influence of the JHU and PNM on Rajapakse would play itself out in the unfolding drama.

8. Gaining New Frontiers – Colonisation as Chauvinist Practice and Philosophy

The fact that the minorities had almost zero executive influence in government has enabled an ideologically motivated few in all governments to form lobbies advancing the bane of colonisation. Typically, once Sinhalese colonies were established in areas where Tamils and Muslims predominate, the next step has been to constrict their space on various pretexts, denying them the use of lands that were part of their economic, social and cultural life, until they are thoroughly marginalised in their native surroundings. We take a case in Colombo itself.

R. Premadasa, who later became president, initiated a housing project by filling swampland in the Maligawatte suburb of Colombo where Muslims predominated. Such projects in a growing city are inevitable and tensions could have been managed. With the housing project

there also came Bodhirajaramaya temple providing a foothold for Sinhalese extremist forces to move in.

In 1999 local Muslims built a religious school on a small piece of land belonging to them. In 2002 they sought to extend the school having purchased the necessary land. Monks from Bodhirajaramaya backed by Sihala Urumaya (later JHU) began an agitation against the construction and the local Police supported them on the grounds that it would disturb the peace. The Muslims got a court order permitting construction. Five days later the Police produced a letter written by Divisional Secretary, Colombo, disallowing it.

The letter had been written at the instigation of Venerable Thanabaddegama Sobitha, incumbent of Bodhirajaramaya. While Muslims argued with the Police who tried to stop the construction, Sinhalese mobs started attacking Muslims. The Police just watched. Later the Government imposed curfew, which did not prevent Sinhalese mobs from attacking Muslim houses and businesses.

Sihala Urumaya instigated in a leaflet, "*Stop illegal construction! Mobilise for Buddhist rights! ... Unite the Sinhalese! Go forward fearlessly!*" Its then leader Tilak Karunaratne said at a press conference that vigilance was necessary because Islamic religious schools have terrorist connections (K. Ratnayake, WSWs, 12 Nov.02). In an interview published in the *Sunday Times*, Ven. Sobitha explained the violence as that of underworld gangs operating in the area, but blamed the incident squarely on attempts to extend the Muslim religious school. The explanation is typical of instigators of communal violence. Ven. Sobitha later left Bodhirajaramaya and was replaced by Ven. Uvathane Sumana.

In the East, violence by Sinhalese thugs was used in the earlier stages to exclude minorities from colonisation schemes. Violence began with the attacks on Tamils in the Gal Oya Scheme in 1956 and Padaviya in 1958. There was progressive expulsion of Tamils from Kattukulampattu West in the Trincomalee District leading to openly violent expulsions in 1983. In 1984 the Weli Oya scheme was established through sheer violence by the armed forces leaving a number of Tamil villages in North Trincomalee and South Mullaitivu uninhabited to this day. Periya Pullumalai was deserted in 1986.

Violence also eased the way to the equally insidious parallel development of carving out new electorates and boundaries of administrative divisions – earlier AGA divisions, which were made DS divisions with powers over land settlement. Thus the Padavi Siripura AGA division was carved out of a portion of Trincomalee District coming under the Padaviya Scheme earlier meant for settlers from the minorities that was forcibly occupied by violent Sinhalese agitators in 1958. Then came the takeover of Tamil and Muslim lands in parts of the Allai Scheme for Buddhist purposes in the 1970s at the instigation of the priest at Seruvila. In the late 1980s, a mere 1600 Sinhalese served as a pretext to bring a vast area of Pottuvil Division under the newly carved out Lahugala division and thus exclude Muslims and Tamils who formed the majority in the area.

In 1921 just about 4% of the population in the Eastern Province was Sinhalese. Amparai District with 1775 square miles, which contained the Gal Oya colonisation scheme, was carved out of Batticaloa District in 1961. The 1981 census showed Sinhalese being 37.2% of the District's population. But 76% of the land now falls in Sinhalese DS divisions. In 1976, 700 square miles (66.7%) of the 1048 square miles making up Trincomalee District was

brought within the new largely Sinhalese Seruvila electorate, at a time when Sinhalese, brought in largely under two colonisation schemes, were about 30% of the population.

Such manipulation was possible under the unitary state where the administration and the security forces progressively excluded the minorities after Sinhala Only in 1956. All the mischief was done simply through Sinhalese ministers quietly giving instructions to Sinhalese officials in key administrative positions. (See also *Sinhalisation of East: A reply to Minister Champika Ranawaka*, by M.I.M. Mohideen, the *Island* 27, 28 Dec.07).

Although the groundwork for overwhelming the East with Sinhalese settlements had been laid, most governments understood its highly contentious nature and remained content with moving slowly – that is until the coming of the present government, whose reins are held by the JHU and JVP, which threw caution to the winds and bared its mailed fist.

The merger of the Northern and Eastern Provinces became a key Tamil demand in order to counter land aggression by a virtually Sinhalese state. Weli Oya in 1984 demonstrated the urgency. Despite the fact that Tamil nationalism lost its way and alienated the Muslims through insensate violence, the Muslims understood the value of the merger and sought remedial adjustments within it. The reasons why the Sinhalese extremists wanted to terminate even the toothless merger have been laid bare by the present government.

9. Sunrise in the East: Baring the Mailed Fist

From August 2006 to July 2007 the security forces moved into the LTTE-controlled areas of Trincomalee and Batticaloa Districts causing much death, destruction and displacement among Tamil and Muslim populations. New facts were being established on the ground after expelling people by shelling without any consultation with them. People were being kept out of certain areas they were forced to flee. Displaced from Sampoor were excluded after proclaiming it a High Security Zone. Houses were knocked down and roads established through properties and rice fields as though Muslim and Tamil inhabitants had no rights. It was not as though the Government had defeated the LTTE and established order in the East. These were repressive plans of an army of occupation.

Following the military takeover of the East, the Government announced the Sunrise in the East programme for a 75% Tamil-speaking region, where the exclusion of Tamil speakers was soon evident. Apart from Sinhalese administrators being brought in for important positions, the key ones went to retired Sinhalese military officials: Governor (East), Rear Admiral Mohan Wijewickrema. GA (Trincomalee), Major General Ranjith de Silva. Rehabilitation Coordinator, Major General Amaradeva. Governor's Secretary, Capt. Patrick Jayasinghe. Further, Eastern Security Commander Maj. Gen. Pannipitiya confirmed in a circular in July 2007 that the security forces would supervise all development activity and disposal of lands in the East.

Putting in crucial positions hand picked retired military officers who share the present government's ideological obsessions in the East, means also that regular officers in service cannot act independently. The ideological direction comes from the JHU and PNM. The Chief Justice's role too would weigh heavily on the Judiciary's reputation for years to come. The relevant sequence of events is contained in Appendix III.

10. 'Rolling Up the Electoral Map of Sri Lanka'

The same aims of Sinhalese nationalism were in evidence in the mid-1980s (see Special Report No.26 and references therein) with similarities as well as crucial differences. Both were rooted in Sinhalese nationalist ideology which regarded Sri Lanka exclusively Sinhalese and took deep offence at Tamil or Muslim demands for real autonomy in areas they dominated. President Jayewardene during his 1982 presidential election campaign envisaged 'rolling up the electoral map of Sri Lanka' for 10 years. To begin with he had a five-sixths majority in the 1977 parliament, the last elected under the first past the post system, which he extended controversially for 6 years by a referendum in December 1982. He had no problems with any legislation he wanted.

An important part of Jayewardene's inspiration was derived from Singapore where Lee Kuan Yew's People's Action Party (PAP) had wielded power since 1958 with soft repression and elections regularly held. Jayewardene too hoped that the 1978 constitution, which made him executive president, along with his open economy, foreign investment and the Accelerated Mahveli Project, would create new electoral realities that would make the UNP the PAP of Sri Lanka. Although he had in 1977 acknowledged the ethnic problem, he could not face it within this authoritarian framework.

Soon after he came to power in 1977, his answer to the euphoria among Tamils after the TULF too won handsomely on a separatist platform (in fact a rhetorical bargaining position) was communal violence – executed by Ana Seneviratne (DIG Police North) whom Jayewardene later made IGP (see UTHR publication, the *Arrogance of Power*). A more permanent answer was to overwhelm the Tamils by Sinhalese settlements. Minister Lalith Athulathmudali told Parliament on the eve of the July 1983 violence, *"In those days it used to be said that there was a Tamil majority in the North. But now it is different. The time has come that the majority of Tamils live among the Sinhalese"*.

Soon after the 1983 violence the Government set up the Joint Services Special Operations (JOSSOP) involving retired and serving service commanders and administrators – similar to what the present government has set up for Dawn of the East (see *Arrogance of Power* or Special Report No. 26 for an account of developments). An important difference at present is in the rivalry between the extremist JVP/PNM and JHU, and their stranglehold on the Government.

The 2004 Parliamentary elections saw the JHU emerging a significant force in politics. As we see below, the Karuna split in the LTTE and President Kumaratunga's and Norway's failure to deal with it in a principled manner enabled the JHU to develop extensive contacts within military intelligence and patronise the Karuna group as in effect a paramilitary arm. These new institutional contacts brought possibilities not open to it before. Norway and President Kumaratunge let grass grow under their feet.

The Jayewardene government, and in fact all governments since 1956, have made use of extremist Buddhist monks. In 1983, The Mahweli Ministry under Gamini Dissanayake used the Venerable Dimbulagala Thero for an attempted mass encroachment in the Batticaloa District and later for the Weli Oya settlement. Dissanayake also patronised Elle Gunawanse. Invariably, the fate of the monks in politics is to be used and dropped. (An exception may be S.W.R.D. Bandaranaike who was killed by a monk.) In the JHU too the monks who wanted to dominate the party have been out-manoeuvred by Champika Ranawaka.

JHU's influence was very visible in 2006. The execution of 5 students on the Trincomalee beach front by an STF unit under Inspector VAS Perera, one time head of the Karaitivu STF camp, dispatched there on the orders of Defence advisor H.M.G.B. Kotakadeniya was indicative of the JHU's new influence and the future role of the STF.

As sinister was the killing of 10 Muslim labourers in Sastriveli south of Pottuvil on 17th September 2006 by a party under the command of Chief Inspector S.N. Gunaratne, STF. We quoted in Special Report No.26 two examples on the role of the JHU and politicians and administrators who share its aims in the East from the *Territorial Claims, Conquests and Dispossession in the 'New East': The growing concerns of the Muslims of Ampara* by the Coalition of Muslims and Tamils for Peace and Coexistence (CMTPC):

In December 2005 soon after this government came to power, the GA Amparai wrote to the local councils asking for information on Buddhist sites, indicating ones already identified – seven in Pottuvil alone. In a move reminiscent of the fate of Sampoor, there were earlier rumours of making 1000 acres about the Shastriveli STF camp in the Pottuvil area a High Security Zone, depriving the Muslim population of the area its use. Actual intentions became clearer last September when 10 Muslim labourers who went into the area to repair an irrigation tank were massacred under the direction of the STF. Almost predictably, on 27th April 2007, Minister for Planning and Implementation P. Dayaratne, wrote to Divisional Secretary Pottuvil, instructing that 1000 acres around the STF camp be allocated to the Shastriveli Buddhist Temple...

Another minister throwing his weight in the area trying to take over land under various pretexts is JHU Minister for Environment Champika Ranawaka. On 21st March 2007 the JHU discussed at its Head Office in Colombo, collaboration with the Karuna group in Amparai, and the Defence Ministry subsequently posted armed Karuna cadres in the area ...The Daily Mirror's (16 Apr.07) reporting of Muslim displeasure over this was one of the issues that led to the Defence Secretary phoning and asking the editor Champika Liyannarachchi to resign, threatening her with the Karuna group, besides threatening to 'exterminate' another journalist on a separate article dealing with human rights issues of displaced Tamils.

Interestingly, 'environment' was already a buzzword bandied as a pretext for constricting the space of Tamils and Muslims living in the East. Lt. Col. A.S. Amarasekera writing in the *Sunday Times* three weeks after the massacre of Muslims (8 Oct.06) described Chief Inspector Guneratne as 'a lover of the environment'. What would the Sastriveli Buddhist Temple do with the gift of 1000 acres of forest, other than fell the forest and settle Sinhalese? JHU ideologue Ranawaka was made Environment Minister in January 2007 in the wake of the Military taking control of the East.

In the new thinking at high levels, the environment is deemed clean if cleared of polluting agents such as Muslims and Tamils, who should be safely quarantined in ghettos. This suggests itself in the Defence Secretary's talk of 'population control' at the high-level security meeting on 4th June 2006 where instructions were given to deport a large number of Tamils from Colombo.

Even harder to understand is President Rajapakse's angry demand to Muslim cabinet members in December 2007 that "*The Muslims resettled in Puttalam must go back to their homes in the north. They cannot reside there permanently. They have given up their lands to the Tigers and come here. They must go back.*" They were in fact forcibly evicted by the

LTTE and lack the security to go back, as Rauf Hakeem pointed out, which is also the case with Sinhalese who left Jaffna (*Sunday Leader* 9 Dec.07).

