



# வடகிழக்கு மனித உரிமைகள் செயலகம் NORTH EAST SECRETARIAT ON HUMAN RIGHTS NESOHR

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## NESOHR Case Report issued on 14<sup>th</sup> January 2006

### Destruction of life, property and community in Pesalai, on December 23<sup>rd</sup> 2005



#### 1. Claymore attack

On Friday December 23<sup>rd</sup>, at 1.30 pm, the second vehicle of the three vehicles carrying Sri Lankan Navy sailors back to their base in Talaimannar was hit by a claymore mine. The attack occurred in Pesalai when the bus was passing through the “Hundred House Scheme”. The Sri Lankan Navy camp in Talaimannar is located about two kilometres from this housing scheme. Thirteen soldiers died in the attack and many more were wounded.

#### 2. Retaliation

Uninjured soldiers in the other two vehicles immediately started spraying bullets towards the housing scheme. Panicky occupants of the houses in the “Hundred Housing Scheme” started to flee in all directions. Following account is based on the statement given to us by a family member of one of the victims and the descriptions of the attack given by several other residents who faced the Sri Lankan Navy revenge attack.

#### 3. The Statement:

##### *The fleeing*

As people started to run, Suganthy picked up her younger child aged 3, and her husband, Fernando, picked up their older child aged 5. Fernando told Suganthy, “Let us run and if we die, let us die together”. They began to run. Suganthy’s house was on the road side between the location of where the Navy vehicle got hit by the claymore and the Navy vehicle that was traveling a few metres ahead. Suganthy is an asthma patient and she found it difficult to run carrying the toddler. At this time Suganthy saw that the couple next door was still in their home, standing at their door steps. This couple next door was not about to run like everyone else. Suganthy told Fernando, “I will wait with them, you

run further". She tore her hand off from Fernando's and ran into the house of Anthoniamma and Emanuel Cruz. That was the last time Fernando saw his wife and child.

The Cruz couple, whose house at which Suanthy took refuge, have four children, eldest of them is 14 years old. These children had gone to another house to watch television with their friends. The parents, worried about what could happen to their children did not want to run away, and they stayed in their home.

Fernando ran on and stopped about five houses further down and stayed there. After that, no one knows what exactly happened to Suanthy, her baby and the Cruz couple.

#### *The beating and the sexual assault*

One woman resident states, "The fleeing people were stopped by the Sri Lankan Navy and the women were forced to sit on the hot sand with their face to the sand. The Navy soldiers then asked the young women crude sexually motivated questions. They also dropped their trousers in front of the women. It was so unbearable".

The men were taken to another side and they were all beaten. There were all together about 42 men who were beaten. Both men and women were then forced to sit there for several hours.

Navy men came to the house where Fernando (Suanthy's husband) had taken refuge with their older five year old boy. The Navy men picked up the five year old boy by his collar and was about to beat him. Fernando instinctively put his arm to take the blow. The Navy men had then turned to the father and said, "Are you so brave and strong that you can stop us?" They then severely attacked the father. Fernando sustained severe injuries on his arms, legs, and hips as a result of the attack. He was unable to walk.

#### *Refuge in the church and the missing people*

Around 6.00 pm the priest from the village church arrived and rescued all of the residents sitting on the sand and took them to the church. The Navy did not release nine men.

When the villagers arrived at the church they realized that several people were missing. Everyone thought the missing people would have run further and took refuge in the adjacent villages. The church priest searched for the missing people in the other villages, found some of them and brought them back to the church. Suanthy, her baby and the Cruz couple were still missing.

Suanthy's relatives looked among the injured civilians admitted to the hospital for the missing four people. There they saw a pregnant mother who was hit in the stomach with a gun by the Navy men.

### *The nine men*

On the second day, Saturday December 24<sup>th</sup>, the Bishop of Mannar (Bishop Rayappu Joseph), talked to the Navy and got the nine detained men released. It was around 12.00 pm on Saturday when they were released. Residents said those nine men, when they returned, did not look like they were humans, they were attacked so severely, their skulls were broken, their hands and legs were broken. The state in which they came back was beyond belief.

### *Search for the four people*

On Saturday, no one was allowed to go back into the village. The Navy however, allowed the Assistant Government Agent (AGA) for the district to go through the village but she was not allowed to go inside any houses. The Navy stopped them from stepping off of the road. The Navy only allowed the AGA to go down the road to the adjacent villages to look for the missing people. The AGA looked through the other villages and came back and said the four missing people were not to be found.

The residents encouraged the AGA to ask for permission from the Navy to go inside houses to look for the missing people. The AGA took three more of her officials and went to look in the houses. Those who came described what they saw as follows,

“It’s hard to describe what we’ve seen, it’s really cruel. There is a lot of blood that has run from inside a house, outside, and down the front steps of the house. The verandah is covered in blood. Because there was so much blood, we couldn’t step into the house. The blood on the steps is still there. We found the hands of a small child just outside the house and a chunk of flesh inside the house among the ashes”.

### *Among the burnt remains*

Everyone by now realized that the four people are no more. The Navy did not allow anyone into the houses for sometime and they must have cleared out the place during that time. They have just missed to remove the child’s hand and the chunk of flesh that the AGA and her three officials saw on Saturday.

The third day, Sunday December 25<sup>th</sup>, which was Christmas day, the Sri Lankan Navy pulled back, and allowed the people to go to their homes. Fernando was the first one to be there with his younger brother. The others soon joined him. The ashes in the house were still there. The hand and the chunk of flesh had been removed. They could see that some attempt had been made to wash up the blood. They searched among the ashes.

Fernando immediately recognized the green skirt that his wife was wearing. It was half-burnt. In one area there was dried blood in a puddle, which the Bishop took pictures of. Only the Bishop was allowed to take a camera. They found Suganthy’s national ID (Identity Card), her army ID, and her bank account book as she must have run with her purse and these things were in her purse. Her homeowner’s identity card was also there. They submitted all of these things to the police. The National ID of Emanuel Cruz was also there.

### *Theft and burning*

The people were also saying that there had been some theft. The Navy actually stole jewels from the women and there was 25,000 Rupees missing from one home.

About seven houses had been burnt badly. Furniture and mattresses were heaped in these houses and were set alight. They completely burnt one of the large shops in the village.

### *Monday*

By Monday, December 26<sup>th</sup>, the entire village had collected the remains of their belongings and left the village. Fernando was also admitted to the hospital on Monday.

On Tuesday, the family members of Fernando took some offerings to the house, as part of the funeral ritual. They placed the food at the steps and within two minutes of doing this, the Navy men were there. The family members felt threatened.

People were absolutely scared at the time of the incident. On the second or third day after the incident the Navy was still carrying out its search operations and the entire village was in a state of fear.

## **4. The Inquiry**

On Sunday, December 25<sup>th</sup>, two officials from the Sri Lanka Monitoring Mission (SLMM), the Bishop of Mannar Rev. Rayappu Joseph, and Rev. Fr. Wincent Parick, the parish priest from the church where resident took refuge, visited the house where the burnt human remains were found. Mannar Police were given the job of conducting investigations.

It is revealing to note that none of the people who faced the Sri Lankan Navy attack on December 23<sup>rd</sup> expect anything to come out of the police investigations.

Dr N Malathy  
(NESOHR Secretary)