

REPORT

FACT-FINDING MISSION TO TRINCOMALEE **(Eastern Province) SRI LANKA**

April 16-17, 2006

Representatives from INFORM (Sunila Abeysekera and Udaya Kalupathirana), Law and Society Trust (Ramani Muttetuwegama), The Centre for Policy Alternatives (Bhavani Fonseka), Freelance Journalist (Buddhika Weerasinghe) and Devasarana Development Centre (P. D. Gunatilaka) traveled to Trincomalee on the 16th and 17th of April, 2006, to gather information regarding the prevailing situation.

The visit was undertaken in response to reports received by these organizations through both the media and individual contacts in the Trincomalee area, concerning the violence that erupted on the 12th in the aftermath of a bomb explosion in the Trincomalee town vegetable market which killed five persons, including a Police officer and a child.

During our visit to Trincomalee, we visited a temporary shelter in Varothiayanagar Bharati Vidiyalayam set up for Tamil villagers displaced by the recent violence. Additionally, we met with civil society leaders, a Buddhist monk and three members of the Catholic and Anglican clergy, as well as NGO and INGO staff working for peace and reconciliation in and outside Trincomalee town.

Background:

One issue that became quite evident during this visit was the strong polarization of the different ethnic communities in Trincomalee. This has been deepened by a number of incidents: violence and intimidation that occurred in the aftermath of the erection of a Buddha statue near the market in May of 2005; the killing of five schoolboys in January of 2006, the April 8th assassination of Mr. V. Vikneswaran, head of the Trincomalee District Tamil People's Forum, in Trincomalee town on April 8th; and the recent series of claymore attacks on the security forces in the area.

The culture of impunity which has prevailed with regard to past incidents of violence seems to have contributed to the general environment of fear and mistrust at every level.

Sharp ethnic divisions have resulted in a heightened sense of insecurity throughout the area, with each group feeling marginalized and vulnerable, suspecting one another of ill will and hostility. Furthermore, several villages on the slow path to recovery after the tsunami disaster of December 2004 have also been affected by the recent violence.

The incidents of April 12th and thereafter:

The bomb explosion in the Trincomalee vegetable market, which is dominated by Sinhala traders, took place in the early afternoon of April 12th. The market was crowded with shoppers buying goods for the New Year celebrations due the following two days.

According to the testimonies we heard, within 15 minutes of the explosion, gangs of Sinhala persons armed with poles and swords began a rampage through the town's business district, looting and setting Tamil shops ablaze. The branch of the Hatton National Bank in Trincomalee town also came under attack. According to witnesses, there were never more than one hundred individuals at any given time. Soon the mob also began to attack people they believed were Tamil, ransacking the public bus stand and abducting several passengers from the bus station. Several people were killed with poles and knives and their bodies flung into the burning shops. The burning of bodies has resulted in delays in identification, and has destroyed traces of mutilation and sexual assault prior to the death.

There are 19 deaths reported so far, with the figure steadily rising from day to day; of the dead, seven are women. Unfortunately, no breakdown of the causes of death have yet been published, leaving room for possible confusion between deaths caused due to the explosion and the killings that took place afterwards. One unconfirmed story told of a young woman from Palaiooththu, who had come to the Dialog office to pay her bill, being killed outside the shop and tossed into the flames. In Linganagar, there were reports of a Tamil couple being dragged off their motorbike, mutilated using swords, and thrown back on to the vehicle which had been set ablaze. Over 75 people were reported to have been injured in the violence. 40 of them had to seek attention at the hospital for their injuries.

Other incidents of violence have taken place outside the town, with several killings taking place. Witnesses remarked that when the violence broke out in the town, people who had traveled to areas dominated by other ethnic groups in order to work or trade were left with no way of returning to their homes that night. This made them especially vulnerable to abduction and murder. The body of a young Sinhala man, identified as Nissanka, turned up in Mahindapura on the 14th of April. He had been missing since the previous day. In retaliation, the Sinhala villagers of Mahindapura went on a rampage in the neighbouring Tamil village of Nadesapura, setting fire to over 40 homes. The office of the Trincomalee District Youth Development Organization (AHAM) was attacked and several vehicles belonging to the organization set on fire; the Hindu temple in the village was also set on fire and destroyed. It has been reported that a female devotee of the temple, Somasunderam Maheswari, was chopped to death by the gang. Four or five houses were burned down in Andankulam as well; these were new houses, built under a post-tsunami reconstruction scheme.

