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SUMMARY

This report mainly covers the situation in Jaffna during the four months following the mass return of refugees to Valikamam. Though the security forces had shown a refreshing level of care in Jaffna, cases of human rights violations continue to be covered up and the Government remains unaccountable for many of their actions. The LTTE remains determined to block any attempt at peace or rebuilding, focusing their efforts on selective assassinations and executions. A political vacuum hence exists, where the people of Jaffna struggle to deal with the past cycle of terror and the resulting present environment of cynicism.

In the 2 1/2 months following the return of civilians to Jaffna in April 1996, the armed forces had been surprisingly accommodating in their relations with civilians. A concern for civilian safety has been demonstrated and harassment has decreased substantially. When the LTTE has attacked security forces, the traditional knee-jerk reaction of reprisal killings of civilians has largely not occurred. There is concern around the question of how long this restrained behaviour will continue, following the loss of Mullaitivu at the end of July and recognizing the fact that unauthorized arrests increased dramatically in Jaffna after the July 4th incident where the LTTE made an attempt on a minister's life.

Cases of unauthorized arrests, beatings, torture and killings by the security forces continue nonetheless, and have become notably worse after Mullaitivu. Several incidents of rape also have been reported. Arrest receipts are not being issued and the detainment of prisoners is most often denied. In situations such as the rape and killing of civilians in Manthuvil in May, the Government simply blamed the LTTE. There is a very serious concern that the failed terror methods used in the past as well as the infamous white van abductions and killings are going to be introduced again. Units who were involved in these activities are still at large in the security services and there is strong testimony to the sighting in Jaffna of the white van in recent times. Correspondingly, there is a rising incidence of missing persons.

While the situation in Vadamaratchy remains hopeful, the current physical insecurity reawakens in Valikamam memories of the early days of state repression from July 1979. The level of unchecked indiscipline in Thenmaratchy is substantially worse - 20 homicides, mostly attributed to the Army, having been recorded by mid-August.

Any feeling of security on behalf of the people of Jaffna has been shattered by LTTE assassinations and provocations. Many who have returned gestures of goodwill towards members of the army have met their fate after being labelled as 'traitors' by the LTTE. Civilians continue to be used as cover when LTTE cadres have rolled grenades through food queues, for example, in the direction of security personnel. Extra-judicial executions occur after desperate efforts to gain any form of public support, fail.

The Government has taken many urgent steps to supply essentials to the Jaffna community, an ordeal complicated by the lack of any land route to the area. Still, the commitment to providing food and medical supplies has been lacking in substance. At least initially, local administrators have been accused of racketeering in partnership with some members of the security forces. In its paranoia, the government has refused to utilize the capabilities of professionals and NGOs, a solid medical staff being desperately needed at Jaffna Hospital. In some cases, the army had underestimated and lost control of returning groups of refugees, resulting in shortage of supplies, LTTE infiltration and injury from remaining landmines.

Jaffna remains a closed community. While the Government continues to restrict access to the media, the LTTE uses terror to weed out public criticism and all initiative for the common good essential for the revitalisation of the community. Children still grow up knowing nothing other than their violent surroundings. The result is a deeply traumatized and worn down society.

Refugees remaining in the Vanni, who have been displaced over and over again by either the security forces or the LTTE, do not see a caring government. The recent push towards Killinochchi by the army is further exacerbating the problem. In many cases, the bombings have been interpreted as direct attacks on civilians, the LTTE being nowhere near the refugee camps. Such occurrences offer a dark reminder of the bombings near the Church at Navalay and near the school at Nagar Kovil in 1995, a clear attack on civilians which the government remains unaccountable for.

The people of Jaffna need recognition and restoration of the freedom to empower themselves through collective political action. The once heralded education system of Jaffna must be immediately rebuilt from the ground up. The government must end its meaningless policy of censorship and facilitate freedom of movement, despite the logistical problems, between Jaffna and the outside world at least by allowing journalists and other groups to visit more frequently. All parties must take full responsibility for their actions and demonstrate the will to aid legitimately and honestly in the renewal of the community. Not only the survival of Jaffna's citizens be established and asserted, but also their integrity, dignity and humanity respected. [\[Top\]](#)

Jaffna: The Contest Between Man and the Beast Within

1. Introduction

The main task confronting the people of Jaffna, those who wish them well and the thousands of members of the security forces who have shown remarkable restraint, is to keep alive those high hopes which once kindled expectations afresh and are now under a cloud. Events from the time we brought out our Special Report (N0.6) on the Exodus from Jaffna during October/November 1995 up to the end of June this year, have been amply covered in the press. In a new departure two of the newspapers even reported the incident in Manthuvil of 17th May where three women had been raped by members of the army and four others were killed. We have also given below the situation during the first two months after the return of civilians to Valikamam which was written just before the 4th July incident, complementing what has appeared in the press. Our main concern has been that there was very little politically, institutionally and administratively to sustain the high expectations in Jaffna.

As regards immediate needs such as food distribution and the restarting of agriculture, remedial measures have been making slow but steady progress. Most disturbing is the political vacuum. The political task was to help the people to overcome the legacy of state oppression as well as nearly a decade of terror and totalitarian control directly by or under the shadow of the LTTE. The natural temptation of certain sections in the government and media is to take a patronising approach where it is sought to project the Tamils as anti-LTTE while playing down the fact that the Tamils too have some awkward and legitimate political aspirations that are integral to their self-respect.

As for maintaining a disciplined approach by the armed forces, the brunt of the responsibility quite unrealistically rests on the Forces themselves. Several crimes where army personnel have been implicated in murder, rape or robbery, particularly in the Chavakacheri AGA Division, have been covered up. Although there was willingness on the part of some army officers to check what had happened, no pressure was brought to bear on them by the political establishment or any other appropriate institution to do a thorough investigation and punish the culprits. The recent speech by the Deputy Defence Minister in parliament that there was not a single rape incident during the recent military operations under the PA Government, points to serious lapses on the part of the political establishment.

The people need to see that there are monitoring bodies with teeth, involving civilian volunteers and officials, that are in place and do the job effectively. This is particularly so

because Jaffna remains largely cut off and the local population will remain inert for some time.

This concern is highlighted by two events in July that ended 2 1/2 months of very cordial relations between the people and the armed forces causing new tensions, a freezing of the atmosphere and even worse. The first was the suicide bomb attack in Jaffna town on 4th July, and the second the over-running of the Mullaitivu army camp by the LTTE on 19th July with huge loss of life on both sides.

July, 1996: A disturbing turn

On 4th July Nimal Siripala de Silva, Minister of Housing & Construction was visiting Jaffna in connection with the rehabilitation programme. Later in the morning, shortly after he had declared open a much needed sales outlet of the Building Materials Corporation on Stanley Road, Jaffna, a suicide bomber blew herself up killing several people. Among those killed during the incident and its aftermath were Brigadier Ananda Hamangoda, the Town Commandant, and Carlyle Dias, a retired DIG of Police assigned to run the civil administration.

The loss of these two men left a void that is deeply felt by the civilian population. The former who had been up and about meeting people and listening to them was immensely popular. The latter was closely studying the problems and had impressed those who talked to him by his enlightened approach. He also understood the importance of independent bodies to monitor the behaviour of the armed forces. Once again the Government failed them in what they were trying to achieve by not telling the whole truth about the incident. The media coverage largely centred around statements by the official military spokesman and interviews with the minister who had sustained injuries.

It is now widely known in Jaffna that several of the 20 or so deaths from the incident resulted from firing by soldiers after the suicide bomb explosion. In the first instance soldiers covering the minister's visit had fired from the two ends of Stanley Road. Once the sound of the explosion was heard, people in the bazaar area ran across the bus stand towards Clock Tower Road. Again they were fired upon by soldiers guarding the area. Others close to the scene took to hiding in the neighbourhood. Soldiers searching the area came across three students whom they pulled out and shot, killing two. The injured student along with several others was admitted to Ward 30 of the Jaffna Teaching Hospital.

A most ironical fact which was suppressed was that ex-DIG Carlyle Dias was killed by army firing. Following the bomb explosion he lay flat on the ground along with some government officials. His last words reflected his sense of duty: "I must go and see what happened to the minister". Having said this he stood up and met his fate in doing so.

This unprofessional activity of the soldiers was however quickly brought under control by officers. The people did not blame the soldiers much for it. They took it as a response to what the soldiers mistook for a wider LTTE attack instead of a suicidal attack by one person. There was a problem in that the Army had not been trained to anticipate and react to such contingencies. By not telling the truth and holding an inquiry to formulate remedial measures for the future, the problem was being buried. And surely the family of Carlyle Dias deserves to have his heroism placed on record rather than have it suppressed for the sake of mistaken expediency.

The habit of burying problems along with the truth was taking its toll on the Government's credibility while leaving behind fertile ground for the growth of resentment. Serious instances of this concern the clumsy attempt to shift the blame for the case of murder, accompanied by rape and robbery in Manthuvil onto the LTTE (see Reports below) and the continuing problem with aerial bombing in operational areas (see last section).

The immediate effect of the 4th July incident was that the soldiers became more tense than before. This may have blown over had it not been for the disaster in Mullaitivu two weeks later. Still, for much of the time things appeared to be normal, but checks became tighter and people began to experience a higher incidence of rudeness at check-points.

