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THE UNIVERSITY TEACHERS FOR HUMAN RIGHTS(JAFFNA), SRI LANKA.

LIONAIR FLIGHT 602 FROM JAFFNA: CROSSING THE BAR INTO THE TWILIGHT OF SILENCE

Summary of Findings

1. The available evidence points conclusively to Lionair flight 602 of September 29 having been shot down by the LTTE near Iranativu.
2. This is supported by independent testimony coming from the people of the area.
3. Perhaps the immediate cause of this entire tragedy is that passenger aircraft had regularly deviated from the safe route, flying instead by the shorter route nearer the northern coast. This was known to Flight Control at Palaly and the Defence Ministry had been directly told about it. But no effective action was taken.
4. The LTTE's warning to the airlines not to charter aircraft to the security forces had largely been suppressed by the Government and the airlines, the public was not apprised of the seriousness of the situation, and for more than a month, no measures were taken to enforce adherence to secure routes.

The missing flight: Doubts and Certainties

In the wake of the bloody military confrontation in Killinochchi, alarm began to spread late on Tuesday September 29 afternoon that Lionair Flight 602 from Jaffna which left at 1.40 p.m. and was due to land in Colombo at 2.40 p.m., was missing. It had on board 48 passengers and 7 crew. For a few days thereafter mystery surrounded the disappearance of the Russian built Antonov-24 aircraft.

A Daily news report on October 1 said that the security forces at 1.50 p.m. on 29.9.98 had intercepted an LTTE radio message from 'jubilant'

sounding cadre who reported the aircraft crashing into the sea off the Mannar coast. But the public remained sceptical. On the same day the Jaffna daily Uthayan quoting officials in the Mannar Kachcheri said that fishermen from Pesalai who were in the area had reported seeing an aircraft fall into the sea near of Iranativu, which is 15 miles north of Mannar Island. It further said that at the request of the parents of two passengers from Vankalai, their parish priest Fr. Thevasahayampillai, was going to the LTTE controlled area to find out what had happened. The two passengers were young women, one of whom was studying in the University of Jaffna. The same paper contained a PLOTE (Peoples Liberation Organisation of Tamil

Eelam; eine mit der LTTE konkurrierende tamilische Organisation, d.Red.) statement pointing the finger at the LTTE.

The following day (Friday 2nd October) the result of Fr. Thevasahayampillai's visit appeared in the Uthayan (a Tamil language daily published in Jaffna), and he was interviewed over BBC (Tamil Service) late in the evening. He had talked to fisherfolk and a government official. Two of them had seen the aircraft on fire, nose-diving into the sea near Iranativu, and had at first run, thinking it was a bomber. Other fishermen too had seen the aircraft coming down. In all six bodies had been recovered in a state of decay around Valappadu north-east of Iranativu, and had been buried. They also handed over

to the priest the identity card of Commarasamy Rangunathan, a passenger resident in Negombo. Still, how the aircraft had come down remained a mystery.

A leaflet attributed to the Political Wing of the LTTE, sans letterhead, had been in circulation in Jaffna a few days before the incident. Based on this and the history of threats to the airlines, the EPRLF (Eelam Peoples Revolutionary Liberation Front; eine mit der LTTE konkurrierende tamilische Organisation, d.Red.) released a statement charging the LTTE with shooting down the passenger aircraft.

From a translation of its Colombo correspondent's dispatch, the BBC broadcast the following over its Tamil Service on the 3rd evening: "Two Tamil parties which support the Government have blamed the LTTE of shooting down the aircraft. They have also said that the airlines had been sent letters by the LTTE to halt their services. There is no evidence for what they say. The LTTE, which had Jaffna under its control until 1990, have tried to destabilise the Government's attempts to restore normal life there. But they have never conducted any attack of this kind. These airlines have carried 400 passengers daily. If air Transport is stopped important functions like the restoration of domestic water supply and the removal of land mines will be stalled..."

Evidently, claims by EPRLF and PLOTE were regarded as biased and lacking in credibility. More importantly, a foreigner found it difficult to believe that, as much as the LTTE tried to undermine the Government's authority in Jaffna, it would go so far as to shoot down a plane carrying innocent people it claimed to liberate. However the strongest indictment against the LTTE came from quarters most unexpected.

