

**University Teachers for Human Rights (Jaffna)
Sri Lanka
UTHR(J)***

Information Bulletin No. 34

Date of Release: 21st December 2003

**Tiger Manipulation of Tamil-Muslim Relations
and
the Creeping Siege of Kinniya and Mutur**

Summary

0. Introduction

1. From Kurangupanja to Kinniya

2. Background: The Land Dispute in Kinniya

3. The Incidents of Late November

4. MAP

5. Police Versions: A Mess of Contradictions and missing the Point

6. A Revealing Press Conference

7. The LTTE's Weli Oya

Appendix I

Appendix II

Summary

Bulletin 34 from the University Teacher for Human Rights (Jaffna) examines the LTTE's continuing manipulation of disputes between Muslim and Tamil communities to fuel violence, as it seeks to expand its territorial and political hold on the East by forcing out Muslim civilians. The report provides detailed information and analysis on recent incidents in Mutur and Kinniya and addresses the implications of the LTTE's policy of expansion as it relates to international hopes for peace.

0. Introduction

The LTTE is not at war, at least not yet. At least eight Muslim civilians have been killed in Kinniya since October and many others threatened or displaced. If an observer were to focus merely on numbers it might yet be possible to sustain a note of optimism – a situation of war, after all, would be far worse. But we must look beyond the numbers. In our Special Report No.17, published in October, we analysed in some detail the manner in which the LTTE had systematically provoked, terrorised, and impoverished Muslims of the East.

The LTTE's technique has been to torment the Muslim community into violence, and then use any Muslim response to its provocation for well-calculated retaliation. The end result is that the LTTE has been able to drive away Muslim civilians, cripple the community, and expand its exclusive territorial control, with its unmistakable military implications.

The people of Sri Lanka have been fed fiction by leading officials whose analysis of developments is aimed only at keeping the international community happy. The people are not stupid. Many feel insulted by the simplistic and obviously false reading of current events, and the South has become divided. The international community blames and criticises the South for its division, while in effect complimenting the Tamils for being united, if only under the jackboot of their putative "sole representatives." This cynical game is indeed pushing the country towards separation without actually saying so. Events in Kinniya are symbolic of the whole process.

1. From Kurangupanjan to Kinniya

Six months ago, the LTTE's new camp at Kurangupanjan was seen as a marginal problem. Its construction deprived some Muslims of the lands they have cultivated, but the situation did not appear to threaten the community in the area as a whole. The Sri Lanka Monitoring Mission warned the LTTE several times that their continued encampment there was a violation of the cease-fire agreement. The LTTE ignored these strictures and got away with it..

In our last bulletin we pointed out some of the reasons why the LTTE wanted to exclude especially Muslims from the area between Kinniya and Mutur. There are a large number of child conscripts trained and stationed in the area, including girls as young as 11 and 12. When child soldiers escape as they often do, they generally cross Salt River (Uppaar) and are often helped by Muslims to go from Kinniya to Trincomalee. That was a reason for Kurangupanjan. The end result of the LTTE's territorial expansion, through a process of attrition advanced by terror, would leave Muslim civilians trapped in two militarily besieged enclaves in Kinniya and Mutur towns, with very fragile lines of communication. This was clearly demonstrated in the case of Mutur.

On 7th October journalists brought by the Centre for Policy Alternatives (CPA) visited Kurangupanjan. (We referred to this notable event in Bulletin No.33.) The visitors were accompanied by key local figures of the LTTE. The LTTE's intention in agreeing to the tour was to show that their presence in Kurangupanjan went back several years. But the visitors discovered that in fact the camp was located in what had been the Muslim village of Bharakat Nagar, with its school and mosque, which the Muslims had been forced to abandon.

Just about the time of the CPA visit, another land dispute became a source of violent conflict between the Tamil and Muslim communities. A three-acre plot of land granted for expansion of the FaisalNagar School had been occupied by a group of Tamil villagers claiming to be resettling after displacement. A local Hindu Temple had supposedly donated the land, but legal ownership of the property was with the State. Some Muslims had also cultivated on a part of it. As has frequently been the case, the immediate potentially resolvable conflict over land ownership became confused by more obscure grievances raised in the Tamil media, resulting in a violent confrontation. Families from both communities were displaced by the violence, and the game of partial truths went into full swing.

TamilNet reported on 8th October that a Tamil youth Selvarajah Lingeswaran suffered cut injuries from being attacked by a Muslim gang with machetes, who tried to chase out Tamils resettled on land belonging to the Alankulam Pillayar Temple. The report made no reference to the history of the Faisal Nagar community or to competing claims to the land.

There is little doubt that the LTTE backed the attempts by Tamils to settle on this land. No one in an area virtually under their control would take such an initiative without their backing. If the LTTE was capable of responsible leadership, it could have called for an independent body to ascertain the status of the land after hearing both sides and consulting documents. This would have enhanced the LTTE's credibility as a claimant for rule over the entire North-East. The Muslims are essentially willing to accommodate the LTTE if it would display more statesmanlike behaviour in its dealings with their community. Instead what they have experienced again and again is vanda-like behaviour on the LTTE's part, and not for their lack of persistence in trying to reach an understanding.

Relations between Muslims and Tamils in Kinniya have not always been so tense. Even when the LTTE's massacres of Muslims in the 1990s provoked reprisals against Tamil villagers by Muslim home guards in other parts of the East, no notable violence was attributed to Muslims in Kinniya. In 1993 we reported on the situation in neighbouring Alankerni when the Tamil refugees were returning. They spoke of about 25 deaths resulting from army action, but did not attribute any to the Muslims (our Report No.12).

The Tamils in Kinniya have suffered much and need help. From 1990 onwards the LTTE's politico-military machinations at their expense contributed significantly to their suffering. Recent LTTE efforts to drive Muslims out of key territory only exacerbate the potential for further violence.

How the pro-LTTE media covers these incidents, presenting the Muslims as the aggressors reflects the agenda. Nothing is said about the power balance that weighs heavily against the Muslims. Alleged Muslim encroachment of a relatively small piece of land claimed by Tamils is blown out of proportion. The Tamil Press hardly ever mentions that the LTTE continues to deny Muslims access to large tracts of arable and residential land (especially in Batticaloa and Trincomalee Districts). As we reported in Bulletin 33, the LTTE's Kurangupanjan camp sitting on the Muslim village of Bharakat Nagar has blocked Muslims from using many acres of fields around the camp.