Further, there have been reports of an attack by Air Force personnel against Tamil civilians in Kappalthurai, in retaliation against a claymore mine attack on the 15th of April which killed 2 airmen and injured 2 others. There have also been two separate cases of killings reported, one of a Sinhala bakery employee who was murdered in Anbuvalipuram and another of two Tamil civilians who were shot dead by the armed forces in Puliyanukulam. There are also unconfirmed reports of several dead bodies, including those of women, being found in different locations. Although some reports have mentioned cases of rape, these are yet to be confirmed.



Photo by Buddhika Weerasinghe

There have been several areas in which large numbers of people have been displaced due to the violence. As of the 20th April, the District Secretariat, Trincomalee, had the figure at 2673 persons (723 families) residing in five camps in Bharathi Tamil Vidiyalayam, Kalaimahal Tamil Vidiyalayam, 4th Square Church Anpuvelipuram, Kappalthurai Tamil Vidiyalayam and Lovelane Stores. There were Tamils and Muslims among those displaced and seeking refuge in schools and in public places. Many others of all three ethnic communities are said to be leaving their homes at night-time in order to spend the night with relatives. Though the official estimate of displaced persons is 2673 persons, this does not take into account those who are residing with family and friends. Several no longer have houses to return to, while many fear to do so due to the lack of security.

The response of the state and of other agencies to the plight of the displaced in Trincomalee after the recent bout of violence has been very slow. A number of public holidays meant that many offices were closed; security operations made it difficult for people to travel to work and also made an ordinary trip to the market a hazardous undertaking. This has meant that the displaced persons have gone through extreme hardship for the first few days of their displacement. For example, the camp in Varothiayanagar Bharati Vidiyalayam consisting of 299 men and 287 female (155 families) who were displaced since the 14th of April, had received no Government assistance even three days later. While they had received limited assistance from international agencies, it was a few local organizations that were most active in providing immediate health and food assistance.



Photo by Buddhika Weerasinghe

Commentaries:

Trade Rivalries?

Most of the people we spoke to in the town, who were mostly Tamil or non-Sri Lankan, felt that the speed with which the violence erupted after the explosion indicated it was a pre-planned attack. Two of them referred to the situation as being reminiscent of the anti-Tamil riots of July 1983. Some of the shops that had been set on fire were the only ones in a row of several that had been thus attacked. People pointed out that the shops that had been burnt stood next to ones owned by Sinhalese traders which were left unharmed. This was a very visual indicator of the ethnically selective nature of the attacks. Most people confirmed an official figure of a total of 30 shops burnt, of which the majority belonged to Tamils. 2 Muslim shops were also burnt in the violence. It was

also noted that among the shops burnt down were very large ones: Hari Electricals, the Dollar Agency, the Dialog Company and the Sunlight (Lever Brothers) Agency. There was some speculation that the larger shops had been targeted because their owners were allegedly LTTE supporters, having contributed money to the organization. In addition, people claimed that there has been a general effort over the past ten years to drive Tamils out of the trading sector. The fish and vegetable markets in Trincomalee town are both almost entirely controlled by Sinhala traders now. Observers perceive the recent violence and attacks on shops to be an attempt to force the Tamil traders to move out of the other areas of entrepreneurship.

Security Issues:

All observers pointed out that while the rioting lasted for between two and three hours during the day, the armed forces and the Police did almost nothing to prevent the violence from taking place. Subsequent to the attack, it was evident that there was a high military and police presence in the area.

There were clear differences of opinion between the observers regarding the culpability of the security forces and the Police. Most tended to believe that the Police acted more fairly than the army or Navy. There are stories of Police firing and even injuring several people in the mob, but this is yet to be confirmed. Most of the people we spoke to claimed that the Navy was especially brutal towards civilians; perhaps the fact that Trincomalee is dominated by its harbour and by the Naval Base located there, means that the Navy wields greater influence among the local communities here.