The Uthayan of October 4 carried its editorial under the title "The Unexpected Blow". It dwelt on sentiments common among the people: for a people who have suffered in the extreme for many years, the Iranativu incident would wear them down even further. As regards the cause of the tragedy the editor sounded ambiguous: "The cause of the aircraft falling down and sinking into the sea has so far not been found out. It may be the result of a technical fault or the aeroplane must have been shot

down". The writer then pulls himself back a little saying that it is, however, not easy to find out the cause for the incident and who was responsible. He added that even after many years, the cause of the Antonov belonging to the Air Force going down into the sea off Negombo has not been discovered.

But then towards the end the writer goes into a crescendo, as though he could not stop his pen, reflecting even more bluntly the common sentiment in Jaffna: "Air travel being the only form of Transport from the Jaffna peninsula, the people had no choice but to utilise it. Even though there were rumours that passenger flights may be stopped, no one expected such an atrocity." Whatever the cause of the Iranativu incident, and whoever was responsible, they would surely earn the enmity of the people. They would also become deserving of condemnation."

The writer's mind is clear. He had considered two possible alternatives: either a technical failure or it was shot down. A technical fault would have owned to material breakdown or to involuntary human error. It is not deserving of such expressions as 'enmity', 'atrocity' and 'condemnation'. The editorial has a revealing human story behind it.

According to individuals close to the Uthayan, the editorial writer had been agonising over what he was to write. He said, "Bringing down a plane with innocent civilians is unacceptable. I have to say something about it. "Not being able to decide on how to proceed, he finally said, "I will let my pen go, and take me where it may." The editorial above was the result.

From mid-1986 in particular the Uthayan had to contend with the watchful eye of the LTTE. To break out was to cross an almost insuperable barrier. To again avoid saying what he felt or knew about the aircraft tragedy was tugging at the tenuous strands of his self-respect. Against his better judgement, the writer found himself entering territory hitherto regarded as forbidden.

Here again we encounter the difference between the judgement of a Westener who found 'no evidence' and that of an insider attuned to the psychology of a force that has so tragically dominated the lives of Tamils. To begin with, although hoping that the LTTE would not go so far as to

shoot down a plane carrying its own people, the Tamils also knew fully well from experience that it was capable of it. The strangest thing however about the Iranativu aircraft tragedy was the silence of the main parties who owed it to the civilians to give them reassurance. It was as though both the Government and the LTTE had something to hide.

The Sequence

August 9, 1998 (approximately): we understand that both airlines flying to Jaffna, Lionair and Monara, received letters purportedly from the LTTE to stop chartering their aircraft of ferry security forces personnel to and from Jaffna. No action is known to have been taken.

September 13: A letter dated September 4 on a letterhead bearing the title 'Tamilleelam Administrative Service' and signed by S. Thooyavan (the name of the Jaffna LTTE leader) was delivered to the desk of the Lionair manager in Jaffna. The subject heading was 'Notice of Attack'. It said, "We have already sent you a letter regarding the conduct of the airlines. You have not taken any action so far - on the contrary you have continued to co-operate with the armed forces, therefore as soon as you see this letter, please contact your management and ask them to temporarily halt the services until further notice. If instead you continue the air service, and an aircraft is attacked, resulting in danger to the lives of Tamil people, you must take full responsibility and would also have to take the due punishment administered by ourselves. Any aircraft flying after the 15th (of September) would be subject to our attack. While informing you of this with a heavy heart, we are also informing the people through leaflets."

September 17: Monara airlines suspended flights. In response to the threat issued earlier (13.9.98 above) the EPRLF issued a statement (Uthayan 18.9.98) saying that those who claimed to be liberators have no right to issue a threat of this nature. The air service, they said, was essential for educational needs, urgent medical

attention, maintaining services and for family contact and social engagements. "The argument that the air services should be stopped because they are also useful to the Army", they said, "cannot be accepted. It is the essential needs for the life of the people that will be imperilled."

September 23: The Lionair manager in Jaffna received a letter, believed to be from the LTTE, asking him to quit. This he did.

September 24: A warning on the subject to the airlines and to avoid flying titled 'A request to the people', was sent for publication to the Uthayan. This was signed by 'P. Manimaran, the political wing of the LTTE'. This was not published.

