

Erasing the Past



Repression of Memorialization in
North-East Sri Lanka

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GLOSSARY

CID	Criminal Investigation Department
CSD	Civilian Security Department
IPKF	Indian Peace Keeping Force
LTTE	Liberation Tigers of Tamil Eelam
Maaveerar	Term denoting fallen LTTE cadres
Maaveerar Naal	Annual remembrance day on November 27 for LTTE deaths
NPC	Northern Provincial Council
PLOTE	People's Liberation Organisation of Tamil Eelam
SLA	Sri Lanka Army
SLAF	Sri Lanka Air Force
STF	Special Task Force
TELO	Tamil Eelam Liberation Organisation
Thuyilum Illam	LTTE cemeteries
TNA	Tamil National Alliance
UNHRC	UN Human Rights Council

I. INTRODUCTION

For the survivors of human rights violations, mass atrocities, and political violence, the past is always present. But in the Tamil regions of North-East Sri Lanka, where tens of thousands of lives, both civilian and combatant, were lost over the course of the decades-long war, remembrance remains extremely contentious. Efforts by victims and survivors to commemorate the past are suppressed by restrictions on freedom of assembly, oppressive state surveillance, and the presence of competing memorialization projects. Despite some improvement following the change in government in January 2015, the ongoing presence of the military and its pervasive involvement in civilian activities continues to color everyday life, including remembrance practices. People in the North-East routinely experience harassment by security forces when they attempt to honor their dead. Fear of repercussion prevents many from participating in memorialization activities, from talking to their children about the past, and from publically objecting to the presence of government-constructed victory monuments in their communities.

In July-August 2016, PEARL's researchers spoke to approximately 50 war-affected individuals in the North-East about memorialization and the obstacles to remembrance that they face. These discussions were conducted both one-on-one and in small groups in seven districts: Amparai, Batticaloa, Jaffna, Kilinochchi, Mullaithivu, Trincomalee and Vavuniya. The researchers met with a broad cross-section of the population, including relatives of civilian and combatant dead, families of the missing, former combatants, civil society members, and politicians.

Using a semi-structured interview approach and observing the respondents' preference of Tamil or English, the researchers asked a series of questions organized around the following topics: the meaning of remembrance; current commemoration practices; obstacles to memorialization; preservation of important sites; transmitting historical knowledge to the future generations; and reactions to the presence of Sri Lankan government victory monuments. Most of those interviewed spoke on the condition that their identity be kept confidential. We therefore provide minimal identifying details other than location in the following pages.

This report details the findings from these interviews and from two weeks of field observations conducted in the North-East. The next section presents an overview of the

beliefs and practices around memorialization among the war-affected population. It outlines how both civilian and combatant dead are currently remembered and how survivors would prefer to honor their lost loved ones. The third section surveys the obstacles to memorialization, including the suppression of remembrance activities and the imposition of alternate narratives through the construction of government victory monuments in the former war zone. The fourth section discusses how these circumstances implicate the right to memory as it exists in international law and practice. The report concludes by analyzing the critical role of remembrance in the pursuit of credible accountability and meaningful reconciliation in Sri Lanka.

"They've erased us and are celebrating." (Amparai)

II. ATTITUDES TOWARDS MEMORIALIZATION

In interviews with the war-affected population across the North-East about memorialization, several themes emerged. Respondents emphasized how important it was to them to be able to freely mourn their deceased children and relatives, regardless of whether they were civilians or combatants with the LTTE or another armed group. They highlighted the importance of marking not only the massive loss of civilian life at the end of the war on May 18, but also the anniversaries of smaller massacres of noncombatant populations throughout the year. For many, however, the most pressing concern was their desire to openly commemorate those who died in combat. Family members of both combatant and civilian dead emphasized the importance of collective memorialization, in many cases expressing nostalgia for the communal mourning practices that existed during the ceasefire. They also articulated a strong interest in protecting and transmitting historical memory, including through the preservation of massacre sites and the creation of a museum.

Remembering the Civilian Dead

"How can we not remember them?" (Mullaithivu)

Civilians in the North-East suffered immensely over the course of Sri Lanka's long war. The island has seen dozens of massacres of civilians, committed by a wide variety of actors: multiple branches of the state security forces, Tamil militant groups, Sinhala mobs, Muslim

home-guards, and the Indian Peace Keeping Forces. Every single interviewee mentioned the need to commemorate the mass slaughter of civilians as the war ground to a close at Mullivaikkal in 2009. They highlighted the observance of May 18 as the most important day for mourning the civilian dead, stressing, in the words of one survivor: *"We must be allowed to do this without impediment"* (Kilinochchi).

Respondents also identified a number of other massacres, listed in the chart below, as significant dates for memorialization. By far the most frequently mentioned event to commemorate was Black July, perhaps due in part to the fact that the anniversary of the pogroms occurred during the course of PEARL's research. And while a majority of the events raised were crimes committed against Tamil civilians by state forces, it is important to note that multiple respondents raised the issue of LTTE killings of both Tamil political and militant opponents and Muslim civilians. Said one interviewee, emphasizing the importance of remembering these events: *"It's harder to deal with internal violence than the violence of the state"* (Vavuniya).



Mullivaikkal Beach (PEARL, July 2016)

Table 1: Historical Massacres Raised by Interviewees¹

Date(s)	Massacre	Reported Perpetrators	Death toll	Details
July 23-25 1983	Black July	Sinhala mobs, security forces	3000+	Thousands of Tamils were killed in the largest massacre of civilians to date in three days of carnage at the end of July, 1983. Sinhala civilians, with the aid of security forces, embarked on a rampage in Colombo and other parts of the South with Tamil populations. The violence changed Sri Lanka forever with thousands of Tamils fleeing the country or joining militant groups. ²
August 2 1989	Valvettithurai massacre	Indian Peace Keeping Forces	60	IPKF killed approximately 60 Tamils in Valvettithurai, shooting unarmed civilians and burning many homes. ³
Late 1980s	LTTE killings of political and militant rivals	LTTE	Unknown	The LTTE is thought to have killed hundreds of members of rival militant groups, some of which were supported by India. Combatants of TELO, EPRLF and other groups were killed -- both in the North-East and in Tamil Nadu.
August 12 1990	Veeramunai massacre	Muslim homeguards	55	Tamil men, women and children were killed by Muslim homeguards, armed militias who worked closely with Sri Lanka's security forces, in

¹ This chart includes only those massacres brought up in the interviews and is therefore not an exhaustive list of all massacres in Sri Lanka.