In the same vein, Jathika Hela Urumaya leader and MP Puraviya Chakrawartha Ellawala Medhananda Thero claims that Saudi Arabia and not the Eastern Province is the motherland of the Muslims. He adds that Eastern Province Muslims have taken over land after demolishing over one thousand Buddhist shrines (*Lanka-e-News* 12 Dec.07).

During the peace process Ranawaka wrote in the Sinhala Urumaya (later JHU) Situation Report of 18th July 2002: *“To prevent Karuna and Paduman from capturing the Eastern Province, there is a need for a massive Sinhala movement, which we are in the process of building. Pujya Ananda Himi from Ampara district and Pujya Piyatissa Himi from Trincomalee have come forward for this purpose.”* Defence Advisor and JHU Treasurer Kotakadeniya voiced in the *Island* of 31st January 2008, his personal understanding of history, placing in bold perspective what this war is all about:

*“The South Indian invaders not only destroyed this civilisation but ethnically cleansed the East of the Sinhalese and today the Tamils call this area their traditional homelands and some Muslim scholars have started claiming this area as Muslim lands as demonstrated by one Mr. Mohideen who wrote to The Island recently on this subject. **ROBBERS OF REAL ESTATE SHOULD BE TOLD THAT THEY DO NOT ACQUIRE OWNERSHIP RIGHTS TO THESE LANDS BY PRESCRIPTION.** Overlooking the effects of ethnic cleansing would create a conducive environment for another UDI in the North and the East. We should not commit our heroic forces to another prolonged war. No region in the country should be allowed to be ethnically homogeneous and creation of communal enclaves by design should be made illegal by legislation.”*

Amparai District remains the key obsession of the JHU in the East and the SLMC remaining the principal independent party representing the Muslims of the East is an irritation to both the Government and the JHU. Once the Government set about recapturing the East from August 2006, available evidence suggests that the influence of the PNM rose in the East at the expense of the JHU. Politically, egged on by both the PNM/JVP and JHU, the Government has placed all its eggs in the basket of a military solution. Politically its dependence on the PNM has increased.

As for rolling up the electoral map, we could only make an informed guess. Rajapakse narrowly won the presidential election in 2005 with 4 880 950 votes against the UNP candidate Ranil Wickremasinghe's 4 694 623 votes, a majority of 186 327. This is considerably less than the extra votes Wickremasinghe would have received had not the LTTE imposed a ban on Tamils voting resulting in a turnout of 1.5% in Jaffna. In Vanni and Batticaloa nearly 80% votes cast were for Wickremasinghe, but the voter turnout was 34% and 56% respectively against a national average of 75%. It was an election handed over to Rajapakse by the LTTE. His fate in another presidential or other election that is free and fair would be extremely uncertain after alienating the Muslims as well.

In the unlikely event that the Government wipes out the LTTE in the North-East, the Kool Party Pact and his volatile extremist partners would hopefully become the key to Rajapakse's electoral viability. The killing of several Tamil MPs opposed to the Government and the intimidation of others are portents to the future of free and fair elections in the North-East.

The following exchange between interviewer Shakuntala Perera and Governor, Eastern Province, Rear Admiral Mohan Wijewickrama in Hard Talk (*Daily Mirror* 21 Jul.07) has a strong hint about the future of free and fair elections in the East

Q: But can you ensure free and fair elections with the obvious difficulties for main Tamil parties like TNA fielding candidates with the presence of Karuna, who voted against the Bill?

Ans.: TNA will certainly have to prove it at another election. You can't just be in Parliament and say that they represent the people. And maybe if there is an alternative party, they may grab power from them...if the TNA wants to be the power they were they will certainly have to work for it. And at the moment they are not doing anything. DM 21 Jul.07

Q: What do you mean they aren't doing anything?

Ans.: Well other than just talking about their rights on media they are not on ground.

That is the crux of the matter. Will they be allowed to be on the ground when gangsters under the security forces, as the Rear Admiral well knows, abduct and kill on the instructions of their handlers, not sparing MPs?

Today the State's sanction of terror would prevent the bulk of the TULF (now under the TNA banner) campaigning on the ground. The Tamils need to honestly face the fact that this terror receives sanction from the LTTE. The LTTE killed all who stood for elections independently of them. On the other hand, had the moderates in the TNA kept their moral authority and independence, the LTTE would target them. They have nothing to fall back on after their betrayal of the people by joining the TNA, which gave the LTTE a cloak of legitimacy for the murder of thousands of their opponents. The murder of Alfred Duraipappah in 1975 by the first shots fired to impose the electoral monopoly of Tamil nationalists is coming a full circle, menacingly.

The Government is presently forcing through local council elections in the Batticaloa District. Never serious about devolution for the North-East or in challenging the LTTE, governments covered behind holding local council elections, instead of elections for the North-East Provincial Council. All that was achieved in the local council elections for Jaffna in 1998, apart from some propaganda against the LTTE, was the LTTE's killing of Mayors Mrs. Yogeswaran and Sivapalan – a complete waste of invaluable assets that drove the bulk of the TULF into the LTTE's hands.

This time the purpose of the local council elections in the East appears to be to test the extent to which their protégé Pillayan could by hook and by crook deliver Tamil votes.

In the foregoing we have a recipe for rolling up the electoral map of Sri Lanka. Jayewardene's recipe was centred on the Sinhalese and had a strong economic component to it – a centralised capitalist economy where radical transformation of economic and political relations was envisaged. He viewed the Tamil problem as an obstacle and a nuisance, which he tried to deal with in a crude and brutal manner, and was in turn undone by it.

The direction taken by this Government, rather than being centred on economic transformation among the Sinhalese, is centred on gambling all on a favourable military outcome in the North-East that would also place its vote bank under protégés of the

Government. The South could then be handled by a mixture of basking in triumphal glory, and terror, the apparatus for which is already in place in relation to the North-East. This strategy has no economic component except certain ruin.

11. The CFA, Tamil Dissent and Sinhalese Extremism

Until the signing of the CFA in February 2002, Tamil dissent, driven out of the North-East by the LTTE's terror was able to negotiate an existence in the South. Neither the Government nor the Norwegians had the will to protect Tamil dissent as exemplified by the killing of dissidents like Subathiran in 2003. The fantastic attitude of the Norwegians and SLMM to the request for protection by dissident Tamils in the wake of the LTTE split was instanced in Bulletin 38 of July 2005:

“When would-be peacemakers tell opponents of the LTTE that their lives cannot be guaranteed unless they ask Karuna to stop attacks, the real message delivered is a raw military threat. This was the logic of Solheim’s response to non-LTTE political leaders in Batticaloa who made a plea to stop killings. In a subsequent meeting on the same subject with the SLMM’s deputy head Haukland, he ambiguously pointed to the clause in the ceasefire agreement, which required all paramilitaries to be disarmed and placed outside the North-East.”

The LTTE's killing of dissident Tamils which recommenced despite the CFA in December 2002 peaked in mid-2004. The bulk of the NGO circles and the peace lobby in Colombo, had by the end of 1999 gone over to appeasement of the LTTE as the means to peace and began to feel flattered by contacts with pro-LTTE lobbies. A number of Tamil dissidents started feeling distinctly unsafe with erstwhile friends, who when not feeling sorry for these anomalies left behind by the tide, called them unpleasant names.

Those were strange times. In their demands to stop the LTTE's conscription of children and end its political killings, Tamil dissidents had the most unexpected allies – the very persons and groups identified as Sinhalese extremists. During that period if a Tamil being targeted by the LTTE had neither state security, nor had the ability to move out of the country, there were just a few groups from whom protection could be assured, with strings of course – one is the state intelligence services, who were also at the receiving end of the CFA, the JHU and JVP. This is the story of the Karuna group.

The story of the EPDP, who were also victims of the CFA, is different. It asked and received state patronage from 1990 when Premadasa was president. They played the role of giving political legitimacy to governments, which found token Tamils a useful showpiece. Under proportional representation stipulated by the 1978 constitution, Kumaratunge though elected on a popular wave did not have the numbers in Parliament to push through constitutional change.

The nine seats the EPDP obtained in the Jaffna District in a very abnormal election became for Kumaratunge an invaluable asset. Splits could not be tolerated. While the LTTE leader used his own intelligence service to weed out dissidence, the EPDP leader came to depend on the state intelligence services to ensure obedience. The killing of his troublesome deputy Ramesh in 1999 was carried out by Devananda's handpicked killers with state intelligence services providing logistics. The EPDP thus became closely integrated with the state intelligence services. Conditions under the CFA also gave it allies among Sinhalese

extremists. In order not to interrupt the flow of this report, we move on to the Karuna group. The EPDP will be dealt with separately.

12. Split in the LTTE: War Lord Karuna's New Masters

The terminal sickness in the Norway-led peace process is nowhere clearer than in its reception of the Karuna split in March 2004. Karuna wanted a separate MoU with the Sri Lankan government and for the SLMM to continue monitoring. Those who knew the LTTE would never come into a peace agreement as long as its repressive organs were intact, saw cracks in its body as the most natural and least painful means of curing society of the malignancy it represented. As a government responsible for the protection of all citizens it was the duty bound to seize the opportunity, grant protection to Karuna and his followers and argue clearly for bringing Karuna and his followers into the peace process and extend SLMM monitoring to them, and clearly point out that the LTTE's opposition was not justified or in the interests of the Tamil people.

Norway's imagination was stuck in the two-party peace process and could not countenance the existence of those who felt let down. Tamil dissent was dirt to be swept under the carpet, just as it did not want to face the reality of child conscription. Its envoy Erik Solheim declared on 11th March 2004, "*We will not interfere in an internal matter of the LTTE*". 'Exactly' as they (Norway) did not involve themselves in discussions between the Prime Minister and the President, they would '*not take any part in the discussion between the LTTE leadership and Mr. Karuna. The first is an internal matter for the South and the second is an internal matter for the Northeast.*' The SLMM stopped monitoring in areas controlled by Karuna. The door was open for the LTTE to crush Karuna and save a moribund 'peace process'. President Kumaratunge declined to give Karuna any help, taking refuge in adverse reflections on his past.

Thus Kumaratunge, out of seemingly virtuous indifference, allowed the LTTE to crush the rebellion with about 200 Karuna cadres, including children, killed in the fighting, and knowingly allowed the intelligence services to pick up the remnants for their dirty work. The result was to bring the East untold misery. It was another demonstration that Sri Lankan leaders do not treat the North-East as part of their country. For the Rajapakse government two years later to be complicit in child conscription in Karuna's name was the ultimate in perfidy.

While there were a number of incidents indicating that the intelligence agencies were manipulating Karuna's remnants, one instance was most indicative.

On the evening of 5th July 2004, 14 Karuna cadres returning to the border areas of the East where their presence was least controversial, sheltered for the evening at Bodhirukkarama Temple in Diyabubula, Hingurakgoda, close to Polonnaruwa. They attracted the attention of the villagers by having a singsong. Acting on information sent by the villagers, the Police went there and took custody of the cadres and a considerable supply of weapons. A number of things remain unexplained. A note forwarded by Army HQ to Joint Operations HQ gave details of weapons and ammunition taken into custody and claimed also that two monks aged 12 and 14 were also taken into custody. There was a police guard at the temple when the raid took place.

There was embarrassment over the event. Those detained were taken away to a safe place for the night by army vehicles and the Karuna cadres were released on bail the next day by the

Polonnaruwa Magistrate. *TamilNet* was about the first to report the incident. It claimed that the chief monk at the temple was a JHU candidate at the elections earlier in the year. It added, “*The monk claimed that the youth were sent to him by the JHU headquarters in Colombo, Police sources said.*” It was a time when *TamilNet* was under Sivaram. Later reports confirmed the JHU link, but it was not the 80 year-old chief monk who was the JHU candidate. This monk sustained injuries when a grenade was hurled into the temple on the 8th evening and later succumbed.

The *Daily Mirror* of 9th July reported, “*Reports said that another monk who had contested from the Jathika Hela Urumaya at the last general election was away in Colombo when the attack took place last night. JHU sources confirmed the [grenade] attack but details were not available.*” Less than 10 months later Sivaram had been killed.

The incident was a strong pointer that extremist groups together with the intelligence services were deeply involved in patronising and manipulating the Karuna group. This became very clear in the links to the Raviraj killing and in events in the East. The incident also revealed that it was not only the JHU, but the JVP was also cultivating ties with the Karuna group. At the time a grenade was thrown into the temple, the *Daily Mirror* reported that the two child monks were sheltering with the JVP MP of the area.

On 25th July 2004 seven Karuna cadres and a Sinhalese driver Neil Dhammika were killed by an LTTE infiltrator in a safe house in Kottawa. Neil had fled Polonnaruwa, his native place, after the Bubula incident. Well informed sources told us that JVP’s Wimal Weerawansa had visited that house. This meant that both the JHU and JVP were developing contacts within the intelligence services and the Karuna group.

This situation dragged on with the peace process formally in place, small scale attacks on the LTTE by the Karuna group, the LTTE accusing the Government of double dealing, often producing accurate evidence, the Government denying and a continuing rash of killings by the LTTE. The next turn of events was the LTTE’s abduction and murder in Jaffna of Police Superintendent Charles Wijewardene and twelve days later on 12th August 2005, the assassination of Foreign Minister Lakshman Kadirgamar.