The story of Kinniya is not a ghost story, but one might be pardoned for coming to that conclusion after reading the fantastic explanation for the killing of Muslims there provided by the Acting IGP (*Island*, 28th November). When the Acting IGP's inquiries pointed to a mysterious "third party" responsible for the murders, the story took a decidedly Gothic turn. It appears Kinniya has come to be haunted by a murderous spirit from Kurangupanja, which strikes Muslim travellers and dwellers unawares.

We do not mean to impugn the Acting IGP's professional competence; he was only conforming to the job specification for the Sri Lanka Police demanded by this 'peace process'. But had the Acting IGP resisted the political pressure to appease the LTTE and examined the evidence, he could not have failed to see the glaring links between the LTTE's duplicity over Kurangupanja, their orchestration of trouble in Kinniya in October, and the pattern of attacks around Kinniya in the final week of November.

The LTTE's intended goal was clearly the significant enhancement of what was in effect the 'excluded zone' around Kurangupanja, as an extension of its strategic zone between the Mahaveli and Salt rivers. The implications of what is going on bear not only on the future of Muslims in the East, but are a reflection of the kind of state that is coming to birth in the North-East.

Below and in Appendix I, we describe the background to the violence in Kinniya, and the sequence of incidents from 8th October 2003. Most of these attacks were red herrings intended to distract and leave the casual observer with the impression that the events were tit-for-tat incidents between two communities with no direction or underlying motive. To the credit of the Muslim religious leaders in Kinniya, when provocation was intensified in November from the eve of Ramzan, they prevented any physical retaliation against Tamils, leaving the LTTE's machinations exposed for those who cared to see.

One could see *TamilNet* playing up Tamil displacement and problems of food supplies for them to make it seem a two-way confrontation, but it does not quite come off. The displacement of hundreds of Tamil families as also hundreds of Muslim families should never have taken place. The reasons for fear and insecurity on both sides are easily explained. The important question is not however, who suffered more, but whose machinations did the suffering result from and what agenda was this suffering meant to fulfil?

Appendix II covers events around Mutur before the LTTE's attention shifted wholly to Kinniya. These again speak of the LTTE's crude use of Tamil civilians to tighten its regime of brigandage around the Muslims.

2. Background: The Land Dispute in Kinniya

We will first deal with the land matter, which marked the beginning of troubles in Kinniya. It is not our intention to pronounce on the matter. We will take the case as put forward by the Tamil side and show its weaknesses.

The *TamilNet* of 8th October quoted Mr. Ketheeswaran Pathmanathan of the Aalankulam Temple Trustee Board:

A Muslim group has been trying to pressure poor Tamil families who are settled in 12 acres of land belonging to the Aalankulam Pillaiyar Temple to leave. There were encroachments here by Muslims since we left the village due to the war in 1990. A Muslim settlement called Faisal Nagar came up nearby on land that had been taken over from a Tamil landowner by the Land Reform Commission in 1972.

Faisal Nagar features at the centre of the dispute leading to recent clashes. There appear to be two separate issues here. One is the alleged Muslim encroachment on some of the land belonging to the temple, whose occupants were displaced in 1990. The second is Faisal Nagar coming up on land taken over from a Tamil.

A detailed article on the land conflict by writer 'Poomiputhiran' appeared in the *Sunday Thinakkural* of 12th October. We give the relevant points in summary:

Alankerni is a Tamil village south of Kinniya, a little interior from the road going south from Kinniya along the bay to the east. Kinniya is a predominantly Muslim town. The land separating Kinniya and Alankerni was cultivable land, part of 500 acres that belonged to Captain Saravanamuttu from Jaffna who married in Trincomalee. Under the Land Reform Commission (LRC) of 1972, Captain Saravanamuttu forfeited land in excess of 50 acres. Thus 450 acres acquired by the LRC had to be redistributed to local residents.

The local MP M.L.A. Majeed, then a government minister, took only the Tamils in Kinniya into account in deciding the proportion of land to be given to Tamils and failed to include the Tamils in Alankerni. Hence the gap between Alankerni and Kinniya has become the predominantly Muslim village of Faisal Nagar.

Of the 50 acres remaining with Saravanamuttu, he sold 25 acres to Ranjith Kodikara, a Sinhalese, and donated 10 acres to the Alankulam temple. Saravanamuttu himself was shot dead during the IPKF period (1987 - 1990) by 'unknown persons'. His family went abroad. When the Tamils were displaced in 1990, the larger portion of his remaining 15 acres was encroached by Muslims.

According to the writer, central to the current problem is the search for a playground for Faisal Nagar School. When some Tamil families who had been refugees for many years attempted to resettle on land they had previously lived on, a group of Muslim youth asked them to leave. In the resulting clash a Tamil youth Kethesh was injured, as were some young women.

The accusation against Majeed is unfair at this distance in time, unless it is shown that Tamil leaders raised the matter at that time, made their case clearly and lodged an official protest that went unheeded. In 1972, Majeed as MP for Mutur was very friendly with A. Thangathurai of the Federal Party who was Second MP for Mutur. Both were careful about being seen as fair by the other communities whose votes were also crucial to them. Majeed was SLFP.

Moreover, the allocation of land under the LRC would have been handled largely by Tamil officials in the Trincomalee kacheri. A relevant question that has not been addressed by Tamils who allege unfairness to Alankerni in the distribution of Saravanamuttu's land is whether Alankerni was included in the distribution of other lands, say south of Alankerni, and away from Kinniya.

The document of M.I.M. Mohideen of the Muslim Rights Organisation (MRO) lays the facts clearly without the obscurity of other accounts. It says in summary:

The land in dispute is 3 acres in extent and part of Saravanamuttu's land that was taken over by the LRC, but not allocated to anyone. It had been cultivated jointly, but without authority by the Muslim Religious School and the Alankulam temple. The Faisal Nagar Muslim Mixed School made a request for the land for school expansion. It went through the due process, the land was surveyed by the Survey Department in 1998 after approval was obtained from the LRC and the Provincial Land Commission, and finally handed over to the school through the Education Department on 22nd September 2003. It was then that it became an issue.