² "Black July 1983 Remembered," Tamil Guardian, Jul 22 2015, accessible at <http://www.tamilguardian.com/content/black-july-1983-remembered?articleid=11617>.

³ "Report No 1, Chapter 3, Vadamaratchi: April/August 1989," University Teachers for Human Rights (Jaffna), Jan 1989, accessible at <http://www.uthr.org/Reports/Report3/chapter3.htm>.

Date(s)	Massacre	Reported Perpetrators	Death toll	Details
				Veeramunai, Amparai. Civilians from Veeramunai and surrounding villages were seeking refuge in a temple and a school in the town, when the homeguards entered and attacked them. ⁴
September 5 1990	Vantharumulai/ Eastern University massacre	Sri Lankan Army	174	Tamil refugees sheltering in Eastern University were arrested and murdered by the SLA, part of the "Black September" civilian massacres. ⁵
September 9 1990	Saththurukondan	Sri Lankan Army	184	Tamil refugees were killed in three villages in Batticaloa, as part of the "Black September" civilian massacres by the SLA. Forty-seven of those killed were below the age of ten. The military entered Saththurukondan and neighboring villages, took the civilians to an army camp in the area and massacred them. Only one man survived. ⁶

⁴ "21st anniversary of Veeramunai massacre of Tamils commemorated," TamilNet, Aug 13 2011, accessible at <https://www.tamilnet.com/art.html?catid=13&artid=34299>.

⁵ "Black September remembrance in Batticaloa university," TamilNet, Sep 05 2002, accessible at <http://www.tamilnet.com/art.html?catid=13&artid=7437>.

⁶ "Batticaloa massacre victims remembered," TamilNet, Sep 09 2000, accessible at <http://www.tamilnet.com/art.html?catid=13&artid=5390>.

Date(s)	Massacre	Reported Perpetrators	Death toll	Details
June 12 1991	Kokkadicholai	Sri Lankan Army	126	At least 126 villagers were killed in a series of massacres by Sri Lankan troops in the eastern village of Kokkadichchulai. ⁷
July 9 1995	Navaly Church bombing	Sri Lankan Air Force	125	Tamil refugees sheltering in the Church of St Peter and St Paul were killed when the SLAF bombed the site. The army had previously distributed leaflets urging civilians to shelter in places of worship. ⁸
February 11 1996	Kumarapuram massacre	Sri Lankan Army	24	Tamil villagers, including 14 children, were massacred by Sri Lankan soldiers in Kumarapuram, Muttur, in the Trincomalee district. Two teenage girls were reportedly gang-raped. Around 30 Tamils were seriously wounded. ⁹
February 3 1998	Thampalakamam massacre	Sri Lanka Police, Sinhala homeguards	8	Tamil civilians were taken to a police station and killed by police and/or Sinhala homeguards. A 13 year old and a 17 year old were among the victims. ¹⁰

⁷ "Report No 8, Chapter 3, The Kokkadichchulai Massacre And After," University Teachers for Human Rights (Jaffna), Aug 28 1991, accessible at <http://www.uthr.org/Reports/Report8/chapter3.htm>.

⁸ "Sri Lanka: Stop Killing of Civilians," Human Rights Watch, July 1 1995, accessible at <https://www.hrw.org/reports/1995/Srilanka.htm>.

⁹ "Kumarapuram massacre victims remembered," TamilNet, Feb 11 2004, accessible at <http://www.tamilnet.com/art.html?catid=13&artid=11196>.

¹⁰ "Sri Lanka: Government forces kill eight civilians - justice needed now," Amnesty International, Feb 3 1998, accessible at <https://web.archive.org/web/20040131200404/http://web.amnesty.org/library/Index/ENGASA370021998?open&of=ENG-2S4>.

Date(s)	Massacre	Reported Perpetrators	Death toll	Details
January 2 2006	Trinco 5	Special Task Force, Sri Lanka Police	5	Five Tamil high school students were shot and killed by STF personnel, in Trincomalee town on January 2, 2006. The government at the time claimed that the students were LTTE members who were planning to lob a grenade at the military. The killings drew widespread international condemnation. Amnesty International and the father of one of the deceased continue to campaign for justice for the killings. ¹¹
August 4 or 5 2006	ACF Massacre	Sri Lankan Army	17	Employees of Action Contre la Faim, a humanitarian organization, were killed by the military in early August 2006. 16 victims were Tamil, and 1 was Muslim. ¹²
August 14 2006	Sencholai bombing	Sri Lankan Air Force	61	Female students attending a workshop were targeted in an air strike on the Sencholai orphanage. Sri Lanka first denied the bombing took place, then claimed the facility was an LTTE installation where child soldiers were being trained. ¹³

¹¹"They killed my son," Amnesty International, August 15 2013, accessible at <https://www.amnesty.org/en/latest/campaigns/2013/08/they-killed-my-son/>.

¹² "ACF Notes Initial Report On Sri Lankan Massacre, Awaits Official Investigation," Action Contre La Faim, Aug 29 2006, accessible at <http://www.actionagainsthunger.org/blog/acf-notes-initial-report-sri-lankan-massacre-awaits-official-investigation>.

¹³ Summary and reactions to Sencholai Massacre, Tamilnation.org, Aug 2006, accessible at <http://tamilnation.co/indictment/continuingwar/060814chencholai.htm>.

Tamil journalists have been targeted throughout the conflict. From 2004 till 2010 at least 48 journalists were killed across the island - 41 of whom were Tamil.¹⁴ One of the few instances of open memorialization of violence against Tamil civilians is the small museum documenting attacks on the Uthayan newspaper in Jaffna; the most widely read Tamil paper in the North. The paper lost five of its employees in that time period and their offices have been attacked numerous times since its formation in 1985, targeted by the Sri Lankan state, Tamil paramilitaries and the Indian Peace Keeping Forces. The owners have preserved damaged equipment and bullet holes in the walls in order to remember the many attacks. Photos of slain journalists adorn the wall. International high level officials have made a visit to the Uthayan one of the compulsory stops during their visits to Jaffna, including former British Prime Minister David Cameron and US Ambassador to the UN Samantha Power.^{15 16}



The Uthayan was attacked many times throughout the conflict and has kept damaged equipment (PEARL, July 2016)

¹⁴ "Silencing the press", Together Against Genocide, Nov 06 2013, accessible at <http://www.tamilsagainstgenocide.org/Data/Docs/Silencing-The-Press-Nov.06.2013.pdf>.