More serious was the unseen and little noticed aspect of things. Previously the Army had been almost indifferent to any LTTE presence even when alerted by members of the public. Following 4th July, the Army began making several arrests. Within a short period about 17 arrests were made in Ariyalai, a suburb to the east of Jaffna City. On one day up to 25 youths were brought to Jaffna from Chavakacheri for questioning. Most of those detained were released after a few days, but complained of torture.

Even more disturbing is that formal receipts for arrest are not being issued to the families as is now the accepted practice in the East. Several instances have been brought to our notice where even in the case of those not released, the arrest has been denied, and more ironically, inquiring family members or guardians have been told by the Army that if they had made the arrest they would have issued a receipt. This was how even educated Jaffna folk came to know of the legal obligation of the Army to issue a receipt and their right to obtain one (see Reports below).

Of greater concern is the appearance in Jaffna of the dreaded white van, a phenomenon we have had occasion to report on in the East, particularly during 1990/91. It has been associated with names like Suresh Hashim in Trincomalee and Munas in Batticaloa, both terror-operators associated with the armed forces. It made its appearance in Kallar in December in 1990 and it was also involved with the operation in Colombo last year with which the STF was associated, leading to corpses in lakes. Although not so far widely known, we have firm testimony to its manifestation in Jaffna.

It was as though the Army suddenly woke up from complacency in the face of repeated warnings by the public, and decided to deploy some alienating methods involving terror. **Although things are still far better than the terror that once obtained in the East and still continues there at a low ebb, the terror and death symbolism of the white van in Jaffna represents an unhealthy mental shift.**

What the Mullaitivu disaster may mean for the detainees is suggested by the experience of about 26 youths detained by the Army during the early stages of military operation late last year. They were mainly persons who went back to their homes in areas recently occupied by the Army to fetch some of their family's belongings. They were kept chained under the custody of the Military Police and were subject to regular beating. The beating however stopped abruptly on the 5th of December 1995 - the day the Army took control of Jaffna. It was as though the Army had suddenly proved their own worth as soldiers and had earned their self-respect. It had in consequence become mean and unbecoming for them to beat people in order to get over their sense of failure and inferiority. They were now prepared to think professionally and take death as a matter of course. It seems to be that Mullaitivu on the other hand went some way towards reversing this positive development by taking away their self-esteem. Even most of the recent bombing and shelling in the operational areas of the Vanni strongly suggest that more than for any military purpose they were done merely to vent their anger.

The almost total absence of institutional safeguards for detainees in Jaffna leaves room for some of the worst fears. The facts in our reports below present what was indeed, by mid-August, a very grim picture. **In the Thenmaratchy (Chavakacheri) Division there have been at least 20 recorded homicides since the Army's takeover in April, with the Army implicated in more than 80% of them. The latter have generally involved rape or robbery. Routine torture of detainees includes some of the worst practices recorded in the annals of the Sri Lankan Army, often leading to permanent physical and psychic impairment, which one had only a few months earlier dared to hope, were things of the past.** The case of missing persons may yet be numerically small in comparison with the worst episodes in this country. But the ease with which it could happen, with blatant denials even in cases publicly witnessed, is truly alarming. Despite some disturbing trends, the situation in Vadamaratchi however remains more hopeful.

Quite independently, the LTTE was doing its own thing to enforce a regime of terror in one of its most dreadful aspects-through selective assassination. A poignant instance is the killing on the streets of a middle-aged mother, **Sivayogini Patkunamanikkam**. Her only known crime was that she was among those who defied the LTTE's order to vacate Jaffna on 30th October 1995, and was cordial towards the security forces. The reasoning of those who stayed behind was pretty sound, as the current suffering of refugees in the Vanni amplifies. They knew that once they left Valikamam with no prospect of returning home, they would be herded from place to place by the LTTE as vagrants with every new military operation. If they had to defy the LTTE at some point, now was a good time to start. Ultimately the 400,000 who 'turned their backs on the LTTE' followed the same line of reasoning after their first displacement by refusing a further displacement into the Vanni. The pioneers thus remained more vulnerable when the LTTE wanted to make an example of someone.

The message was only too clear to the people of Jaffna (see Reports). Those who were looking for a happier turn of events for the terror-ridden society felt very angry with their 'Liberators'. For once people had felt free --free of bombing and shelling, freer to associate, to think, to speak and even to an extent free from the fear of the security forces -- and then the LTTE had to bring back this fear one again!

An expert on its effects, particularly when there is no organisational structure to counter it, described fear in its internal manifestation as poison of the deadliest kind. It spills over into all relationships where habitual dissembling becomes the norm - partly as a means of turning the tables on the authors of the fear. A highly respected teacher who constantly irritated his intimate circles with contradictory remarks observed defiantly, "No one will ever know what my real feelings are!" There is a general flight from reason. Sadly, experts from military analysts to political commentators write about the situation purely to push their line without any serious analysis about the real plight of the people. [\[Top\]](#)

Jaffna: the return

(This section was written at the end of June 1996)

(Mid -April - June'96)

Jaffna has become a desolate and forlorn place. The once ghost town of the early part of the year is slowly filling with people - people who are perhaps ghosts of the once proud indigenous, thrifty and active folk who they once were. The whole infrastructure and much of the rest has also been destroyed. To rebuild is going to be a slow and painful process. But the returnees appear to have lost their zest for life, the desire and motivation to do something, to start again from the ashes. Rather, they spend the days standing in long queues hoping for whatever rations they may get, and they appear exhausted with grim faces: Staring ahead, no smile on their faces worn down by uncertainty and apathy - more like the 'survivor syndrome' described by Lifton after Hiroshima as "a pervasive tendency to sluggish despair ..." They seemed to live a half life, as though they are "walking corpses" or the "living dead" (Death in Life: Survivors of Hiroshima(1967))

The effects on society of massive destruction and disruption have been called 'loss of community' by Lai Erikson (American Journal of Psychiatry, 1976). This results in demoralisation, disorientation and loss of connections. The trauma of the exodus, the rigours and hardships of refugee life, the emptiness of returning to a looted and damaged house and the seemingly insurmountable obstacles to picking up the thread of life once again, are all elements contributing to their sluggish despair.

True, they will freely admit, there is an overwhelming sense of relief at having returned to their homes, Land, Ur (village)and it is a thousand times better than the erstwhile refugee life - living in crowded makeshift shelters, the struggle for water and food, and days spent in empty idleness. "Never again" they say will they leave... " better to be shot dead in our own home". A major shock for most returnees was the destroyed and damaged houses owing

to fighting in their areas. Looting of all valuables from clothes to kitchen utensils had been widespread. Doors and windows had been smashed open and personal belongings thrown on the floor; some thrown carelessly in the garden or exposed to the elements under broken roofs. More tragic were the landmines and other booby traps awaiting the returnees.

In the first two months more than 70 civilians were injured by such blasts, usually losing a leg; many of them were children. Some died. Not much has been done to clear the mines for the returnees. In general they were left to their own devices like using a rake to detect the mines while sophisticated mine detecting equipment is available internationally.

The life of the community has been stifled. There is little social or cultural celebration, or gathering. The streets are deserted by dusk even in the so called 'uncleared' areas where there is no curfew. School attendance is low but picking up and is now (August) high in Jaffna Town. Few people have started their temple festivals and bhakti songs can be heard over loudspeakers once again. There is talk of the Nallur festival being a grand one. Some are expecting the Army to have a big hand in it this year.

During this period when people were returning to their homes, the Army's behaviour has been unimpeachable except for a few 'lapses' (see Reports). The troops have been over-friendly, even condescending, cracking jokes, giving a hand to the old and feeble, talking politely and apologizing for the inconveniences caused. When a grenade is thrown by the militants killing a few soldiers, they first ask the civilians to lie down or take cover before opening fire. The big change in the Army's behaviour is epitomised by the loss of fear and tension that in the past led to atrocities - the knee jerk reaction that the LTTE could always count on in carrying out a guerilla attack and vanishing, following which the Army would go on a rampage killing civilians - no longer seemed to work so far!

The LTTE was trying its best to provoke the Army to the utmost such as by rolling a grenade through crowds waiting at check points or queuing for rations. But the army always seemed take it coolly despite the death and injury to their comrades. They first made sure of the safety of civilians, even telling them not to feel afraid. This was not the army the civilians had come to know in bygone years. The other remarkable change was the confidence and nonchalant behaviour. They cycled around in groups and alone with or without arms. The method of cycling indicated that they were not habitual cyclists like the Jaffna man. They cracked jokes, played with children, helped the elderly and disabled. It was all amazing. As a soldier checked our reporter's bag at one of the innumerable check points dotting each of the cross roads within Jaffna town, he apologized, "Sorry, we never had to do this before but the LTTE has just thrown a grenade today killing a soldier, so now the orders are to check every bag". Again at another check point where one had to get down and walk, a soldier said with a smile, "Only we are giving trouble, no trouble with the LTTE, no?"

The question foremost in the people's mind at that time was, how long is this good behaviour going to last in the face of the LTTE trying everything in the book to provoke the standard pattern of reprisals? Their political sustenance after all depends on this reaction. When will the mask come off to reveal the real 'beast' within, which the people have so often in the past been accustomed to expect? By their own admission, the soldiers are constantly instructed 'not to harm the civilians', 'be good to the civilians', 'our task is to fight the LTTE' and so on. During the military operations Riviresa (Sunshine) II & III these orders kept coming over the armed forces radio every few hours. In the evenings there are meetings for every group with senior officers going over the day's events where public relations featured prominently. The Government well realizes that the course of the ethnic war will be determined by this winning and keeping the hearts and minds of the people. The Army and Police are much friendlier with the Tamil civilians, even trying to learn the language from children. This is in sharp contrast for example to what prevails in Colombo or Vavuniya and definitely the East, where only last February a large scale massacre of civilians took place. [\[Top\]](#)

Expectations and performance

Among the main problems after the return of civilians in April was the shortage and distribution of essentials that had gradually eased significantly by July-end after the Government took urgent steps to increase the supply. During the time of shortages the local civil administration was widely accused of racketeering in collusion with sections of the security forces.

