

A turning point in the drift to war

Unanswered questions remain about the killing of Sri Lankan foreign minister

K. Ratnayake
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With the eruption of open fighting between the Sri Lankan military and the Liberation Tigers of Tamil Eelam (LTTE), it is timely to reexamine a key turning point in the slide towards renewed civil war—the assassination of former Sri Lankan foreign minister, Lakshman Kadirgamar, by unidentified gunmen on the night of August 12 last year.

The murder was a political boon for the Sinhala extremists of the Janatha Vimukthi Peramuna (JVP) and the Jathika Hela Urumaya (JHU), who had been agitating unsuccessfully against a joint government-LTTE body for the distribution of aid to the tsunami-stricken areas of the North and East of the island. The JVP quit the ruling United Peoples Freedom Alliance (UPFA) in June in protest over the signing of the Post Tsunami Operational Management Structure (PTOMS) agreement and called for mass protests and a general strike against this “betrayal”.

The JVP campaign, however, fell flat. The disaster caused by the huge tsunami waves on December 26, 2004, had generated broad sympathy for the hundreds of thousands of victims who lost their homes, possessions and loved ones. Working people regardless of their ethnicity, language or religion had pitched in to assist in the devastated coastal areas. President Chandrika Kumaratunga and the media were compelled to react to the popular mood by declaring that the catastrophe offered the means to heal national divisions and to establish a lasting peace.

The promise was completely fraudulent. As time dragged on, the government proved incapable of providing adequate assistance to the victims, many of whom are still without permanent accommodation nearly a year and a half after the disaster. The ruling elites responded as they always have to rising social and political discontent by stirring up communal tensions to divide the working class along ethnic and religious lines.

It was no surprise, therefore, that the political and media establishment, with the JVP and JHU in the lead, immediately exploited the assassination of Kadirgamar to denounce the LTTE as murderers and to whip up anti-Tamil sentiment. Anyone who questioned the unsubstantiated allegations was denounced as an LTTE stooge. Newspapers critical of Kadirgamar before his death were condemned for assisting the LTTE. All of the major parties came together in parliament to immediately approve a state of emergency.

Amid the general clamour in ruling circles for war, the Supreme Court rapidly settled a long running dispute over the timing of the presidential election, forcing Kumaratunga to stand aside. The UPFA replaced her with Mahinda Rajapakse, who narrowly won the November poll by securing electoral deals with the JVP and JHU which included demands to take a more aggressive stance against the LTTE. Since the election, violent attacks and reprisals by both sides—the LTTE and a shadowy coalition of sections of the military and allied Tamil paramilitaries—have escalated to the point where the country is standing on the brink of all-out

war.

But what of Kadirgamar’s assassination? The *World Socialist Web Site* was virtually alone in pointing out that there were a large number of unanswered questions surrounding the murder. While not ruling out the possibility that the LTTE, despite its denials, was responsible, the WSWS pointed out that the most obvious political beneficiaries—the military top brass and chauvinist outfits such as the JVP and JHU—each had a long history of violent provocations and was quite capable of carrying out the crime.

Nine months after the murder, the questions remain unanswered. Despite categorical declarations that the LTTE was responsible, neither the government nor the police has provided evidence to prove their assertions. A month after the murder, the *Sunday Times* stated that an official report confirming allegations of the LTTE’s involvement had been circulated to Sri Lankan embassies abroad to brief foreign governments. The report has never been made public, however.

In the glare of publicity surrounding the killing, the police and media made many claims that either proved to be false, misleading or riddled with contradictions. For instance, allegations that cyanide capsules—worn by all LTTE fighters in case of their capture—were found at the scene were quickly dropped by police. In subsequent months, however, there has been virtually no coverage of the ongoing police investigation or the fate of seven suspects detained without charges or trial under the country’s draconian emergency laws.

The facts about the assassination remain scanty. Kadirgamar was shot at around 10.45 p.m. on August 12 after a swim in the pool at his residence in Bullers Lane—a well-to-do area of central Colombo. He had returned home late from a meeting. He was rushed to hospital but died shortly after arrival.

As one of the government’s most senior ministers, Kadirgamar had his own personal security detail, comprising members of the specially-trained Ministerial Security Division (MSD). Yet it appeared that his guards had failed to take the elementary precaution of checking surrounding residences for possible vantage points for a gunman.

According to police, the gunmen had camped in the top floor of a neighbouring house owned by Lakshman Thalayasingham for days. At the time, lurid stories were published alleging that Thalayasingham, a Tamil, or his relatives, were linked to the LTTE and complicit in the plot. He was questioned by police and told them that he never used the upper floor. He is not one of the detained.