¹⁵ "British Premier's historic Jaffna visit raises Tamil hopes", Tamil Guardian, Nov 16 2013, accessible at <http://www.tamilguardian.com/content/british-premiers-historic-jaffna-visit-raises-tamil-hopes?articleid=9227>.

¹⁶ "US Ambassador praises resilience of Tamil journalists", Tamil Guardian, Nov 21 2015, accessible at <http://www.tamilguardian.com/content/us-ambassador-praises-resilience-tamil-journalists>.

For many in the North-East, the imperative to remember was tied directly to concerns about accountability. Again and again, respondents stressed the need for the Sri Lankan state to acknowledge the abuses committed by the security forces against Tamil civilians. Numerous respondents also discussed their hopes for criminal prosecution and punishment of those responsible for atrocities, and the need for international involvement in any justice processes.

For most, the pursuit of information about the fate of their loved ones was at least as important as ending impunity for the perpetrators. The concern with truth and acknowledgment of human rights abuses was particularly acute among families of the disappeared. As one interviewee put it: *"We want truth before reparations"* (Mullaithivu). They uniformly expressed doubt that the newly-created Office of Missing Persons (OMP) would deliver on promises to provide closure. But without faith that the fate of the missing will be uncovered, thousands of families throughout the North-East are left in limbo, unable to mourn.

"How do you memorialize the disappeared?" (Kilinochchi)



Protests in Kilinochchi by families of the disappeared (Tamil Guardian, August 2016)

Remembering the Combatant Dead

"We would like to honor the war heroes the same way LTTE paid their respects to their cadres who met with a heroic end in the war." (Jaffna)

In nearly every interview, respondents brought up the need to remember LTTE combatants. Many recalled wistfully the Maaveerar Naal, or "Heroes Day," commemorations organized by the LTTE. Marking the anniversary of the first LTTE death, Maaveerar Naal was held annually in the North-East from 1989 to 2008. It provided an opportunity for families of dead combatants to visit their graves and honor their sacrifice.

Families of dead combatants emphasized a number of other key dates they felt were important to remember, including the anniversaries of the deaths of hunger strikers Lt Col Thileepan and Annai (Mother) Poopathy on April 19,¹⁷ Black Tigers Day on July 5, marking the death of Cpt Miller, the first Black Tiger,¹⁸ and Women's Awakening Day on October 10,¹⁹ marking the day of the first death of a female LTTE cadre, 2nd Lt Maalathi. Respondents also mentioned the desire to commemorate the death days of their own relatives who died in combat, by displaying their photographs openly and lighting candles in their honor.

¹⁷ "One Hundred Tamils of the 20th Century - Naatu Patralar Annai Poopathy," Tamilnation.org, Jun 13 2007, accessible at http://tamilnation.co/hundredtamils/annai_poopathy.htm.

¹⁸ "Tamils mark Black Tigers' Day," TamilNet, Jul 06 1997, accessible at <https://www.tamilnet.com/art.html?catid=13&artid=26>.

¹⁹ "Women's Awakening Day celebrated in NE," TamilNet, Oct 11 2003, accessible at <https://www.tamilnet.com/art.html?catid=13&artid=10090>.

Maaveerar Naal ("Heroes' Day")

The most significant day in the Tamil nationalist calendar is Maaveerar Naal, or Heroes' Day. Beginning in 1989, the LTTE observed it on November 27, marking the anniversary of the death of Lt. Shankar, the first fighter to die. Although it has erroneously been conflated with the LTTE leader, Vellupillai Prabhakaran's, birthday (November 26) by the Sri Lankan state, Maaveerar Naal was in fact the movement's formal day of remembrance for fallen cadres. It also saw an annual public address by Prabhakaran, which was widely viewed as the LTTE's official policy statement for the coming year.

Beginning in the 1990s, the LTTE constructed vast war cemeteries, known as Maaveerar Thuyilum Illam (Heroes' Resting Abodes), in the areas under its control. Although Tamil Hindus traditionally cremate their dead, the burial practices introduced by the LTTE harkened back to an ancient rite of honoring warriors through the placement of a special stone ("Nadukkal") at their graves. They also formed part of a larger program of organized memorialization, venerating dead fighters through the construction of statues and formally commemorating their sacrifice through the ritual observance of numerous remembrance days throughout the year.

On Maaveerar Naal, relatives of the deceased would visit the cemeteries to place flowers and other offerings on the tombs or cenotaphs of their loved ones. A sacred flame was lit at 18:07, the exact hour of Lt. Shankar's death, as the song Thuyilum Illam Paaddu, "Song of the Resting Place" was played. Candles or lamps were also lit at every gravestone and Nadukkal. Over the years, the associated celebrations became more elaborate, incorporating religious rituals, public processions, and cultural performances.

Observance of Maaveerar Naal spread far beyond Sri Lanka, with hundreds of thousands of diaspora Tamils marking the day around the world. In London, Toronto, Paris, New York, and other diaspora centers, members of the community hold events timed to the commemorations in the North-East, lighting the flame at 18:07 Sri Lankan time and laying flowers before photographs of fallen fighters.

Following the defeat of the LTTE in 2009, and the destruction of the Thuyilum Illam, Maaveerar Naal commemorations have been banned in the North-East. (See Section III for a discussion of the ban.) Nevertheless, the day remains profoundly important to the families of fallen LTTE cadres. Tamils in the North-East continue to commemorate to the best of their abilities and large-scale formal observance continues among the diaspora population around the world.



A Thuyilum Illam during Maaveerar Naal in the Northern Province (File photo, Colombo Telegraph)

For ex-combatants and relatives of fallen fighters, honoring lost comrades and loved ones amounted to a duty they wanted to perform. As one interviewee explained: *"It was our children and relatives who died in the LTTE. The struggle was just – we need to remember those who gave their lives for it, as we did before 2009"* (Kilinochchi).

Collective Mourning & Historical Memory

Numerous respondents emphasized that a key element of remembrance (of both civilian and combatant dead) was coming together with other members of the community. For those who had lost relatives in combat, one of the things they missed most was going to the (now destroyed) LTTE cemeteries with other families of the fallen. As one interviewee lamented: *"We need a memorial place like the cemeteries to gather and remember (Kilinochchi)*. Lighting lamps quietly, alone in their homes, they felt, was a poor substitute for the public events they remembered during the war.