Since the government's supply of rations came by ship, it was difficult to supply the whole population. Moreover, the cargo ships the government has are relatively small and have to be escorted by the Navy. The ICRC's effort to supply overland food and other essential items had met with the LTTE's refusal. (The ICRC is dependent on both parties agreeing to whatever it wants to do.) During the early weeks a whole underground system of black market had come up overnight. There were long queues starting at 3 a.m. at the only Sathosa outlet in Jaffna. Traders and individual entrepreneurs bought up the daily stock to re-sell it at immense profits outside. Thus for example the popular red rice selling at Rs. 26 a kg at Sathosa fetched up to Rs. 100 on the outside market. The less popular rice sold at Rs 50 a kg.

At present rice, sugar and dhal which are rationed items are generally available at the normal price at designated outlets and are part of the normal free benefits to people classified as displaced. Kerosene is also generally available at the reasonable price of Rs 12.50 a litre. The sound of working pumps in Valikamam is a sign that agriculture is reviving. Although vegetables are in short supply, seed onions were distributed freely and a bumper crop is anticipated. The Government is also helping with the shipping of onions and tobacco to the South.

Yet considerable problems remain in distribution and communication, particularly in the 'uncleared' areas. Several leading persons in Jaffna put this down to sabotage by the LTTE which has been sending a stream of intimidating messages to government officials. No official thus wants to appear zealously hard working or co-operative.

Other reservations concern the Government's failure to use available experienced personnel and NGOs, preferring rather to project ministers in high-profile seeming to be doing a lot. People were often put off when suddenly a place was sloppily smartened up, a minister arrived and opened something, created expectations and left, while little happened. It exposed the weakness of the Island's administration, run down over decades, and its inability to take appropriate follow-up actions. Against this one must also keep in mind that institutions like Jaffna Hospital - which was neglected by governments for a long time and functioned with minimum facilities, was later stripped by the LTTE at the end of 1995 - need all replacements to be brought by air or sea. Also following the exodus the staff-position at the hospital remains critical with hardly any specialists. More people yet want to leave Jaffna than to return.

In the matter of mine clearing again there remains the feeling that much more could have been done, even getting down special expertise.

The government has inexplicably turned down many well meant offers for help from NGOs and foreign donors. This shows how paranoid still this government machinery is. A surgeon and valuable equipment were promised by MERLIN (European). NGOs who were working in Jaffna are eager to get back but the government remains adamant in refusing such help. Many old hands can easily get the old structures back in place to begin the urgent programmes. Some have been allowed into Pt.Pedro but not Jaffna, though both are under army control. All this arouses disturbing questions on the bona fides of the Government. [\[Top\]](#)

Reports: Mid-November 1995 - Early August 1996

The following are meant to give the flavour of developments in Jaffna without in any way being exhaustive[\[Top\]](#)

Late November - 5th December 1995: The final battle for Jaffna

Only a few hundred people remained around Jaffna town following the exodus from 30th October 1995. Of these, about 400 were at St. Patrick's Jaffna, at Matthew's and Long's Blocks, with some of those better off on the upper floor of the latter.

The LTTE tried to chase them away a few times, resulting in the people leaving through one entrance and coming back through another. Elsewhere people remained hidden in houses not daring to show themselves. They had decided to display white flags when the Army moved in. Their problem was not to do it too early when the LTTE was still around.

Earlier, as the crowds left Jaffna, some deserting LTTE cadre too had tried to mingle with the crowds. Witnesses saw about 4 of them being arrested and taken away. The only hint of what happened to the prisoners held by the LTTE was the sighting of about 30 unkempt persons in chains near Sattanathar Kovil, Nallur, being marched towards Chemmani and Thenmaratchy. Among the prisoners released at this time was the former chairman of the Jaffna Red Cross detained in 1993, when there was a crackdown on the supporters of former Deputy LTTE Leader Mahattaya.

As the Army approached nearer, shelling became more intense after the vacation of most civilians and the ICRC by mid-November. The shelling during the advance was not as random as the noise indicated. The Army later told civilians that certain areas had been blocked out on maps fed to computers controlling artillery pieces. In some cases this was confirmed by civilians - that certain areas were generally, but not entirely, free of shells. Some of these included certain schools and religious institutions. Still, even in such places, the Army shelled back when the LTTE shelled. Such an instance was the shell which fell near the chapel at Holy Family Convent, Jaffna, causing injury to the shoulder of Dr. Abraham. Dr. Abraham was again a victim later, this time of the suicide bomb explosion of 4th July 1996, and died while under treatment in Colombo. Mrs. Nadarajah, the wife of the Athenam (Manager) of Nallur Kandasamy Kovil, also died when a shell fell while she was out in the compound.

At St.John's College, Jaffna, the retreating LTTE had looted most of the office equipment and safe, and fired shells horizontally at close range, severely damaging some buildings. The total damage to the school from the army shelling in approaching Jaffna and the LTTE's destruction is estimated at Rs.5,000,000. Now, August 1996, the school is functioning with most of the students (1200) back, but only 60% of the staff.

During this time the LTTE was rapidly pulling out most of its cadre. Among the last to go was a large group of women who were in the area around the Chundukuli end of Hospital Road where there was a women's camp. Some of the more hardened LTTE cadre sought out civilians, threatened them and turned them out of their homes at a time of intense shelling. Some others, younger, were considerate, and advised them to show white flags after they had withdrawn and even directed them to Roman Catholic institutions in the Convent area, where a few priests had remained, including Fr. Selvarajah, the Bishop's chaplain.

One incident illustrates the kind of danger that confronted the civilians from shelling even in places of refuge, as all NGOs with radio communication had withdrawn. The information the army had was either outdated or based on intelligence reports of LTTE transmissions. In the last days the LTTE resisted from Kailasapillayar Kovil and Passaiyoor. On 1st December the Army column moving west along the coast had an intense fire fight with the LTTE in the Passaiyoor area. An old couple, Mr&Mrs. Ponnuthurai had remained in their home near Holy Cross Nursing Home. Until 1.00 AM (2nd December) there were intense firing noises. Mr.Ponnuthurai had narrowly escaped when a piece of shrapnel from an exploding shell hit a leg of a bed on which

he was seated. Another shell hit a coconut tree at their home. After 1.00 AM it became very quiet as the LTTE pulled out. In the morning the old couple came out and ran into the main group of the Army who were levelling their cannon at St. Patrick's. The couple told the commanding officer that there was a large refugee population at St. Patrick's. The officer immediately ordered the men to stop and told the couple that according to information given to them Chundukuli Girls' College 5/8 mile north of them was a refugee camp while St. Patrick's, about the same distance to the west, was an LTTE centre. While this exchange was going on, a white flag appeared out of an upstairs block at St. Patrick's. By mid-day on the 2nd December the troops were at St. Patrick's. The Army took a much destroyed Jaffna City on 5th December. [\[Top\]](#)

December end 1995: Kantharmadam:

Chellappah, the owner of seven retail stores, had brought his goods home and had remained behind. He was a frequent visitor at the Nallur Atheenam's, and had been a recipient of food supplied by the Army. It also turned out that some LTTE remnants had contacted him and that he had been supplying them with pulses that had been among the supplies at his home. The rest of his family had left Valikamam. Whatever his motives, he was admittedly in an unenviable position. One day, presumably on a tip-off, the Army came to his place. About 20 members of the LTTE fled. Soldiers searching his place shot dead 3 LTTE cadre hiding in the water tank. Chellappah too was shot dead. [\[Top\]](#)

19th April 1996:

By 16th April much of the lagoon separating Valikamam and Thenmaratchy had dried up. The Army's incursion into Thenmaratchy on that morning had been preceded by an advance party who had walked into the fields in Navatkuli during the night. In the morning before dawn they met surprised farmers who mistook them for the LTTE. The Army quickly advanced into Kaithady and then Chavakacheri hardly meeting resistance from the LTTE. The Army was taken aback by the favourable response of the civilian population who had resisted persistent inducements by the LTTE to move into the Vanni, where the LTTE was pulling back to.

The Army had not anticipated a large civilian population to come under their control. They had at best expected 20,000 civilians to return to Valikamam. But what resulted was a flood of returning refugees on the road to Jaffna, reaching 200,000 by early May, going up eventually to about 60% of the original population - the rest being mostly trapped under the LTTE in the Vanni. The Army lost control of the situation and decided to abandon checks on those coming so as to eliminate queues that would have taken weeks to clear.