No explanation has ever been provided for the extraordinary laxity of the MSD security detail and police in failing to apprehend the killers. The guards made no effort to catch the assassins. The police took at least two hours to establish any roadblocks in the area. Thalayasingham told a judicial inquiry that it was between 1 a.m. and 2 a.m. before police

knocked on his door. As a result, the killers were able to make a clean escape.

There is no doubt that the assassination was well-planned. But it was not the LTTE's usual modus operandi. The LTTE's trademark has been suicide bombings, such as the attempt on President Chandrika Kumaratunga's life in 1999 and the recent attack on army headquarters in central Colombo on April 25 that nearly claimed the life of army chief Lieutenant General Sarath Fonseka. The LTTE has rarely used a sniper to kill its enemies.

The police investigation has been conducted by a specially established team from the Colombo Crime Division (CCD). Seven suspects have been detained in the course of the inquiry. Five are still being held in a remand prison and two were finally bailed after months of detention. Although no reasons have been given, the five have been declared security threats. Every fortnight a magistrate visits the jail to renew their detention orders.

The suspects are:

* Muththiah Sahadevan was a gardener who worked at a house near the Thalayasingham residence. Police claim that he let the killers into Thalayasingham's house. According to one *Sunday Times* report last year, Sahadevan "confessed" to speaking to the LTTE organiser of the plot, Vinothan, and was provided with a mobile phone and paid handsomely, so much so, Sahadevan even purchased a plot of land at Narahenpita [in Colombo]." A report in the same newspaper this year, the CCD now alleges that an opposition United National Party MP organised a donation of land to Sahadevan well over a year before the murder. None of these contradictory reports has ever been tested in court. His lawyer has filed a bail application which is still pending.

* Arokyanathan was a three-wheeler driver, who allegedly helped transport weapons for the assassins. Police also claimed that he had confessed to speaking to Vinothan. His wife, Subramaniam Ranjani, told the WSWS that her husband has denied any involvement in the assassination. She and her brother-in-law were also detained and questioned by police but released after a day. She said her husband had been arrested simply because his phone number was in Sahadevan's mobile phone.

* Thamil Eniyam, Rengan Jeganan and Iyar Rajkumar were taken into custody on July 30 for taking photographs near the Kadirgamar residence. Police claim they were gathering intelligence for the LTTE and its assassination team. These allegations raise the obvious question, however. If the police and MSD had been alerted to LTTE activity what actions did they take in the 13 days prior to the murder to ensure the security of the foreign minister and anyone else in the area?

* Sivarasam Sivaranjan and K. Thirukumar are mobile phone dealers who were arrested last September. Police allege that Sivaranjan sold SIM cards to a dealer who provided a card to Kadirgamar's assassin. On February 24, Sivaranjan was released on bail on the orders of a high court. His fundamental rights petition, which requests the court declare his incarceration was "arbitrary and unreasonable", is pending in the Supreme Court. Thirukumar was bailed in late April by the High Court on a petition from his wife. She insisted that he had no connection to the LTTE and had simply sold a SIM card to another of the suspects.

What is striking about those detained is that they were peripheral to the plot, if they were involved at all. The alleged mastermind Vinothan is not in custody and the gunman or gunmen have not been caught. It has not been demonstrated that any of the suspects were LTTE members. If they did participate in setting up the murder, they could have easily been manipulated by someone other than the LTTE.

The dubious character of the investigation is most graphically underscored by the one high profile arrest—Charles Gnanakone, an elderly Tamil businessman with Australian citizenship. He was an acquaintance of Kadirgamar, who reportedly was known to the LTTE and used by the foreign minister as a back channel to the group. A furious media campaign

alleged he had deliberately lulled the minister into a false sense of security by telling him that the LTTE would not kill him while he held office. He was arrested on October 10 not by police, but by a group of military intelligence officers.

The ruling United Peoples Freedom Party (UPFA) and its candidate Mahinda Rajapakse had a field day in last November's presidential election. Gnanakone was also an acquaintance of Rajapakse's rival, opposition leader Ranil Wickremesinghe. As Gnanakone was a suspect in Kadirgamar's murder, by inference Wickremesinghe was also involved. No one in the Colombo media stopped to ask the obvious question: if it were true that the LTTE had guaranteed Kadirgamar's safety, then who did kill the foreign minister?

Not long after the election, Gnanakone was freed. An Australian friend Daniel de Smet filed a habeas corpus application alleging that military intelligence had forcibly entered the Smet's home, abused him for "harbouring terrorists" and illegally arrested Gnanakone. CCD director Sarath Lugoda was forced to tell the court on November 28 that he had no evidence supporting Gnanakone's involvement in the assassination. Deputy Solicitor General J.S. Jayasinghe corroborated Lugoda's statement.

