

# ESRI LANKA

## @Deliberate killings of Muslim and Tamil villagers in Polonnaruwa

### Introduction

Amnesty International is concerned at reports of large scale deliberate killings of Muslim and Tamil civilians in eastern Sri Lanka in a series of attacks and counter-attacks by the Liberation Tigers of Tamil Eelam (LTTE) and Muslim home guards and other security forces personnel. On 29 April 1992, the LTTE attacked the Muslim village of Alanchipothana<sup>1</sup> in Polonnaruwa District and shot and stabbed to death at least 54 people in their houses. Several hours later, more than eighty Tamil villagers of nearby Muthugal and Karapola were deliberately killed by Muslim home guards allegedly accompanied by other security forces personnel in apparent retaliation for the attack. Further extrajudicial killings and "disappearances" of Tamil civilians have since been reported from the area.<sup>2</sup>

On 7 May 1992, the government announced an investigation into this series of killings, the report of which was handed over to the Ministry of Defence on 29 May 1992. Amnesty International is urging the government to make public the full report of the findings of the investigation team and has requested information about the measures which have been or will be taken to prevent any further reprisal killings from taking place. Amnesty International is also impressing upon the government the importance of bringing to justice those responsible for the reprisal killings before the civil administration of justice and of providing adequate compensation to the victims and their relatives.

Amnesty International is calling on the LTTE to immediately halt the deliberate and arbitrary killing of non-combatant civilians and to observe the humanitarian norms contained in Common Article 3 of the Geneva Conventions. It has expressed particular concern at the killings of civilians who are apparently targeted solely by reason of their ethnic origin.

### Background information

The present Northeastern Province of Sri Lanka consists of the former Northern Province and the former Eastern Province. They were temporarily merged in September 1988 under the terms of the accord between the governments of Sri Lanka and India signed in July 1987, subject to a referendum on the merger to be held in all areas of the former Eastern Province. This referendum

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<sup>1</sup> Several transliterations of the names of the villages that are subject of this document exist. Alanchipothana for instance may also be referred to as Allipothana, Alinghipothana and Alinchipotana.

<sup>2</sup> See Urgent Action 153/92, "Disappearance"/Unacknowledged detention of 17 Tamil men and boys from Rugam village, Batticaloa District on 30 April 1992.

was due to take place before the end of 1988 but has been repeatedly postponed since. While the former Northern Province is predominantly Tamil, the Eastern Province has almost equal numbers of Tamil, Sinhalese and Muslim residents. These areas are claimed by the LTTE to all be part of "Tamil Eelam", the name given to a separate state they seek to establish in the northeast of Sri Lanka.

Since the latest outbreak of the fighting between the Sri Lanka security forces and the LTTE in June 1990, tension between the Tamil and Muslim communities in the area has increased. Hundreds of Muslim as well as Sinhalese villagers have been killed by the LTTE. In early August 1990, for instance, 103 Muslim worshippers were killed inside two mosques at Kattankudi, Batticaloa District. In retaliation, Muslim groups provided with arms by the government killed dozens of Tamil villagers. Attacks by members of the LTTE on Sinhalese and Muslim villagers have also taken place in areas immediately adjoining the present Northeastern Province, including in Polonnaruwa District, where the population is predominantly Sinhalese.

In reaction to these attacks by the LTTE, the government reactivated the distribution of arms to Sinhalese and Muslim villagers and initiated the recruitment of Muslims as home guards and the mobilization of the armed cadres of anti-LTTE militant Tamil groups. It appeared that members of these groups are used as proxies for the regular security forces, committing human rights violations which the security forces ignore, or for which members of the security forces cannot be held directly responsible. The legal basis for conscripting civilians is provided in the Mobilisation and Supplementary Forces Act, 1985, which provides for the establishment of a National Auxiliary Force, the Home Guards and a Civil Defence Force. The Act allows for the compulsory conscription of all sections of the population into these forces.

During talks with government officials in June 1991, Amnesty International expressed concern that the government policy of arming civilian groups, particularly in the east, had contributed to an intensification of violence in the area and drew attention to the risk of exacerbating tension between and within communities by this policy.

Amnesty International understands that at the time of the killings described in this paper there had also been tension between the inhabitants of the three villages concerned over land rights.

### **The attack on Alanchipothana by the LTTE**

Around 12.30am on 29 April 1992, between 30 and 40 members of the LTTE allegedly accompanied by a group of civilians reportedly attacked the village of Alanchipothana, Polonnaruwa District, and shot and hacked to death dozens of Muslim villagers who were sleeping in their houses.