There are several very credible eye-witness accounts about the manner in which the security forces stood by and allowed the arson and killing to take place. A vehicle carrying four members of the Nonviolent Peace Force (NPF) was attacked by a gang of about thirty people. Its windscreen and back window were badly damaged and one NPF team member was slapped and hit on his head by persons who lunged in through an open window. All this took place very close to a check point. Moments before this incident, the NPF team was advised by the same check point that it was safe for them to proceed. When the NPF team was attacked and drove back to the check point, the security forces there simply observed the entire incident and did nothing to prevent the violence. In another incident, when the crowd tried to break into the cash vending machine outside the Hatton National Bank, the bank's security guard tried to prevent them from doing so. The security guard was warned off by the security forces against doing anything to the mob, which resulted in the crowd damaging the cash vending machine and assaulting the security guard.

Avenues for Redress?

Although there is a multi-ethnic Citizens' Committee, led by religious leaders of all communities in Trincomalee town, and Peace Committees initiated by the Police at the level of every Grama Sevaka Division, these structures have been ineffective in the face of the recent incidents of violence.

On the 13th, immediately after the violence in the town, the security forces called members of the Citizens' Committee to a meeting in Plantain Point. Clergy from the Christian, Buddhist and Hindu faiths were present, as were representatives of various Sinhala communities. No representatives of either Tamil or Muslim communities participated in the meeting. Reports from the meeting said that many of the representations were therefore made by the Sinhala persons present, and focused primarily on their security issues. There was also some hostility displayed towards the Police for having permitted the funeral of Mr. Vikneswaran to take place in a ceremonious manner; for example, there was tension over the fact that the route on which Mr. Vikneswaran's funeral passed was decorated with red and yellow flags and

members of Sinhala groups were prevented from taking those flags down and hoisting white flags of mourning for Navy personnel who had been killed in a claymore attack. The Police had also arrested three young, Sinhala men in connection with the attack on TNA MP Raviraj's vehicle when he was returning to Colombo after Mr. Vikneswaran's funeral.

Following the violence, the President sent a special delegation consisting of Minister of Industrial Development, Mr. Rohitha Bogollagama, NCP Chief Minister Berty Premalal Dissanayake, former Navy chief Daya Sandagiri and the Inspector General of Police, Mr. Chandra Fernando to Trincomalee on April 14th. The IGP and the Secretary to the Ministry of Defense, Mr. Gotabhaya Rajapakse made a second visit to Trincomalee on April 17th. However the people we spoke to remained dissatisfied with the impact of these interventions. Mr. Bogollagama's conversations with the traders and representatives of the Chamber of Commerce led to some decisions being taken regarding compensation and loans for traders who had been affected by the violence. The IGP energized the Peace Committees and members of the Police force traveled to all the Grama Sevaka areas to ensure that the Peace Committees were functioning. However, these measures have not been effective in restoring public confidence and a sense of security.

Consequences:

Trincomalee has been under a sunrise to sunset curfew from the 12th of April, and the return to normalcy has been slow and sporadic. Banks remained shut except for a few hours each day; many shops are closed and not many supplies have been received. Many offices are also not functioning as normal, and daily paid workers in particular are unable to earn a living.

There is a very high degree of mistrust and animosity between the Sinhala and Tamil communities in particular. Groups remain polarized on the basis of ethnicity, and there is no structure that has the capacity to bring them together in a positive and constructive forum. Each complains of a high level of insecurity and the two communities live in constant fear of one another. The fact that most people are not sleeping in their own homes, but instead gathered together in the house of one family member each night is indicative of the situation.

The political consequences of heightened ethnic tensions in Trincomalee are severe. People we consulted were concerned with the growing militarization of the area. Since the worsening situation of the past six months or more (ever since the tension surrounding the Buddha statue), there has been a stronger armed force presence in Trincomalee. The law-enforcing mandate of the Police has been reduced, and several officers that the people of Trincomalee trusted have been transferred out. Recent transfers of Police (after the incidents of April 12th) have sent another warning signal to the Tamils of Trincomalee regarding the justice and fairness they may expect in the future.