In mid-October 2005, when Kumaratunge was still president, a worried senior police official in Batticaloa confided to a religious leader, “*I don’t like what’s going to happen, there are going to be lots of killings soon.*” He added that orders have come from Colombo for them to accommodate scores of Karuna cadres in police stations. Another inside source told us that a top level security meeting decided to assassinate the elderly Batticaloa TNA MP Joseph Pararajasingham who was killed on 24th December 2005, a month after the new cabinet was sworn in. The source affirmed that the decision was taken two months before the killing and Pararajasingham was tipped off. This was about the same time it was decided to place Karuna cadres in police stations.

Pararajasingham had already minimised his movements and visits to Batticaloa. He had also stopped his evening chats on the verandah having a view of the Batticaloa Lake. To the tip off he had responded, ‘*What can I do?*’ He thought no one would attempt to kill him at Christmas Eve Mass. According to witnesses that there was considerable police security at the Church in the high security zone before mass, and once mass began the police withdrew. Pararajasingham was gunned down by Karuna cadres and they were being supervised by a man brought from an EPDP camp outside town and a man from the intelligence services. DIG

Police, East, was then Neville Wijesinghe, who had earlier served in the NIB, had close dealings with the EPDP and assisted, according to EPDP sources, in the 1999 killing of EPDP deputy leader Atputharajah.

We must conclude that machinery for targeted killings was already in place when Rajapakse became president. His party too had independently made contact with the Karuna group. Soon after his election as president on 12th December 2005, an LTTE press conference in Karadiyanaru presented two Karuna defectors, who revealed that Maithripala Sirisena, then general secretary of the UPFA, met Mangalan Master of the Karuna group in Welikanda and requested him to obtain at least 10 000 votes for Rajapakse, and Mangalan Master distributed the handbills provided by Sirisena. They also named Capt. Sureshkumara and Capt. Abeyaratne as the army intelligence officers who dealt with Pillayan and Iniyabarathy directly. This press conference was also very likely a reminder to the new president whom the LTTE helped to win. There were many parties vying for a stake in the Karuna group and causing divisions within.

Karuna himself was trapped in an unenviable predicament. He had been a general and acclaimed a brilliant field commander at Elephant Pass in addition to his notoriety. In splitting off from the LTTE he hoped for some place of honour. Instead he and his men led tenuous lives hounded by the LTTE and used by the intelligence services as mercenary killers, to be abused and disposed. He wanted to quit and go away.

Then came the Kool Party Pact, the President dangling before him the fiefdom of the East. As far as the pact went Karuna did his part or more accurately his name was used and abused. Killings, abduction and child conscription in the East instigated by the security forces went under the convenient brand name of Karuna. He was largely the nominal head of the organisation which had been broken up into about half a dozen sections with the intelligence services, the STF and extremist groups as handlers. In trying to remove him all together, the Defence Ministry opened a can of worms.

13. Karuna vs. Pillayan: Power Play in Colombo to Carve Up the East

The ceremonially brokered electoral alliance between Pillayan's TMVP and the Susil Premajayanth, general secretary of Rajapakse's UPFA on 25th January 2008, is a milestone clarifying the break up of the Karuna group and the direction in which it has been moving from around August 2006.

JHU's Kotakadeniya, as Defence Advisor in the new government had been the strongest public advocate of the Karuna group, mirroring the JHU's stake in the group. He argued against the disarming the Karuna group for talks with the LTTE as demanded by the EU and Co-Chairs in the wake of steps taken against the LTTE in the West. He told *the Nation* (11th June 2006) that '*unless there is a guarantee from the LTTE [underwritten by the international community], that they would not target them, the [Karuna group] would not turn over their weapons used for self-defence.*' That was about the last time.

We may trace the change to the new role the President gave the PNM by launching the Manel Mal Movement in July 2006. A striking change was evident in mid-November 2006 after UN Special Advisor for Children and Conflict on Sri Lanka, Allan Rock, told a news conference that he has '*strong and credible*' evidence that certain elements of the government security forces were supporting and sometimes participating in the abductions and forced recruitment

of children for the Karuna faction. The worldwide reaction was heightened by the death in army shelling of over two score displaced civilians at Vigneswara School, Kathiraveli.

The PNM was livid. Its Ven. Bengamuve Nalaka said the government should not have expressed regret after the killing of civilians in Kathiraveli. Weerawansa accused Rock of using LTTE cadres as translators. Dr. Gunadasa Amarasekera charged the UN with being party to an international conspiracy to tarnish the Sri Lankan forces by this '*false and atrocious*' attribution, to pave the way for a UN peacekeeping force to aid the LTTE.

There was in contrast hardly any protest against Allan Rock from Kotakadeniya or the JHU. The tirade by the PNM and the JVP was as though the accusations were directly against them. Both issued separate and very similar statements, accusing Rock of being an LTTE agent.

Local information also suggests that about this time the PNM had become patrons of a section of the Karuna group and Pillayan's ally. The Karuna – Pillayan split parallels the PNM's new role as an extremist political front affiliated to the President, assisting the takeover of the East. Karuna had close ties with the JHU and, despite his crimes, he had his image as a soldier. His family too had ties to the UNP. This may have caused the Government worries about his future shifts.

Open clashes between Karuna and Pillayan loyalists began on 4th May 2007 when the 56 year-old father of Pillayan supporter Johnson Jeyakanthan (Sinthujan) was gunned down in Periya Kallar. Sinthujan was abducted and his body with those of 4 others was found in Kiran on 11th May 2007. From the middle of 2007, Pillayan and his supporters moved to Trincomalee where they were helped by PNM elements particularly in the Navy.

The quarrel between the two factions was patched up and new arrangements were negotiated. Karuna joined his family in Britain on 18th September 2007 using a forged passport and visa describing him as a wild life official on official business – arranged apparently by JHU environment minister Champika Ranawaka.

Karuna's arrest by the British authorities on a passport offence on 2nd November 2007, gave the cue for the Government to replace him with Pillayan. The Karuna office on Covington Road, Batticaloa, near the prison on Hospital Road was under police protection. According to neighbours, on the night of 5th November, Pillayan's party arrived at this office escorted by the STF commandos who surrounded it. Pillayan's men went in, assaulted their former comrades, grabbed their weapons and threatened them to join their faction. Their leader, V. Thileepan who had been married six months swallowed cyanide.

Karuna's Araiampathy office was under Veera. On 9th December 2007, Pillayan's men went in, chased away Veera and his men and took over the office. Veera fled south and returned with a party including Bharathy (Iniyabharathy) and Jeeva. There was a terrible exchange of fire reportedly for two to three hours. Later, the STF who are in control of the area intervened and escorted Karuna's men away, leaving Pillayan in charge.

Pillayan is present in Trincomalee town and in Batticaloa from south of Chenkalady to Araiampathy, including Batticaloa town. These are under Sitha Master, Markan, Rudra (Thooyavan), Seelan and Sasi. Azad Moulana (real name Mihilar Hanzeer) from Maruthamunai who was neutral is now Pillayan's spokesman. Those who know him say he is primarily a good writer and not a gangster and the LTTE killed his father in India along with Padmanabha in 1990. The Karuna group is present all the way from Andankulam southwards

to Amparai District, including Mandur; and from Chenkalady all the way north to Vaharai and Eechilampattai, and also in Welikanda. These latter are under Sinnathamby, Ranjan, Mangala Master, Illankeeran, Thatha and Master.

Since they all conscripted heavily, Karuna faction has a big military camp in Kiran under Sinnathamby with armed men wearing black uniforms. Pillayan has a big armed camp at Aithiyamalai under Rudra. There is virtually a state of war between the two factions, but government money for the Karuna faction is sent through Pillayan. The situation is further complicated by scores of Muslims, perhaps up to 300, trained by the Karuna group to fight alongside them against the LTTE during operations at the end of 2006.

14. The People do Not Matter: Proxy War in the East?

The result of the power play is a form of anarchy that is hard to comprehend. Both Pillayan and Karuna are indulging in conscription, extortion, murder and robbery, hardly checked by the Police. Local sources allege that the bulk of the killings are done by the STF and Army in plain clothes or by Gotabhaya's men referred to above and are conveniently attributed to the Pillayan or Karuna groups. On the other hand, handlers of these groups from the intelligence services and the PNM use the Pillayan group, for example, in violence against the Karuna group, against Muslims and against supposedly LTTE supporters.

Attribution of killings is thus difficult and the Police too hardly investigate when they suspect political direction. But sections of the Police are struggling to keep a measure of credibility with the people. The tenor of events is illustrated in Appendix I, Cases, Reports and Trends.

As things move, the SLMC seems to be at the receiving end of the armed Muslim groups, at least initially, set up by the State. We have two killings of SLMC supporters in the Valaichenai area. The situation parallels that in the Tamil community. For the Muslims who were humiliated by the LTTE, young men taking up arms were first heroes, and then they began fearing them. Now the Muslims are also being humiliated by the State.

What does all this mean? One view expressed by committed local persons is that the Government, intelligence services, the extremist lobbies, particularly the PNM, are deliberately manipulating all this inter and intra-community violence, so that in the end there would be a bloody war between the well armed Pillayan and Karuna factions and clashes between Tamils and Muslims resulting in the minorities becoming weak and servile. Even if there is some plan the rulers are working to, a characteristic of anarchy is that no one could control how things would develop. The LTTE too is being forgotten.

15. Making Sense of Nonsense: Capturing Dummy Votes of People with No Rights

This is a Government of Anarchy pulled in different directions by fractious extremist partners. There is little they could agree on except to wage war at any cost, Sinhalise the East and deny the North-East any real autonomy. Beyond this their interests diverge. Expecting a master plan from them is unrealistic. The coming parliamentary (2010) and presidential (2011) elections are not as crucial for the JHU and JVP as for the SLFP.

The way things are the President will receive next to no minority votes in a free and fair election and this could be fatal for him. The Tamil people in the North-East have been battered by the LTTE and now by the Government. Capturing the votes of such people using

actors like Pillayan has precedents – the EPDP election campaign in the Islands in 1994 and the LTTE's campaign in Jaffna in 2004. This is the context in which the President's party, the UPFA's, alliance with Pillayan must be seen. Under this dispensation free and fair elections in the North-East are very unlikely. The intimidation and killing of Tamil nationalist leaders is one aspect of it.

What is being played out was brought to light in a meeting of about half a dozen core leaders at EPDP's Layards Rd. office in late 2007. Our sources say that those present were.... Asked whether there would be elections, Devananda we learn said that there may be elections in April or May 2008 and getting five seats in Jaffna would not be a problem for them. He did not suggest that this was due to the EPDP's growing popularity. The reason was along the lines of how the electoral space in Jaffna earlier fell to the LTTE – namely the decimation of politicians not under their sanction.

The Muslims are a different proposition. They are not yet a battered community. They have not had a force like the LTTE running amok inside. They have a functioning political party – the SLMC – with leaders who have shown courageous defiance. The Government kept up the pressure on the SLMC, trying to break it up by offering perks to individual MPs, and by denying them adequate security. But the core of the party has distanced itself from the Government. Come an election, it is the SLMC that would command the loyalty of the voters. The Government is in a quandary.

Here is where divergences arise between the interests of the Government and its extremist partners. The interests of the JHU and JVP are mainly in the Sinhalese majority Amparai and Seruvila electorates of the Eastern Province. But the Sinhalese are about 25% of the Eastern Province electorate, and a presidential candidate with uncertain backing in the South cannot ignore Muslims and Tamils in the North-East. The JHU's rhetoric and actions are utterly unhelpful for the President. The JHU has made no bones about its antipathy for the Muslims, making it difficult for the President's Muslim allies.

The interest in Pillayan comes from the SLFP (UPFA) and its PNM ally. Obviously there is no agreement among the Government, the military and the JHU, who were among the first in courting Karuna. The majority of Karuna leaders stand away from Pillayan and there is an internecine war. This could not have happened but for political and logistical backing for those opposed to Pillayan, by those who still find them useful.

When parties to the Government cannot resolve the issue and the Defence Ministry is hamstrung, what would they do? Besides, the people on the ground – the Muslims and Tamils – do not matter one whit to those in power. From their standpoint the most convenient means of avoiding acrimonious contention among themselves is to goad the parties on the ground, and let them fight it out, whatever becomes of the people. And damn the conscripted children.

The Defence Ministry ordered the STF to install Pillayan in Batticaloa and has done little besides. The Karuna group (Bharathy) remains in Amparai District with which the JHU is obsessed and the Army in Welikanda has been helping Karuna, while the PNM and the Navy are behind Pillayan. The result may not be in the Government's favour.

The Karuna cadres know that their position is tenuous and may find themselves dropped like a hot potato. There is a great deal of frustration. Scores have deserted. One section appealed to Devananda to take them into the EPDP. Devananda, we learn, dodged repeated requests. On a

recent request from a reported 100 to 150 Karuna men, Devananda asked Military Intelligence if they had any objection to the EPDP taking them. The fact is that the Government does not want any Tamil to become too influential.