Many interviewees also noted that the mass nature of the crimes against Tamil civilians requires communal remembrance. In the words of one: *"Tamils are a collective nation who were collectively punished... They want to come together"*

(Vavuniya). Particularly with regard to the devastating violence unleashed by state forces against the civilian population at the end of the war, respondents were adamant that Mullivaikkal was "a sacred place" (Jaffna) where survivors must be allowed to convene freely.

"Sites like the Mullivaikkal beach should be preserved and we should be allowed to use it as a memorial site." (Kilinochchi)

Interviewees emphasized the importance of preserving the Mullivaikkal site as a memorial to the thousands of deaths that occurred there. Multiple respondents raised the fact that after May 2009, the triumphant government converted the area into an attraction for tourists from the south of the country. Although some of the structures catering to these "war tourists" have been dismantled and the number of visitors has reduced, many in the victim community remain worried that the state will convert the site into something which will make it impossible for survivors to memorialize their dead. One specific concern respondents highlighted is that another military hotel might be built in the area, in addition to the one at Nanthikadal Lagoon. Besides the barrier this would pose to memorialization, they felt that this would be an inappropriate and offensive use of a location where so many had lost their lives.

Interviewees also mentioned a wish to preserve other locations where mass civilian deaths occurred, such as schools and hospitals bombed by the military. Part of their logic in advocating for maintaining these sites was to keep alive the memory of these events. Also in this vein, several respondents spoke about the importance of museums or other fora to visit and educate others about the conflict, especially the younger generations. The need to educate the community's children was a larger concern for many people, some of whom feared that the independence struggle and lives lost would be forgotten.

"A museum to record our struggle is needed...while it should be for the Tamil community, it must also be able to enlighten the Sinhalese about what happened." (Jaffna)

III. OBSTACLES TO REMEMBRANCE

The contrast between how members of the victim community would like to memorialize (as detailed in the previous section) and how they are currently able to commemorate is stark. In interview after interview, respondents told stories of being prevented from remembering by legal restrictions and by harassment and intimidation from state security forces. They spoke of the suppression of May 18th remembrance events in the years following the end of the war and of the continuing prohibition on memorializing dead LTTE combatants. For many interviewees, the destruction of the cemeteries and other memorials, statues, and sites associated with the LTTE was a particularly grievous injury. And nearly every respondent emphasized the trauma engendered by the construction of "victory" monuments throughout the former war zone. Underlying all of these dynamics is the ongoing and pervasive presence of the military in the North-East, which prevents the victim community from freely remembering the violence they have suffered, while at the same time ensuring that they are never able to forget it.

Suppression of Mullivaikkal Remembrance Since the End of the War

In the seven years since the mass slaughter of civilians at Mullivaikkal, remembrance activities have been severely constrained by the state. While the Rajapaksa regime remained in power, repression was overt and those who commemorated publically risked arrest and harassment by security forces. (See timeline below for details.) Respondents described commemorating Mullivaikkal secretly in their homes during these years, with curtains drawn to hide the light from memorial candles.

Although the restrictions have been relaxed since the current government came to power, public processions were banned in 2015 and heavy military presence and surveillance at May 18 events continued in 2016. As is common at any public protest or gathering in the North-East, participants at Mullivaikkal remembrances in 2016 found themselves photographed and videotaped, while the organizers were harassed and intimidated by security forces. Consequently, many in the victim

community are still afraid to commemorate openly. Several respondents mentioned fears that attending May 18 events would lead to visits from the CID. Others emphasized that the change in government might be temporary and any activities now may be punished at a later time. This fear stems from concern that history will repeat itself. During the last ceasefire (2002-2008), Tamil politicians, activists and journalists felt relatively safe to publicly raise human rights issues and advocate for political rights. However, as the ceasefire broke down, hundreds of those Tamils were targeted and killed by security forces. This has caused many respondents to view the current opening of political space with cynicism. As one interviewee explained: *"People are afraid that the situation will deteriorate - anything they do now may come back to haunt them"* (Trincomalee).



Mullivaikkal remembrance at Jaffna University, (May 2016, Tamil Guardian)

Timeline: Repression of Mullivaikkal Remembrance under the Rajapaksa Government

	<p>2010 Limited attempts by victim community to commemorate Increased military presence across the North-East and intimidation of those planning commemorations Jaffna events blocked by military, journalists detained²⁰</p>
<p>Secret commemorations in the North-East²¹ Harassment of participants at event attended by religious leaders and TNA politicians²²</p>	<p>2011</p>
	<p>Increased efforts to openly commemorate²³ Jaffna University student leader attacked en route to remembrance event</p>
<p>Official remembrance events organized by TNA, TNPF, and Jaffna University Arrest of two TNPF members on May 17 Destruction of remembrance monument²⁴</p>	<p>2013</p>
	<p>2014 Events across the North-East for the fifth anniversary Death threats to Jaffna University students and journalists²⁵ Filming of participants at first-ever event at Mullivaikkal by military personnel²⁶ Police disruption of NPC headquarters event²⁷</p>

²⁰ "SLA blocks May remembrance events in Jaffna, journalists threatened," TamilNet, May 17 2010, accessible at <https://www.tamilnet.com/art.html?catid=13&artid=31773>.

²¹ "Country of Eezham Tamils mourns silently on Mu'l'livaaykkaal Day", TamilNet, May 19 2011, accessible at <https://www.tamilnet.com/art.html?catid=13&artid=33967>.

²² "SL Military harasses mourners in Jaffna at Remembrance event", TamilNet, May 19 2011, accessible at <https://www.tamilnet.com/art.html?catid=13&artid=33971>.

²³ Ibid.

²⁴ "TNPF members arrested for May 18th remembrance", Tamil Guardian, May 17 2013, accessible at <http://tamilguardian.com/content/tnpf-members-arrested-may-18th-remembrance?articleid=7847>.

²⁵ "Death threats issued to journalists and Jaffna uni staff, students over May 18 remembrance", Tamil Guardian, May 19 2014, accessible at <http://www.tamilguardian.com/content/death-threats-issued-journalists-and-jaffna-uni-staff-students-over-may-18-remembrance>.

²⁶ "Remembrance event held in Mullivaikal amidst military harassment", Tamil Guardian, May 17 2014, accessible at <http://www.tamilguardian.com/content/remembrance-event-held-mullivaikal-amidst-military-harassment?articleid=10937>.