According to the findings of a non-governmental relief organization visiting Alanchipothana on the day after the massacre, dozens of Tamil villagers armed with axes, mammoties and crow bars participated in the attack. This was confirmed by other independent fact finding teams visiting the village in the following days and weeks. The exact identity of the group of civilians accompanying the LTTE attackers has not been established. This is mainly due

to the fact that the attack took place under cover of darkness. Survivors claim they heard the voices of women and children among the attackers and suggest that they may have been inhabitants of neighbouring Tamil villages who were allegedly sympathetic to the LTTE. According to some of them, they may have been people who lived in the area earlier and had been relocated to the Eastern Province as a result of the Mahaweli irrigation scheme, the largest irrigation scheme in the country.

According to testimonies from eye-witnesses and survivors, the armed members of the LTTE first attacked the police post established at the outskirts of the village. Twenty-six policemen were said to be stationed at Alanchipothana. In addition, there were 12 Muslim home guards and a local vigilante group consisting of about 35 volunteers, who had also been provided with shotguns by the army. According to the evidence gathered so far, most of the law enforcement personnel present at the police post at the time of the attack offered little resistance and fled into the ricefields and jungle to save their lives. None of the law enforcement personnel present at the time of the attack were killed. A sub-inspector who was in charge of the police post received injuries to his legs. The attack on the police post reportedly lasted less than one hour. The attackers, allegedly assisted by Tamil villagers, subsequently entered the houses and killed their occupants by shooting or hacking them to death. Some survivors have said that victims were called out by name. The attackers also allegedly looted many houses and set fire to two of them.

According to a report in the Independent (London), the schoolmaster of the village saw fourteen members of his family shot and hacked to death in his home. He saved his life by hiding on a roof beam. He claims he recognized several of the attackers as local members of the LTTE and inhabitants of adjacent Tamil villages.

In total, 54 dead bodies were reportedly found in the village, all of which were buried in a mass grave on the evening of 29 April. Among them were 25 women and 21 children younger than ten, including a three-month old baby. The injured were taken to hospitals at Polonnaruwa, Kandy and Colombo. Eight have since died of their injuries, bringing the total number of those killed to 62. Amnesty International has tried to obtain a list of names of the victims at Alanchipothana but has not been successful to date.

### **Reprisal killings reportedly committed by Muslim home guards and other security forces personnel**

The following account is based on information from national and international journalists and local members of parliament and human rights activists who visited the area. It also refers to statements by eyewitnesses and survivors as well as statements made by government and military authorities.

The reprisal killings at Muthugal and Karapola took place between 6am and 10am on 29 April, approximately three hours after the attack on Alanchipothana by the LTTE. News of the attack on Alanchipothana only reached the army camp near Welikande about nine kilometres away at 6.30am, according to a senior army officer posted there. Most of the policemen and home guards of Alanchipothana fled the village at the time of the attack by the LTTE. The Muslims among them are said to have returned to the village mosque after hearing the call for

Subuh (pre-dawn prayers). They subsequently took a circuitous route to the Tamil village of Karapola, situated at approximately half a mile from Alanchipothana. They are said to have gone to the police post at Karapola and to have informed the officers there of the massacre at Alanchipothana. Some of the Sinhalese policemen from Karapola then accompanied the Muslim home guards and policemen to Muthugal. They shot and hacked to death dozens of Tamil villagers there, and then returned to Karapola, where they reportedly killed a further 38 people. Around 9am, they returned to Muthugal and continued their killings until approximately 10am, when the army arrived in the village and chased them away.

Among the victims are many women and children, including babies, killed while hiding in their homes or in homes of neighbours. In one such incident, a woman named Sivapathy and her 3-year-old son, Sinnarasiah Thangeswaran, were shot as she tried to protect the older children with the young boy in her arms. In one house, where several people had sought protection, eight were killed. According to the father of one of the victims, his son was killed by a shot in the chest when he pressed himself against the door of the house to keep it shut. The shot was fired by one of at least four Muslim home guards from Alanchipothana who attacked the house. Other survivors have corroborated this account, and provided further details about how the attackers subsequently entered the house and shot and hacked to death seven others, including three children aged two, four and twelve.

Some of the eye-witnesses have been able to identify by name the individual policemen and home guards responsible for the killing of their relatives.