Apart from the LTTE's infiltration two important shortcomings were a shortage of food that lasted over two months and the lack of medical facilities. Only two local doctors had remained behind to help in Jaffna Hospital - Dr. Rajasooriyar and Dr. Jegasothy - the latter being a dental surgeon. [\[Top\]](#)

Mines and unexploded devices:

This was perhaps the biggest hazard resulting in several dozens of mishaps. Local observers did not so much blame the army, as during the early period the army had lost control and people were in a hurry to go back to their homes. The worst affected areas were near Chunnakam, Tellipalai, Chankanai and Puttur, that had formed for some months part of the shifting frontline where the LTTE had buried mines. The LTTE hardly kept record of these, and perhaps those who planted the mines were not among the living. Even in the residential parts of Jaffna Town

that had been the last scenes of fighting (eg: near Kailaspillaryar Kovil), mines turned up in unusual places. It was about a month before the dangerous areas were identified and warning signs were posted. The following are some typical cases, mostly during May around Jaffna Town:

Ariyalai: Kulendran who was cleaning his well pulled out the last bucketful of mud and debris, which unknown to him had an unexploded shell. When he poured it out the shell exploded, injuring him in the stomach.

Temple Rd, near Kailasapilliar Kovil: A 27 year old girl stepped under a coconut tree to pick up a palm leaf which she hoped to place on the ground and sit on, to attend to some domestic chores. A 'Jony' mine exploded causing her to lose a leg.

Rasavinthottam: A small child playing near a dustbin picked up a small object that exploded, injuring the child.

28th May, Kondavil: A mine exploded under a tractor carrying returnees, killing eight. [\[Top\]](#)

Crimes involving Rape, Physical Assault and Murder:

29th April 1996: Navatkuli - Kachchai Road, Thenmaratchy

Troops were moving east towards Kachchai from Navatkuli when they stopped near a small peasant settlement. Most of the people moved away. Some soldiers entered a hut and raped the wife while the husband was chased and stabbed to death. When the matter was reported to the brigadier at Chavakacheri, he came to the settlement, apologised and gave an assurance that it would not happen again. By then the troops had moved on. When asked, the villagers said that it was not feasible for them to identify the culprits in an identification parade. Other military officials in Jaffna too were aware of the incident. But as far as we are aware no attempt was made to get at the culprits by working through NCOs or to discipline them. The matter was effectively hushed up.

17th May 1996: This second incident of rape which took place in the same brigadier's area, may have resulted in part from inaction over the first incident.

Manthuvil lies in the interior area west of Varany between the Jaffna-Kodikamam (Kandy) Road and the Nelliady-Kodikamam Road. A family with two sisters married to two men in the betel leaf trade had remained behind, although several others had left because of an increasing military presence in the area.

We shall describe here the location in some detail since it is about this area that the largest incidence of crime by armed forces personnel has been concentrated. Much of this region lies within a trapezium whose parallel sides are to the south: the 8 mile section of the Kandy Road starting from Nunavil and running roughly east through Chavakacheri (2 miles), Meesalai (5 miles) and Kodikamam (8 miles); and to the north the Kanagampuliady - Varany Road: through Vembirai Junction 3 miles east of the Kanagampuliady. The other two sides are the Nunavil-Kanagampuliady road containing Mattuvil and the 2 1/2 mile section of the Kodikamam - Pt Pedro road ending at Varany. Two other roads that are relevant to this report are the Meesalai - Vembirai road running 2 1/2 miles northwards. Manthuvil is nearer Vembirai to the east side (Varany side) of this road. From Chavakacheri running northwards is a road to Kanagampuliady containing Kerudavil.

Kanagampuliady and Vembirai are now just enclosed within the new wall the Army has constructed covering the Puttur-Kodikamam road. North of this wall lies the uncleared area which includes Varany. The wall is guarded by soldiers at regular intervals. Army camps have been sited at about half mile intervals on the trunk road to Kandy. The Army is thus very much around the place at Manthuvil, Kerudavil and Mattuvil and there are also small army camps such as the one under a lieutenant at Kerudavil. Manthuvil in this narrative is a housing colony. The time of the incident was just about a month since the Army entered Thenmaratchy, and Manthuvil may have then been technically an uncleared area. 13 soldiers were killed in a confrontation with the LTTE at Kanagampuliady about late June.

About 6.30 in the evening five armed men wearing uniforms of an unspecified kind came to the shop and began as though they wanted to buy something. They then hacked to death the husbands of the two sisters, another male inmate of the house and a child of three. (Those killed were Sivaguru(52),S.Nagalingam(57),K.Nagalingam(17)&P.Thavithran.)The two sisters and another woman were subject to severe assault and rape. The assailants left after robbing jewellery from the house. According to local sources the main motive of the assailants was robbery. The rape was attested to, to visiting journalists by the medical authorities at Pt. Pedro Hospital. The assailants were described as speaking broken Tamil, and Sinhalese among themselves.

Thangarajah Puvaneswary(36), one of the victims, and her sister who was in a very bad condition, were warded at Pt Pedro hospital. There was some confusion even among the hospital staff as to who the perpetrators were as Manthuvil was more than 2 miles interior from either main road and was then considered part of the `uncleared area' - i.e., where the LTTE had relatively unhindered access. The strongest testimony, however, came from Puvaneswary who asked a doctor to translate to the visiting correspondent of the Hindu, her firm statement that the perpetrators were members of the Sri Lankan Army.

Although we had on two past occasions recorded instances of extreme sexual abuse by the LTTE, these were done under conditions of extreme secrecy as becomes such a group. The first incident came out through internal testimony from a disgusted member of the LTTE, and the second through a fellow prisoner. The incident in Manthuvil, however, is highly uncharacteristic of the LTTE, nor does it seem possible for LTTE cadre to carry out such calculated deception to give the Army a bad name.

To the experienced Jaffna folk an LTTE cadre stands out even if unarmed and out of uniform. In this case the highest weightage must be given to Puvaneswary's testimony. A woman who has suffered the ultimate insult and the greatest deprivation has little reason to cover up for the perpetrators. An area being uncleared may well suit men moved by lust and wanting to minimise the risk of being found out. The LTTE presence is also thin and soldiers do move into such areas in small numbers.

By the official Military Spokesman claiming that the rape was the work of the LTTE with a view to discredit the SL Army, any serious inquiry had been precluded. Another problem that called for firm action was buried. [\[Top\]](#)

1 May 1996: Kachchai, Thenmaratchy:

The man,S.Karunathiran(25), went early in the morning to cultivate the family's field. Later in the morning his wife,Pushpamalar(22), took tea for him. Both were later found brutally murdered. Rape is suspected. There was then a large presence of troops in the area.

Early July: Mattuvil, Thenmaratchy:

Three soldiers in civils, two of them carrying arms, went to the house and pulled out a young girl. Her brother went to her defence and was assaulted badly. Crying was heard from the house while the girl was dragged out. The next door neighbour came to their aid and was kicked forcefully on the abdomen. He immediately passed urine and was later unable to do so until treated, owing to the swelling of his abdomen. The girl was raped and

brought back home. The men warned the family that should they report the matter to the higher authorities, the whole family would be wiped out.

The girl, her brother and neighbour were later warded at Jaffna Teaching Hospital.

4th August: Kerudavil, Thenmaratchy

Terrified screams were heard from the house about 11.00 p.m., where the father,Karthikesan(67), was alone with his young daughter,Baleswary(22). The neighbours were themselves too terrified to venture out. In the morning the two were found brutally murdered - the daughter after being raped. Soldiers from a nearby camp surrounded the area in the morning and claimed the LTTE had done the deed.

The girl's brother, a student at the University of Jaffna escaped death as he had gone that day to Jaffna to collect his books.

The mangled bodies of the father and daughter were then brought to the Chavakacheri Base Hospital and the public was requested to identify them!

Rape was reportedly attested by the hospital authorities. The main army camp, HQ 522 in Nunavil, Thenmaratchy, is hardly 2 miles form the location of the incident, and there are small camps regularly sited in this strategic area. These factors with the circumstances (i.e screaming and time involved) and the nature of the killing (LTTE assassinations are usually quick single bullet affairs) almost decisively rule out the LTTE. [\[Top\]](#)

Attacks from behind civilian cover

A continuing problem experienced almost on a daily basis is that of the LTTE using civilian cover without inhibitions in attempts to provoke the Army. During the first two months after the return of civilians, food queues were among the commonest places for such attacks. The usual modus operandi was to creep into the queue, roll a grenade along the line of the queue towards a soldier maintaining order and then run away. In all cases on record soldiers have responded in a disciplined manner asking civilians to lie down safely before using their weapons. Some typical instances are:

25th April, St.Xavier's Seminary Colombagam: 1 soldiier injured.

Mid May, Kalladdy Junction, Jaffna: Grenadees thrown at soldiers manning food distribution queues on 3 successive days. One soldier killed and two injured.

23rd May, Chavakacheri Ladies College: An LTTEE girl in school uniform threw a grenade while a group of girls was talking to some soldiers. Some school children were injured. [\[Top\]](#)

The Three Zones

Jaffna is divided into the so called "cleared" and "uncleared" areas and Jaffna Town. A wall described by wags as the Great Wall of China runs for miles separating the cleared and uncleared areas. This wall in places is made partly of aluminium taken to a large extent from nearby house roofing. Its composition changes from place to place. In some places it takes the form of bunds made up of earth and rubble from bull-dozed houses, reinforced by stems from palmyra trees freely cut down by the thousands. The uncleared area comprises large swathes of territory west of Kantharodai, Uduvil and Nachimar Kovil in Valikamam. Vaddukkoddai, Chankanai

and Manipay lie outside it. As one goes north west from Nachimar Kovil, just north of Jaffna Town, one passes Vaddukkoddai and reaches Ponnalai where one encounters for the first time an Army presence to protect the Karainagar causeway. Chankanai was said to have a significant LTTE presence of about 100-200 cadre. In Vadamaratchy, Vallipuram, Kudathanai & Kattaveli east of Pt. Pedro, remain outside the wall.