²⁷ "Police disrupts Mullivaikkal memorial event at NPC office", Tamil Guardian, May 15 2014, accessible at <http://www.tamilguardian.com/content/police-disrupts-mullivaikkal-memorial-event-npc-office?articleid=10921>.

The Prohibition on Remembering the LTTE

If the strictures on commemorating civilian war dead have loosened in the last two years, the prohibition on memorializing the LTTE remains firmly in place. Public observances of Maaveerar Naal and other LTTE days are banned. Under the Rajapaksa regime, the ban was accompanied by prohibitions on tolling temple bells or lighting candles on Maveerar Naal. In 2012, for instance, the military forcibly extinguished lamps lit on private property, despite Maaveerar Naal falling on the same date as Karthikai Vizhakkeedu, a Hindu/Tamil festival of lights. Under the new government, the security presence is still increased at the former sites of cemeteries in the days leading up to Maaveerar Naal to prevent remembrance activities. Multiple interviewees asserted that they would like to publically commemorate Maaveerar Naal, but were far too scared.

“Now, we stay at home and cry.” (Kilinochchi)

Respondents emphasized the difference between how they commemorated fallen combatants before 2009, and how they are forced to do so now, alone and in secret. And many stated that they feel constrained in how they remember their LTTE dead even in their own homes. Many spoke of burying or destroying the photographs of their sons and daughters who had died in combat to avoid attracting the CID’s notice. Others described photoshopping them to replace LTTE uniforms with civilian clothes. But, as one respondent explained: *“We still hide them when we think we will be visited [by security forces]” (Kilinochchi)*. A photograph of a young person who has died automatically raises suspicion that they were a fighter. Some interviewees mentioned harassment from other members of the community, nervous about the consequences of being associated with LTTE families. *“We don’t keep pictures at home as we will be stigmatized” (Trincomalee)*.

“Only the LTTE cannot be remembered” (Kilinochchi)

For many family members of dead combatants, the inability to commemorate loved ones is made worse by what they perceive as the unfairness of the ban. Multiple respondents pointed out that other militant organizations, including the JVP, a Sinhala leftist movement that conducted two armed campaigns against the state, are allowed to hold remembrance events. The JVP, which was proscribed as a terrorist organization in the 1970s and 1980s, marks two anniversaries each year: one for its fallen fighters on April 5, and another on November 13 remembering its leader, Rohana Wijeweera, who was killed by the state. Interviewees mentioned as well the fact that other Tamil militant groups, such as the People’s Organization of Tamil Eelam (PLOTE) and Tamil Eelam Liberation Organization (TELO), are allowed by the Sri Lankan state to remember their dead cadres.²⁸

Destruction of the Cemeteries and Other Important Sites

“They’ve destroyed all our monuments. We want them rebuilt”

(Kilinochchi)

Without fail, respondents criticized the state’s destruction of LTTE memorials and monuments as a major barrier to remembrance. The most frequently mentioned sites were the Maaveerar Thuyilum Illam, the Heroes’ cemeteries, of which there were once 27 scattered throughout the North-East. (See Table 2 below for a list of their locations.) As control of land shifted between the LTTE and the Sri Lankan military, the state destroyed cemeteries in the areas it captured. In Jaffna alone, three cemeteries, Kopay, Kodikamam and Ellaankulam were destroyed by the military when it took control of the Jaffna peninsula in 1995. After the signing of the ceasefire in 2002, the LTTE restored cemeteries across the North-East. But when

²⁸ PLOTE remembers the death of its leader Uma Maheswaran every July 16 as Veeramakkal Thinam without restrictions or repression (27th Veeramakkal Thinam in Vavuniya), PLOTE News, Jul 17 2016, accessible at <http://plotenews.com/?p=24428>.

TELO posters commemorating the deaths of its leaders Thangathurai and Kuttimani were plastered across the North-East in July 2016 - see photo in Appendix.

hostilities resumed in 2006, the military again targeted the cemeteries for destruction; first in the East and then in the North. Reports indicate that the destruction of the burial grounds continued into 2016. In April 2016, TamilNet reported that the military had ploughed the ground of the Tharavai Thuyilum Illam, where over 675 combatants were buried.²⁹

"They've built army camps where our kin are buried, walking on their graves." (Kilinochchi)



Remains of Uduththurai Thuyilum Illam, Jaffna (PEARL, July 2016)

²⁹ "Continued desecration of Tamil Heroes cemetery is 'Good Governance' for Sinhala State," TamilNet, April 04 2016, accessible at <https://www.tamilnet.com/art.html?catid=13&artid=38214>.

Table 2: Sites of Thuyilum Illam in the North-East

District	Name
Amparai	Udampan Kulam
Batticaloa ³⁰	Tharavai
	Thaandiyadi
	Vaakarai
Jaffna	Ellaankulam
	Kopay
	Kodikaamam
	Chaaddi
	Uduththurai
Kilinochchi	Kanakapuram
	Mulankaavil
Mannar	Aadkaaddiveli
	Mullikulam
	Pandivirichchaan
Mullaithivu	Aalankulam
	Alambil
	Kallikaadu
	Manalaaru (Uthaya Peedam)
	Manalaaru (Punitha Poomi)
	Mulliyavalai
	Vannivillaankulam
	Visvamadu
Trincomalee	Aalankulam (Muthur East)
	Thiyagavannam
	Velliankulam
	Uppaaru
Vavuniya	Eachaankulam

³⁰ "Sri Lanka builds police station on LTTE cemetery," Tamil Guardian, Nov 27 2007, accessible at <http://tamilguardian.com/content/sri-lanka-builds-police-station-ltte-cemetery>.

Today, not a single Thuyilum Illam is left standing. Some have been abandoned to the encroaching wilderness. Others, including Kopay³¹ and Ellaankulam, are now the sites of military camps, making them completely inaccessible to the locals. And, as one interviewee pointed out, the desecration of the cemeteries is compounded by the fact that rubble from the graves has been used to construct the roads leading to some of these military camps.



Remains of headstones in Uduththurai Thuyilum Illam, Jaffna (PEARL, July 2016)

At the sites of the Uduththurai and Aalangkulam cemeteries, PEARL's researchers found scattered shards of headstones and cenotaphs amidst the rubble and undergrowth. Although there were signs of visitors, including images of deities, interviewees explained that they were afraid to visit the Thuyilum Illam openly.

"Around Maaveerar Naal the military will be stationed at the remains of the cemetery, as they want to stop us from gathering there." (Trincomalee)

³¹ "Military HQ in LTTE graveyard," BBC, Mar 07 2011, accessible at http://www.bbc.com/sinhala/news/story/2011/03/110307_jaffna_cemetery.shtml.