About the same day a notice on the subject titled 'A warning to the common people' was handwritten and pasted at the entrance to Hindu College, Sangathanai, Chavakachcheri. Letters warning against air-travel are also said to have been sent to the Traders' Association and the University of Jaffna. (No member of the Association travelled on the fatal flight).

September 29: 20 pupils from John Bosco primary school were due to travel to Colombo on 30.9.98 so as to participate in a function in Trincomalee. The school is said to have been warned either by letter or word of mouth. Their bookings on Lionair were cancelled at 12.30 p.m. on 29.9.98. The flight that took off at 1.40 p.m. on this day was the one that came down.

A notice in Tamil titled 'A request to the people of the Jaffna peninsula who are subject to military oppression' claiming to be from the political wing of the LTTE, had already been in circulation in Jaffna. The following paragraph appeared in the notice: "In the guise of opening a road to Jaffna for the people, or of providing transportation for them, the Army is doing things to maximise its own interests. On the pretence of running an air service for the people of the peninsula it is not only squeezing a great deal of money out of them, but is using these services to fulfil its military aims.... For this reason banning air travel and taking action against those defying this ban has become unavoidable. Therefore we inform those who travel by air that it would be safer for them in coming times to avoid air travel and travel

by sea.....".

To many people in Jaffna who were aware of these threats, the knowledge of what was behind the air tragedy approached certainty. The news from the Mannar Kachcheri (Rathaus, d.Red.) and Fr. Thevasahayampillai's testimony only tended to support these conclusions. What remained was to scrutinise known facts and to look for others that might suggest that the LTTE was not involved in bringing down the aeroplane. In the event that we are unable to find good reasons to rule out the LTTE's involvement, a strong conclusion becomes inevitable.

The LTTE's Silence

The news of the falling aircraft was brought to the Kachcheri on Mannar Island by fishermen from Pesalai, who were also from the Government controlled island. Father Thevasahayampillai went to the Iranativu area at the request of parents in Vankalai, which is on the part of the mainland under Government control. As informative as was his testimony on BBC (TS), there was also a silence on a key aspect of his journey which stood out. He went into LTTE controlled territory and every move would have been closely watched by the LTTE. If they or their spies were not actually present, they would have later sent agents to the fishermen and the government administrator the father had spoken to, and have found out what exactly they told the father. The father himself would almost certainly have talked to the LTTE, but never once mentioned them. As a priest he would surely have asked the LTTE about facilitating relatives of the victims coming there to identify bodies washed ashore and perform the last rites. The importance of this relatives was stressed in the Uthayan editorial quoted: "The agony and tears of family members who were even unable to have a last look at their dear ones who drowned with the falling aircraft, have even caused hearts of stone to tremble."

Even if the father did not wish to say anything in public, he would have told his Bishop about the LTTE's response to the families wanting to go there. But nothing

came out. On the other hand the LTTE was watching everything from the time the aircraft came down in flames. What the fishermen told the father about the plane coming down corroborates the reported Army interception of the LTTE radio communication. This also strongly suggests that the LTTE were at least eye witnesses to the event, but apparently neither told the father anything nor offered any help to the relatives.

Further reports said that one body was washed ashore in Jaffna and another 20 or so near Kalmunai Point, a promontory along the coast just before Jaffna lagoon and the peninsula. This testimony which came through the fishermen's grapevine is credible, given the fact that the coast faces the west and the wind is north-easterly (ie the tail-end of the South-West monsoon). It was further said that all the bodies reaching the mainland shore were buried with the knowledge of the LTTE. The LTTE moreover made no effort to contact the ICRC (Internationales Rotes Kreuz, d.Red.) to whom it regularly hands over bodies of army personnel killed. This further lack of any courtesy or concern for its own civilians killed in an air disaster under its very nose is striking. Stranger still, even as the people living in the Vanni were finding out about the tragedy by word of mouth, the LTTE's radio broadcasts said not a word on the matter.

Seen against this backdrop, the cryptic statement in the last leaflet quoted above carried a clear message for discerning Jaffna folk. To them 'taking action against those defying the ban on air travel having become unavoidable', was an oblique admission of intent - not to foreigners looking for forensic clues, but to the people who understand the LTTE well.