Meanwhile, sources on the ground place the LTTE presence in Batticaloa-Amparai at about 200 men, the bulk of them under Ram in Kanjikudichcharu between Lahugala and Sagamam, some under intelligence leader Keerthi and around 20 members of the pistol group under Shanthan roam the government-controlled areas. Some of the other leaders are Manju, Piraba and Nagesh. They all move about in small groups. These sources say Keerthi is talking to both the Pillayan and Karuna factions. The Government's unprincipled manipulations and contempt for the people finally stand to strengthen the LTTE, which is yet to show its hand. The Karuna split which offered hope to the East in 2004 has been turned into a curse.

16. The Challenge Before the Opposition

The Government is caught up in a spell of madness. Such spells cost the country dearly and come to an abrupt end only when the rulers are brought down to reality with a bump. Power and its retention become ends in themselves blinding those ensnared and made worse by that power being dangerously excessive. It happened to Mrs. Bandaranaike's government in 1977. Jayewardene was brought to a realisation of the fickleness of power by an uprising of the JVP he had brought on stage and tried to manipulate. For a woman who came to power amidst high expectations, Kumaratunge went out in a murky struggle to shore up her authority. While the country is disillusioned with the excesses of presidential power, it fatally hooks those who promise change.

What the country faces today is a crisis in its democratic character potentially more dangerous than during the Jayewardene years. The armed forces then committed terrible crimes with political backing, but did not as a body become politicised although the danger was imminent. They largely kept away from election politics and did not get involved in political crimes. This is the first time forces with a fascist agenda such as the PNM and JHU have been let loose inside the security apparatus.

Under Rajapakse, the intelligence services have been complicit in the killing of at least two MPs, relatives of MPs were abducted by creatures of the State in aid of the defence budget, and there is fear of the security apparatus even among members of Parliament and ironically also among the very security men provided for them by the State. Political crimes are the ones where witnesses are least likely to come forward. In the East the security forces are interfering in election politics by promoting an ally of the Government and maintaining a state of terror aimed at opponents of the regime. The extent of interference and crime by an intelligence apparatus under the President's brother raises the question, Are we still a democracy?

It may be only the North-East at present, but the disposal of power is decided by small margins of votes as happened at the last presidential election. These manoeuvres in the North-East have the potential to disenfranchise the Sinhalese as well. The performance of the leading opposition party, the UNP, has been pathetic. It has no imaginative programme to inspire the masses. On issues it has been simply reacting, such as by going back on its earlier pledge to a federal settlement to the North-East issue.

The UNP understands the urgency of the ethnic problem and twice undermined a settlement for purely petty reasons. Had it not pulled out of the APRC, the President could not have

manipulated its findings in the crass way he did. To be the alternative party of government, a country to govern must be preserved.

Even more serious for the immediate future, are the UNP's lack of action on threats to democracy and the rule of law. Its MP Maheswaran was killed and apart from the Government blaming the LTTE without evidence, it has prevaricated and the conduct of the Police suggests a cover up. Both identification parades were a sham. In the second unknown persons threatened the witness on his way. It was a minister quoting an injured bodyguard who first said that the assassin had a security affiliation. Apart from the Police's attitude, which scared off witnesses, they quickly went to relatives of the suspect and effectively suppressed his photograph and true affiliations.

The UNP has the ability to make the truth public or make the Police come out with it. Instead, its contribution has been to snipe at the Government's conduct and throw a few tit bits for Sunday entertainment. Even earlier UNP MP Lakshman Seneviratne made on the floor of the House serious allegations with important details pointing to a state terror apparatus directed from the top. They were given substance by the arrest of Gajanayake. Seneviratne's courage has no doubt made life unpleasant for him.

The Press did its part, bringing out more details. Seneviratne's well-connected party did very little to follow through. Gajanayake is now out on bail and the episode came and went as a Sunday's entertainment. We have tried to do our share in following up, verifying our charges to the best of our ability. That too would be blown in the wind unless we have an opposition with a greater sense of purpose.

Impunity is the bane of this country. Our traditions built up over 60 years of independence are such that any new government would abuse the apparatus just as the previous one did, pushing the country further towards the brink. The Presidency is like bait one greedily grips in one's jaws with all one's might until the teeth come off. By now the UNP ought to know that this cannot go on, even as free and fair elections are being decisively undermined.

It falls to all those who see the urgency of the matter to form an alliance based on principles to protect our democratic heritage of 77 years. It cannot be done without a whole series of reforms to the constitution. A fair solution to the ethnic conflict cannot be delayed. The country cannot hope to progress leaving the North-East a foul, gaping wound providing dummy votes. That too is part of the refusal of the powers in Colombo to part with any real authority.

The presidency and six year terms which leave the country writhing for change at the end of each must go and give way to four year terms. The powers that be today do not see the Tamils as a problem. With the battering in progress they would be rendered putty whose votes it is thought could be bought by protégés for peanuts. It is the Muslims they see as the main obstacle and the community is under enormous pressure. It is left to the Tamils to acknowledge that night has closed on the day of Tamil nationalist rhetoric. Their best line of defence now is to form a coalition with Muslims, iron out in principle all that has kept them apart, and with good grace let Muslims take the lead.

Appendix I: Cases, Reports and Trends

Appendix II: PNM, Navy, the CJ and the Buddha Statue in Trincomalee – A Watershed Marking the State’s Return of Impunity

Appendix III: The Role of the Supreme Court – a Timeline

Appendix I : Cases, Reports and Trends

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1. Introduction

The cases below are samples from several government-controlled areas. There is a common thread running through them all. Most killings are wanton and senseless. Those by the Government and its allies target people because of some alleged remote connection with the LTTE. Thus the Karuna and Pillayan groups are targeting people who were sympathetic to the LTTE when they too were part of it. In the case of Uthayakumar, he was killed because his four brothers died fighting for the LTTE in the 1990s, and though he served in an LTTE appointed village committee, he withdrew from contact with the Karuna group and lived a normal civilian. His was a very human dilemma. Parameswari, a mother of three, from the poor village of Komari, was killed because her husband whom the Karuna group came looking for had left home.

It is the security forces and the Defence Ministry that are behind most killings and they often find it convenient to use Tamil proxies. Some are deliberately instigated with a view to fomenting Muslim-Tamil clashes. This Government and its extremist allies have all but destroyed the well-deserved goodwill the security forces earned, by selflessly rescuing civilians during the tsunami of 2004 and in a number of instances losing their lives in doing so.

We also point to the use of armed Muslims raised by the intelligence services to fight the LTTE alongside the Karuna group and are now being manipulated to pursue the State's agenda and to harass the SLMC.

Child conscription, by both the Karuna and Pillayan groups, continues although relatively few cases come to light as they occur mostly in the very poor areas and people are scared because the Government is party to them. We have three (one aborted) instances in this report. It is again the security forces that are to blame as it is done with their connivance, their knowledge and under their patronage. In two instances the mothers were initially eager to identify the culprits. But within a matter of days they had to give up. What rights could they have when the Government is not only in league with those who conscript and enjoy state sanction for all their crimes, but even worse, the Government sought and obtained a formal electoral alliance with them.

A further source of child recruitment has been the massive displacement and misery the Government inflicted to 'liberate the East'. A social worker told us that while he was passing Chenkalady Junction, he saw a boy of about 16 selling the EPDP paper. He recognised the boy as from a refugee camp he helped to run for the displaced from Paduvankarai (West side of the Lagoon). When he inquired, the boy said that he had joined the EPDP for an allowance. Selling papers is one of the most lethal jobs in the EPDP as sellers have on several occasions made easy targets for LTTE gunmen.

The LTTE continues targeted killings, presently at a lower rate than state-related actors in the North-East. They did most of the killing they needed to do during the ceasefire and before. We give one instance of three siblings killed in Jaffna. There have been a number of attacks by the LTTE on civilian targets in the South killing scores. The Government has not retaliated in a manner that would make headlines as in July 1983. But the Government has for two years used killer groups the total of whose victims would be of the same order as those of July 1983, but without making a big splash. It has enabled the Government to carry on without major diplomatic repercussions and even get a pat on the back from India for presenting as an original inspiration, the heavily truncated version of a political package with the dust of 20 years.

One instance should caution us. Early in February in the wake of LTTE bombings, a Sinhalese mob in Abhayapura, a Sinhalese suburb of Trincomalee, wanted to attack the Tamil suburb of Anbuvelipuram. Unlike during the violence of April 2006, the Police stopped it. That was good. Almost the next day three persons were abducted from Anbuvelipuram and on the day following two persons were shot dead in a saloon. Around Trincomalee town where any pretext is seized upon to attack Tamils, our sources have recorded 11 disappearances of Tamils around Trincomalee town from 28th January to 8th February 2008. Hardly do papers report them nor are civilians willing to talk about them.

2. Batticaloa District

2.1 Child Conscription

One of the cruelest aspects of this proxy war presided over by the Government and its fractious partners is that the children too are abducted and being made party to it. At 9.30 AM on the morning of 31st December 2007, about a dozen small boys from Karuna's group, aged 14 to 16 and armed, were moving in a tractor towards Valaichenai. The soldiers at the

Welikande checkpoint signalled the tractor to stop and let the regular traffic pass. As the tractor proceeded, the children and the soldiers waved at each other.

2nd December 2007: Mylvaganam Prasath (14) of Kalkudah had just, at noon, been abducted by Jeevarasa and Velavan of the Karuna group, when by chance the Army did a round up and arrested boys, including the Karuna boys and their victim and handed them over to the Police. Prasath's mother, Mrs. Mylvaganam, came screaming, accusing defiantly the two Karuna boys. The Police asked the court to remand them. At the identification parade on 14th December under Acting Judge Hussain, the CID came with members of the Karuna group. The mother declined to identify the kidnappers.

6th December 2007: Yoganathan Sinthujan (12), Vadichchi Kiramam, Sungankerni, Valaichenai: Members of the Karuna group came home with T56 weapons at 2.30 PM and beat the boy's mother Kidnapillai Thavarani and his father, pushed them onto the ground and abducted Sinthujan. Their reasoning was that an elder brother of Sinthujan's was in the Karuna group, and when the group divided he went with Pillayan. To make up for him it was their right to take Sinthujan. Thavarani and her sister reported the matter to the Police and said that Thavarani could identify the culprits. They were due to be present in court on 31st December, but did not turn up.

12th February 2008: Indran Indraraj (14), Thiruchenthoor, Kallady: The schoolboy was missing from this date. The mother suspects that the Pillayan group has taken him. She inquired at the TMVP Pillayan camp in Arasady, Batticaloa and was unconvinced by their denial. Local people in Batticaloa have received reports that a camp where children are trained is in Pulipanjakal near Kudumbimalai (Baron's Cap). It is a continuation of practices Pillayan and Karuna were famous for when they were comrades in the LTTE. The mother continued to pursue the matter and complained to the Police and UNICEF. A few days later she received an anonymous call saying that her son would be released and not to raise a noise. Unlike the previous two this incident took place near Batticaloa town.

2.2 Reports

15 January 2008: The STF's Thai Pongal Bash in Liberated Batticaloa

On the winter harvest holiday as was their wont, the people of Kallady rose up early and began cooking milk rice. Most stayed at home while some of the children preparing for public examinations went for tuition classes. That was when the STF arrived in large numbers to offer their felicitations. They began picking up the young on the roads and then entered houses and took the young boys from about 14 upwards. In several places they sat down uninvited and demanded that milk rice be served. One householder said that their attitude was rude and insulting and having eaten milk rice they told the host that this land belonged to the Sinhalese. The best the people could do was to run to the Roman Catholic parish priest, who contacted Bishop Kingsley Swampillai then on his way to Batticaloa from Colombo. The Bishop asked the father to deal with the matter until he arrived. Fr. Joe called the STF, which apparently functioned only in Sinhalese. The operator told Father that the SSP was on leave. When he asked for the second in command, he too was on leave. Finally, he spoke to the third in Sinhalese who wanted him to explain the difference between Father and Bishop. After some hassle he admitted that the children were at Webber Stadium. The officer maintained that the parents should keep the children at home and not allow them on the roads despite the fact that they went into houses and forced the children out.

In several instances fathers had insisted on going with the sons and they were all there from 7.30 AM. The parents too had meanwhile arrived and were standing at the entrance to the stadium. Some of them decided to go inside, when suddenly the STF closed the gates and did not allow those who went in to come out. Meanwhile the Bishop arrived in Batticaloa and was dealing by phone with the SSP who too was apparently back. The boys were all stripped to the waist and searched. How flimsy an exercise it was is suggested by one instance. A boy's identity card showed that he was a Fernando. Asked whether he was Sinhalese or Tamil, he said he was Sinhalese, on the grounds that his grandfather was a Sinhalese from Mannampitiya on the border of the district, who had married and lived in Batticaloa among Tamils. He was allowed to go.

The third in command gave a speech (they are all politicians now, as part of Pillayan's election campaign) telling the parents that they must keep their children at home. No one dared to say that they came into the houses and took the children. The ordeal lasted till 4.30 PM. Not even a drink of water was given the whole day, where the sermon came as bonus torture. The children went home to consume at sunset, the milk rice cooked for an auspicious sunrise.