In the east the wall begins at Munai two miles east of Pt Pedro, runs east along the coast to Katkovalam, turns south inwards enclosing Varathuppallai, Puttalai, Manthikai and then runs parallel enclosing the Jaffna road up to Puttur, from whence it covers the Kodikamam road into Thenmaratchy. Thus one taking the Manthikai - Kodikamam Rd (9 miles) to Thenmaratchy would leave the cleared area at Manthikai and re-enter it at Kodikamam. Those with fuel driven private vehicles are not allowed to take them into uncleared areas. Thus one wanting to travel from Pt. Pedro to Kodikamam will first have to take the road to Jaffna and then the Kandy road, doing 35 miles instead of 10. A push bicycle therefore remains the most expedient means of transport. No public transport is available in uncleared areas. Often a person wanting to visit a neighbour or his field just across the new wall would have to obtain a pass and travel several miles to cross the wall through a check point. On the uncleared side the wall has barbed wire rolls and minefields and has sentry huts at regular intervals.

Theoretically the Army's writ runs within the "cleared" area while the LTTE roams outside. There are occasional forays or large scale cordon-and-search operations by the Army. A large one during May went into Valikamam East and West. There were casualties on both sides but public relations remained good during the 2-3 days of the operation. The rest of the LTTE cadre (estimated at 100) went underground and escaped, unlike during the round up at the Chankanai Temple where cadre were trapped inside and the whole temple was destroyed with the cadre. Apparently the Army feels such operations are not worth the effort and tries instead to contain the LTTE numbers and the conflict to one of low intensity.

The LTTE in the uncleared Valikamam area is physically cut off except for radio links with their command. Thus they are completely dependent on the local population for their sustenance. The situation is that the Vadamaratchi & Thenmaratchy sectors are different in that there is easier access to the Vanni from both. The attitude of the people to the LTTE has changed. Now in general there is a tendency to uneasiness and an overwhelming desire to be left alone, and not to be involved or importuned. There have been several cases where people have informed on the LTTE.

The LTTE is also aware of this change and is trying to improve its public relations. However long posters have gone up telling the people not to be fooled by all the rehabilitation and offers of goodwill by the Government, pointing to past history. The usual warning to those collaborating with the State or its Forces has been clearly reiterated. To underscore their warning they have carried out several extra-judicial executions. One of the earliest was of Dr. Sri Vallipuram who met one of his old "buddies" in the Army and became 'too friendly'. Another was a businessman near Natchimar Kovilady. One of the women who took part in the mass-looting of LTTE stocks towards the end of Riveresa (Sunshine) III was also "lamp-posted"-i.e, tied to a lamp post and shot dead. Immediately after the Army took over Kodikammam a large number of people looted the stores of the LTTE which had been filled with hundreds of sacks full of flour and other items. People were angry that these things were sold at high prices and were on short supply until that time. Even a large quantity of coconuts(in the thousands) which were sold by the LTTE at exorbitant prices earlier were set on fire by the LTTE when they were leaving the area to make sure that they did not benefit the people who remained behind against their orders.

The arrangements between the cleared and uncleared areas are interesting. There is dusk to dawn curfew within the cleared area. Though people have been told that in an emergency such as a medical one, they can approach the check points, few would venture to do so. Entry to cleared areas is only at certain points in the "green wait" during day time. To go to Pt.Pedro and other enclaves a pass is needed (requiring a complicated approval system).

Life in uncleared areas could be very uncertain when confrontation takes place:

28th July 1996, Thenmaratchy: Late inn the morning the LTTE ambushed an army party at the junction where the Navatkuli - Kerathivu Road meets the road from Chavakacheri, killing an officer and nine other men. In the afternoon ten shells were fired into the area from Palaly. A particular reason for the shelling may have been to disperse the LTTE from the area to enable other soldiers to move in.

According to local sources the officer and his party had gone to that area on a tip-off, but had not anticipated a large group of the LTTE.

May 1996: Soldiers who were part of a sweep of the uncleared area after a tip off in West Valikamam, happened to camp at a house in Sankarathai where there was also a presence of women Tigers. The latter hid in the ceiling and at length one of them coughed. The soldiers left leaving behind a delayed explosive device. Four women were killed. [\[Top\]](#)

Check Points

Increasing the number of checkpoints and the hassle of going through them may irritate the people, but they may yet be prepared to put up with it in the hope that things might ease out after some time, and even understand or rationalise the necessity for it. But the attitude of army personnel towards them is going to determine whether these will turn out to be legitimate security checks or harassment of civilians. Up to early July, in Jaffna, the Army had taken great pains to make the people feel that the checking owes to the security situation and were even very apologetic about it. This went down well with the people. The experience of people in the East has shown that most of the time the Army's checking impressed them as a fruitless exercise carried on merely to harass them. It reached a ridiculous level during the early 1995 peace talks where the LTTE cadre were most often given VIP treatment while the ordinary civilians continued to go through routine checking standing in queues in the noonday sun.

More recently, in July and August, indiscipline at checkpoints has been on the increase with cases of petty theft reported. At Kodikamam checkpoint a transistor radio was taken from a young man, who insisted of staying until he got his goods back. The Army then sent away his companions. He is now missing and the Army denies any knowledge of the matter. Such incidents however, still remain fairly isolated and most people are unaware of them. [\[Top\]](#)

Detainees, Torture and Missing Persons

October 1995 - April 1996: It was mentioned earlier that about 26 mostly young persons who fell to the Army were held by the Military police. They were kept in chains and regularly beaten until 5th December. Many of them were released in June this year.

19th April - May 1996: Possibly about 300 youth were detained during the immediate aftermath of the massive return into Valikamam. Apart from suspects, the number also included some LTTE deserters who had surrendered, former members of the LTTE and 15 persons who arrived in Valikamam by boat. Many of them were tortured. The mother of an ex-member of the LTTE who worked in the Kachcheri said that her son had been beaten on the fingers with the palms placed on a flat surface and that there were burn marks on his buttocks, probably due to electrocution. A group of about 60 detainees was sent to Colombo. Following protests, the procedure adopted was to send those who had been questioned to KKS Police Station. It was at this stage that the ICRC made contact with them. This could take several weeks after detention, with the family having no contact, no acknowledgement and no legal hold during the intervening period - a procedure extremely unacceptable after the Mullaitivu debacle and in the context of current operations in the Vanni.

May 1996: Kalviankadu: A torture fatality: A young boy selected for admission to the engineering degree course was arrested and tortured by soldiers attached to Kalviankadu camp on a tip-off that he was hiding arms. He then started having fits and was admitted to Ward 1 at Jaffna Teaching Hospital. The victim who later died had said that he was hung upside down by his big toes and beaten. The officer-in-charge at Kalviankadu is reported as having said that they had made a mistake.

[\[Top\]](#)

Irupalai, Valikamam:

The boy who had done his A.Levels was living on the Irupalai - Kondavil road, near Rasa Veethy junction. He was taken by the Army and a prominent religious leader in the area assured the officer- in-charge at the local army camp that he knew the boy well and that he had nothing to do with the LTTE. The officer gave him an assurance that the boy would be released in 48 hours. He was released 48 hours later and in a further 48 hours' time he was dead. It turned out that he had been laid flat on the ground and had been pounded on his stomach with a pestle. The local population who had earlier trusted the Army became very disturbed.

Note:

Both this and the previous incident were obtained by us from different but very reliable sources. Some factors including the geography are close. We have not been able to ascertain some points regarding the second to say definitely that it is distinct from the first. But the divergences suggest that.

Mid-July: Ariyalai: An LTTE cadre escaping after killing Mr. Ramalingam (see below) had taken the bicycle of Satkunam's son who was then bathing. The cycle was later returned. Satkunam reported this to a nearby army post. The Army had not seemed interested. A few days later when the Army set about making arrests, two armed men in civils came to Satkunam's place at about 5.00 P.M and asked for him. His wife told them that he would be back shortly. Satkunam's daughter asked who they were and they showed Army identity cards. The men were Sinhalese speaking. But one of them spoke with an accented Tamil. While waiting for Satkunam the men spotted his son who was studying, and they took him and went away saying that he was being taken to Subhas Hotel. The father had then regularly gone to the Subhas Hotel Army HQ in Jaffna Town only to receive denials. The local army camp at Punkamkulam Junction also denied the arrest. As long as ten days later, the ICRC office in Jaffna had no record of the arrest.

15th July 1996: Rasavinthottam: Two young men, Ravi Coomarasamy and Prabkaran were going for evening worship at the Ceylon Pentecostal Mission in Chundikuli, where the former was resident. They had just closed their shop in town. A man who saw them being questioned at the Rasavinthottam sentry point later checked with Prabakaran's mother if her son had returned home. On receiving a reply in the negative, he told her what he had seen. The mother with her daughter went to the checkpoint. Without denying the arrest they were told to go home and that the boy would come back safely. subsequent appeals to the authorities have met with denials.

Ravi had earlier worked for a communication centre in Colombo that had been frequented by Varathan who masterminded the JOC bomb blast in June 1991 and had been known to Ravi. Ravi was among several people wanted for questioning, and fearing the worst, he absconded in Jaffna. From 1992 he had been involved in the work of the Ceylon Pentecostal Mission. He had also earlier undergone surgery for hole-in-the-heart.