The Temple apparently got involved. According to the MRO, nearly 18 Tamils entered the land and blocked it up into lots. The Zonal Director of Education complained to the Police and then the SLMM, but neither of them settled the matter. On 8th October a large number of Muslims went to the land with the Divisional Secretary and the Police. This was when the violence began. Two Muslims were abducted by Tamils and four Tamils by Muslims, all of whom were released in the evening. According to the MRO about 15 Tamils were injured.

Other Muslim sources said that the Tamil families had not lived there before and there was ample land for them in Alankerni. In the course of the argument, these sources said, some of the Tamil women said that they were not on their own and the LTTE was backing them. It was then that the violence began.

The LTTE could easily have settled the matter, since there was no real cause for grievance. There was a need, and the processing of the request by the school was done openly over several years apparently without any serious objection. If any Tamils were deprived as the result, the solution was to find them alternative land.

It is not unusual for members of the Tamil community to have strong reactions to the idea of Tamil-owned land going to Muslims (even if the former owner was in fact killed by Tamils as a traitor). But leaders must rise above this petty communalism. On the LTTE's role, the MRO says:

At the border of Alankerni - Idiman, Tamils attacked the Muslims in the morning [of 9th October]. LTTE Anpalakan invited the Ulamasabai (Council of Muslim Theologians) for immediate discussion. When the representatives of the Ulamasabai went LTTE Anpalakan did not turn up. However, Mr. Parimelalakan from LTTE Political division came. They met and dispersed. Soon after the meeting with LTTE's Parimelalakan, the Tamils attacked the Muslims in Alankerni No.10,

Situation became tense and Muslims in the boarder villages started moving out to the interior of Kinniya and Kuttikarachi.

The LTTE was not interested in a solution.

Families from both communities suffered displacement as the result of the incidents of 8th-9th October. According to Muslim sources there was word from some Tamils that because the people of Alankerni were not able to celebrate the festival of Deepavali which fell on 24th October, they would not allow the Muslims to celebrate Ramzan which was due a month later. An incident during Deepavali gave a hint of what was coming. There was no doubt who was behind the terror, the unpredictability and treacherousness, which was calculated to paralyse a community. Even some Muslim parliamentarians were beginning to behave like their TNA colleagues.

3. The Incidents of Late November

We mentioned that many of the incidents contained in Appendix I were intentional red herrings meant to cloud the real agenda. We deal with what we believe are the significant incidents:

1.) 22nd October 2003

(i) *EPDP News*: In Kinniya in Trincomalee District, the LTTE robbed two bullock carts belonging to Muslims along with the bulls. Following this, the people of Kinniya, mostly Muslims, staged a *hartal* in protest. Even the ferry service to Trincomalee was brought to a halt. An incensed crowd of Muslims mercilessly attacked some LTTE members travelling by a three-wheeler through Kinniya and handed them over to the Police. The Police attempted to release the LTTE cadres. This angered the crowd, which thereafter stoned the residences of ruling party MPs, Thideer Towfeek and M.A.M. Maharroof. The Police imposed a curfew to bring the situation under control.

(ii) *TamilNer*: Muslim mobs attacked the homes of two Parliamentarians in the area and abducted six Tamils. Police said the mobs, inflamed when Sri Lanka army units rescued the abducted Tamil civilians, stoned the troops. "This is the work of a criminal outfit that is trying to create a big Tamil Muslim clash for narrow political gain", charged Mr. M. A. M (Sinna) Mahroof, UNP MP for Trincomalee whose house in Kinniya was attacked and completely ransacked...Mr. Mahroof alleged that one Mr. S. L. M. Hasan Mowlavi, a former candidate for SLFP and SLMC, leads the group that attacked his home and abducted the Tamils...The Tamils, three men and three women were travelling in an auto rickshaw through Kinniya Thursday afternoon when they were abducted by a group of armed Muslims. (It is very unusual for three men and three women to crowd into an auto-rickshaw. Local sources identified the 'civilians' as members of the LTTE.)

2.) **25th October** (*EPDP News*): Men believed to be from the LTTE attacked S. H. Mahroof, an employee of the Ceylon Electricity Board's Kinniya sub-office who was returning home after ensuring resupply of electricity to Kinniya. He was cut with a sword and killed. His colleague Abdul Jabar escaped with injuries and complained to the Police at China Bay.

Independent Muslim sources added that the sub-station concerned relayed electricity coming from Tampalakamam to Kinniya and Muttur, and the switching was normally done by Tamil technical personnel. On that day the two Tamil officers who normally went there were on leave for the Deepavali festival, which fell the previous day, and that was why the two Muslim officers went there. It was then about an hour after nightfall. Some persons waiting there, whom they took to be LTTE cadres, called them. When the Electricity Board men went, their torchlight was grabbed from them before they were attacked. Both were injured and Mahroof died later in hospital. The treachery involved was meant to create an atmosphere where no one could trust a member of another community.

3.) **23rd November:**

(i) *EPDP News*: About 9.00 PM, a grenade was thrown by the LTTE in Faisalnagar in Kinniya in Trincomalee District, killing Mohamed Haniffa Mansoor, a Muslim. Two other Muslims, A.S.Bhutan and M.Jamaldeen were injured.

(ii) There are two police versions of this incident:

Version 1 - Acting IGP's Report (*Island* 28 Nov.03): Around 21.30 hrs, one Jamaldeen of Kupanagar, Kandal Adiuttu, Kinniya with two others named Mansoor and Abulsami sustained injuries due to an explosion of a grenade when they were engaged in illicit distilling of pot arrack in a jungle area in Kinniya Police area. Injured Mansoor succumbed to his injuries on admission to hospital. There is no evidence whether this was an attack made on them or whether the explosion took place when the deceased were trying to meddle with the hand grenade under the influence of liquor.

Version 2 – SSP Trincomalee Upali Hewage (report by P. Krishnaswamy, *Sunday Observer*, 30 Nov.03): [In] a similar incident last week in which four Muslims were killed, Hewage said that according to investigations, the grenades were lobbed by Hindus during the Muslims' Ramzan festival as a revenge for staging a *hartal* during their Deepavali festival and thus disturbing their celebrations. [Note: The four deaths refer to incidents 3.) and 4.) (below) taken together.]