Religious icon at Uduththurai Thuyilum Illam, Jaffna (PEARL, July 2016)

“We are forced to go in secret on other days to pay our respects.” (Jaffna)

Respondents were adamant that the cemeteries should be restored. As one explained, the need of a place to mourn is so strong among the families of the deceased that: *“If we feel it is safe, we will rebuild them ourselves,”* (Mullathivu). Interviewees also emphasized the importance of other monuments and memorial parks that had once served as communal places to gather and remember. *“We used to have a monument, a pillar, remembering our struggle in our town. We used to pay our respects there on special days, until they destroyed it”* (Trincomalee). Interviewees mentioned a number of destroyed statues and sites commemorating specific massacres and LTTE fighters (see Appendix for detailed information and images), and called for them to be rebuilt.

“The government should come forward to compensate the expenses incurred by us to renovate the memorials.” (Jaffna)



Remains of a destroyed LTTE monument in Valvettithurai, Jaffna (PEARL, July 2016)

Competing Memorials

"They've erased us and are celebrating." (Amparai)

As Tamil memorials and monuments were being systematically destroyed, the state erected its own victory monuments across the North-East. Numerous respondents pointed to their presence as an injury equal to the loss of the cemeteries and memorial parks. Several interviewees described seeing the monuments as a painful and retraumatizing experience: *"Every day I have to walk past that monstrosity I am reminded of the horrors we faced. I look away - I just can't look at it"* (Kilinochchi).



Sri Lankan victory monument near Puthukkudiyiruppu (PEARL, July 2016)

For many in the victim community, the monuments feel like calculated reminders of their subjugation. Said one respondent: *“they are deliberately placed on the main roads so we have to go past them”* (Mullaithivu). The choice to construct the most prominent military monuments in the Tamil heartland of the Vanni, including in Kilinochchi and Mullaithivu, is perceived as intentional and offensive triumphalism. Interviewees were quick to point out that victory monuments are not as common in the Sinhala south as they are in the North-East.

“We lost and they want to remind us of it. Otherwise why would they build them here? Do they have as many in the South? What would they say if we built our monuments in their area?” (Batticaloa)

These negative perceptions are supported by the fact that the symbolism evoked by the military monuments is that of a victor who has vanquished a great evil. Interviewees were particularly upset by the victory statue and museum at Puthukudiyiruppu,³² so near to the site where thousands of civilians died at the end

³² The “War Victory Museum” in Puthukudiyiruppu, showcased weapons, boats and submarines captured from the LTTE. When PEARL’s researchers visited in July 2016, the military was in the process of moving everything to a new location, where the LTTE’s submarine dock used to be.

of the war. They highlighted the war tourism industry, decrying the fact that “*Sinhala tourists are coming to gawk*” at places viewed as hallowed ground by the local population (*Kilinochchi*).³³ Some of the sites even house gift shops, with souvenirs for sale. Beside the toppled water tower at Kilinochchi sits a small store selling coffee mugs, books, and DVDs in Sinhala and English, and t-shirts with “Re-Awakening Kilinochchi” emblazoned across them. The complete absence of the Tamil language makes clear who the intended customers are.



Sri Lankan victory monument at Elephant Pass, Kilinochchi (PEARL, July 2016)

³³ In the years immediately following the armed conflict’s end, busloads of Sinhalese would visit these sites on state-sponsored tours. (See, e.g. “Near site of LTTE’s last stand, a victory memorial that Tamils don’t visit,” *The Hindu*, Oct 24 2012, accessible at <http://www.thehindu.com/news/international/near-site-of-lttes-last-stand-a-victory-memorial-that-tamils-dont-visit/article4019705.ece>.) Although war tourism has subsequently declined, PEARL’s researchers personally observed tourists from the south at each of the sites mentioned.



A state-run gift shop in Kilinochchi - writing only in Sinhala and English (PEARL, July 2016)

The Presence of the Military

“People who died were largely killed by the military - while the military remains, how can they remember?” (Trincomalee)

The underlying theme of all of the respondents’ testimony about obstacles to remembrance was the ongoing and pervasive presence of the Sri Lankan security forces throughout the North-East. While most acknowledged a reduction in the visibility of the soldiers under the new government, they emphasized a continued militarization of daily life. The number of camps in the former conflict zone remains remarkably high and military and police surveillance "remains active and often intimidating".³⁴ And although focus is often on the North, where the final phase of the armed conflict occurred, the East is also still heavily militarized. Respondents in both the North and East emphasized that in many cases, the effect of the continued military presence is that victims live side-by-side with their abusers. Soldiers implicated in mass atrocities remain deployed throughout the North-East. And even where the personnel have changed, the institutions remain. As one interviewee pointed out of the Navy’s continued presence in her community: *“We have to go past the very camps our people were tortured and killed in” (Trincomalee).*

³⁴ "Sri Lanka: Jumpstarting the Reform Process", International Crisis Group, May 18 2016, accessible at <https://d2071andvip0wj.cloudfront.net/278-sri-lanka-jumpstarting-the-reform-process.pdf>.

The military presence is not limited to the camps. PEARL's researchers observed barbershops, farms, small stores, and restaurants operated by uniformed soldiers. Many of these establishments had signs in Sinhala only.



Military cafe in the Northern Province (PEARL, July 2016)

The result of this presence is a persistent climate of fear. This is particularly true in former LTTE strongholds, where reports of intervention by security forces are common. In fact, one of PEARL's focus group sessions in Kilinochchi was hindered by the security forces, when seven war-affected women who had travelled to attend the meeting were questioned and turned back by what appeared to be intelligence officers. Numerous interviewees mentioned that this was common – that after attending any protest or meeting related to their victim status they expect calls or visits from security operatives. This is particularly true of anyone known (or thought) to be associated with the LTTE. The harassment of ex-combatants and LTTE families has indirect effects as well, impairing their relationships with their neighbors. As one ex-combatant lamented, *"I didn't expect that after all this, we'd be here, shunned by the community"* (Amparai).