The vexed question of the assassin's rifle also remains unanswered. Police had found a sturdy aluminium tripod at the scene of the crime but no gun. They initially claimed that Kadirgamar had been killed with a specialist sniper rifle, even though the distance from the upper floor of the Thalayasingham residence to the Kadirgamar backyard was comparatively short—around 40 metres. Government analysts concluded that a commonly available machine gun had been used.

In October, police announced they had found abandoned a bag in a paddy field containing a machine gun, grenades and ammunition at Mahawewa, about 64 kilometres from Colombo. Media speculation was rife that the automatic rifle had been the one used in the killing—dumped by the fleeing assassins. Special Task Force (STF) commandant Nimal Lewke claimed "90 percent confirmation", but CCD director Lugoda was more cautious, saying that ballistic tests were needed. Lugoda also noted that the police officers who found the weapon had failed to take "adequate precautions to protect the fingerprint evidence."

The CCD informed the courts on February 10 that more time was needed as investigations had not been completed to determine if the weapon had been used in the murder. An exasperated magistrate exclaimed: "It will take another year to find out [if it is] the weapon which killed Mr. Kadirgamar and then it would be no use for the case." The question to ask would have been: why has it taken so long to conduct what is a relatively straightforward ballistics test to compare the gun with the bullets extracted from Kadirgamar's body?

When the WSWS contacted the Attorney General's Department in late April regarding the investigation, the additional solicitor general W.P.G. Dep explained that inquiries were continuing, the police were still filing reports with the magistrates and thus no charges could be framed at this stage.

It is possible that the LTTE carried out the killing of Kadirgamar. The minister was a longtime opponent of the LTTE and a close collaborator and confidante of President Kumaratunga, who had ruthlessly prosecuted the civil war after coming to power in 1994 promising peace talks. Kadirgamar had also been instrumental in waging an international campaign to have the LTTE branded as "terrorists", cutting off political and material support from the extensive Tamil diaspora. As far as the LTTE was concerned, Kadirgamar was a traitor.

Last August, however, the LTTE was more concerned in ensuring that the PTOMS agreement was implemented than in starting a war. The agreement, which had the backing of the major powers, was regarded as the first step in reviving peace talks, which the LTTE publicly supported. PTOMS was also to provide much needed aid in LTTE-controlled areas to

an increasingly desperate and alienated Tamil population, as well as a measure of international recognition to the LTTE. For that reason, the agreement was vehemently opposed as a “betrayal” by the Sinhala extremists of the JVP, the Jathika Hela Urumaya (JHU) and sections of the military top brass.

The drawn out and inconclusive nature of the murder investigation raises the question not just of police incompetence, but of a cover up. No inquiries have been made into the real possibility that the assassination was carried out by opponents of PTOMS, the ceasefire agreement and the so-called peace process. In a highly revealing comment immediately after the murder, President Kumaratunga blamed the killing not on the LTTE but on “political foes opposed to the peaceful transformation of conflict”.

Kumaratunga was pressured two days later to make an about face, but she never explained her initial remarks. As defence minister as well as president, she was well aware of the hostility in the upper military ranks to the PTOMS agreement and the involvement of the armed forces in provocations in the North and East. Kumaratunga had after all conspired in 2003 with the military top brass herself, when her party was out of government, to engineer a series of naval incidents that contributed to the breakdown of peace talks.

If the LTTE did not carry out Kadirgamar’s murder, an obvious alternative suspect would be elements of the military, which had a motive, the opportunity and the means. Kadirgamar, a Tamil and a proponent of the peace process, was never highly regarded by the military top brass. Military intelligence, in particular, has a long association with various anti-LTTE Tamil paramilitaries, which it has manipulated and exploited for a variety of dirty operations, including the assassination of LTTE leaders. All of the publicly available evidence just as readily fits a murder organised by a military faction using Tamil militia, as one carried out by the LTTE.

One cannot also rule out the involvement of Sinhala extremists associated with the JVP and JHU. These outfits have a history of violent communal provocations and connections to the security forces. Moreover, in a country that has been mired in civil war for two decades, there is no shortage of weapons nor of desperate trained killers, many of them deserters from the armed forces. It is not clear who killed Kadirgamar, but the longer the police investigation drags on, the more likely it is that someone other than the LTTE was responsible.

Who benefitted from the murder, is quite certain. From being on the defensive, the JVP and the JHU went on the offensive, poisoning the political atmosphere with anti-LTTE and anti-Tamil hysteria. After the election of Rajapakse with their backing, the country has quickly slid back towards war. The PTOMS agreement was rapidly ditched and the ceasefire has become a dead letter as the murder of LTTE supporters and sympathisers inflamed communal sentiment and goaded the LTTE to retaliate. The political establishment in Colombo, which is preparing to plunge the island back to full-scale war, is more than capable of sacrificing one of its own to further these reactionary ends.



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