Several people who fled from Muthugal were apparently found hiding in ricefields by Sinhalese home guards from Madurangala, a nearby predominantly Sinhalese village. Amnesty International received information about the arrest of five men and one woman among them. There is evidence that these six people were taken to the home of Peiris Wijayasinghe at Madurangala. According to his wife, eight Sinhalese home guards arrived at their home around 8am. She confirmed they brought six prisoners with them, including P Packiyarajah, a distant relative and a woman from Muthugal who was later released. In an interview with a member of one of the fact-finding teams, she stated:

"They asked my husband whether he knew Packiyarajah of Muthugal. Packiyarajah is related to me. ... My husband then said, 'I know all those people, they are innocent and it is out of fear that they had hidden in the paddy [rice] fields'. The Sinhala home guards then beat my husband with rifle butts and with their hands. Soon afterwards the Karapola policemen came on the scene and they beat all the six men, including my husband, and ordered all of them to get into a white van. They said they were taking them to the Karapola police station."

The bodies of Peiris Wijayasinghe, P Packiyarajah, Sundaralingam and three others whose names are not known to Amnesty International were found reportedly the next day in an irrigation canal.

Army personnel from Welikande army camp reportedly moved into the area around 6.30am. They are said to have passed through Karapola village on the way to Alanchipothana at about 6.30am, approximately half an hour before the home guards attacked Karapola.

The pattern of killings at Karapola is similar to that described at Muthugal. Again, the accounts suggest that the policemen attached to the police post established at Karapola did not intervene to stop the killings by the home guards and, in some cases, were actively involved in the massacre. It is, for instance, policemen from Karapola who are suspected of being responsible for the killing of the six men whose bodies were found in the irrigation canal on 30 April 1992 (see above). They also allegedly took into custody two villagers who had gone to the police station to alert the officers of the attack by the Muslim home guards, blindfolded them and locked them up in the quarters of the Mahaweli authorities behind the police station. (These two prisoners later managed to escape.)

The total number of people reported killed at Muthugal is 51, 13 of whom are reported to be less than 10 years old. A list of the names of the 51 villagers allegedly extrajudicially killed at Muthugal, and of 31 of the 38 reportedly killed at Karapola is included in an Appendix to this document. Peiris Wijayasinghe is the only victim of extrajudicial execution reported from Madurangala village.

### **The Government Response**

According to press reports of 30 April and 1 May 1992, military and police spokespeople initially denied that the security forces had been involved in the reprisal killings. Most reports in the Sri Lankan press put the responsibility for the killings at Muthugal and Karapola on Muslim villagers of Alanchipothana. At a press conference held on 30 April 1992, a spokesman for the army reportedly denied that the Muslim home guards from Alanchipothana had been involved in the reprisal attacks. However, the Presidential Adviser on International Affairs, when asked at the same press conference about the actions the government would take following these incidents, reportedly stated that a reappraisal of the security system in the area would take place which would include consideration of the complaints against the Muslim home guards.

On 7 May 1992, the government announced that an inquiry would be carried out by a retired judge, a senior army officer and a senior policeman into the series of killings on 29 April 1992.

According to press reports, the terms of reference of this inquiry include the investigation of:

- the circumstances which led to the incident(s)
- the persons killed/died as a result
- the persons responsible for the incident(s)
- whether there had been a lapse on the part of those providing security

Amnesty International understands that members of the Welikande police took statements from witnesses at Muthugal on 30 April 1992.

On 29 May 1992, the Daily News (Colombo), reported that the three-member team had handed over the report of their findings to the Ministry of Defence. The report reportedly stressed

the need to review the security of remote villages in the east, including a review of the selection of security personnel, their training and the issue of weapons to home guards. The Presidential Adviser on International Affairs reportedly stated that the government will take action against the home guards and villagers identified as responsible for the series of killings. He also stated that action will be taken against the policemen at Karapola "who failed to perform their duty". Amnesty International is requesting information on any legal action initiated against those allegedly responsible from the government.

### **Amnesty International's position**

While welcoming the government's prompt action to investigate this incident, Amnesty International is concerned that the commission may not have been perceived as impartial. Although the government has taken care to include a member of each of the three main ethnic communities in the three-member team, two of the members are serving officers of the security forces who may not have been perceived as impartial by all the parties involved. Amnesty International is urging the government to make public the full report of the findings of the investigation team and has requested information from the government about the measures which have been or will be taken to prevent any further reprisal killings from taking place. Amnesty International has also urged that those found to be responsible for the killings be brought to trial before the civil administration of justice and that the victims or their relatives are provided with adequate compensation.