The consequences of these dynamics for memorialization are significant. As documented in the preceding sections, militarization of the North-East serves to enforce restrictions on the commemoration of civilian and combatant dead, and to

forcibly impose memory of trauma through the presence of the state's victory monuments. But many respondents raised an additional effect of the security forces' presence: constraints on passing on historical knowledge to the next generation. This is of particular concern, given that the educational system follows a national curriculum that teaches a Sinhala-centric version of history. As a schoolteacher clarified: *"There is a difference between the Tamil and Sinhalese language syllabuses, until it comes to the subject of history, where it is the same. The distinct history of the Tamils is side-lined"* (Kilinochchi). Many respondents said they were afraid to fill this gap at home, for fear that it would endanger their children. Echoing comments made by numerous interviewees, one explained: *"We are afraid to talk to our children about what happened. We don't want to risk them talking about it at school or elsewhere. We may get into trouble with the military"* (Batticaloa).



Police and Navy personnel recording protesters in Jaffna (PEARL, March 2016)

IV. THE RIGHT TO REMEMBER

“Not allowing us to remember shows us we have no rights.” (Trincomalee)

In post-conflict and divided societies, the right to memory is often linked to the pursuit of accountability and reconciliation. Remembrance is seen as a critical element in combating a culture of impunity, establishing a full and lasting accounting of abuses, and moving forward as a society. In a report on memorialization processes, the UN Special Rapporteur in the field of cultural rights concluded that “memorialization has become a political and sociocultural imperative in reconciliation processes”.³⁵ Similarly, the UN Special Rapporteur on the promotion of truth, justice, reparations, and guarantees of non-recurrence, Pablo de Greiff, has argued that “[t]o the extent that we expect others to be part of a shared political community, we owe them sufficient recognition for them to take the project to be truly shared.”³⁶

But while the right to memory implicates the right to truth and justice, it encompasses more than its instrumental role in the pursuit of accountability. Failure to acknowledge a history of abuse is, on its own, a human rights violation. For Tamils in the North-East, the absence of recognition of their suffering is an ongoing injury. As one said about the effect of impunity: *“I’m still living it” (Batticaloa)*. Numerous international declarations and conventions have declared that “public recognition of past crimes is indispensable to the victims”.³⁷ In the words of the Commission of Historical Clarification in Guatemala, “remembrance... permits the recovery of the values of, and the validity of the struggle for, human dignity”.³⁸ The

³⁵ A/HRC/25/49 para 10, Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, January 23 2014, accessible at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A_HRC_25_49_ENG.DOC.

³⁶ “The Duty to Remember,” Pablo de Greiff, ICTJ, May 04 2016, accessible at <https://www.ictj.org/debate/article/duty-remember>.

³⁷ A/HRC/25/49 para 9, Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, January 23 2014, accessible at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A_HRC_25_49_ENG.DOC.

³⁸ “Memory of Silence”, Final Report of the UN Commission for Historical Clarification (CEH), Feb 1999, accessible at https://www.aaas.org/sites/default/files/migrate/uploads/mos_en.pdf.

victims' right to memory is paired with a corresponding duty incumbent upon the State: "A people's knowledge of the history of its oppression is part of its heritage and, as such, must be preserved by appropriate measures in fulfilment of the State's duty to remember."³⁹ Active interference with commemoration therefore constitutes a clear violation of the State's "basic responsibility to ensure that information about past violations is accurately preserved".⁴⁰

In the words of the UN Special Rapporteur de Greiff, "we have the obligation to remember everything that we cannot reasonably expect our fellow citizens to forget".⁴¹ For survivors in the North-East, this list is long. As one explained of her experience in January-May 2009, *"every day on a daily basis I saw dead bodies ... I can never forget that"* (Mullaithivu).

Beyond its status as a civil and political right, remembrance is core to the construction and maintenance of community. As the Commission of Historical Clarification in Guatemala has observed, "historical memory, both individual and collective, forms the basis of national identity."⁴² Mourning practices in particular are a key expression of identity, establishing the individual as a member of a broader collective joined by shared culture. Remembrance is an important element of Tamil culture worldwide and has been for generations. And in North-East Sri Lanka, pan-Tamil traditions such as garlanding pictures of deceased relatives, lighting lamps, and making offerings took on additional salience over the course of the armed conflict.

"Look at what they have done to the remains of our children" (Trincomalee)

The role of remembrance becomes particularly important for communities struggling with the aftermath of mass death. As one scholar has observed with

³⁹ "The Administration of Justice and the Human Rights of Detainees" Principle 2, E/CN.4/SUB.2/1997/20, Commission on Human Rights, June 26 1997, accessible at <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1028&context=lcp>.

⁴⁰ "The Chicago Principles on Post-Conflict Justice" (2007) accessible at https://law.depaul.edu/about/centers-and-institutes/international-human-rights-law-institute/projects/Documents/chicago_principles.pdf.

⁴¹ "Online Debate: Does Collective Remembrance of a Troubled Past Impede Reconciliation?" ICTJ, May 04 2016, accessible at <https://www.ictj.org/news/online-debate-remembrance-reconciliation>.

⁴² "Memory of Silence", Final Report of the UN Commission for Historical Clarification (CEH), Feb 1999, accessible at https://www.aaas.org/sites/default/files/migrate/uploads/mos_en.pdf.

regard to post-1994 Rwanda: “[P]eople now navigate complex predicaments of what it means to dwell in a present that is marred by the absence of friends, family and neighbours with whom they once socialised and with whom they were engaged in relations of mutual dependency.”⁴³ This description encapsulates the experience of the Tamil population in the North-East, where family and community relations have been profoundly changed by the deaths of significant numbers of civilians and combatants. Yet, as one respondent observed, *“people aren’t being allowed to go through the healing process - they aren’t allowed to deal with it”* (Vavuniya).

V. CONCLUSION

“Around the world, Tamils commemorate, but we can’t.” (Batticaloa)

The plight of Tamil civilians living in the North-East remains dire. Despite indications from the new government that it would scale back the security forces’ presence and return occupied land to its rightful owners, the former war zone is still heavily militarized. Daily life is carried out in the shadow of an ever-present threat of force. This has profound implications for the Tamil community’s efforts to memorialize those who lost their lives during the armed conflict. For the family members of victims of state atrocities, the presence of the perpetrators is both a daily reminder of the injury they have suffered and an obstacle to closure. Their pursuit of acknowledgment of their suffering and information about the fate of their loved ones is met with obstruction and harassment by security forces who have a vested interest in perpetuating a culture of impunity. And attempts to commemorate civilian mass casualty events are viewed as an inflammatory political statement. Nevertheless, many persevere, out of the belief that regardless of the perception, it’s *“their duty”* to commemorate (Batticaloa).