Elections in Batticaloa: The Travails of Candidature

For those who remember Municipal elections in calmer times when enthusiastic candidates printed notices at their own expense and came home asking for votes, these are most singular elections. One of the early reports said that all the men of standing had changed houses to dodge TMVP (Karuna and Pillayan groups) wanting them to contest on their behalf. These people had an unobjectionable cause – to keep away from all those carrying arms. Their simple question is, “Will the LTTE accept an explanation that we stood for election under duress and refrain from shooting us?” The TMVP's position is, fine, if you win you could resign and we will put someone in your place. There are numerous reports, funny in a sense but also very scary.

In Valaichenai the TMVP forced an ordinary man Kunalaraj to stand for election by taking away his identity card so that he cannot run away.

In Mandur, a painter called known as Ravi was forced to stand for election. Two policemen were imposed on him for his security. Ravi said that he cannot stay at home and must earn a living. So when he goes out to work, two policemen go with him, watch him painting the whole day and they all go home. There is a further catch. This man who could barely feed his family has to in addition feed two policemen with healthy appetites.

A unique story concerns a candidate from Kallady. **Sankarathas Sivanandathas**, known as Kanthan, was an elderly man of 54 forced by the Pillayan group to stand for election. The road where he lived was named after his father Sando Sankarathas, a legendary body builder. The nominations at Batticaloa Kacheri closed at noon on Friday 25th January 2008. Kanthan went back home. That night armed men came to his home in a white van at 9.30 and abducted him. The next day he was released in Mylambaveli outside the town. He had been badly beaten and tortured, but refused to talk about it. No one could make head or tail of this story, although theories abounded.

What happened was this. Kanthan's was one of the names that had gone to the STF some time ago as a one time LTTE sympathiser. Kanthan went to Colombo and stayed there until things cooled off, returned to Batticaloa and lived quietly. Upon being forced to stand for election he had to file his nomination papers and someone in the STF recognised him. The STF abducted him the same night. It was Pillayan who contacted the STF and got him released.

Local sources say that the vast majority of the TMVP candidates are contesting under duress. The trouble is not just the LTTE. Like the children conscripted by the Karuna and Pillayan factions, the candidates too could at some point fall victim to their feud. At the moment the violence between the two factions is not prominently in the open. According to a story from the Pillayan side, Karuna telephoned his leaders from his British prison and asked them to accept Pillayan's leadership until he returns. The killing of Karuna's Sittandy leader Chitravel Kalaichelvan on 31st January is an indication that all is not well.

Pillayan Inspires the First Democratic Defiance in Many Years: The last time Batticaloa witnessed democratic defiance; it was from the mothers, when soon after the 1987 Indo-Lanka Accord the LTTE set about killing members of opposing groups. Pillayan has become the inspiration today. Around early January 2008, Fr. Navaratnam, priest at our Lady of Peace, Thiraimadu, Pannichchaiadi, was returning to Batticaloa after attending to the needs of a tsunami refugee camp. Two persons on a motorbike came from behind and stopped him. One got on to Navaratnam's bike and ordered him to go along the lonely road, parallel to the Trincomalee Rd., through Kokkuvil. Then the two men took his bike and purse and ordered him to wait for them. It was the kind of lonely place where one could hear crocodiles jumping into the water at night when vehicles go by. Fr. Navaratnam dared not stay there and walked until he came to a village with an STF post close by. An old man welcomed him and seeing his state, made him hot coffee. The priest noticed young men around armed with sticks and other improvised weapons. "*Thieves*", the old man explained, "*No one stops them. We decided to take matters into our own hands.*" They contacted a local pastor, who took the priest to Bishop's house.

At **Navatkudah**, about 25 houses had been robbed. Besides, the robbers nearly always came on the same black motorbike. Among the residents were the parents of Fr. Rajivan, who two years out of the seminary is posted in Sorikalmunai. The thieves demanded that the mother give her *thali*. She protested, '*Son for 30 years, I have not removed it from my neck*'. They abused her and took it. Her daughter was also robbed. The village decided to take matters in hand. On 8th January at nightfall, two thieves arrived on the same motorbike, one with a weapon. The people shouted and rushed them. The man with the weapon ran away. The villagers sent word to the Police before the man who ran away returned with armed reinforcements. The Police apprehended the five intruders – all of them from the Pillayan camp in Kallady, including its leader, Kanagaratnam Athiravan.

2.3 Killings and Other Violations

22nd June 2007: Anandaraj (49) was a labourer from Ootruchchenai, Vadamunai and had been a refugee in Thamaraiikkulam, Peththalai, Valaichchenai from 1996. The LTTE had massacred scores of Sinhalese civilians along the border areas in late 1995. At 9.30 PM in the night, 25 to 30 armed men in military uniform with masks came to their house and took Anandaraj away saying it was for an inquiry. The next morning his body was found with injuries to the forehead and chest near the Tsunami Housing Scheme at Karunkalichcholai.

His wife Rukmanidevi said that Anandaraj had once supported the LTTE. From the way the intruders spoke Tamil, it was quite certain that they were from the Karuna group.

24th September 2007: Pathmarajah Ranjan of Pethuchenai, Mandur lost a hand fighting for the LTTE. When the LTTE split, he surrendered to the Karuna group who discharged him with a letter of clemency. He married in Kaluwanchikudy and became the father of two children. On this day he was abducted by the STF when he went to Batticaloa Hospital.

28th November 2007: Sinnathamby Sathananthan (28) of World Vision was abducted on the main road in Navatkuda at 9.00 AM. As in the previous case this abduction was based on suspicion.

30th November 2007: Pakiarajah (48) of Santhiveli, a Railway employee, was abducted by Ranjan and Illankeeran of the Karuna group. The reason was that his son, a conscript in the Karuna group and run away and the father could not produce him.

1st December 2007: Thambimuttu Nadarajah (39) of Vinayagapuram, Valaichenai, had been the manager of the local coop for 17 years. He left home for work on 26th November 2007, Prabhakaran's birthday, and was not seen alive thereafter by anyone known to the family. On 1st December, an officer from the Kumburumoolai army camp informed the Police that a corpse was lying on the road opposite Hadjar coconut estate, quite near the army camp. The body was identified by the victim's wife Jamunarani. The victim had been tortured, strangled and stabbed. This appears to have been done at the Kumburumoolai army camp.

We also received a different image of Kumburumoolai army camp from another observer. Its commander Major Nimal Ratnayake, who is from Down South, took an interest in the children of Kalkudah who were not attending school. The children help their fathers who are fishermen for two hours in the morning and do not go to school thereafter. Often they are seen plucking young coconuts for sale. Major Ratnayake went to the lady who is the zonal director of education and requested her to conduct awareness programmes among the parents. Three such programmes were conducted and school attendance has picked up. The Major has also asked his brother who is a teacher in the South to collect money in his school to help schools in Kalkudah.

1st December 2007: Sivarajah Kaliyagan (20) of Seelan Store St., Ward 4, Pudur, was conscripted by the Pillayan Group. His wife went looking for him to the TMVP (Pillayan) office in Covington Rd., Batticaloa, where she caught sight of him. She went again the next day. Pillayan's men told her that they will not release him and she cannot see him as he had been sent for training.

4th December 2007: Subramaniam Sothivadivel was a teacher in a school in Vavunathivu. The STF coming in a white van abducted him from a tea boutique in Urani about 3.00 PM.

9th December 2007: Refugee Camp, Kokkuvil, near Pillayarady: State-affiliated killers went into the refugee camp housing displaced persons from Mutur East and shot dead two persons. One was **Ahilesapillai Sivapragasam (40)** from Vallikerny between Kadakaraichenai and Sampoor. The other was **Vijikanthan (19)** from Kadataraichenai, who is thought to have been a Sea Tiger. They had lived in an LTTE-controlled area where one way or another people were forced to associate with the LTTE. Many LTTE deserters also came along with the displaced. Whether or not they identified themselves and surrendered, their life was in

danger given the Government's bloodthirsty approach. In routinely detaining and torturing people they were bound to get names. The killers also arrested two women, Sivapragasam Lalithadevi (31) and Sethuraja Jeyarani (30) who were waiting for the Colombo bus. They were subsequently released.

11th December 2007: Santhirasegaran Yogarajah (24) of Munaikkadu North (the recently 'liberated area') was abducted by the Pillayan group, trained and sent to the Araiampathy office that was 'captured' from Karuna a few days earlier. Yogarajah's wife heard about his presence, went there and screamed, demanding the Pillayan group release him. They refused.

7th January 2008: Parasuraman Nanthakumar (31), president of the volunteer teachers' union, was in the night shot dead near his house in Morakkottanchenai by the Karuna group. He had been leading protests for permanent appointments for volunteer teachers. Locally he had protested against some activities of the Karuna group such as taxation on collecting sea sand. A week before he was killed, he was caught and kept chained by Karuna leaders **Ranjan** and **Illankeeran** and then released. Different sources told us that the same persons had repeatedly demanded that he stand for election as their candidate (TMVP), but he had refused.

10th January 2008: Marimuththu Arumugam (58), Commathurai, Eravur, was a retired laboratory technician from St. Vincent's Girls' School, Batticaloa and a father of seven children. He had read out a poem from a Pongu Tamil platform in times before the Karuna group split from the LTTE. Recently the Karuna group wanted him to stand for election on their ticket and he had refused. In the night of this day gunmen went to his house and shot him dead.

12th January 2008: Poopalapillai Uthayakumar (49) of Ganeshapuram, 14th Colony, Mandur, was shot dead in Vilavedduvan while returning home from Batticaloa town, with injuries to the head, face and chest. From the point where he was shot there is an STF camp half a mile away and a police presence quarter mile away. The victim's wife Viyalathevi Uhayakumar and close relative Samithamby Mylvaganam would not say who the killers were. Other sources said that Uthayakumar's four brothers had been in the LTTE and died in action between 1990 and 1997. Uthayakumar was a member of the LTTE-appointed citizens' committee, but kept out of all public activity after the Karuna split. The Karuna group had a grudge against him because he avoided supporting them in any way.

20th January 2008: Ehambaram Nadesamoorthy (35), with his wife Rajasulojana, of Valaichchenai was in his shop, which is part of their house, after lunch. Two men, who arrived on a motorcycle, came in, placed some money on the table, and asked for something. Suddenly, they pulled out a gun, shot Nadesamoorthy dead, pushed his son and ran away. Nadesamoorthy had earlier been sympathetic to the LTTE. His killers are very likely breakaways from the same group.

31st January 2008: Chitravel Kalaichelvan, was the Sitthandy area leader of the Karuna group, whose wife Sathyaseelan Kalyani is from Mutugal in the Polonnaruwa District. Early in the morning, she received a message from her brother to come urgently to Sitthandy as her husband was ill. She rushed there to find that her husband had been shot dead and his body found on the road. Knowledgeable sources say it is very, very unlikely that the LTTE has the capacity to plan and execute such a killing. They suggest the likelihood that this is a reflection of the Karuna - Pillayan internecine war.

10th February 2008: Ilayathamby Thevathas, Vachchikuda, Batticaloa: Armed men coming in a white van abducted Thevathas and his two children. The children were later released. Thevathas' dead body was recovered with gunshot wounds.

3. Muslim Armed Groups – Multiple Masters and One Agenda

We pointed out in the main section that the Muslim armed groups were raised to fight against the LTTE and they were trained by the Karuna group. A leading figure, Auto Kaleel, as a young boy was in LTTE intelligence, who ran away and surrendered to the Army and worked for them when the LTTE turned on the Muslims in 1990. In 2006 army intelligence used him to recruit scores of Muslims to be trained by Mangalan Master of the Karuna group to assist the Army in 'liberating the East'. In 2007 they moved away from the Karuna group and Kaleel and his followers took on a veneer of religious zeal. He was named as the leader of the gang responsible for the ritual murder of the 15-year-old girl **Hidaya** who was abused by a number of people (Special Report No.26). The Police have not touched him.

In due course the Muslim militants divided. The impunity different groups enjoy is directly related to the political backing they command. Their affiliations too vary with their history. The Police have acted against some and others they have not touched. The way these groups fragmented and realigned, like in the case of their Tamil counterparts, has much to do with the work of intelligence outfits that sometimes appear to work at cross purposes. The Karuna group was earlier closest to the JHU and army intelligence. Sometime in 2006, the main interest in the Karuna group seems to have passed on to an intelligence outfit under Gotabhaya Rajapakse where the PNM has a considerable stake, one of whose leading operatives is Kamaldeen of naval intelligence whose task it was to promote Pillayan over Karuna.

Kaleel according to our sources went over to the intelligence outfit aligned to Pillayan. This now we learn had a total of about 35 Muslim agents in Valaichenai, Eravur and Kattankudy. In one instance, members of this group exploded a claymore mine targeting a Karuna group leader. Yet both Karuna and Pillayan function under government patronage and protection. Promoting clashes between groups and communities is part of the game, which would eventually help the cause of Sinhalese hegemony.

