

Pararajasingham Kokularaj and Yoganathan Pooncalalon had been injured. All of them were students who had gathered near the Gandhi statue that evening for a chat. The statements of the injured had been recorded at the Trincomalee Hospital where they received treatment. Kokularajah had stated that at about 6.50 p.m. all the above mentioned deceased, the other injured person Yoganathan and he had gathered for a chat. Kokularajah was facing the Dockyard Road and chatting when he felt a vehicle approaching them. Within seconds he had heard a bomb exploding. He was injured on the head and had fainted. Yoganathan Pooncalalon corroborated the statement of Kokularajah. However he had seen a green coloured three wheeler coming towards them. A grenade had been rolled in their direction from the three wheeler. When he attempted to run away it had exploded. He saw the three wheeler fleeing towards the fort after the grenade exploded. As a result of the explosion Kokularajah, Sajendran, Sivanandan and he, were injured. He could not move as his leg was injured. Kokularajah had fainted. His head was injured. In a short while, a jeep had arrived with about 10-15 persons in military uniform. He is not sure whether they were from the army, navy or the STF. They had then put the injured into the jeep and assaulted them with the butts of their weapons. Thereafter they were pushed out of the jeep. Then he had heard several gun shots. Bullets hit him on his thigh and the back of chest. He lay flat with his eyes closed. In a little while there was silence. He could not move due to the injuries. Shortly thereafter the police arrived and took the injured to hospital.

This incident had taken place not very far from a check point on Dockyard Road which is along the beach. The place where the STF officers who came from Colombo were housed was the old police station premises which is not far from the Gandhi statue. It is surprising that a three wheeler from which the grenade was thrown had come past one check point undetected and had got away without anyone giving chase to it. Nor had it been stopped at the next check point a little further away.

It is in evidence that the STF had arrived for duty in Trincomalee on 24th December, 2005. Sub Inspector Ananda Bulanawewa of the Uppuveli Police Station had stated that he had been instructed by SP Kapila Jayasekera to work with the STF.

In his statement SI Ananda stated that he was at the Clock Tower check point on duty from 7 p.m. to 8 p.m. This check point is not very far from the place where the shooting had taken place. He stated that 13 STF officers were present at this check point. They heard a grenade explode near the Gandhi statue on the Dockyard Road. According to him all of them had then gone towards the Dockyard check point, stopped the jeep there and started walking towards the beach. He stated that they saw a police jeep halted near the Gandhi statue.

Police Inspector VA Sarathchandra Perera had stated that on 23rd December 2005 28 persons from the STF had come to Trincomalee on the orders of K.H. Jayaweera, Superintendent of Police. These 28 included 1 Inspector of Police, 2 Sub Inspectors of Police, 1 Police Sergeant, 22 Police Constables and 2 Police drivers. They were staying at the old Police Station near the Urban Council which is between the two check points on the Dockyard Road. This means that the STF personnel who were staying at the old police station could get to the Gandhi Statue where the deceased students were chatting, without passing any of the check points on Dockyard Road. On 2nd January 2006, 13 of them were on duty near the Clock Tower. They were all wearing STF uniforms and were armed. He stated that on hearing the grenade explode they had rushed to the spot on the beach and saw seven persons, some of whom were injured. He stated that there is another check point about 75 meters away. Two Police jeeps had arrived from that side. On 6th January 2006 the STF had been ordered to leave Trincomalee.

Reserve Police Sergeant H.P.D. Upali Gunewardana of the Harbour Police had stated that shortly after the grenade explosion he heard gunfire. At that time he was on duty at the UC Junction check point which is about 100 meters away from the Pedurukotuwa Junction which is near the beach.

The statements of these Police officers indicate that the Gandhi statue where the incident took place is between two check points. The STF officers were the ones who first arrived at the scene of the grenade blast. IP Sarathchandra speaks of seeing seven persons at the site, some of whom were injured. When the Harbour Police arrived they had dispatched all seven to the hospital. The JMO had reported that the five killed at the

incident had died due to gunshot injuries. Of them, three had been shot on the head. The two, who were injured, also had bullet wounds. The Magistrate had concluded that the deaths were due to injuries caused by gunfire.

The evidence of the STF personnel who arrived at the scene almost immediately after the grenade explosion and the gunfire does not mention of any of them having fired their weapons. But the Harbour Police who arrived immediately afterwards, dispatched the dead and the wounded to the hospital. It is therefore highly unlikely that anyone other than the STF could have shot those who were at the Gandhi statue. This is also confirmed by the evidence of Yoganathan Pooncalalon who was one of the injured who stated that about 10 to 15 uniformed persons arrived soon thereafter. They had then put those who had been injured into their jeeps, assaulted them with their weapons while they were in the jeep, and then pushed them out of their jeep. Soon thereafter he had heard repeated gun shots two of which struck him on his thigh and back of chest.