The case against those accused of helping Varathan was concluded in 1993 and all were released except for the three officials of the Upcountry People's Front whose continued incarceration was said to have been for political reasons. The UPF leader after his release following the August 1994 elections became a Deputy Minister in the present Government. The husband of another

detainee, Ravi's sister, committed suicide after the press quoting police sources had falsely called her a hard core member of the LTTE and a mistress of Varathan's.

Brother Stanley of the Pentecostal Mission had unremittingly gone to the Army and explained Ravi's position. About a week later the Army verbally admitted having Ravi, but did not allow Brother Stanley to see him. Up to the second week of August the ICRC had no record of Ravi's arrest.

17th July 1996: Neeraviady, Jaffna Town: Gunaratnam Ronnie Arichunan was married 2 years and his wife was expecting their first child. He had done a stint with the LTTE until 1991 and was subsequently an active worker of the Zion Church. He recently found employment at the Jaffna Post Office as a substitute. Having left home at 7.00 A.M. he was delegated that morning to deliver packages of stamps and stationery to four sub-post offices. Having made his deliveries at Jaffna SPO, and Jaffna Town PO, he went to Neeraviady SPO where the post master's assistant told him that the post master had gone out for a short time. Arichunan went promising to return after making his final delivery at Navanthurai SPO. From that time he has been missing. All army points on the route and the military authorities in Jaffna deny having taken him. [\[Top\]](#)

July end: Meesali North, Thenmaratchy, off Meesali - Vembirai Road:

Sivatharmasundaram Mayuran(19) the eldest son with a younger brother and sister lived with his parents and was a salesman in Chavakacheri town. At about 10.00 A.M. the lieutenant in charge of the camp next door who was friendly with him asked him as a favour to borrow for his use a video deck from a house a few doors away on Mayuran's side of the camp. Several people who left for the Vanni had left their belongings in that house. Having taken his breakfast Mayuran proceeded there. Just a short distance away he passed a house that was a sentry point with 3 soldiers. One called Mayuran in, accused him of being an LTTE informant and took him into a dark room. The three soldiers took large sticks and proceeded to belabour him on the head. Mayuran soon passed out. Shortly before the change of guard in the evening, the soldiers revived him by kicking him and cut him all over the body and finally made a deep cut in the neck causing him to pass out once more.

The soldiers then tied a nylon saree around his neck and dragged him into the compound of the house behind, lifted the cover of the septic tank, thrust him in, and replaced the cover. They had evidently presumed him dead or dying.

During the course of the night the lady of the house in the compound heard a feeble, but continual whimpering. What had happened was that the water in the septic tank had revived Mayuran for the second time. Every now and then he gathered his strength, made a vocal effort and sank back exhausted. In the morning the lady insisted to the men of the house that someone had been whimpering on the premises. The men who had slept soundly were sceptical, but were persuaded by the lady to join her in a search. Having searched everywhere, the men said that it was time to call it off. This, Mayuran had barely heard in a state of semiconsciousness, and was driven to make a final effort. This was heard through the air tube protruding from the tank. They lifted the cover and promptly alerted Mayuran's family who had inquired for him far and near with sinking hearts, and also from the lieutenant at the army camp. The lieutenant had a look and went away.

Mayuran was then admitted to Ward 30 of the Jaffna Teaching Hospital. When he was better he said that he could identify one of the soldiers involved, but later was fearful of doing so. The lieutenant at the army camp who had seen him took no action, and those higher up evidently did not hear about it.

31st July: Periyamavady, Chavakacheri: Muhunthan was a young co-tailor assisting Ponnuthurai Sinnathurai (47) who had his tailor's shop at Sangathanai, 1 mile from Chavakacheri on the Kodikamam Road. At 5.30 PM Muhunthan was returning home after a Sinhalese class when he was stopped at Periyamavady by four soldiers on two motor bikes. A soldier asked him in Tamil, "How is your body?" Muhunthan was heard replying "It is OK". The soldiers asked for Sinnathurai's house and Muhunthan offered to take them there. The soldiers told Sinnathurai that they wanted some clothes for which an order had been previously placed. While Sinnathurai and Muhunthan rode towards the shop on bicycles, the soldiers followed on motorcycles.

Having collected the clothes one soldier went back to town and returned with an army truck. Muhunthan and Sinnathurai were loaded into the truck with their bicycles and taken away. The families have since been making a fruitless search in various army camps in the area. Although nearly all scenes in this episode had been publicly witnessed, the authorities have continued to deny any knowledge of the event.

1st August (approx): Chundikuli, Jaffna Town: The leader of a Christian youth organisation in front of St.John's College was waiting for two young labourers from Ariyalai to help him re-erect a fence that had fallen down during the last military operation. At about 10.30 AM soldiers came to the premises and asked if he had engaged two youths to work and whether he knew them. He replied in the affirmative and said that he knew one of the youths. He was then asked to come to Eechamottai army camp to record a statement. To his good fortune perhaps, he was met on the way by a person of standing who told the soldiers that he knew the youth leader well.

At Eechamattai he was loaded into a tractor, driven to Passaiyoor army camp, blindfolded and taken to a small room. Without any warning he received a severe kick on his stomach. As he bent down in pain he received another blow on his neck, followed by his face being dashed against a wall. The youth leader collapsed onto a rail. Then several men beat him with wires, cables and s-lon pipes while being accused of belonging to the LTTE. His every denial brought forth blows of greater severity. At length he was brought back in the tractor and left from where he had been taken. To the naturally timid youth this had been a physically and mentally devastating experience.

His having been lucky may be a strange comment. But it must be one of the few times that a victim of such torture was released on the same day and did not go missing. [\[Top\]](#)

Remark on torture

The accounts above describe the types of torture that are now commonly inflicted. A common experience of the detainees is that they are blindfolded and blows would start raining any time. Such experiences started occurring on a considerably enhanced scale from July. Other kinds of torture too have been reported from the time of the Army's takeover, particularly in rural areas. One is the petrol bag treatment: i.e. a plastic bag with a small quantity of petrol is placed over the victim's head and he then is suffocated with fumes.

A postman from Palai who used to drive his car during the weekends to carry out trade in betel leaves had gone to Nunavil. He was taken by the Army and locked up in a room with a fierce Alsatian dog, leading to his being severely bitten. [\[Top\]](#)

The return of internal terror

We give here details of a few cases although others have been mentioned earlier. Killing is just one means of soaking the society in terror. The LTTE constantly sends warning letters to government servants, clergy and NGOs threatening harsh measures against those who co-operate with the Government's rehabilitation efforts to restore normality. Such co-operation is categorised as subscribing to deception and selling their birthright.

19th April, Maruvanpulavu, Thenmaratchy:

On the day the Army moved in the LTTE shot dead one man,S.Suresh(22),recently married, whom it claimed was a traitor.

6th July 1996, Ariyalai, Jaffna: Mr. Ramalingam, Assistant Government Agent: Thambu Ramalingam had earlier risen to the position of AGA. Under the LTTE regime in Jaffna he had worked under the LTTE appointed GA Dominic, who regularly summoned the official GA. Following the Army's recapture of Jaffna Ramalingam raised the defunct Jaffna District Council's flag alongside the Sri Lankan flag. He rejoined the administration in the pass office issuing tickets for boat travel to Trincomalee enroute to and from Colombo.

Earlier this year he was treated for some cut injuries on the neck apparently resulting from personal enmity. After he was cured he used to be accompanied to work from his home in Ariyalai by a close female relative.

On the two successive days prior to his murder, the lady escort noticed two boys in school uniform coming on bicycles, who said 'good morning' and rode past. The lady escort told Ramalingam that the two looked like LTTE militants. The possibility was dismissed by Ramalingam. On the third day one boy came on a bicycle, stopped in front of Ramalingam and said that he needed a pass to go to Colombo. Ramalingam told him that he should come to his office. Just then the boy rubbed his palm on a trouser leg and pulled out a pistol. The observant lady gave a shout of alarm and hit the boy's wrist deflecting the shot which hit Ramalingam on a thigh. Ramalingam too joined the scuffle and the assassin was grounded. Ramalingam was apparently killed by a second shot - if one is to discount local talk that there was only a single shot dipped in cyanide.

With the lady screaming, the assassin took off on foot leaving behind his slippers, bicycle and school books strapped to the cycle carrier. He later grabbed the bicycle of Satkunam's son which was parked in the front garden while the owner was bathing next door, and made his getaway.

Some hours later two boys brought the bicycle home after inquiring in the area about a stolen bicycle. Satkunam scolded them calling them bicycle thieves and demanded that they come with him to the army camp. First one boy ran away. On the way the other boy hit Satkunam and ran away. At the army camp soldiers told him, "So you got your bike back, that is fine", and closed the matter. About two days later Satkunam's son was detained. (See above).

July, Nunavil, Thenmaratchy: N.Jeyarratnarayan(42),a former member of the Sri Lankan police, previously had close links with the LTTE. Once the Army moved in he formed new friends among the latter while keeping the old. He is accused of having given the Army valuable information on persons with LTTE affiliations. He is also accused of pointing out sons of relatively affluent homes as LTTE suspects and collecting commissions for their release.

According to local reports he also entertained members of the LTTE for meals. At one such meal he told a member of the LTTE that his group had been sending him warning letters. The member expressed surprise and denied his having anything to do with it. One night the same lunch-guest called and wanted to talk to the man. His wife insisted on following them outside. The LTTE boy wanted something from the house and the man

persuaded his wife to fetch it. She then heard a sound and ran out to find her husband shot dead and the visitor missing.