Reported Facts of the Disaster

The aeroplane took off from Palaly, Jaffna, at 1.40 p.m. and the pilot requested permission from Control to climb to 15,000 feet. About 2.00 p.m. according to the Sunday Times report (4/10/98), the pilot reported a decompression problem and the Palaly Control asked the pilot to return to Palaly. The aircraft then disappeared from

the radar screen. We know further from Fr. Thevasahayampillai's testimony on BBC (Tamil Service) that the aircraft was on fire while it nose-dived into the sea near Iranativu.

We may largely rule out sabotage by the maintenance crew. They are drawn from the former Soviet Union along with the flight crew, and over the last two years the safety record has been good. If decompression had resulted from failure of the compressor alone, this as we understand would not have been a major problem. The body of the aircraft is said to be able to retain the pressure for more than half an hour. This gave the pilot enough time to return to Palaly, and if it came to the worst, make a smooth emergency landing in the sea. Compression is crucial to the aircraft because they fly at a high altitude over the North. The thinking was apparently that at this height they were beyond the range of missiles known to have been possessed by the LTTE.

If decompression resulted from a hole in the aircraft, this would have meant an additional thrust on its body as the result of a jet of air blowing through the hole from the high pressure interior to the low pressure exterior. This would, depending on its seriousness, have caused a control problem. For a hole to have been created on the body of the aircraft, it could have been hit by a missile, or some explosive device in the baggage may have gone off. The aircraft having been on fire strongly suggests that one of these two possibilities had in fact been the case.

Before the passengers board the aircraft security checks by Air Force personnel are very strict. Bags are emptied and items are checked one by one. Electrical items in which explosives can be hidden are not allowed as a rule. Body checks are also done on passengers. Suppose that a suicide cadre managed to board the aircraft with an explosive device in his bag, which some how escaped detection. The baggage compartment in the AN 24 is just behind the cockpit. Had there been an explosion on board the pilot could hardly have been ignorant of it. He would not then have merely said over the radio that he had a decompression problem. It perhaps took him a little while to realise what was amiss. It is also likely that the full gist of the pilot's

conversation has not been made public.

According to our sources Lionair has ruled out alternative possibilities, although a hijack was initially thought possible.

Local Testimony on the Tragedy

While the last words of this report being written, we received further testimony regarding what was behind the air disaster. This story initially came out two days after the disaster along with other rumours. Its appearance here owes to dedicated activists who traced the sources and checked it out. LTTE cadre were seen in Iranativu, where they erected a platform near the church on North Island. This happened about two days before the incident. The LTTE were thereafter sighted in the area.

Iranativu, or Tvin Island, lies out at sea about 7 miles west of Nachchikudah. It comprises a larger North Island (Peruntivu) and south east of it, a smaller South Island (Sirrutivu). Fisherfolk usually go there when need and camp out in temporary huts, known as Wadis. For the use of these folk and the residents, there are two churches - 'Samiyo Mayuror' at Peruntivu and St. Sebastian's at Sirutivu. The LTTE go there when necessary from their Sea Tiger base at Nachchikudah - Sirutivu being the nearer to it.

A few families permanently reside in Sirutivu. Bot Peeruntivu, the bigger, has no more than 50 families residing in government built houses, besides migrant fisherfolk. On the afternoon of 29th September, fishermen were in the sea close to Peruntivu. Their first intimation of the disaster was the aircraft on fire plunging into the sea about a mile away from them in water which they knew to be about 12 to 15 feet deep. As the aircraft plunged, they saw paper or foil-like material coming out of it.

They were further surprised to see two Sea Tiger speed boats rushing to that area within a short time and circling the place where the aircraft had fallen. The fishermen who had been frightened by the experience, went to the shore of Peruntivu and watched what was going on. The Tigers then came to them and ordered

them to leave the place.

The LTTE boys who were about simply did not understand the consequences of what they had been amidst. They appeared elated and talkative when returning to Nachchikudah. Fishermen whom they passed listened in fearful silence. This agrees with the reported Army radio intercept.