Dr. Manoharan, the father of the deceased had received a telephone message from the mobile phone of his son Ragayar, that the security forces who had arrived at the scene after the grenade blast, were making him and the others who were with him to kneel down and that they were pleading with the security personnel not to shoot them. Dr. Manoharan who had arrived at the scene soon afterwards had been stopped at the check point near the beach and prevented from going to the rescue of his son. He speaks of having heard the pleading of his son and then gunshots a few minutes later, which killed his son and the others.

Following this incident the security forces had issued a statement to the press that seven tigers who had attempted to throw a grenade had been injured as the result of the grenade exploding in the hands of those who brought them. As the result of the explosion five had died and two had been injured. This story was proved to be false when the Judicial Medical Officer who conducted the postmortem examination reported that all those who died had gunshot injuries. The JMO Dr. Gamini Gunathunga, who deserves to be commended, had stated in his report that three persons had gunshot wounds on their heads while two had been shot on their chest and abdomen. Though the Magistrate

had ordered that the bodies be released to their families, there had been some delay in releasing the bodies. The people of Trincomalee had been enraged by these incidents and had observed several days of mourning for the dead students. There had also been a hartal.

The inquest proceedings and the photographs of the deceased appeared in the Tamil Newspapers – the *Metro News* and the *Sudar Oli* on the 9th of January, 2006. This brought to the knowledge of the public the manner in which the killing had taken place and enraged the Tamils in other parts of the country who continued to mourn these deaths. These photographs had been taken by Subramaniam Sukirtharajan, an employee of the Ports Authority who was also a correspondent of the *Sudar Oli*, a Tamil newspaper. On 24th January 2006 he too was shot dead near the ICRC office which is in the High Security Zone of Trincomalee.

It is important to note that the STF personnel who arrived at Trincomalee from Colombo had been there for only a few days prior to the date of the incident. The Deputy Inspector General of Police in charge of Trincomalee at that time was Rohan Abeywardena, who was earlier in the STF. The STF personnel who arrived at Trincomalee had been directed to get instructions from Kapila Jayasekera, Superintendent of Police in charge of operations in Trincomalee. He too had been in the STF earlier. We have had reports that SP Kapila Jayasekera who was in charge of operations in Trincomalee was very familiar with the area and the incidents that had been taking place in Trincomalee in the past, had been behind the shooting incident. President Rajapaksa had also initiated a probe into the killing of the students. Even Amnesty International had issued a statement condemning the action of the security forces in respect of these killings. It is hoped that the probe ordered by the President will result in bringing to light the events that led to this unfortunate incident and to identify the perpetrators. Thereafter stringent action needs to be taken when dealing with the miscreants who had tarnished the image of the government and placed obstacles on the President's efforts to bring peace to the country. Such a step will not only act as a deterrent to such incidents taking place in the future but will also help to win back the confidence of the Tamils of the area.

(c) Rape and Murder of Elayathamby Tharshini

On 19th December, 2005, S. Ratnapoopathy complained to the Regional Office of the Human Rights Commission in Jaffna that her daughter Elayathamby Tharshini, aged 20 years, of Ward 7, Pungudutivu who left home on 16th December, 2005 to go to a relatives place nearby had not returned. She alleges that her daughter had been abducted on the 16th of December by the Navy. Her body was found on the 17th December in a deserted well with stones tied to her legs and waist. She had been raped and murdered.

When Tharshini failed to return home on the 17th of December, her relatives had started looking for her. They found one of her slippers not very far from her home on a path leading to the Navy Camp nearby. Later in the evening some boys from the village had found her body inside an abandoned well. Her relatives who went to the site had found a hat worn by navy personnel placed on a palmyrah trunk near the well around which there were some boot marks. They also found a blood stained palm leaf near the well. Tharshini's under garments were also found nearby. They had been cut to pieces. That night the people of the village had guarded the well with the body in it. The following day the Magistrate of the area had been informed of the incident and the villages took out the body from the well in the presence of the Magistrate. The security forces and the Police had not been allowed by the people to get near the well. The body was then taken for a postmortem examination along with the stones that had been tied to her legs and waist. The Judge had ordered the Grama Niladhari of the area to take all the items found near the well and produce them at the Kayts Courts.

The postmortem examination conducted by the Judicial Medical Officer of the Teaching Hospital in Jaffna had confirmed that Tharshini had been raped and killed. She also had bite marks on her face and lips. There were also stab injuries on her hips and chest.

When her body was being taken after the postmortem for the funeral rites the armed forces personnel had attempted to put sacks of rice and sugar in the vehicle in which the body was being taken to placate the mother who had refused to accept them.

Subsequently the CID had arrived for investigation and had found the braces used for Tharshini's teeth, close to the place where one of her slippers had been found. Her other slipper too was found further down the foot path leading to the navy camp. A navy key tag was also found near about that place. The CID is continuing with its investigations.