4.) **24th November:**

(i) *EPDP News*: About 1.30 am, a second grenade attack was made by the LTTE on lorry bearing number 226-9712 belonging to a Muslim. In this attack, A.Zaheer (age 45) was killed. Four other Muslims, Thuvon (age 30), Achchilebbe (age 40), M.Sathab Abdullah (age 40) and A.M.Ayub Khan were seriously injured. The lorry was damaged. (Two of the four Muslims hospitalised died later, bringing to three those killed in the second incident the same night.)

(ii) Acting IGP's Report: At 02.15 hrs an unknown person had hurled a hand grenade at lorry No. 226-9712 at Kochchakodithive in Kinniya Police area. Due to this, one Zakeer who was travelling in the lorry died and three others named A. M. Chun, S. Haussan and

Mudeen of Kinniya sustained injuries. Motive for throwing of grenade is not known. (See 3 (ii) for a different police version.)

(iii) *TamilNet*. Two Muslim civilians were killed by unknown assailants in two separate incidents in the Kinniya division in Trincomalee district, security sources said. The first incident took place at Faizal Nagar on Sunday night at about 9 PM and the other at Kachchaikoditivu on Monday early morning around 2 AM, sources added...Meanwhile the Kinniya Jemiyathulmal Ulama (Muslim Theologians') Council has appealed to Muslims through loud hailers installed in the mosques in the division to maintain calm, Kinniya residents said.

5.) **29th November:**

(i) *EPDP News*: In the early hours of the morning, LTTE men chopped and killed 3 Muslims farmers who went to their fields in Kurangupanchan in Kinniya Division of Trincomalee. The victims are Nagoor Faleel Farook (age 52) of Ward No. 6 of Kinniya, Abdul Muthalib Zubair (age 65) of Idimann in Kinniya and Achchu Mohamed Hassen (age 35) of Manirasakulam. Two other Muslims who also went along with the victims are missing. It is suspected that they had been abducted by the LTTE.

(ii) *TamilNet*. Unknown persons killed three Muslim farmers in Nadu Ootru in Kinniya division in Trincomalee district. Fellow farmers found their bodies Saturday (29th) morning in paddy fields with injuries said to have been caused by pointed weapons and reported the incident to the security forces. Nadu Ootru village is in the government controlled area, police said. According to investigations carried so far, the three dead farmers on the night of Friday had been guarding their rain-fed paddy crops from wild animals, police said.

(Note the attempt to confuse the issue by the practically meaningless reference to the area as government-controlled.)

(iii) Two police versions:

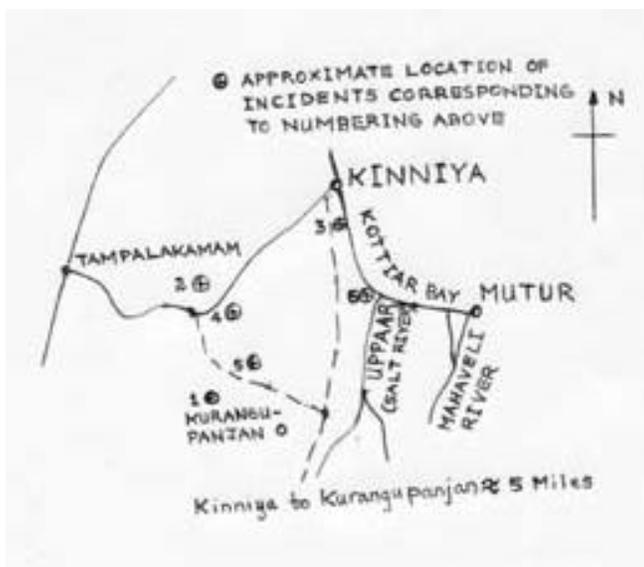
Version 1 – *Sunday Observer* (report by P. Krishnaswamy, 30 Nov.03): SSP, Trincomalee, Upali Hewage...said that the killings were connected to land disputes between the Tamil and the Muslim farmers and were not connected to communal or political conflict. " Muslim farmers began cultivating their lands in the Tamil villages, after the LTTE consented to return the fields recently, but the Tamil farmers who had owned the lands for over 15 years have turned now hostile", Hewage said, adding that, the problem would have to be settled collectively by the LTTE, the Government and officials of the land registry.

Version 2 – *Sunday Island* (report by Namini Wijedasa, 14 Dec.03): They had been tied up and chopped to death while watching their paddy fields by night...Police said the victims had ignored warnings by the LTTE (or the LTTE-trained auxiliaries) to stop cultivation in those areas.

- 6.) 30th November (*EPDP News*): At 10.30 PM, the LTTE threw a grenade and opened fire at a Muslim house in Kandaladiyootru in Kinniya. As a result, Mohamed Zakaria (age 43) was killed instantaneously. Another Muslim, Mohamed Althus received severe injuries.
- 7.) 30th November (Independent Muslim Sources): At 10.30 AM 3 Muslim students from Kinniya who were attending tuition classes in a Tamil area in Trincomalee Town were viciously assaulted in front of the LTTE office near Madathady. The three ran in different directions and escaped. One reached Kinniya and reported the matter. The other two who were missing later reached Kinniya in the evening.

A rough location of six of the incidents is given in the map below, which also tells us about their significance. We have tried to fix the locations identified by place names. Nearly all incidents in the Kinniya Division are located to the south of the town. The division represents a wedge shaped landmass, with Kinniya town almost at the apex, pointing north, having Kottiar Bay to the east and Tampalakamam Bay to the west.

4. MAP



5. Police Versions: A Mess of Contradictions and missing the Point

The Acting IGP's statement of 27th November referred to four incidents and drew no links between them. The two incidents in Kinniya which occurred about 5 hours apart about 9.00 PM on 23rd November and 2.00 AM on 24th November, which involved grenade blasts, are speculatively presented so as to appear unconnected. The Police have suggested the possibility that the victims in the first incident were playing with a grenade under the influence of liquor. If the suggestion were backed by testimony from witnesses, the Police would have done well to say so rather than speculate, while admitting that there is no evidence either way.