Aspects of this story culled from local accounts may seem exaggerated, and discerning fact from fiction would prove difficult. However such behaviour patterns are consistent with the legacy of a society immersed in terror and is reflective of the tragedy of the whole society and of every individual in it.

19th July 1996: Nallur: Sivajini: The Uthaayan of 20th July carried a funeral notice of the kind frequently witnessed during 1985 - 1989, announcing the death under 'tragic circumstances' of Mrs.Sivayogini('Sivajini') Patkunamanikkam. She was the daughter of Proctor Nadarajah JP, a prominent citizen in the area. The family's isolation and the message of terror was underlined by the fact that the 'Informant' on the notice was her daughter Dakshayini, a school girl at Chundikuli Girls' College. Few dared to associate with the bereaved family.

Sivajini was among those who had defied the LTTE's exodus order of 30th October 1995 and had remained behind in Jaffna. Her daughter received a bullet injury from cross-fire during the Army advance and was treated by the Army. Along with 250 others like her the Army had housed them at the Atchuvely Convent and later helped them to resettle in their homes. They were friendly towards the Army as the Army had been friendly towards them.

On the morning of the day concerned Sivajini was going to worship at the Chemmani Road Pillayar Kovil. On the road a girl wanted to talk to her and both walked together for awhile. At the top of a lane the girl pulled out a pistol, shot her, and ran away, leaving behind a notice accusing her of treachery.

Sivajini's husband lives abroad. She singly cared for her aging mother and her daughter in the university entrance class. She was also an active office-bearer of the Chundikuli Old-Girls' Association. According to her neighbours, because of her sociable qualities and her fluency in the three languages, people of the area regularly sought her help when some problem required an appeal to the Army.

4th August, Karanavai, Vadamaratchy: A fatheer of three children lived just on the uncleared side of the eastern boundary wall. Since he knew Sinhalese, soldiers manning the boundary frequently summoned him as a translator.

On this day the LTTE shot him on the forehead. The LTTE reportedly apologised to his family later saying that they had made a mistake. Other local sources feel that the LTTE knew why and what it was doing and there was no mistake! [\[Top\]](#)

Military Practice & Current Developments: A comparative overview:

There has since July been a large rise in the number of arrests and the institutionalisation of torture to a point where people see it as part of policy rather than as an isolated misdemeanour. The Government's public commitment to Human Rights and the international credit it has received made the latter seem more likely. The consistent failure to issue receipts upon arrests, inform relatives and merely keeping the ICRC on a casual mailing list, letting them know only of those cases that had at long-last been brought to the KKS police station, is a sign of the almost total loss of accountability in Jaffna. The ease with which persons could go missing is alarming. In practice there is no one to whom an ordinary person could complain of criminal misdemeanour by the armed forces without living in fear of severe repercussions.

Those who had tried complaining to higher officials feel that although they listen and appear concerned, it does not work. Often these officers seem to have no clue to what is happening to the military machine at the lower levels and adopt what appears in practice, to be an ostrich-like policy.

What is less known is that from the beginning of the Army's takeover there has been a notable difference between the Army's conduct in urban and rural areas. **It was a grave mistake to cover up rather than investigate and take punitive action against the few rape cases that surfaced.**

Irritations in the rural areas however were more widespread than was appreciated. It became unsafe for people to go out after dusk. A round-up often meant that even old women had to stand out the whole day without food and water. Innocent young men were detained, beaten and told that they would be released only if they named two members of the LTTE. Former members of the LTTE were asked to report and sign at one camp and while leaving were detained by men from another group. When parents protested to the first camp they were told that they had no influence on what others did. Yet despite these the people were willing to give the Army a chance and hope for the best. They had many reasons to feel disillusioned with the LTTE.

The suicide bomb blast in Jaffna on 4th July and the Mullaitivu disaster appear to have been crucial in giving far greater licence to the bad elements in the Army. In Thenmaratchy in particular people have begun to compare favourably the relative physical security they had under the LTTE with the current insecurity they experience from day to day.

One can see shades of Brigadier Tissa (Bull) Weeratunge's regime of the late 70s and early 80s. Weeratunge was sent to Jaffna in mid-1979 with a list of a couple of dozen militant activists and an order from President Jayewardene to eliminate terrorism. Young boys were picked up off the roads in round ups and tortured with the number of disappearances rising to 23 by early 1983. The result was a militant movement several thousands - strong. These failed methods were used again and again and were presented as successful, but carried credibility, if any, only in the short run.

A hopeful exception in recent months has been the handling of Vadamaratchy.

Now for a brief look at the three traditional divisions in Jaffna:

Valikamam

It is in this area that a marked change of military behaviour had taken place following the killing of Brigadier Hamangoda on 4th July. His successor as Town Commandant, Brigadier Gamini Jayasundara, is comparatively cut off from the people. But if the top-brass had not known earlier, they have been told enough by the public to know what is really going on.

Apart from the missing persons since mid-July, there was a wave of hidden attacks on civilians from 28th July when the full extent of the military disaster at Mullaitivu (about a thousand soldiers in the fallen camp unaccounted for) became public knowledge. A number of persons were detained, particularly at check-points, taken into camps blindfolded, and badly assaulted. Those who were released after a few days testified to several others similarly detained, whom they did not see because of being blind-folded, but had spoken to. Kaladdy camp, a key entry-point into Jaffna town and commanded by a major, was one of the places where this happened. Other points about the area have been discussed earlier.

Thenmaratchy

There has been no marked change of policy. People have constantly experienced terror and indiscipline in the rural areas. Being the most readily accessible from the mainland, there have been at least two major attacks by LTTE in each of which about a dozen soldiers were killed.

Our cases suggest that from late July there has been a greater licence for criminal behaviour among soldiers, with no tangible attempt by the top-brass to check this.

Every local army camp has a householders list with details about inmates. Visitors have to register. In the absence of monitoring structures and hence accountability, and in the light of experience, people fear that these lists frequently serve a predatory purpose, adding to their insecurity (see cases above under Rape...). Abductions by the Army at junctions (as opposed to arrest that has a legal procedure) has been on the increase. Nunavil is among those noted for such.

Vadamaratchy

The situation in this area that comes under the 28th Brigade based at Pt.Pedreo commanded by Colonel Larry Wijeratne deserves to be looked at more closely because it has a commendable side to it as well as some disturbing trends. Its boundary extends northwards from Vallai, south of which is the 29th Brigade based at Atchuvely.

The first troops to enter Pt. Pedro in May were of the 53rd Brigade under Brigadier Fernando. There were only about 150 LTTE cadre around who left without offering resistance. Relations with civilians have been cordial from the start. At the beginning there was no food and the Army supplied cooked food to the civilians for several days. As in Thenmaratchy the Army had earned popularity by breaking open stores where the LTTE had sequestered rations meant for the people and allowed the people to help themselves.

Unlike in Thenmaratchy, Colonel Wijeratne has taken far greater pains to maintain discipline among his troops. The events of July caused no break in this discipline. We have received no reports of regular torture and beating such as are reported in the other regions. The Colonel's main thrust has been towards winning over the lower stratum of society by making himself readily available to the ordinary people and taking initiatives such as to revive the economic life of fisherfolk. In instances where misbehaviour by soldiers among some of the poorest folk was brought to his notice, he has been known to apologise to them personally and to reassure them. The culprits are also in some cases said to have been punished. Checks have also been instituted to curb the purchase of liquor from the public by soldiers.

On one occasion a soldier, assaulted a village headman in Vallvettithurai, the LTTE leaders village, from where about 90% of the population had fled to the Vanni. The Colonel called a meeting of headmen, apologised for the incident and also told them that any suspect arrested by the Army would be released on an assurance given by any one of them, provided they would take responsibility. At least up to a point there has been a coherent effort to uphold the dignity of ordinary civilians, who thus feel very little threat to their physical security and that their homes are fairly inviolate - they generally sleep in peace unlike in Thenmaratchy.

The Army also receives a good deal of information of LTTE movements and there are regular ambushes with accompanying mishaps. The following are a sample:

June 1996: Kallikai, Thunnalai:

On receipt of information of an LTTE presence on the uncleared side of the eastern wall, soldiers went to a home and asked the people to continue with their domestic chores as they normally do and waited in ambush. The LTTE made an appearance and 3 of them were shot dead, including the son of Balasingham - Teacher of Puloly who was once a brilliant A-Level student.

Another group of the LTTE who were two doors away took to their heels and escaped.

Early July: Navindil: Going on a tip-off the Army caught 3 members of the LTTE who were hiding in a house and made them squat down. One made an escape and the soldiers let him go. He was shot dead by a second group surrounding the area. The other two were also shot dead and their corpses were carried away in the sarongs they were wearing.

5th August: Kovil-Santhai, Nelliady - Kodikamam Road: The Armmy went on a tip-off and waited in ambush near a house with LTTE cadre. An old man who was squatting between the hostile parties saw the soldiers and went on squatting. After a length of time, unable to bear it much longer, the old man got up to move away. Seeing movement one of the ambush party fired killing the old man. The LTTE cadre escaped.

Now we come to the disturbing aspect of the policy in Vadamaratchy. In the early stages, such as in the first incident, the bodies of dead LTTE cadre were brought to the Pt Pedro hospital mortuary. The second incident is a case of current practice. According to local reports there is now no taking of prisoners even when it is possible. Bodies of LTTE cadre killed are disposed of without the due legal process. In the case of the old man killed in the third incident we understand that a inquest was held.