It was alleged that the villagers who assisted in the recovery of Tharshini's body had subsequently been threatened by the security forces personnel not to give evidence. The protests against the security forces spread to the other parts of the peninsula. The security forces started retaliating against the protestors. A crowd of protestors had been fired at and a postal peon had been injured. The Jaffna University students who had wanted to join the funeral along with the Member of Parliament for Jaffna had been prevented by the army from leaving the Parameshwara Junction in a procession. On 19th December the University staff and students had decided to lodge a complaint at the SLMM office. While they were proceeding to do so the security forces had prevented them from getting to the SLMM Office. During the clash that ensued, about 15 persons had suffered gunshot injuries and contusions caused by assault with blunt weapons.

Besides the alleged rape and murder of Tharshini, the action taken by the security forces to prevent protestors proceeding to the SLMM is an attempt to suppress a democratic right of the people to protest against injustice.

The fact that Tharshini's slippers were found along the path leading to the navy camp at two different places indicates that she must have been carried along the path to the camp after being abducted and the slippers had come out at different points when she had struggled while being carried away. The bite marks on her face speak of the brutality of the rapists. The navy cap and the key tag found in the area are also significant clues. These clues suggest that Tharshini had been abducted, raped and murdered probably by Navy personnel from the adjoining Navy Camp in Punguduthivu. The inquest in this case is not over yet. Hence it had not been possible to peruse the evidence led at the inquest proceedings in the Magistrate Court at Kayts.

(d) **Killing of the Divisional Secretary of Kattankudy**

The Kattankudy Urban Council Division has 21,370 voters. A vast majority of them are Muslims. A large number of Muslims from the villages of Ullikulam, Keechampalai, Manmunaiturai and Paalamunai had been displaced during the conflict that started in 1990. They had taken refuge in the coastal areas of Kattankudy. They were displaced for a second time by the tsunami in December 2004. They had therefore to be accommodated in the already overpopulated areas in the interior of Kattankudy. The Divisional Secretary of Kattankudy had to face the problem of looking into the welfare of these displaced persons. In view of the extreme congestion of people in Kattankudy, he could not find suitable places in Kattankudy to re-settle them. The living conditions of the local people were affected by the displaced persons living in their midst. Due to the ban on the re-settling people within 100 meters of the sea in the tsunami affected areas, the Divisional Secretary had to look for alternative places. The displaced people had expressed their consent to a suggestion by the Divisional Secretary to re-settle them in the original Tamil villages that border the Kattankudy Division, from where they were initially displaced. This idea was also welcomed by the local people of Kattankudy. So the Divisional Secretary Adam Lebbe Mohomed Faleel had initiated action to re-settle the displaced tsunami affected Muslims in their original villages in the border of Kattankudy. Following this move it appears that the Divisional Secretary has been summoned to the LTTE Headquarters in Kokkattichchulai and warned not to proceed with his plan to re-settle these people in their original villages bordering the Kattankudy Division. The Divisional Secretary had not heeded this warning and had continued to make arrangements to re-settle these displaced persons.

We have also received information suggesting other possible reasons for this killing. It appears that a Tamil staff grade officer attached to the Kattankudy Divisional Secretary's office had been used by the LTTE to take the deceased Divisional Secretary to the LTTE Headquarters in the East for a discussion regarding the funds allocated by the State for the rehabilitation of the tsunami victims. They are alleged to have demanded Rs.5 million to be released to the LTTE for them to carry on the rehabilitation work in the

coastal areas in and around Kattankudy. The Divisional Secretary's refusal to accede to this request too is mentioned as another possible reason for his murder.

Prior to this when there were floods in the East, the State had provided funds to the Divisional Secretary for the flood relief work in his area. The Tamil Rehabilitation Organisation has asked for this money for TRO to do this work. This request too had been turned down.

There is also speculation that the LTTE was keen to get rid of the few educated Muslims in the East who are in administrative positions in the area. They are said to be keen to ensure that the key positions in the East are manned by Tamil officers who would readily cooperate with the LTTE in the East. The killing of the Divisional Secretary of Kattankudy is believed to be one in the series of such killings.

At the inquest proceedings two persons namely Aliyar Ansar, a trader from Kattankudy who had been at the Divisional Secretary's office on official business on that day and Mohideen Pitchai Mohamed Asmy, a Data Entry Officer of the Divisional Secretary Office, gave evidence on the manner in which the incident took place on 02nd December 2005. The style of the killing and the manner in which the killer escaped in a waiting motor cycle are indicative of the manner and pattern in which other such killings had taken place in East. There is a strong possibility that he had been shot on 02nd December 2005, while he was in office for having ignored the warning given by the LTTE. However in the absence of any specific clue we cannot come to any conclusion other than to say that the Divisional Secretary of Kattankudy had been shot by armed persons belonging to one or the other of the armed groups operating in the East.

(e) **Killings at a Mosque in Akkaraipattu**

On 18th November 2005, a grenade had been thrown into the Jumma Mosque at Akkaraipattu at about 5.30 in the morning by some unknown persons. Four persons died as a result of the explosion. Two persons died on the spot and the other two died on the way to hospital. They are 1. Mohamed Ismail Mohamed Mustapha 2. Mohamed Ismail