The Tamil radio *Sakthy FM* too reported the story that a grenade exploded during a drunken quarrel between the victims. *Muslim Kural (Muslim Voice)* angrily dismissed the insinuation saying that the deceased was a teetotaler and was a few minutes after *Ifthaz*. A different police version given by Trincomalee SSP Upali Hewage two days after the Acting IGP's statement is more in line with the *Muslim Kural* report (see 3. (ii) above). According to organisational chain of command, the Acting IGP's report should have been based on the investigations of the senior-most police officer in Trincomalee – namely SSP Upali Hewage. How then does one explain the different versions of the Acting IGP and the SSP – the first suggesting a drunken quarrel among Muslims and the latter blaming a 'Tamil Hindu' gang?

The people in Kinniya, however, instinctively see the two incidents on the 23rd night as caused by the same party with the same motive of provoking a reaction against the Tamils. According to local sources, the mother of one of the victims in the second incident phoned Dambulla late in the night and told her son who was among the group that was to come by lorry that there had been an incident in Kinniya and not to travel by night. The group was one that traded in produce such as vegetables between Kinniya and Dambulla. This was the eve of Ramzan and they were anxious to make it home before daybreak, besides they were not going through Faisal Nagar.

Again, the two crucially different police versions of incident 5.) above separated by two weeks suggest that the plurality of police versions is more indicative of the Police's inability to cope with confused signals coming from politicians than of the truth itself. The November 30th version exonerates the LTTE, while the unofficial December 14th version points otherwise.

We give below accounts of two of the key incidents we gathered through repeated queries directed to independent Muslim sources in the area, where the Police have left us little wiser:

Faisal Nagar, night of 23rd November: According to our sources and also *Muslim Kural*, the grenade explosion took place on a public road rather than in a *kasippu* (illicit liquor) den in the jungle as suggested in the Acting IGP's report. The victim M.H. Mansoor who was killed in the explosion was on the main gravel road through Faisal Nagar, on his way home after purchasing a bundle of firewood for cooking at the end of the day's religious fasting. According to these sources, Faisal Nagar is mixed and is part Tamil, and the brewing of illicit liquor is largely a Tamil enterprise. There is also a crowd of Muslims, who patronise Tamil dens or brew the stuff themselves, but the deceased was not of such a persuasion.

Nadu Ootru, night of 28th–29th November: This is an area where the LTTE has been moving around freely and there was no bitter land dispute between the Tamils and the Muslims as suggested by SSP Hewage. Tamils and Muslims of the area have generally had friendly relations, and any dispute would have been settled before sowing in September or October. We have also been informed by very reliable sources that there was an eyewitness to the incident who escaped by crawling through the paddy fields to inform people in Kinniya of the killings. The Police must have known about this witness as soon as the alarm was given. For reasons of the safety of the witness, his relatives do not wish to publicise his name.

The story of this witness which fits context well is as follows: A day or two before the incident LTTE men came to where the Muslim farmers had their makeshift dwellings and were friendly

and reassuring. The farmers also entertained the LTTE men to dinner. Subsequently some well-meaning Tamil civilians warned the Muslim farmers that the LTTE was planning to do them harm. The Muslims, having felt reassured by the LTTE visitors, stayed on. On the fatal night the witness saw dimly by the firelight of the *wadi* a party of unknown persons arriving.

The witness took alarm and lay hidden, when his three companions from whom he was at the time separated began screaming. He observed that three of the party of intruders who carried guns stood aside, while the others set about attacking the victims with sharp instruments, including axes. One victim's head was split with a blow from an axe causing a part of his brain to spill out. In the case of another victim who had been felled, a blow from a sharp instrument missed his face and cut off an ear.

This account shows both police versions to be lacking in credibility. The first raised a non-existent land dispute between Tamils and Muslims (nearly all farmers in Nadu Ootru are Muslim and the area is technically government-controlled) and the second spoke of the LTTE having warned Muslims not to cultivate. The Muslims are immediately struck by another recent parallel. On 19th April 2003 (see Sp. Rep.17) during the Mutur troubles, LTTE's local tax collector visited Jinnah Nagar (58th MilePost) in the night, in the company of other LTTE men and chatted reassuringly. They drank tea that was served at the house of a leading resident, and went away. Two hours later an LTTE gang raided the place, looted the valuables, destroyed much that was left and drove away the residents.

6. A Revealing Press Conference

In the experience of the Muslims, the time to watch out is when the LTTE tries to be nice. That is the real warning. Take the LTTE's Trincomalee political leader Tilak. He hardly said a harsh word to the Muslims – all sweetness and charm. But the record speaks otherwise. LTTE political wing leader Thamilselvan too tried to turn on his charm at a press conference involving 40 journalists from the East, including Muslims, on Friday 19th December. 'He realised', he observed with prescience, that the Muslims must have been heart broken when they were unconscionably, but unavoidably, forced out of their native Jaffna in 1990.

Thamilselvan (T) sent an unambiguous message that the Muslims must economise on their political leadership by getting rid of 'opportunistic politicians' and coming under a puppet structure like the TNA – a democratic feat they had gone a long way to accomplish among Tamils. On the violence against Muslims in Trincomalee, T said that the LTTE is not responsible. T pointed the finger at the JVP and Sihala Urumaya, who according to him were, unlike the LTTE, strong in the area. He said that such 'majoritarian extremists' resorted to actions of this nature from time to time.

Commenting on T's observations and the commission given to them as the 'third eye' to revolutionise the Muslim political landscape, a Muslim journalist complimented T on having spoken 'cleverly' (*saathuriyamaha*). T, sensing the ambivalence of the compliment, replied that there is nothing to be clever about and he had only spoken the truth. And as to his authority, T said literally that he spoke standing tall upon 17000 lives!