Amnesty International believes that those responsible for human rights violations should be brought to trial before the civil administration of justice, following a full and impartial investigation of the case by methods which are in accordance with United Nations (UN) Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions as endorsed by the UN General Assembly on 15 December 1989 by Resolution 44/162. Such action would also accord with recommendations made by international human rights bodies such as the UN Working Group on Enforced or Involuntary Disappearances, which in its report of 3 December 1991 (Ref. E/CN.4/1992/18/para.381) stated that, "human rights violations should be pursued before the civil administration of justice with all the necessary vigour." Amnesty International fears that military authorities may not pursue the investigation and prosecution of fellow officers as vigorously or impartially as a civil court would and that the sanctions applied may bear no relation to the severity of the offences.<sup>3</sup>

Amnesty International is repeating its recommendation for a thorough review of the command and control structures of the security forces, with particular attention to the use and control of armed civilian groups. Two of 32 recommendations for the effective prevention and investigation of human rights violations which were submitted to the government in September

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<sup>3</sup> In early May 1992, Amnesty International expressed concern to the government about reports that army personnel responsible for reprisal killings at Kokkadichchola, Batticaloa District, in June 1991 will be brought before a military tribunal instead of being charged and tried before the civil administration of justice.

1991 were pertinent to this issue. Both recommendations were among the 30 the government accepted in December 1991.

The two relevant recommendations stated:

**(Recommendation 28) In the light of the use by the security forces of several armed groups within the population, such as Muslim home guards, and the use of the armed cadre of anti-LTTE militant Tamil groups, Amnesty International urges the government to set up a review of present command and control structures in the security forces.**

**(Recommendation 29) Bearing in mind the communal character of the present conflict, particularly in the east of Sri Lanka, a strict and effective control over the issuing of weapons to civilians for self-defence should be developed. As with regular security forces, a clear chain of command should be established and all those issued with arms should be provided with adequate training.**

To date, Amnesty International has not been given any information about the implementation of these two specific recommendations. It has received an invitation from the Sri Lanka Government to visit the country to review the implementation of the 30 recommendations accepted by the government, among other things. It is urging the government to fully and speedily implement the above two recommendations.

**Appendix A:****Names and reported age of 51 victims of alleged extrajudicial killings at Muthugal village, 29 April 1992**

S Babie, 1  
S Mangayarkarasi, 2  
S Sudharshan, 3  
T Regan, 3  
S Thangeswaran, 3  
S Selvasasie, 3  
S Rathees, 4  
T Vijeyendran, 4  
K Kanaganathan, 4  
T Suhenthi, 4  
S Rubie, 5  
N Viswalingam, 7  
T Inpavathy, 8  
N Manohanthan, 10  
T Panchilakami, 12  
P Logeswaran, 12  
T Ravichandran, 12  
S Lakshimi, 12  
T Vasanthakumarie, 13  
P Thiruloganathan, 14  
T Baabu, 14  
T Geetha, 14  
T Vijayakumarie, 15  
P Sulochadevi, 18  
K Thangarane, 21  
T Uthayakumarie, 22  
S Baliah, 27  
Sunderalingam, 28  
P Maheswarie, 29  
T Navamanie, 30  
P Sulochandevi, 30  
V Nithiyakalyani, 30  
S (or A) Sivapathy, 32  
K Kubendrarajah, 33  
K Sadasivam, 34  
V Theivanayagam, 35  
P Kulendrarane, 35  
K Gopikrishnan, 35  
P Packiyarajah, 37  
T (or K) Kannagai, 40



S Sivanesarajah, 40  
K Gopalapillai, 40  
S Yogasankaraie, 40  
P William Singho, 44  
V Tharmalingam, 49  
S Yogamme, 65  
S Theivanapillai, 70  
A Kandiah, 78  
S Madanthai, 80  
V Nethapillai, 80

**Names and reported age of 31 of the 38 victims of alleged extrajudicial killings at Karapola, 29 April 1992**

Subakar, 7  
Sudharshan, 7  
Janakie, 8  
Sarathadevie, 18  
Sivaramanie, 18  
Annaletchumy, 18  
Sivarubie, 28  
Kunjan, 30  
Kandasamy, 35  
Sivagnanam, 40  
Thangarajah, 45  
Rasiah, 60  
Sinnamuttu, 68  
Annamma, age not known  
Iyathurai  
Kannamma  
Kandasamy  
Leelavathie  
Marimuttu  
Muthupillai  
Muttan  
Niranjan  
Palan  
Poomani  
Retnam  
Saraswathie and child  
Sinnathangam  
Sussiharan  
Thangamma  
Thangarajah  
M Thoma