Amir Ali, Minister for Disaster Management, who was elected on an SLMC ticket and deserted it for an offer by the Government, has been identified by the local populace as the patron of one section of the armed Muslim militants who enjoy a strong guarantee of impunity. At a meeting to promote communal amity, a Tamil spokesman said that from the day his community gave birth to armed groups, the community has been cursed and he was certain that the same applies to Muslims. A member of the audience, who did not want to identify himself openly, gave the Tamil speaker a signed letter, which said, "*Muslim ayuthakkulukkai naam kattiyavai alla. Kattappattavai*" (*Muslim armed groups were not created by us. They were imposed*).

Amir Ali uses his armed men to intimidate the SLMC and reportedly to settle Muslims on land in Karuvakkeni where there is a running dispute with the Tamils in which the Karuna group is also getting involved. Reasons why the Government and Amir Ali need paramilitary help, after supposedly having routed the Tigers, is not far to seek. One is that for the government to survive another election, it must capture the minority votes by hook or by

crook. It has made an alliance with Pillayan who has no chance in a genuine election and has placed its security machinery at his disposal.

Similarly the Government needs to corner the SLMC and that is no easy task. That is an important purpose being served by the armed men under Amir Ali. It can be seen that the SLMC is at the receiving end of the armed Muslim groups and Amir Ali has perhaps realised that he cannot survive another election without armed backing. On 12th January SLMC Executive Committee M.L.A.M. Hisbullah's car was smashed by a gang in Oddamavadi. Early morning on 16th January, a bomb attack at the house of prominent SLMC member A.L.M. Haniffa gutted his car and damaged a portion of his house.

July End: In Special Report No.26 we reported the ritual killing of the 15-year-old girl Hidayah by an armed Muslim group having their separate place of religious ritual near 3rd Mile Post Oddamavady. The leaders of the outrage against the girl were **Auto Kaleel**, Adambawa Ibrahim, Naufer and Pavadai Mahan. The Police made no arrests. Kaleel was earlier under **Mangalan Master** of the Karuna group.

11th August 2007: Hayath Mohamed Latif (50), known as **Colonel**, was a public spirited, popular figure in Valaichenai, who supported the SLMC. After initial sympathy for armed Muslim youths who took up arms in 2006, he became critical of them. Kaleel was one whose illegal activities, possibly without the knowledge of the Army, he was strongly critical of. Every morning at 4.30 he used to go to Baduria Mosque and stay till 5.30. On this morning, eight Muslims from the armed group came on four motorcycles and shot Colonel dead in the mosque premises. The public in Valaichenai pointed the finger at Kaleel. No arrests were made.

Close relatives of Colonel say that there were about 300 such armed militants who throw their weight around and the people hated them. It was subsequently that the armed Muslim group broke up owing to internal quarrels, leading to the killing of Mohamed Bawa Hussain. After the break, the Police started making some arrests for robbery and extortion. On 21st November, the Police arrested Adam Lebbe Mohamed Rizwi and another for attempting to extort at gun point. The break up is also significant in another way as seen below.

30th October 2007: A Muslim trader Mohamed Cassim Mohamed Riyal of Mavadichchenai, Valaichenai, was abducted in the Eravoor Division. The Muslims blamed the Karuna group.

4th November: Seven members of the Karuna group travelling through Oddamavady towards Welikande in a white van were caught in a claymore mine attack in the Muslim area of Navalady (3rd Mile Post) in front of a mosque. **Sinnathamby**, a senior leader, with two others were seriously injured and a Rajan was killed.

Immediate speculation held that a Muslim group had attacked the Karuna group because of the abduction of the trader. The Police arrested Meera Saib Rambar for the claymore mine attack and remanded Cader Saib Abdul Mujib for being the lookout for the Karuna van. The matter had a further messy twist.

Late-night on **14th November**, armed men arriving at a house in Oddamavady 3, abducted five young Muslim men. While the Karuna group was suspected of having a hand, the Police think the abductors were from the Army. The complainants told the Police that they spoke

Sinhalese. The Police did not report the matter to the courts until people from the area forced them to do it.

Strangely, those abducted too were linked to the security apparatus. They are: **1.) Issadeen Sabras (21)**, earlier Military Intelligence and later a Muslim militant under Kaleel above, besides a home guard paid by the Welikanda Police. **2.) Aboobucker Illyas (30)**, earlier Military Intelligence and then a home guard, who was shot by the Karuna group on 11th July and treated in Colombo **3.) Aboobucker Naufer, brother of Illyas 4.) Mohamed Aliyar Mohamed Riyas (22)** and **5.) Illiyas Abdul Cader (18)**.

Further information from a good source threw some light on the muddle. After the division among armed Muslims, a section under Kaleel joined the same intelligence conglomerate created by the Defence Ministry, part of whose task was to promote Pillayan. The claymore mine was set off by the Kaleel faction. The abductions come in the context of the Army being patrons of the Karuna group. The victims have disappeared. It all adds up to a curious picture.

The Pillayan group is present in the north of the STF controlled area, up to the northern suburbs of Batticaloa town. South of Araiampathy and the Amparai District up to Pottuvil is Karuna's area, though under the STF. JHU has an aggressive interest in Amparai and has tried to use the Karuna group to constrain the Muslims, the largest group in the District. North of Batticaloa the Karuna group is in all the army-controlled areas up to Muttur. Pillayan is present again in Trincomalee town, which is under navy control.

Kaleel has left his recent intelligence association and the local talk is that he is trying to go abroad. He was not seen for some time and reappeared recently and many including Muslims would like to see him arrested. That has not happened.

11th November 2007, Mavadichchenai, Valaichchenai: Nahur Lebbe Amir though not a militant himself was at the start a supporter of the newly emerging Muslim militants. Later he became critical of them and stopped lending them his vehicle. He was also a supporter of the SLMC. He received several warnings from Muslim militants. On this day two men in army uniform came to the house of Habib Kanganiar with their faces covered and asked for Amir. Those at home told them that Amir was not there. The two men threw a grenade and opened fire, killing Amir's cousin **Mustapha Lebbe Rismiya**. Rismiya's husband **Mustapha Lebbe** was injured. Also injured seriously was the 1½-year-old infant **Siam Sharaf**. Amir was in fact at home in hiding and saw what happened. He recognised one assailant as the Muslim militant named **Rafai** who had been threatening him. The Police took no action on this case.

12th January, Kattankudy: A Tamil shop owner **Kanapathipillai Yogarajah (48)** was shot dead at close quarters when at the end of day he was returning to his home in Selvanagar, Karabala Rd. at the border of the Muslim and Tamil areas to the south. A rumour took wing that he was killed by Muslims. Soon afterwards Shanthan of the Pillayan group opened fire on Muslim worshippers coming out of a mosque in Karabala nearby, injuring **Moulawi Mohamed Fareed (38), Faizer (36), and M. Alavudeen (44)**.

Following the shooting a Hindu temple in the area was desecrated, according to local sources, by killing a cow and splattering its blood on the walls.

We learnt very reliably that Yogarajah was in fact killed by the intelligence services.

Leading persons say that most of these incidents are manipulated by the intelligence services with a view to fomenting violence between Tamils and Muslims.

4. Amparai District

28th January 2008: Thuraiappah Thayaparan (29), of Komary, between Thirukkivil and Pottuvil. The victim had left the LTTE some time ago and was a family man having a shop near the Karuna group office. At noon on the previous day, two men thought to be from the LTTE followed on a motorcycle two Karuna men **Sathees** and **Gajaruban** from the Thirukkivil TMVP office who were returning to Thirukkivil from Pottuvil, and shot them dead at Oorani. On the night of the 28th Thayaparan was shot dead. In their anger it seems the Karuna group thought, mistakenly perhaps, that someone from Komari tipped off the LTTE of the passage of the two Karuna group members to Pottuvil. The road between Komary and Pottuvil is a lonely and desolate stretch, overlooking the LTTE's jungle sanctuary to the west. It is also not unlikely that the LTTE keeps the road under observation, which requires only a powerful pair of binoculars. There are also other places on the route from which a tip off could have been given.

1st February 2008: Murugesan Parameswary (40), of Komary was the mother of three children. Her husband who was in the LTTE a long time ago was abroad. Karuna men with automatic weapons went to her home at nightfall and asked for her husband. When she told them that he was not there, they wanted her to go with them for an inquiry. A little later they shot her dead. This appears to be a reprisal killing connected to the previous one.

11th February 2007: Singarajah Suhithakumar (14), Kolavil, Alayadivembu, Akkaraipattu: The LTTE lying in ambush opened fire at an STF patrol going through the area about 11.00 AM killing one and injuring another. Witnesses testified that the STF caught hold of Suhithakumar, a student of Sithy Vinayagar School, assaulted him and shot him dead. Later in a round up the STF took away 50 persons including five children who had three days later not been released.

5. Jaffna District

26th December 2007: Preman (21), of Irupalai was shot dead quite near his house in the afternoon. His father brother Kailanathan, an employee of the courts in Mannar and a pastor, said that Preman was not involved in any political activity and the family was at a loss to know why he was killed and whether it was a case of mistaken identity. His twin brother Haman was deeply traumatised. The family felt they could not live there any more and were thinking of moving to Mannar.

11th January 2008: Miss. Kavitha Shanmuganathan (20) of Alvai North, Karaveddy was riding her bicycle when two gunmen on a motorcycle followed her and shot her dead about 1.30 PM. According to local sources this incident is related to the one on 13th December when the Army conducted a cordon and search operation in Viyaparimoolai (Traders' Corner) towards the sea from Alvai. About dawn on 13th December, two LTTE cadres hiding inside the ceiling of a house committed suicide injuring six others who were below. It is believed that Kavitha's name transpired during interrogations and she was suspected of helping the youths hiding in the ceiling. Our sources believe the killing to be an intelligence operation where the actual killing was done by the EPDP, but covered by other operatives.

January 2008: EPDP and the Army: Two soldiers were riding their motorcycle on the wrong side of the coast road in Pt Pedro when they crashed into a civilian motorbike on the right side. The soldiers were very angry and confiscated the identity cards of several persons on the scene. These hapless men went to Pt Pedro army camp for the Ids. The Army directed them to the EPDP camp in Nelliady, where a man called Satish confronted them. Most of those going there had taken their wives and children along thinking it safer. Typically, Satish showed them his gun and told them that he had killed several persons with that very gun, but took pity on them because of their wives and children. He was going to spare them. He told them it was not safe for them to stay at home, and they should surrender at the Human Rights Commission in Jaffna and enter remand prison. He warned that this should not come in the papers. The EPDP then checked their homes to see if they had complied. For the men who had done nothing wrong, it made no sense for them to remand themselves while their families starved. This close working relationship between the EPDP and the state intelligence services in Jaffna throws further light on the cases of extortion described in Special Report No.28.

24th January 2008: S. Nadesapillai (61), Navatkadu, Varani, was the former chairman of the Kodikamam Multi Purpose Coop Society. Gunmen who arrived at his house on a motorcycle called out his name and shot him dead. He is the fourth coop chairman to be killed since mid-September 2006. This is in an area known for LTTE infiltration and it is suspected that the deceased may have been forced to help infiltrators. Our sources believe that the death resulted from information passed on. A number of people in that area, which has produced several educated persons, had been killed by the LTTE, including former Central College Principal Mr. Rajadurai, sometimes for dealing with the EPDP on public projects.

31st January and 1st February 2008: Balasundaram Baskaran (30), Dushyanthan Baleswary (21), who had two children, and **Balasundaram Parthipan (19)** were three siblings living near Cholaiamman Temple in Manthuvil. *TamilNet reported: "The [armed men who came to their home at 8.00 PM], alleged to be members of the Sri Lanka Army (SLA) Field Bike Squad, surrounded the house, ordered the members of the family to go inside a room for inquiry and sprayed bullets on them, killing two, including a mother of two children while the children narrowly escaped from the bullets."* Parthipan succumbed to his injuries, the report said, due to the absence of timely medical attention.

The following, Friday, morning, 1st February, *TamilNet* reported that around 7:30 AM, a 24-year-old female, **Sivarasa Suki**, was shot and killed at her house located on Jaffna-Point Pedro-Kachchaay road and a 26-year-old male, **Uthayan**, was gunned down, ½ mile away, around 10:00 AM on Allarai-Kachchaay road in Kodikaamam. Suki, it said was shot dead by armed intruders in the presence of her mother who fainted and was later hospitalised.

Other sources in the area said that the deaths are as reported, but the actual story is different. Baleswary among the three siblings was married to a man with an LTTE connection. Once the Army started killing suspected civilians, the man fled to the Vanni. The Army came to know something of this and called Baleswary for an inquiry. Baleswary knowing that she was a potential target must have been frightened. In the course of things the Army became friendly with that household, who were besides in a poor area. The LTTE came to suspect that information provided by Baleswary's household was the cause of certain persons being targeted by army-related death squads. It was LTTE gunmen who killed the three members of the family. The killings of the young man and woman the next morning were the work of an army-related death squad as a kind of reprisal.