7. The LTTE's Weli Oya

In the aftermath of the incidents in Mutur and Kinniya, Muslims have found themselves further confined and their economic life made increasingly untenable. The pattern of provocation strongly suggests deliberate calculation. On 2nd December local LTTE leaders had a meeting with Muslim leaders in Kinniya and promised that there would be no further attacks on Muslims. But this kind of thing has become routine public relations and nothing changes. Muslim critics note that the LTTE never identifies the miscreants (eight murders in the case of Kinniya) or punishes them. The Tamil media has tried to divert attention away from the central issue to the problems of displaced Tamils. The fear and insecurity in which the Tamils are constrained to live is deliberate on the part of the LTTE. It provides opportunity for continued manipulation.

The end result is that the LTTE has carved out for itself an exclusive zone including areas between the Mahaveli River and beyond Uppaar (Salt River) to the west. Their expansion effects large tracts of Muslim agricultural land, previously cultivated by Muslim farmers, which now lie fallow, or are in many instances used by Tamils who pay rent to the Muslim owners (The Muslims clearly went into these areas at their own peril). The effects are also economically devastating for Tamils, since decreased cultivation overall and the LTTE's tendency to fix wages at a lower level for work in fields it has taken over (see Special Report No.16) means fewer jobs and lower wages. The same pattern is also evident particularly in the Batticaloa District.

What the LTTE has accomplished in much of the area between the south of Kinniya and the East Coast bears a strong resemblance to the Sri Lankan State's Weli Oya project (see our Special Report No.5 of 1993 and Bulletin No.4). At the end of 1984 Tamils were systematically expelled from the south of Mullaitivu District and the northern end of Trincomalee District, to carve out an exclusive area under army control. Successive governments let that wound fester, avoiding addressing the serious political and moral questions raised by it. This set a very dangerous precedent.

Today the LTTE is using the same methods of violence, murder and deception to carve out an exclusive military zone across Cottiar Bay south of Trincomalee under what is meant to be a peace process. Because of this formal constraint the LTTE will not trot out the arguments used by the Government for Weli Oya right now. But if it does so later it may be on strong grounds. The peace process has conferred on it quasi-statehood and a certain legitimisation of parallel ideological claims, which is as dangerous when applied to the LTTE as it was when applied to its Sinhalese counterpart. Both have their roots in the territorial claims of exclusivist ideologies and this is why those who cling to the wilting plant of Sinhalese exclusivism have strengthened the LTTE. These ideologies are enemies of human rights.

Appendix I

Incidents Around Kinniya: Late October - Early December 2003

In Kinniya on **22nd October 2003**, the LTTE robbed two bullock carts belonging to Muslims along with the bulls. Following this, the people of Kinniya, mostly Muslims, staged a *hartal* in protest. Even the ferry service to Trincomalee was brought to a halt. An incensed crowd of Muslims mercilessly attacked some LTTE members travelling by a three-wheeler through Kinniya and handed them over to the Police. The Police attempted to release the LTTE cadres. This angered the crowd, which thereafter stoned the residences of ruling party MPs, Thideer Towfeek and M.A.M. Maharroof. The Police imposed a curfew to bring the situation under control.

On **25th October 2003**, persons believed to be from the LTTE, attacked S. H. Mahroof, an employee of the Ceylon Electricity Board's Kinniya sub-office who was returning home after ensuring resupply of electricity to Kinniya. He was cut with a sword and killed. His colleague Abdul Jabar escaped with injuries and complained to the Police at China Bay (*EPDP News*). Independent Muslim sources added that the sub-station concerned relayed electricity coming from Tampalakamam to Kinniya and Mutur, and the switching was normally done by Tamil technical personnel. On that day two Tamil officers were on leave for Deepavali and that was why the two Muslim officers went there.

On **28th October 2003**, three Muslims were attacked with swords by the LTTE at fourth channel area of Mullipotana. M.S.Sheriff (age 55) M.S.Marzurk (age 25) and M.S.Assen were admitted to the Kantalai and Dambulla Hospitals. Following the attack, Muslims of Mullipotana blocked the Colombo-Trincomalee road for a few hours. The Police intervened and brought the situation under control (*EPDP News*).

On **23rd November 2003**, at about 9.00 PM, a grenade was thrown by the LTTE in Faisalnagar in Kinniya in Trincomalee District, killing Mohamed Haniffa Mansoor, a Muslim. Two other Muslims, A.S.Bhutan and M.Jamaldeen were injured.

In the early hours of **24th November 2003**, that is, at about 1.30 AM, a second grenade attack was made by the LTTE on lorry bearing number 226-9712 belonging to a Muslim. In this attack, A.Zaheer (age 45) was killed. Four other Muslims, Thuvon (age 30), Achchilebbe (age 40), M.Sathab Abdullah (age 40) and A.M.Ayub Khan were seriously injured. The lorry was damaged. According to independent Muslim sources, the grenade was thrown from the left of the lorry, whence the driver escaped unhurt. One person died instantly. The driver drove on without stopping and admitted the injured in hospital. M. Asami (30) died the following day in Trincomalee Hospital and another in Kandy Hospital.

According to the Acting IGP's report, about 20.30 hrs on 25th November, a hand grenade was thrown by an unidentified person near the Mohideen Jumma Mosque, Moor Street, Trincomalee, at a crowd of persons. 2 Tamils and 4 Muslims sustained injuries and were admitted to Trincomalee General Hospital for treatment. The names of the injured are M. Ziam, M. Thaslim, A. Parbaharan, B. Prabath, N. Sibil and J. Kamaladasan.

The relevant context, according to independent Muslim sources is that about 4.00 PM on that day Muslims coming out of the Mosque after worship saw an unknown man at the entrance who

claimed to be waiting for someone. The worshippers were suspicious and reported the matter to the army post nearby. When the soldiers came, the man ran and escaped jumping over the back wall of the Mosque. The Muslims are sure that the man was Tamil. Later in the evening, a hand grenade was thrown by persons who came in an auto-rickshaw.

Following the incidents in the Kinniya Division of Trincomalee District, hundreds of families from both communities were displaced from Faisal Nagar and environs, the Muslims northwards to Kinniya and the Tamils south to Eechantivu.

TamilNet reported (29 Nov.03): More than one hundred Tamil families in the Kinniya division in the Trincomalee district have sought refuge in the Eechantivu welfare center when a group of Muslim youths blocked the Kinniya co-operative society from distributing relief as ordered by the Trincomalee district Government Agent, civil group sources said. (The relief was taken to the Tamil refugees with an army escort by night, through an alternative route avoiding Kinniya town.)