“It’s a cultural imperative to remember, not an act of provocation.”

⁴³ Eramian, Laura. 2014. “Personhood, Violence, and the Moral Work of Memory in Contemporary Rwanda.” *International Journal of Conflict and Violence* 8(1): 16-29.

If memorializing Tamil civilian victims is met with suspicion and heavy-handed repression, the situation is that much worse for efforts to remember fallen LTTE fighters. The prohibition on honoring the LTTE remains in place and is aggressively enforced. *"We don't have the right to memorialize" (Trincomalee)*. Although the state frames the ban as a legitimate restriction on terrorist activity, the affected community experiences it as gratuitous tyranny over a defeated enemy. They see this triumphalism as well in the destruction of the LTTE cemeteries and other memorial sites: *"The monuments at Theeruvil, a memorial to civilians killed by the Indians, and even Prabhakaran's house...they destroyed them all. They left traces, of course, to remind us we lost" (Jaffna)*.

The construction of victory monuments throughout the former war zone is another means by which the state controls memorialization. They physically embody the extremely limited scope of permissible remembrance in the North-East. By promulgating a narrative of the conflict's end as the triumph of good over evil, they reinscribe the divisions driving the violence and constitute a mode of forced remembrance for survivors who are not permitted to commemorate in their own way. The monuments are so offensive to the victim community that those not located at military encampments are patrolled by armed guards, alert to the possibility of vandalism. *"We would not require a single day to tear down their monuments if the military was removed" (Mullaithivu)*.

The constraints on memory are symptomatic of the absence of any true post-war settlement. Without a comprehensive political solution, many in the North-East will

“Any sustainable solution to the conflict has to include Sinhalese accepting our right to remembrance” (Kilinochchi)

continue to view any improvements on the ground as temporary and reversible. *“You’re here because Maithri [Sirisena] is in, but that might change tomorrow” (Batticaloa)*. The failure of successive Sri Lankan governments to meaningfully grapple with the political dynamics that led to war or the human rights violations that characterized the conflict is rooted in the widespread perception in the south that such a reckoning would constitute a threat to the Sinhala-Buddhist nature of the state. But political deference to this paranoia only feeds southern extremism, which in turn exacerbates Tamil grievances.

Meaningful reconciliation between the island’s divided communities depends on a frank discussion of the war and its aftermath while the political window of opportunity remains open. But currently, only one side can engage with the war in a manner in which it chooses. The legacy of the liberation movement is an important part of Tamil identity, and those who want to remember their dead must be permitted to do so, whether they were civilian victims or participants in the armed struggle. External constraints on commemoration only exacerbate divisions and contribute to further tensions. And the restrictions on discussing the LTTE make it harder for Tamils to openly engage with the history of the armed struggle -- a prerequisite for critical introspection.

Ending state repression of remembrance activities will aid the survivors of violence in the North-East, regardless of the perpetrators, and facilitate the healing process. For the ethnic conflict to be sustainably resolved, its participants and victims must be allowed to remember freely. Restriction of memorialization by the state and the forcible imposition of one-sided narratives will only divide the country further.

Appendix: Images from the North-East



*Kittu Memorial Park in Jaffna on his death anniversary in 2005 and its remains in July 2016
(Left TamilNet, Right PEARL, July 2016)*



*Monument to LTTE fighters in Thiruvil, Valvettithurai and its remains. It was destroyed in 2010
(Left file photo, Right PEARL, August 2016)*



Monument to 12 LTTE combatants in Theeruvil, Valvettithurai - constructed in the early 90s and destroyed in 2010 (Left File photo TamilNet, Right PEARL January 2016)



Memorial to those who "sacrificed their lives for freedom" - at its opening in November 2005 (TamilNet) and as it looks now after vandalism by security forces (PEARL, October 2016) - it continues to be used at Tamil remembrance events



Lt Col Thileepan monument after it was rebuilt during the ceasefire (TamilNet) and how it looks now after its subsequent destruction - September 2016 (Tamil Guardian)



Prabhakaran's house during the ceasefire and after it was destroyed (Getty; PEARL July 2016)



Aadkaaddiveli Thuyilum Illam, Mannar, before destruction (File photo, TamilNet)



Remains of a destroyed LTTE cemetery were built into a monument - only to be destroyed again - Kopay, Jaffna (Tamil Nation)



Thuyilum Illam, unknown location, before destruction (File photo, Veeravengaikal.com)



A poster commemorating the death of TELO leaders Thangathurai and Kuttimani - plastered on the base of a destroyed memorial for LTTE Lt Col Shankar, who died in 1982, Valvettithurai, Jaffna (PEARL, July 2016)



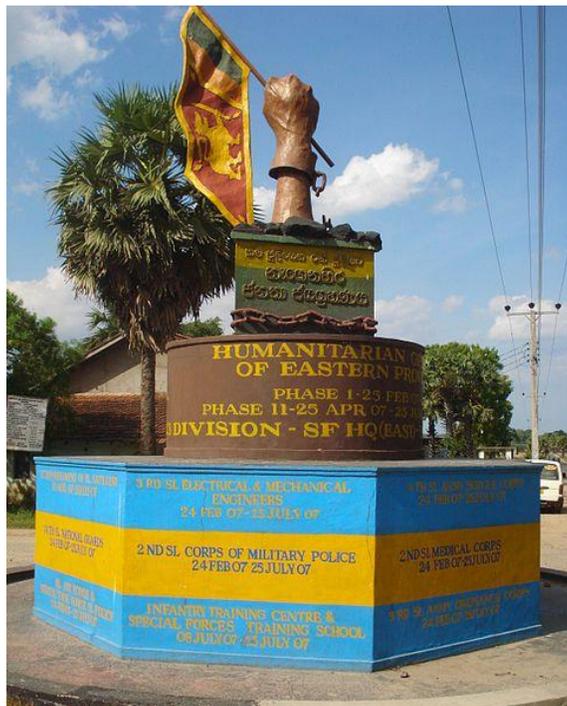
Photos of fallen LTTE fighters used to be displayed at this shrine-like structure - the writing has been covered with black paint, Valvettithurai, Jaffna (PEARL, July 2016)



Remains at Aalangkulam Thuyilum Illam, Muttur East, Trincomalee (PEARL, July 2016)



Monument to a Sri Lankan Army officer at Kokkavil, Mullathivu (PEARL July 2016)



A monument commemorating the "humanitarian operation", Karadiyanaaru, Batticaloa (Unknown)

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