The fisherfolk of the area are in no doubt that the aircraft was brought down by the LTTE. This they later connected with the platform built near the church. It is also notable that the LTTE said not a word about the incident and offered no help to the relatives. It was by chance that two girls from Vankalai had been in the flight, which gave the people an added interest in finding out what had happened. A close relative of one of the victims after making inquiries through people with LTTE links blurted out, "These accursed fellows; it was a boy of 17 years who shot down the plane!". The people of the area have identified 'Arul' who is in charge of the Sea Tiger base at Nachchikudah as having executed the order to bring down the aircraft.

Why did the LTTE boys choose to do the job from the side of a church? They were about it for two days or more. According to our informants, building a platform for missile and waiting it out in the open would have risked their being spotted by air patrols, while the church provided some concealment.

Against this testimony it is very likely correct, as has been confirmed by a former Air Force Chief, that in flying at 15,000 feet the aircraft was outside the reach of shoulder-fired missiles which the LTTE had earlier used and could be fired from boats. The airlines and the Defence Ministry had overlooked the possibility of a more powerful missile requiring a fixed structure for launching being fired from land.

The LTTE's erratic behaviour and unreasonable demands just before the breakdown of negotiations with the present government in 1995 left outsiders puzzled. Peace groups were coming out with excuses for the LTTE which did not convince even themselves. To many shrewd observers in Jaffna, the matter was very simple: The LTTE had during the peace talks acquired shoulder-fired missiles and was keen to use them. Within twelve days of the breach of the ceasefire, two Air

Force AVROs had been shot down with the loss of about 90 men - the second because the first aircraft having been brought down by a missile was not taken seriously.

It is also remarkable in retrospect that the LTTE began raising the issue of the airlines chartering planes to the security forces only last August - although it had been going on for up to two years previously.

The testimony from fisherfolk who saw the culprits also throws light on Fr. Theavasahayampillai's testimony - particularly his silence about the LTTE. He must have heard much more than a person living in Vankalai could disclose publicly. Yet he told us a great deal by testifying that the plunging aircraft was on fire. The 'Uthayan' report of 2.10.98 published before the BBC (Tamil Service) broadcast of Fr. Theavasahayampillai's testimony, was again based on the Father's report to the Mannar Kachcheri. But Uthayan had not mentioned the crucial fact of the plane being on fire. Was it judicious self-censorship by Uthayan or suppression by Kachcheri officials playing safe? That is life in the North-East!

This brings us to the final point. Iranativu was the first instance where a south-bound flight on the shorter route passed close to or over land mass under LTTE control. But the LTTE could also have intercepted the flight further south when it flew near Thiruketheeswaram on the mainland under LTTE control, or south of the Vavuniya Road under army control, all the way down to Mullikulam and Wilpattu. These areas though for the most part are not under army control are readily accessible to the army and the LTTE presence south of the Vavuniya road is weak. Logistically, north of the road would have suited the LTTE better. We now come to the most important advantage the LTTE had in Iranativu. The aircraft fell into the sea in the LTTE controlled zone. The relative isolation of Iranativu also ensured secrecy, and confusion about the incident lasted several days - long enough to deflate media interest.

Also important is the local reaction. Had the plane been intercepted further south, it would have come down on the mainland. Many civilians on land or those fishing along the coast nearby would have seen it, and since the

army is also around, the news would have come out very fast. The rural folk of the area are also an emotional people who on the spur of the moment would have shown their anger against the LTTE. The army too could have flown down foreign correspondents and taken them to the crash site for them to photograph the wreckage and the mangled bodies. There would have been plenty of evidence.

In the present case just a few knew what had happened and where the plane had crashed. But because they were few, they were also afraid. The relatives of the two girls from Vankalai who were victims came to know exactly what happened in about 3 days time. But that was long enough for fear to take over and mute any public demonstration of anger. The parents of the two girls would have found that they had little support for any public expression of protest. The LTTE phenomenon has very successfully created a society where people are forced to say the opposite of what they believe. Then there are enough voices within the society to spread confusion and defuse the anger.

One story floated was that the LTTE had meant to hit the Lionair cargo plane coming the same day with wounded soldiers, but hit the passenger plane by mistake. But this is hardly credible. The series of LTTE warnings we have adverted to have a very clear message to the civilians. Moreover, the LTTE leaflets distributed in Jaffna under one pseudonym or another after the shooting have given no hint of regret that a mistake was made. It is also very unlikely that flight ferrying army personnel under contract to the Defence Ministry would have taken that route. The Tigers would have known that.