6. Trincomalee District

All attacks on unarmed civilians are crimes that deserve the strongest condemnation and the LTTE had during the approach of Independence Day staged several attacks on civilian targets in the South. The bus bomb in Dambulla on 2nd February was followed by the suicide bomb at Fort Railway Station the next day, killing more than 30 in all. As much as the LTTE actions were atrocious, the Government has behaved no better. Having made the Tamil people terrified of speaking out, the government forces have been taking reprisals behind the glare of publicity given to LTTE atrocities. Such reactions to LTTE atrocities regularly raise the question, Are these Sri Lankan security forces or Sinhalese forces?

Killings reported to the courts in the Trincomalee Magistrate's area dropped from 7 and 9 in 2007 August and September respectively to 1 each in December and January. Corresponding abductions dropped from 5 and 9 to 1 and 3. In February, until the 19th the courts have been informed of 8 abductions and 3 killings. All the latter are from Anbuvelipuram and in the first week of February. We see below that several incidents do not come to the courts.

Based on information from another source, the following abductions took place in the precincts of Trincomalee town from 1st to 23rd January:

1. **7th January 2008, Thiagarajah Vadivelkarasan (24)** of 844. Murugan Kovilady Paalaoitru, abducted in Ganesh Lane
2. **11th January 2008, Sivananthan Sivachandran (24)** of 126/3 Varodhyanagar, Trinco, abducted from home
3. **12th January 2008, Paranjothy Janakan (21)** of Pattimedu, Thampalakamam, abducted in Trinco town
4. **23rd January 2008, Walter Bans (34)** of 60/27 St. Anthony's Street, Palmyra Grove, Palaiyootru, Trinco, missing from Trinco town
5. **23rd January 2008, Edward Bans (34)**, twin brother of the above, missing in the same incident

A new spate of disappearances commenced on 28th January following LTTE attacks on Sinhalese civilians far away in the South and the coming of the 60th anniversary of independence on 4th February. The following took place within the Trincomalee Magistrate's jurisdiction and there are very likely more. Note the vulnerability of areas like Anbuvelipuram, 6th Mile Post and Kappalthurai, which are close to Sinhalese settlements:

1. **28th January 2008, Ehambaram Kohilavaradharajan (29)**, Thirumalpuram, 6th Mile Post, Periyakulam Trincomalee, abducted from home.
2. **28th January 2008, Martin Gerad Justin (26)**, Thirumalpuram, 6th Mile Post, Periyakulam, Trincomalee, abducted from home.
3. **29th January 2008, Jeganathan Jeyakanthan (29)**, No. 70 Murugan Kovil Road, 3rd Mile Post, Pallathoddam, Trinco, abducted from home.
4. **30th January 2008, Sivaraja Sivaranjani (19)**, (F), 6th Mile Post, Kappalthurai, Chinabay.
5. **4th February 2008, Thiyoda Christopher (20)**, 470 Anbuvelipuram, Trinco, abducted from home.
6. **4th February 2008, Ramakrishnan Prathaban (25)**, 259 Anbuvelipuram, Trinco abducted from home.
7. **4th February 2008, Ramakrishnan Jegaruban (21)**, brother of above, 259 Anbuvelipuram, Trinco, abducted from home.
8. **4th February 2008, Chandrasekaram Thevananthan (17)**, 100/2 Poompuhar, Paalaiyootru, Trinco, abducted from home.
9. **5th February 2008, Sivananthan Prabhakaran (24)**, 159, Bharathipuram, Kanniya, Trinco
10. **7th February 2008, Iruthayanathan George Sekar (30)**, 18/47 Main Street, Ananthapuri Trinco, missing from Ananthapuri

11. **8th February 2008, Christian Gnanasekaram (35)**, 3rd Mile Post, Soalaiyadi, Uppuveli, Trinco; missing from Uppuveli.

Cases of Missing Persons from outside Trincomalee Town

1. **October 2007, Poopalapillai (26)** of Poomaraaththasichenai, Eachchilampattu, Muthur East, missing from 6th Mile Post.
2. **2nd December 2007, Kaalirasa Suveekaran (27)**, of Bharathipuram, Kiliveddy, Muthur South; missing from Sinna Mallikaitheevu, Muthur.
3. **1st January 2008, Nagappan Sureshkumar (15)** of 521, Unit 2, Peraru, Kanthalai, missing at Kanthalai
4. **4th January 2008, Yogesweran Latchumanan (27)**, 524/10, Peraru, Kanthalai; missing at Sooriyapura, Kanthalai.
5. **10th February 2008, Gunasekaram Sritharan (26)**, Ward 3, Eachchamthivu, Kinniya, missing at Nedunthivu, from Kinnya
6. **13th February 2008, Kaaliyappu Nagalingam (26)**, 6th Mile Post, Ganeshapuri, Trinco, missing at Sambalthivu

A Correction

Govindasamy (55) of Menkamam: In Special Report No. 26 we said that Mr. Govindasamy, who was also the local RDS chairman, was killed on 2nd May 2007 by Tamil speaking paramilitaries. We have since received another version that the victim was actually killed by the LTTE because he had supplied the security forces with a list of people who returned after their displacement through Vakarai the previous year, and also of those who had been involved in the movement. Our new source says that every single family that had someone involved was harassed, and a number of people were killed. The source strongly maintained that the RDS president had supplied a list to the security forces and this was a reason for the source's family, and for many other families in the area around Menkamam, to remain displaced or (in some cases of families who had returned) to become displaced again after continued harassment.

The new version of the story indicates that what seemed factual at one time may be misleading, and it is necessary to go on checking stories long after publication. Even if Mr. Govindasamy had supplied a list, it is unlikely to be out of simple malice. The security forces were killing remorselessly and it is conceivable that his own life was threatened.

Appendix II:

PNM, Navy, the CJ and the Buddha Statue in Trincomalee –

A Watershed Marking the State's Return of Impunity

By mid-2003 the LTTE was visibly abusing the peace process and its establishment of bases and gun positions facing Trincomalee harbour became a major issue. Doubts arose in the public mind about whether the UNP (UNF) government was dealing with the issue. There was also the unresolved question of the best way to deal with it other than a return to full-scale war. The bases were the pretext President Kumaratunge used to take back crucial ministries, including Defence, from the UNP government and precipitate elections. But when it came to her turn to rectify that for which she excoriated the UNP, it was soon evident that mere criticism of the peace process was much simpler.

At the end of August 2005 President Kumaratunge appointed Wasantha Karannagoda naval chief upon the retirement of Daya Sandagiri, overlooking Mohan Wijewickrema, the second in command next to Sandagiri. The Press held that this was a political appointment, where the Kumaratunge rewarded Karannagoda for giving her such information pertaining to the LTTE build up in Trincomalee, bypassing the UNP government, as helped her to make her case for taking over the Defence Ministry.

This atmosphere was bound to make others in the security services nervous and drive everyone to court political favours, and those holding office nervous of a change of regime. In this ambience with continuing LTTE provocations to the Sinhalese in Trincomalee, with its Pongu Tamil celebrations thrown in, the surreptitiously raised Buddha statue in front of the fish market and tavern further raised the heat.

The JVP backed North-East Sinhala Organisation and the Trincomalee Three Wheeler Drivers' Association were the main parties behind the erection of the Buddha statue under cover of the night on 15th May 2005. On President Kumaratunge's instructions, the Ministry of Defence obtained an intelligence report which charged that Rear Admiral Sarath Weerasekera, who headed the Eastern Command, *'addressed this group, a team of three wheeler drivers offering a transport service, and assured them he would ensure the statue would not be removed'* (Iqbal Athas, *Sunday Times* 19 Jun.05). Kumaratunge replaced Weerasekera in the Eastern Command with Rear Admiral Ratnakeerthi, Weerasekera's classmate at Ananda College and a few months his senior.

Weerasekera, instead of being disciplined, was given the newly created post of Deputy Chief of Staff. Any superior officer acting as he reportedly did on a communally sensitive matter was out of place in the armed services. It was a time the Kumaratunge government was tottering. Having dismissed the UNP government and called elections where her party went in allied to the JVP, the latter was given an undeserved 39 seats with which to hold the government to ransom. She did not command the support in Parliament to push through her PTOMS agreement with the LTTE. There had also been for some time speculation as to whether her presidency would end in 2005 instead of 2006.

A further step in politicising the State over the Buddha statue was taken by none other than Chief Justice Sarath Silva. Ven. Piyatissa Thero of China Bay Maha Bodhi Vihara filed a fundamental rights petition against the Attorney General in the Supreme Court alleging the Magistrate's order to remove all illegal structures was issued *'on the advice of the AG, Mr. Kamalaseson, who is a Hindu and a Tamil, and ... a former resident of Trincomalee'*. It was a personal attack on the AG, who was acting on government advice. Instead of refusing the petitioner leave to proceed, the Chief Justice arm-twisted the AG, giving him in effect a choice between standing down on the statue affair or facing an ugly battle in Supreme Court. A Tamil Attorney General could not have withstood the strain all by himself when the JHU and PNM were competing for decibels, with PNM's Ven. Bengamuve Nalaka comparing the proposed relocation of the statue with the Taliban's vandalising the Bamiyan Buddha statues in 2001. On 18th July 2005, the AG gave in.

Although the name of the National Patriotic Movement did not directly surface in this episode, the broad front it represented was central to it and the CJ too had made his calculated move to the Right. The lawyer who represented Piyatissa Thero was S.L. Gunasekera, bounced by Sinhala Urumaya and now with the PNM/MMM.

The country was by then in a state of flux. The JVP quit the government, leaving a minority government in Parliament. On 12th August 2005 Foreign Minister Lakshman Kadirgamar was killed, the LTTE being the leading suspects. On 26th August, the CJ truncated Kumaratunge's term as president on a JHU petition.

Other events too point to a nasty atmosphere developing in the South from about April 2005 in response to LTTE provocations. Deputy Defence Minister Ratnasiri Wickremanayake said at a Naval function in Trincomalee on 22nd April, "*Do not provoke us, do not tickle us and do not cause another war by using intimidatory tactics... if we are attacked we would be compelled to retaliate.*" Retaliation in the Sri Lankan context invariably meant extra-judicial action. Less than a week from then *TamilNet* editor Taraki Sivaram was abducted and killed in Colombo.

On 27th May 2005 a five-member bench of the Supreme Court appointed by the Chief Justice acquitted unanimously the police officers sentenced to death in a High Court hearing. 27 Tamil inmates of a rehabilitation centre were brutally massacred on 25th October 2000 with the connivance of the Police (Special Rep. No.19 Part I). This was insensitive to say the least. Human Rights Watch's reaction was typical of how it struck many observers: "*The Court must put aside politics and personal feelings when dealing with criminal offenses involving Tamils.*"

While a large share of the blame must go to the LTTE's abuse of the peace process, the country was also suffering from the absence of a leadership with vision, to prevent the country as a whole descending to the level of the LTTE. For ambitious individuals it was a time to gamble and tie their fortunes to the sort of demagoguery likeliest to bring them the greatest gain.

A particular context of the Buddha statue episode and Rear Admiral Weerasekera's conduct should not be overlooked. There was a sense in the Navy that the second in command, Mohan Wijewickrema, would be bypassed when Commander Sandagiri, with whom he had problems, was to retire at the end of August – the kind of atmosphere that prompts competition for political favours among more junior officers. In May the JVP with its 39 MPs was an influential party in the Government. The appointment in August of Karannagoda who was due to reach 55 in November 2007, ended any chance of Weerasekera becoming commander as he was due to reach 55 in October 2006.

Hanging Artistes who help the Enemy

For a man who denied rabble rousing in the Buddha statue affair, Weerasekera was not slow to show his political leanings publicly once the new navy commander took over in September 2005, which was also just after the CJ truncated Kumaratunge's term triggering off an election campaign for her successor.

On 21st May 2005, young Sri Lankan director Vimukthi Jayasundera's film *Sulanga Enu Pinisa* (For Wind to Blow) was the joint recipient of the *Camera d'Or* prize for the best film presented at Cannes. The *Daily News* reviewer (26 Oct.05), E.M.G. Edirisinghe, commending the film as textually magnificent and penetrative, described its theme thus: "*Socially, the dominant force in a war ravaged civil society is the army which is portrayed corrupt, exhausted and indecent caused by unbearable stress and confinement to restricted freedom which is universal in a war situation where life has no value and morals have no place.*"

Weerasekera too kicked off a campaign coinciding with the presidential contest. He published an article in the *Sunday Times* of 4th September titled “*The war, black cinema and the morale of the soldier*” criticising makers of films on current socially sensitive issues which discouraged youth from joining the security forces. He declared, “*If there is a film on war even indirectly contributing towards fulfilling terrorists’ objectives willfully, then it amounts to treason and should be dealt with severely.*”

The *Sunday Times* of 25th September 2005 reported that Weerasekera and the official army spokesman Brigadier Daya Ratnayake earlier in the week met the Cannes award winning director Jayasundera, along with three others, whom they cautioned “*would have to face the consequences if they continue to produce movies of this nature.*” The same day, 25th September, Rear Admiral Weerasekera wrote in the Sinhalese Sunday ‘*Divaina*’ that producers of such films should be **labelled as terrorists and hanged**.