The summary killing of LTTE captives and the disposal of bodies is a worrying development that smacks of the general air of impunity characteristic of Jaffna. It makes civilians more insecure during routine military operations and could under adverse conditions degenerate into the kind of thing, so common in the past, that the Government had promised to eradicate. [\[Top\]](#)

Some Deeper Issues

Since our inception just over eight years ago, there are two things that we have been stressing as being of the foremost importance in bringing an end to the cycle of terror. The first is that the State should forego some of the illusory pomp and be accountable to the people. The second is that the State should project a higher sense of character in admitting mistakes and shortcomings, and be open to public feelings and demands towards enacting corrective measures. Although there have been decisive improvements under the new government, they still fall short of what it takes to restore peace. Some crucial issues refuse to go away.

It is now clear that hundreds of thousands of people in the Vanni who must have lost count of the times they have been displaced, both by military operations and the exigencies of Tiger politics, could hardly see the Government as caring for them. Many are today camped in open fields in Mankulam without a roof over their head in the wake of the Army's push towards Killinochchi. According to the first sketchy reports coming through civilian sources, Air Force planes have been bombing this area now teeming with civilians. In one part of Mankulam on the main road where a large number of civilians had gathered, bombs were dropped by Kfir bombers killing about six civilians. The civilians believe that this was purely meant to kill them as there was no LTTE target within a mile. Another bomb at Mallavi in Mankulam missed the LTTE pass office and killed about two civilians.

To understand the pretensions underpinning these bombing raids, it is best to look back at a recent event, where, the dust having settled, we have much more information. The world has almost forgotten it, but the people have not. This was the bombing near the Church of St. Peter and St. Paul at Naval on 9th July 1995. We then quoted local sources who said that about 65 civilians were killed - also the rough figure given in the ICRC's statement. Jaffna hospital sources later put the figure at significantly over one hundred, based on their records. The President expressed her sympathy, appealed for authentic information and called for an inquiry. Her last public word on the matter at a press conference in early August 1995 was to play on the fact that contrary to early reports the church building was hardly touched (although the fact that a large number of people in the church premises were killed was never contested), and that she

was awaiting further information. The Government is now in control of Jaffna, even if Navaly is in the uncleared area, but there has been no further word on the inquiry. The defence establishment confused the issue with speculation given wide press publicity about an LTTE ammunition dump setting off `sympathetic explosions'. Even the civilians long wondered if there had been an LTTE convoy or even a single LTTE vehicle in the area. Now, even though the Army has access to the area, they are yet to report on the ammunition dump story.

The picture is much clearer now. There were a number of vehicles in the area. These nearly all contained civilians fleeing the military advance. Navaly was then teeming with civilian refugees and volunteer helpers. As those familiar with the situation put it, `Wherever you dropped a bomb in the area, you were bound to get a few dozen civilians'. The area was four miles from the nearest Army position and there was no marked LTTE activity there.

We have from eye witness accounts found that a single Puccaro bomber came from the north-west, from the direction of Karainagar, at full speed, went straight for Navaly, dropped six bombs, climbed, turned and went back almost in the same direction from whence it had come. At the time the incident took place refugees had been pouring into Navaly for nearly 7 hours, people leaving their homes as intense shelling from the east came nearer. The following is the testimony of a girl among one group that left Chankanai at 2.00 PM, travelled west towards Vaddukkoddai and turned south towards Navaly at Sangaratthai junction. They were approaching Navaly about 4.30 PM when the incident took place:

"We were part of a huge stream of civilians on the road with fields on either side. The pilot could so clearly see us and considering that the Government knew why we were fleeing, we never expected him to bomb. When he did, we were so much taken over by sudden fear that, in trying to scatter, we tripped over each other and fell on the ground."

Several accounts suggest that there was then just about one LTTE vehicle near Navaly junction under three huge trees that remained untouched by the bombing, whence the vehicle could hardly have been seen.

It was a quick job and there is no way the pilot could have spotted or distinguished an LTTE vehicle or convoy. There was at that time no LTTE preparation anywhere to resist the Army advance. LTTE vehicles were of course busy in many places away from the advance, taking their possessions away. The one thing the Military could have spotted from the air or have heard from the International NGOs, if not from the Government's own Agent, all of whom had radio links, was that refugees were teeming into Navaly. Civilians who know the facts had come to the most obvious conclusion, and find it extremely difficult to reconcile themselves to the Government. The President too lost much of the trust that she had earlier earned.

The alternative explanation is that the Air Force had issued an order to bomb without any checks, acting on deliberate misinformation. But this raises so many questions without credible answers, apart from the notorious inaccuracy of such raids.

Four days later the LTTE shot down a Puccaro bomber. Almost every civilian, even those waiting impatiently to see the backs of the LTTE and hoping that the Army would come in quickly, was happy about the shooting down of the Puccaro. If one extends this understandable response taking into account the whole picture, one gets a clear view of Tamil ambivalence - the ambivalence about terrorist attacks in the South, about the Government, the Armed Forces, Mullaitivu, and ultimately their own people, the LTTE and the terrible phenomenon of child soldiers. We have always maintained, that though explicable, it is a narrow, unhealthy and suicidal ambivalence of a depoliticised people. The ambivalence is moreover based on immediate concerns of the particular group in a highly divided society with contradictory aspirations.

Correspondingly, there is also in the South ambivalence about the Tamils among them, about the bombing and shelling of Tamil civilians in the North, the use of state-terror and also about a suitable political solution. These with globalisation and the divergent aims of insecure expatriate groups thrown about in various countries, comprise a vicious cycle that needs to be broken.

This is why we have laid stress on the necessity for the state to project a higher calibre of character. We consider a just political solution along with disciplined and accountable Armed Forces to be of paramount importance in order that it will give hope for the people to start afresh a new life with dignity, leaving behind the tragedies of the last few decades. It would further give them space to resist in a reasoned voice, the recruitment of children, which is the greatest evil confronting Tamil society.

We must keep in mind that what obtains in Jaffna has been a closed society for many years with those coming into adulthood having grown up in conflict and uncertainty. Its access to the media remains restricted with only Government controlled newspapers being distributed in very small numbers. One local paper (Uthayan) resumed publication in mid-July. For years now the people have had no media that they could trust. By weeding out independent spirits, the LTTE deliberately paralysed this society to facilitate its own totalitarian control. Elimination and emigration have drained the society of much of its trained talent.

Given the underlying contest for power and the LTTE's determination to use all means to claw back what it has lost, those left in a position to take any initiative to fill the political vacuum or do anything for the common good are terrified even to try to do so. The accepted norm is for NGOs, institutions and individuals to make representations to secure their narrow interests while being indifferent about the rest - a legacy of totalitarian culture. Events of the last decade have also left a society that is deeply traumatised. Its once vibrant system of education is now in shambles.

It is thus an apathetic society with hardly any visible movement and is barely capable of the immense political effort needed to democratise its life and administration. In the resulting frustration, the old totalitarian order of the LTTE, as highly deprived as it was, may appear attractive to many.

Those of us who wish this society well and want the Tamil community to survive as a cultural and ethnic entity, are therefore faced with the painful task of rebuilding a democratic infrastructure amidst the present ruin. A new leadership will have to be helped to emerge by promoting collective action beginning at the village level. Unless the people can become interested in their own future and are given the power and the necessary resources to do something about it, there is little hope for the Tamil community here. [\[Top\]](#)

Conclusion:

After the initial euphoria of going back to their home after their ordeal of several months, the people have now to come to terms with their reality, which can be summed up as follows:

A. Immediate concerns to start normal life

1. Loss of properties and damaged houses.
2. Ruined economy and agriculture.
3. Limited supply of food, other materials and inadequate health facilities.

4. Overall inertia of the Government machinery.

5. Restricted travel to the South.

B. Security concerns and uncertainties

1. Unstable situation and general insecurity.

2. LTTE's presence and the prospect of LTTE's provocations

leading to Army retaliation, in turn leading to a stifling of
normal life.

3. Routine checking.

C. Political and social reality.

1. A total political vacuum.

2. Hardly any effective structures left to assert community

interests.

3. No positive developments in the political scene regarding the

proposed political solution.

4. The terror syndrome

D. Psychological aspects.

1. The trauma and disorientation due to continuous war

conditions and a regimented life.

2. The very deep-rooted effects on children with nothing at present to give meaningful hope.

3. Need for structures which can deal with problems related to trauma and promote peace activity:
Humanising the social sphere is an essential task in peace making.

4. Rejuvenating the educational system with a clear focus on the essential needs of the society for giving hope to the younger generation.

These manifold considerations thus need to be taken into account by those formulating programmes for revival. Future developments will depend on a healthier change, a change that can take place only if we take steps to address these issues with a clear vision.

With a view to promoting democratic and human rights, we strongly feel that the following issues should be addressed immediately:

**** Hold a preliminary inquiry into the bombings at Naval and Nagarkovil (July & September respectively in 1995) and pay compensation to the victims.**

**** Arrest the deteriorating situation by taking immediate steps to investigate concerns in this report about the possible induction of the white van abduction team, torture and disposal of the bodies without proper post-mortem etc.**

**** Remove censorship.**

**** Provide more access to journalists.**

**** Allow the Human Rights Task Force (HRTF) to become active in Jaffna with personnel who have the ability to make it functional in a meaningful way.**

**** Allow international NGOs and Human-Rights organisations to visit Jaffna with a view to fulfilling their obligations.**