The LTTE can depend on leading sections of Tamil society and some of the political parties to play the Konfusion game to its benefit. Again, when the Sri Lankan Air Force bombed the precincts of the Naval church in July 1995, then under LTTE control, killing 120 refugees, the Church was very active and the ICRC got all the testimony it wanted. The ICRC very rightly issued a statement to alert the world to the atrocity. The Government's response was ungracious to say the least. Journalists were not allowed to go to Jaffna until the May following.

Only one Tamil speaking Indian journalist got into Jaffna using a forged identity card. In the end the Government could hide nothing, even if it had thought it could.

As for this aircraft being shot down, the Church was well placed to know all the facts in a short time. But the Church is silent. The LTTE too would have made sure than in this case the ICRC got next to no information. The LTTE have created the necessary conditions through terror and are past masters at the game of silence and confusion.

Why the LTTE must remain silent?

There are just a few occasions in the last few decades where civilian aircraft have been shot down from the air. Instances come to mind of the Korean Airlines flight shot down over the Soviet Union and Iranian Airways flight shot down over the Gulf by the US Air Force. These which took place in the 80s involved parties who were foreign to each other, and the incidents are said to have occurred because of misunderstanding, miscommunication or misidentification, as inexcusable as the shootings were. There was also, in around 1969, an instance of an ICRC plane being shot down by the Nigerian Air Force while shipping in urgent civilian supplies to the beleaguered Biafrans. Here there was a secessionist civil war. There was starvation in Biafra and the Nigerian Government of General Yakubu Gowon had earlier warned the ICRC against shipping in humanitarian supplies which the ICRC had decided to ignore. Thanks to sustained international pressure and good sense in the South, starving out a rebel enclave has been ruled out in Sri Lanka.

The Lionair disaster is unprecedented. This would be the first time a secessionist group or state power had shot down deliberately and calculatedly its own civilians from the air. Shooting down a civilian aircraft becomes big news because it is abhorrent. The victims are totally helpless, bereft of any means to save themselves.

Let us take a look at some of the civilian victims whom the leaflets quoted had condemned as being worthy of death.

* Mrs. Tharmanayaki Subramaniam who went down with Flight 602 was flying to Colombo to join her husband in celebrating her 70th birthday. Their golden wedding anniversary was due in 3 years time.

* Two girls, Vanaja and Selvarani, were students from the University of Jaffna. Arummani has accompanied her friend Selvarani, both being from Vankalai.

* Mrs. Puspham Selvarajah from Pt. Pedro was a widow in her 60s. She had lived for sometime with her son who had emigrated to Canada. Finding life there meaningless she returned two years ago to live with her cousin, Queenie Thevarajah, to whom and to her children she had always been very close. One of the children was booked to fly abroad. Mrs. Selvarajah had boarded the plane to spend a few days with her nephew before his departure.

* Sasi Krislinamoorthy was secretary to the Palymrah Development Board, in Colombo, and was well known in the world of Tamil letters. His wife who was sickly with a hole-in-the-heart and his two daughters, the elder being in the O-Level class, were residing in Jaffna. Sasi felt that his presence was badly needed at home and had been asking for a transfer to Jaffna. He had decided to submit his resignation and return to Jaffna if his transfer was not forthcoming.

Sasi's presence in Jaffna was edifying and invaluable. From his undergraduate days at Peradeniya in the 70s he had involved himself in humanitarian causes and was a warm human being. Being in Jaffna during the worst periods of LTTE repression, he remained unshaken in his convictions, which he could express only in private, and uncompromising in his high ethical standards. He had experienced a personal blow when in 1996 the army detained his nephew, who then joined the ranks of the "disappeared".

* There were also two medical doctors among the victims. Dr. Elango had recently passed out of Jaffna University. Dr. Paramasivam, the only homeopathic practitioner in Jaffna, was travelling to Colombo for a professional conference.