Whatever segment of the security forces this activity represented, such campaigning going unchecked brought them to the threshold of setting up death squads and turned the clock back on the fight against impunity that lasted through the 1990s. Strangely, it was some of the leading campaigners on violations by the security forces against suspected supporters of the JVP during the late 1980s, who were now ranged alongside the PNM that supported Rajapakse’s campaign for the presidency.

Weerasekera’s actions broke the code where the security forces were obliged to uphold the law and keep out of party politics. In the presidential campaign UNP’s Ranil Wickremasinghe was for continuing the peace process, while on Rajapakse’s side were all the extremist forces including the LTTE. What happened later is well known. With President Rajapakse’s brother Gotabhaya as defence secretary and further political appointments to the security apparatus, official death squads became once more a reality.

The resulting state of affairs in the security forces was described by the Military Matters correspondent to the *Nation* (23 July 2006):

“...the first thing the new Army Commander Lt. Gen. Sarath Fonseka did was to cause heartburn among the senior officers by placing them under juniors, or moving them out from top positions including operational areas to insignificant places. Many senior officers including Majors General and Brigadiers prematurely retired...Realizing the dangers ahead, President Mahinda Rajapaksa ordered his Secretary Lalith Weeratunga [without the knowledge of the Army Commander who was undergoing treatment in Singapore] to summon some of the officers who had already retired and urged them to return to the service...In fact it was only after General Fonseka was sent abroad that Major General Nanda Mallawarachchi was appointed Acting Army Commander a fortnight ago. Major General Mallawarachchi, who had exhausted the maximum number of years in the rank, was given an extension by former President Chandrika Kumaratunga till he reaches the age 55 on August 3. [Chief of Staff] Major General Mallawarachchi is likely to receive an extension up to December when General Fonseka’s extension ends.

“...Navy Commander Vice Admiral Karanagoda did not take kindly to the appointment of Rear Admiral Sarath Weerasekera as the Chief of Staff [while he was on an official visit to India]. Vice Admiral Karanagoda sent a letter to President Rajapaksa through the Chief of Defence Staff Donald Perera regarding the extension of the services of the Chief of Staff Rear Admiral Sarath Ratnakeerthi [appointed 2 Jan.06]. Vice Admiral Karanagoda is trying hard

to clip the wings of his [present] No. 2 Rear Admiral Weerasekera and to this end, the Navy Commander deprived him of becoming the Trustee of the Buddhist association. This influential post, which is usually held by the chief of staff, was given to the deputy chief of staff Rear Admiral [Wasantha] Tennekoon.

Here we have a politicised outfit where political appointees try to get out of the way those who might threaten their extension of service and politicians slip in new appointments when the commander is overseas on official duty. Lt. Gen. Fonseka received three extensions as army commander under this government (running currently) to finish (hopefully) the war in his watch. Kumaratunge had earlier extended his term as Chief of Staff which ended in March 2005 until he reached 55 in December. In late October 2005 before she left office, she had also given a two year extension to Shantha Kottegoda who became army commander on 1st July 2004. The extension was practically annulled by Rajapakse later in November, days after it took effect, to appoint Fonseka.

Weerasekera's politics paid off to the extent that someone pushed to get Ratnakeerthi out of the way ignoring the commander's wishes and make him Chief of Staff. He reached 55 on 29th October 2006 and was not given an extension. His chief reached 55 only in November 2007 and could serve four years in his post until September 2009.

Weerasekera was given the consolation of remaining in service as Director General of Home Guards, commanding 35 000 men. This enabled him to keep his rank and uniform. In this capacity he shared an MMM platform with S.L. Gunasekera and Gunadasa Amarasekera at the BMICH in early January 2008 at a ceremony to distribute tables with manually rechargeable lights to soldier families.

Weerasekera's lasting legacy is his contribution to entrenching the PNM in Trincomalee through the offending Buddha statue that accrued to their prestige. The Navy has since been a base for the PNM and the link was strengthened by the President's launching of the MMM in July 2006. This in effect enables a political movement with clear political objectives to liaise institutionally with the armed forces.

By contrast, in a move to depoliticise the armed forces, Pakistan's Chief of Staff General Ashfaq Parvez Kayani recently issued instructions asking soldiers to desist from hobnobbing with politicians and to pay attention instead to their "professional" responsibilities, and officers to steer clear of politicians, warning them against calling politicians to the General Headquarters or having any other "direct or indirect" contact with them (Nirupama Subramanian, the *Hindu*, 24 Jan.08).

The JHU has exploited the same communally divisive issues as the PNM, but its influence in Trincomalee has not been very visible. The JHU's campaigning on the Buddha statue inside and outside Parliament appears to have been largely aimed at consolidating support in Colombo. JHU Treasurer and Defence Advisor Kotakadeniya sent in January 2006 an STF team to Trincomalee with a view to tough action, which killed the five innocent students. It backfired if political mileage was the aim.

During the crisis in Mavil Aru JHU's Ven. Athureliya Rathana and Akmeemana Dayaratna purported to lead the villagers on a march to open the sluice gates closed by the LTTE, and earned the ire of the local priest Ven. Saranakitti for endangering the villagers. This too was abortive. The only purpose the JHU served was to push the Government into a war on the

wrong pretext. Wrong, because the SLMM had negotiated an end to the crisis and were turned back by government shelling when they went to release the water. It also made the SLMM an anathema to the extremists.

Politicisation and the Human Rights Calamity

What happened between the Buddha Statue episode and the presidential election strongly influenced the resurgence of impunity. Rear Admiral Weerasekera was just one individual and his immediate authority was limited. But a man in high position who said and did the things he did unchecked, and perhaps rather rewarded, was bound to influence others and release inhibitions. For one month, in September 2005, while Deputy Chief of Staff he campaigned publicly and advocated that makers of such films as *Sulanga Enu Pinisa* should be labelled as traitors and hanged. And a man with contempt for the rule of law was promoted to Chief of Staff and allowed service in his rank after his time.

When other officers sense what the politicians want, and what it would cost them to be true to their professional calling, the worst often happens. Shantha Kottegoda being made to quit by the new president within two weeks of his extension taking effect to appoint Fonseka, who had an atrocious record in violations, as army commander was also a message to all officers who did not want their career to suffer.

Threats to hang artistes (or more politely in English, their '*having to face the consequences*') for helping what they see as the cause of the enemy has far-reaching consequences and applies even to persons who are far from supporting the LTTE. It includes persons who expose the Government's complicity in crime, witnesses to the killing of the five students and the Civil Monitoring Committee. It explains and justifies the killing of Joseph Pararajasingham and N. Raviraj – who was far from being a Tiger.

The Navy became from December 2005 a very brutal institution. After a claymore mine attack in Pesalai unconnected with local civilians which killed 13 naval troops, they ran amok in the 100 houses scheme. The civilians were called out made to stand in the sun and were assaulted and humiliated, leaving some with severe injuries. The remains of a mother and her four year old son were recovered from a house that was burnt by the Navy. It was a long time and the Government did not intervene. On 2nd January 2006, the Navy was party to the massacre of five students on the Trincomalee beach front.

The Navy was directly involved in the Allaipiddy atrocities in April and May 2006, including the murder of a 74-year-old man and then the murder of a young family including two children. The Navy behaved execrably during the LTTE's attempt to land in Allaipiddy on 11th August 2006. A notable event is the abduction by the Navy and disappearance of Fr. Jim Brown and a parishioner Wenceslas. This happened after the launching of the MMM whose message was cruelty and impunity (solving the problem in 24 hours by bombing), while Weerasekera was Chief of Staff. The Navy too became a key supporter of the Pillayan group.

The extent of political backing is also evident in the Chief Justice in most major atrocities transmitting the case to a different magistrate, when the magistrate showed spirit and determination in wanting to see justice done (see Appendix III). The effect of this transmission was invariably to kill a case.

Appendix III

The Role of the Supreme Court – a Timeline

18th July 2005: Chief Justice Sarath Silva arm twisted Attorney General Kamaladasabesan not to proceed with a case filed in the District Court Trincomalee to remove an illegal Buddha statue erected with the connivance of the security forces (see Special Report No.25). It was hard for a Tamil AG to withstand alone in court a hate campaign by extremists who had political backing extending to the CJ.

22nd August 2005: Chief Justice made himself the chairman of a five member bench picked by him to hear a petition by JHU General Secretary Omalpe Sobitha Thero which held that President Kumaratunge's term ended at the end of 2005 instead of a year later in 2006 as many leading legal experts argued. Criticism of the CJ's action was also based on the ethical premise that he should not hear a petition relating to actions that he had been party to – namely twice swearing in Kumaratunge as president on 22nd December 1999 and 11th November 2000. On 26th August the CJ declared her term to end soon in 2005.

5th – 13th September 2005: Mahinda Rajapakse as expected became the SLFP's presidential candidate, who reached agreements with the JVP and JHU to move from President Kumaratunge's commitment to a federal settlement to the ethnic problem and to keep Sri Lanka a unitary state.

21st May 2006: Secret Kool Party Pact with the EPDP and TMVP (Karuna group) to de-merge the North-East with their help and to place Devananda and Karuna in charge of the interim administrations of the North and East respectively for five years.

June 2006: Karuna begins conscription by abduction, including of children, in the East with government complicity to keep his side of the bargain.

14th July 2006: JVP filed petitions to the Supreme Court to de-merge the North-East. Earlier the Government had already restricted relief to the newly displaced population that had fled to the LTTE-controlled Muttur East, leading to the LTTE closing the Mavil Aru Anicut, serving as a pretext for the Government to militarily overrun LTTE-controlled areas in the East with the aid of Karuna forces, leaving well over 100 000 displaced by shelling. This was begun with vociferous lobbying by the JHU and JVP disregarding the SLMM's and local attempts, such as by the Venerable Seruvila Saranakitti to settle the matter with the LTTE in the best interests of the people he represented.

15th September 2006: The Chief Justice delivering a judgment on an appeal by a petitioner citing a Human Rights Committee ruling in his favour, ruled without it being argued in court that the International Covenant of Civil and Political Rights (ICCPR) which the Government of Sri Lanka had acceded to in June 1980 '*does not have internal effect and the rights under the Covenant are not rights under the law of Sri Lanka.*' Its effect was a derogation of protection stipulated by international law, at a time of rising violations.

16th October 2006: North-East Merger: The Chief Justice acceded to the petition by the PNM (JVP) (originating in the Kool Party Pact) declaring the North-East Merger invalid. The merger came out of a treaty involving India and Sri Lanka in 1987 envisaging a settlement to the ethnic conflict. Prudence demanded that a court cannot rule *ex parte* on a sensitive

political issue such as India failing to disarm the LTTE as one of the conditions the merger required. India was not represented in court to talk about the Sri Lankan government's betrayal in arming the LTTE to attack the Indian Army. By contrast, when the JVP and JHU challenged the validity of the CFA, Justice S. Sriskandarajah of the Court of Appeal ruled on 3rd March 2007 that “...from the preamble of the CFA it is clear that this document is a policy document on a political issue. It is axiomatic that the contents of a policy document cannot be read and interpreted as statutory provisions. ***Too much of legalism cannot be imported in understanding the scope and meaning of the clauses contained in policy formulations.***”

September 2006 – August 2007: Transmission of Sensitive Cases: The Judicial Service Commission headed by the Chief Justice transmitted the following major cases away from magistrates who showed a determination to bring out the truth.

5th September 2006: The ACF Case involving the massacre of 17 aid workers was transmitted to the Anuradhapura Magistrate from the Mutur Magistrate M. Ganesharajah just as he was about to deliver the inquest verdict. The JSC's order was communicated to him by phone the previous day, 4th, as he was preparing to deliver the inquest verdicts the following day.

22nd August 2006: The Disappearance of Fr. Jim Brown and Wenceslas Case was transmitted from Acting Kayts Magistrate Mrs. Srinithy Nandasekaran as soon as she heard about the disappearance two days earlier, took up the case and ordered the Police to retrieve the log book from the Allaipiddy checkpoint manned by the Navy who were denying that the victims passed through. The JSC ordered the transmission the same night. The log book has since not seen the light of day. Nandasekaran who was based in Jaffna was acting for the Kayts Magistrate on 30th April 2006 when after a bomb blast in which no one was killed, the Navy went into a house and attacked a 74-year-old man who was forced to bleed to death as his wife and daughter were not allowed to go out. The two women offered to identify the culprits. Nandasekaran wanted all the men at the Allaipiddy naval camp to be produced for an identification parade. This was never held and the two women were forced to flee.

May/June 2007: The Allaipiddy Massacre Case was transmitted from the Kayts Magistrate Jeyaraman Trotsky, while he was still in Kayts. The incident took place on 13th May 2006 and the Navy were the main suspects. On 19th May 2006, Trotsky had ordered an identification parade after a grandmother said that she would identify the naval personnel who killed five members of her family including two grandchildren. The identification parade was never held. Trotsky was transferred out of Kayts soon after on 4th August 2007 he ordered the Police to produce the Allaipiddy naval commander in court over the disappearance of a CTB employee and a postal worker on 7th June.