Furthermore, the growing presence of cadre from the Karuna group in and around Trincomalee is also an area of concern. Some observers attributed the focus of the LTTE on Trincomalee to this factor, at least to some extent. They pointed out that the LTTE had never had such a strong community base in the Trincomalee area and it was seeking to use the situation to put itself forward as the protector of the Tamil people of Trincomalee. At the same time, in describing the violence on the 12th, people are of the opinion that the Eastern Sinhala People's Organization is not simply a 'front' for the JVP', as commonly supposed, but has an autonomous and even more extremist position regarding the ethnic conflict. The absence of a moderate Sinhala voice in Trincomalee was mentioned by almost everyone we spoke to.

Given that Trincomalee has always been a flashpoint for ethnic conflict in Sri Lanka, it is imperative that civil society organizations in the south concentrate on strengthening existing networks and building new ones, to give a truly plural character to the moderate and peace-loving voices of Trincomalee's peoples and to ensure that a slide back into barbaric ethnic tensions does not arise.

Recommendations:

On the basis of its findings, we wish to highlight the following areas of concern and appeal to the government, political parties, non-governmental organizations and all members of civil society:

- ❑ Immediate steps must be taken to ensure that all emergency and humanitarian assistance necessary is extended to those displaced by the violence; rebuilding of houses should be a priority;
- ❑ A delegation of senior members of all leading political parties should undertake a visit to Trincomalee to meet with all sections of the population as a confidence-building measure;
- ❑ The government should devise some means of accepting accountability for the inability of the security forces to prevent the violence; a collective apology from the state and from southern political parties to the people of Trincomalee would go a long way towards re-building bridges of communication and trust;
- ❑ An independent investigation into the violence following the bomb explosion on 12th April should be undertaken by a team comprising representatives of government and non-government bodies; the investigation should aim at recording the various testimonies regarding the incidents and at making recommendations to the government regarding justice and redress for the victims;
- ❑ These measures should take into account the culture of impunity that has prevailed in Sri Lanka, taking on board the experiences of previous commissions, and ensure that concrete steps are taken and implemented by the government to end impunity;
- ❑ Civil society organizations should create a 'rapid response' network that will make regular and systematic visits to their partners and colleagues in Trincomalee in order to monitor the situation;
- ❑ Payment of compensation should be transparent, unbiased and acceptable to all affected parties;
- ❑ Institutions such as the District office of the National Human Rights Commission should be reinforced with material and human resources to enable it to act more effectively in a time of crisis such as this;
- ❑ The Citizens' Committee should be strengthened so that it can act independently and with the recognition of the authorities;
- ❑ All post mortems should be conducted in a manner that will ensure investigation into the cause of death and other injuries that may have been caused by sexual assault;
- ❑ All investigations conducted into the deaths, including the inquests, should be conducted in a manner that will encourage and ensure maximum participation by eyewitnesses.

We note that the LTTE have been engaged in acts of armed attacks against the security forces resulting in further heightening tension and fear within the community and the Trincomalee area.

We appeal to the LTTE to:

- ❑ Halt these acts of violence and commit to the pursuit of its objectives through non-violent and democratic means;
- ❑ Ensure that there are no obstacles in providing emergency and humanitarian assistance to those displaced by the violence and facilitate in creating a safe environment for the implementation of aid work by agencies and individuals.

It is imperative that all political actors are aware of the dangers involved in not taking control of the situation and ensuring that the potential for heightened violence in Trincomalee is curbed. The creation of an environment in which people can return to their homes and their livelihoods should be given priority. In the current climate of insecurity, attempts by some politically motivated groups to incite ethnic and religious hatred should be dealt with immediately and all citizens need to be more vigilant about these manipulations. The fragility of the peace process at this moment calls for a concerted initiative to safeguard the CFA and strengthen the voices for peace in Sri Lanka.

21st April 2006