On **27th November 2003**, a Sinhalese driver of a lorry belonging to a Muslim was stabbed by the LTTE at Madathady Junction in Trincomalee Town.

On **29th November 2003**, at about 10.30 PM, a grenade was thrown at the house of a Tamil, Nadarajah Sivarajah, in Jamaliala, a Muslim-majority area of Trincomalee Town. According to reliable sources, the grenade was thrown by Muslim Home Guards (*EPDP News*).

On **29th November 2003**, in the early hours of the morning, attackers believed to be from the LTTE chopped and killed 3 Muslims farmers who went to their fields in Kurangupanchan in Kinniya Division of Trincomalee. The victims are Nagoor Faleel Farook (age 52) of Ward No. 6 of Kinniya, Abdul Muthalib Zubair (age 65) of Idimann in Kinniya and Achchu Mohamed Hassen (age 35) of Manirasakulam. Two other Muslims who also went along with the victims are missing. It is suspected that they had been abducted by the LTTE. (*EPDP News*, 1 Dec.03)

On **30th November 2003**, at about 7.00 AM, near Palaiyutru railway crossing in Trincomalee Town, suspected LTTE men attacked a Muslim fishmonger, Abdul Mohamed Cassim (age 42). All his fish were confiscated by the LTTE. Following this incident, Muslims inside De Luxe Saloon on Moor Street attacked Udayakumar, a Tamil. This incident was followed by an LTTE attack on another Muslim Mohamed Razeed Sayun. Thereafter Muslim attackers entered the house of Guruparan of the LTTE's Tamil Rehabilitation Organisation on Sarada Lane and assaulted Guruparan's brother Mathiyalagan as Guruparan was not in the house. At 2.00 PM, the LTTE pelted stones at shops owned by Muslims on Ehambaram Road. The Police were able to bring the situation under control within a short time (*EPDP News*).

On **30th November 2003**, at 10.30 PM, the LTTE threw a grenade and opened fire at a Muslim house in Kandaladiyootru in Kinniya. As a result, Mohamed Zakaria (age 43) was killed instantaneously. Another Muslim, Mohamed Althus received severe injuries (*EPDP News* and independent Muslim sources).

On **1st December 2003**, at the Mud Cove checkpoint, Police detected hand grenades in the possession of 3 Muslims, Abdul Latif Ansar, Haniffa Zafarullah and Asar Hamsa. All three were arrested.

On **1st December 2003**, at about 10.00 PM, at Moulana Junction in Gandhi Road, Eravur (north of Batticaloa), suspected LTTE men who came in a three-wheeler shot dead Sulaiman Lebbe (age 27), a Muslim employee of the Eravur Hospital. The killers escaped in their vehicle (*EPDP News*). Other sources added that the victim had been on ambulance duty and was going home late because he had just returned after admitting a patient to Batticaloa Hospital.

In Chembukulam area of Kinniya Division, a LTTE Pistol Group shot a Muslim Mohamed Nainar Jaleel (age 42) of Soorankal. The victim has been admitted to the Intensive Care Unit of the Trincomalee Hospital. (*EPDP News*, 2 Dec.03)

On **4th December 2003**, on Jayah Road, Mutur, in Trincomalee District, a Muslim, Yunus Abdul Razeek (age 32) was killed in a grenade explosion, just outside the LTTE's Office.

In the Kinniya Division in Trincomalee District, the security forces arrested four LTTE members who were attempting to set fire to houses belonging to Muslims in Kachchakoditivu.

Appendix II

Mutur Incidents

The following list has been compiled from reports by independent Muslim sources supplemented by details mainly from *EPDP News*. The reports from the Muslim sources were fairly complete except in minor details such as the names of Tamil persons who suffered injury in reprisal attacks. The pattern of LTTE action is very clear - harassment and violence against Muslims to cripple their economic activity and movement in the areas surrounding Mutur town. In other words to make life in any normal sense impossible. The incidents in Kinniya a few weeks later must be seen against this backdrop. The aim as we have averred is to create a military zone from which the Muslims are excluded and Tamils are carefully watched (see incident on 29th October where two Tamils were killed).

16th October 2003: Two Muslim labourers from Jinna Nagar, Mutur - 2, objected to the LTTE wanting their bullock cart saying that they paid the required tax. The LTTE men took their cart with the bulls after assaulting them badly. The two were hospitalised in Mutur.

About 1.00 PM the same day **Navalady Ranjan** of the LTTE accosted the fisherfolk from Tahanagar, Mutur, and informed them that they should not trespass into the sea zone claimed by them from the next day, and would face severe punishment if they do. Ranjan was one of the key instigators behind the violence of June last year following accusations that the Muslims were behind the breaking of a cross. The same day the Muslims were warned that they are banned with effect from the 17th from taking sand for their building work from Munai, which lies in the government-controlled area.

25th October 2003: **M. Anser** (67), a father of eight, who was returning to Mutur after a business trip to Polonnaruwa, was assaulted and humiliated by a gang of six Tamil youths in front of Kali Temple, Trincomalee about 5.30 AM. The assailants, who included a youth from Mutur, robbed him of Rs. 8500 and shaved his hair and beard and told him that this is a warning to other Muslims in Mutur as well. Anser was admitted to Trincomalee Hospital in a poor condition.

In the afternoon of the same day, when the passenger ferry from Trincomalee arrived in Mutur, a group led by a grand son of Anser attacked with sword Subramaniam Rajalingam (age 28) in New Jetty Road, Mutur. The passenger who was on his way to Mallikaitivu was hospitalised. The same day, the LTTE set fire to a lorry belonging to Muslims at Mallikaitivu junction. Another lorry, which attempted to escape the attack, turned turtle. These incidents took place the same day that suspected LTTE men killed a Muslim Electricity Board officer in Kinniya after sunset. Mutur was then blacked out for the next two weeks adding to the fears of Muslims who lived in border zones. But observers do not see a connection, since the LTTE deals with Muslims in Mutur, Kinniya and Thoppur as separate groups, trying to play one against the others. (See incident on 1st November below.)