There is little doubt that all the

remaining victims had similar stories. Their reasons for travelling were as pressing as they were non-political. Their plaintive request to the powers that be, whoever they were, has always been: "We are vulnerable and we need to travel, please keep your play away from us." Among those who went down with Flight 602 were 19 women and a child...

The Silence of the Government and the Press

From the beginning the Defence Ministry seems to have been convinced that the Lionair flight had been shot down by the LTTE. Yet, given the horrifying nature of the crime, there was no word of sympathy for the victims from any leading member of the Government. No serious attempt to locate the plane and the missing persons has materialised. There was a lack of seriousness about the whole affair. The Daily News of October 1 carried a front page headline 'All 48 passengers on ill-fated Lionair flight were Tamils.' The people of this country have got used to such headlines. It took a foreigner to feel depressed by it. To her it sounded like meaning '48 people from another country have died, it is not our problem!'

It now turns out that the nature of the LTTE's warning to the airlines had been suppressed. Inquiries from knowledgeable persons strongly suggest that the airlines had been told not to carry security personnel. A further letter cited above stated that flights after 15.9.98 are liable to being shot down, and asked flights to be stopped until further notice. The EPRLF statement in the Uthayan of 18.9.98 has indicated that initially the problem raised by the LTTE was about the airlines flying security personnel (by charter Arrangement).

But this was not reflected in the English press in Colombo, until in the Weekend Express of 26.9.98. Reports in all other papers quoting security and airline officials merely suggested that the LTTE wanted flights stopped altogether. Taken at face value, the demand from a civilian airline not to fly security personnel is not unreasonable in the context of war.

By not taking the matter seriously the Government and the airlines gave the passengers the impression that they were in control of the situation, it was made out that airline managers in Jaffna had resigned for personal reasons. Those reading the English papers would have found little reason to cancel their flights. In the press as a whole there was a lack of investigation, a lack of information and a lack of concern.

The Weekend Express of 26.9.98 said that the ICRC was asked to inquire into the authenticity of the warnings. Given that intense fighting began the next day, the ICRC would probably have had too little time to come back with a response. But that was not necessary. The Lionair manager in Colombo had maintained that they were checking out the authenticity of the warning, apparently suspecting that a rival was involved (eg. Monara Airline?). But if the initial warning had to do with chartering flights to the military, there was little to check even if the warnings did not come with LTTE letterheads. It was generally known that the LTTE had been acquiring weaponry for an attack in the North, and it was not impossible for them to acquire more sophisticated missiles in the present anarchic and highly commercialised world order.

The responsible course of action by the airlines in consideration of the safety of their passengers was to stop the flights and reconsider the situation. The airlines after all have their own channels of communication with the LTTE. The PLOTE's military wing leader has said that he had warned the Defence Ministry that flight route which was close to the shore was vulnerable on 25.9.98. This has not been denied.

A number of witnesses confirmed that many flights take the route southward after climbing to 15,000 feet, passing Iranativu, touching the mainland near Thiruketheswaram, then close to the coast passing Mullikulam and Wilpattu, then by Puttalam Lagoon with Kalpitiya on the right, after which the aircraft reduces height. The only rationale seems to have been that in flying high over the North, the aircraft were safe from shoulder-fired missiles. The prospect of more powerful missiles was not taken into account even after the warnings.

What is even worse, passenger

aircraft have been regularly flying along the route close to the coast, which is not the one authorised by the Defence Ministry. The approved route is further westwards into the sea. Passengers who had flown Lionair along the approved route recently told us that they passed Iranativu an estimated 10 miles to the east and Mannar Island also to the east. The unapproved route also saved around 10 minutes of flying time and hence costs, perhaps the immediate cause of this entire tragedy.

This was no doubt known to the Defence Ministry since the regular breach of the safe route was known to Palaly Control who observed it on radar. This has been confirmed for us by journalistic sources. It is notable that the Defence Ministry did not stop this practice even after the danger was pointed out by the PLOTE military wing leader four days before the incident. The airlines strike one as a cosy club arrangement between the Defence Ministry and the private operators. Why was the Defence Ministry so indifferent to the safety of the civilian passengers and crews while apparently conniving with unsafe practices by the operators to maximise profits? Is this the reason for their deafening silence?