Some leading members of the local Muslim community visited the injured Tamil passenger in Mutur hospital, gave him refreshment, and pleaded with him that harm has been done contrary to their wishes, but not to let this go any further. The injured man was discharged the following day.

26th October 2003: Following warnings sent out from Mutur, several passenger vehicles proceeding to Mutur stopped at the Palathoppur army camp. Subsequently these vehicles proceeded to Mutur with an escort of 40 army personnel. Before reaching Mallikaitivu Junction some well-meaning Tamils told them that goons were waiting for them at the junction. Nevertheless, the Army unit decided to proceed and found the road blocked by about 20 Tamil goons. The Army unit sent radio messages to other camps for support. Despite the number of army personnel being much higher, a senior officer who came there decided to discontinue the journey saying that he cannot guarantee their protection. He ordered the vehicles to turn back instantly. The smaller vehicles turned back and got away with little damage, while a lorry that had difficulty in turning was attacked by the goons.

The soldiers merely watched the incident and dispersed the mob by firing into the air only after it had set fire to the lorry. The lorry and its goods were destroyed and five Muslims were injured, including two drivers, an assistant, a trader and Mohammed Haiffa, a retired teacher. It appeared to Muslims as though the LTTE and the Army had connived in a war of attrition against the Muslims' economy. Curfew was later imposed after the Police dispersed the crowd in Mallikaitivu using teargas and baton charges.

In a reaction to the incident above, Thamotherampillai Gajendran (age 44) and Punniyamoorthy Mathanmoorthy (age 22) who were travelling from Mutur to Mallikaitivu were attacked by Muslims at the Mutur Jetty.

27th October 2003: About 10.00 AM more than 50 fibre glass boats carrying persons dressed as fishermen came close to Muslim settlements along the Mutur coast and shouted anti-Muslim slogans and warnings.

28th October 2003: About 3.00 PM, 4 fibre glass boats belonging to Muslims in Hyria Nagar were dragged ashore and set on fire by the LTTE. These were boats were used to dredge sand from the bed of the Mahaveli River.

About half an hour later the LTTE fired at Al Haj Kunji Mohammed (74), an Indian citizen who was bathing in the river near Idiman Jetty as part of pre-Ramzan observances. The firing from Arafat Nagar from where the Muslims had earlier been forcibly expelled, left Mohammed injured in his chest and a leg. He was taken to Trincomalee for surgery. This was a day on which Interior Minister John Amaraturunge was visiting the Mutur and Kinniya areas.

29th October 2003: At 9.30 AM, Aboobucker Kabir (38), a sickly man of Jinnah Nagar Mutur - 2, was fishing in the river when he was brutally assaulted by members of the LTTE's Auxilliary Force. He was admitted to Mutur Hospital with a hand fractured.

The same day about 3.00 PM, two Tamils, Markandu Alagiah (55 years) and Tambirajah Sundaralingam (age 45) died as a result of gunshot injuries from a T-56 rifle (*EPDP News*). It is suspected that the LTTE was behind the shooting of the traders that took place on the Raalkuli-Pachchanoor Road from where the Muslims have long been excluded.

TamilNet reported: Two Tamil traders were shot dead by unidentified persons near Iruthaiyapuram in Muttur division, south of Trincomalee, Wednesday night. The police have launched search for the missing third Tamil person who had accompanied the two, police said. Police suspect some Muslim elements are behind these killings. The victims were residents of Raalkuli Tamil village, which is in the LTTE controlled area. They were shot dead while returning from government-controlled area to Raalkuli after their businesses activities, police said. (Note: A government-controlled area does not mean anything. Even Kurangupanjan which has an LTTE camp is a government-controlled area.)

Muslim sources said that the incident took place 4 miles west of Mutur, in an area where Muslims had ceased to move about and on a route used by the LTTE. They said that since the mid-1980s they had been displaced from the stretch between Sasinagar (Illuppachchola) closer to Mutur and Uppaar (Salt River) to the west, which includes Raalkuli. Those displaced had taken refuge in Kinniya or Mutur, depending on where their contacts were. The place where the two Tamils were killed is considered dangerous for Muslims.

31st October 2003: Pitchaikkutty Aboobucker (37) of Azath Nagar (58th Mile Post) was admitted to Trincomalee Hospital after receiving severe gunshot injuries in his back about 11.30 PM. The victim also heads the mosque in the area.

1st November 2003: Members of the LTTE stopped a Thoppur-bound passenger van from Colombo at Kallar, and inquired if any Muslims from Mutur were in the van. The van was allowed to proceed after the identity cards of the passengers were examined.

3rd November 2003: A peace group from Mutur entreated the LTTE to restore the power supply to Mutur that had been completely cut off since 26th October and to lift the virtual siege on Mutur to permit essential supplies and economic activity, considering moreover that it was their time of religious observances for Ramzan. The plea was rejected at that time.

The LTTE permitted the electricity to Mutur to be restored on 10th November and some sort of 'normality' returned. But the Muslims had lost much irrevocably. This was ignored in the interests of peace. Only the return to 'normality' was stressed. The power supply to Mutur was cut by the LTTE in April, following troubles again orchestrated by them (Sp. Rep.17). They blew up about half a dozen transmission towers in the Raalkuli area. Since the action was contrary to the MoU, after months of negotiation the power was restored in August after the SLMM got the LTTE to agree they it would not interfere with the electricity again.

However, the blackmail continues with impunity. It was the Tamils who used to complain aloud against the Government to the world community that individual actions by armed militants were being punished with arbitrary collective reprisals!

** The University Teachers for Human Rights (Jaffna) (UTHR(J)) was formed in 1988 at the University of Jaffna, as part of the national organisation University Teachers for Human Rights. Its public activities as a constituent part of university life came to a standstill following the murder of **Dr. Rajani Thiranagama**, a key founding member, on 21st September 1989. During the course of 1990 the others who identified openly with the UTHR(J) were forced to leave Jaffna. It continues to function as an organisation upholding the founding spirit of the UTHR(J) with its original aims: **to challenge the external and internal terror engulfing the Tamil community as a whole through making the perpetrators accountable, and to create space for humanising the social & political spheres relating to the life of our community.** The UTHR(J) is not at present functioning in the University of Jaffna in the manner it did in its early life for reasons well understood.*