Both the Government and the airlines must answer the charges of suppressing the real nature of the issue and sending civilians and crews into danger. Is it partly because the Government did not want to lose face by acceding to an LTTE demand not to fly security personnel in these planes? Were the foreign airline crews unfamiliar with local conditions told that there was a warning or were they too kept in the dark and asked to fly an unsafe route? The whole affair strikes of insensitivity on the part of both the Government and the airlines of the need to have a clear-cut separation between military and civilian functions as demanded by international codes and conventions governing the rules of war.

Even curiously, when a journalist raised the question of flight routes at a recent weekly Cabinet Press Briefing, the Defence Ministry spokesman said that there was no flight route prescribed by the Defence Ministry. The airlines, he said, were asked to choose the route they deemed safe.

This is like admitting that here is a government that does not take

any responsibility for the safety of civilians so essential in wartime travel. No self-respecting government could admit that it does not exercise regulatory and supervisory functions that are routine in good governance, or that it is one which allows civilian safety that is so crucial in air travel to be jeopardised for private profit. It is altogether a very fishy business.

The fares were about doubled in August 1996 without adequate explanation when Lionair took over passenger flights from the Air Force. The flights are evidently highly profitable. A return flight to Jaffna which is 250 miles away costs Rs. 5.300 or 6.000 depending on whether one starts from Colombo or Jaffna. On international airlines which are subject to stricter controls in every respect, one could get a return flight to Singapore (2.000 miles or 8 times the distance away) for about 4 times the cost to Jaffna.

There are now more willing operators than are being accommodated. Where the public is concerned the demand for clear separation between military and civil functions has not been an issue, but has rather been for more flights. This surfaced at the meeting of the Anti-Harassment-Committee convened in late August. The Committee comprises several eminent ministers and MPs. The question of separation as we understand did not arise. Rather, a Defence Ministry official explained to the Committee why more flights could not be accommodated.

Lionair first had a monopoly. Monara entered the field some months ago after some delays - attributed to string pulling by rival parties. Even after the recent disaster there is evidently no sensitivity among the airlines to the need for clear separation between military and civil functions. In an interview given to the Sunday Island (4.10.98) by the General Manager of Monara Airlines one could sense reading behind the lines, the tug of competition between the two airlines - Lionair presently having the lead. The GM was quoted as saying: "The government should start making use of us soon. If the safe route or the sea corridor is used there is no way the Tigers can touch us... I wish the government would resume flights to Jaffna in the interest of innocent Tamils... We have agreed to Transport troops, foodstuffs and

personal cargo when the government requires our service. We do this on a charter basis. We have to help our country in times of need."

Three things surface here. The GM appears to take it for granted that the Lionair flight was shot down, the route was unsafe, and indicates that despite the alarm no move was made to avoid it. Apart from the lack of sensitivity to separation between military and civil matters on the part of the GM, even the senior pressman questioning him avoided it.

The military could easily have done without using transport meant for civilian uses. The increase in cost would have been very marginal. If additional transport was needed to transport injured soldiers as during the Kilinochchi battle, the proper thing to have done is to stop civilian flights, commandeer the aircraft, and have them flown by Air Force crews. There should be no call on airline managers to 'help their country' in such matters, as sympathetic as they ought to be.

In this highly profitable and competitive business, what do the civilians get in return for their money? There are no doubt several questions to be answered. The following regarding aviation insurance is taken from the Encyclopedia Britannica: "Policies generally exclude losses incurred when the aircraft is being used for unlawful purposes, or outside the geographical limits specified in the policy, or by someone other than an authorized pilot, or for purposes other than those authorised in the policy or in violation of an airworthiness condition or civil air regulations. Also excluded are losses resulting from war, strike, riot..."

In setting geographical limits, a normal insurer is unlikely to have agreed to the route taken. An authorised purpose would not have included carrying security personnel. Had the managers gone to a proper insurer, they would surely have been made sensitive to the need for strict separation of military and civil functions. Where do the families of the victims stand now?

There is a good deal for which the Government, particularly those in charge of defence, and the airlines, must answer. Silence only makes matters worse. Even now a word of sympathy from the President for the families of victims would be

appropriate.

The Case of the Tamil Civilians

As to why the Tamil civilians did not demand a separation between military and civil functions in the operation of airlines has a long history. From the mid-1980s successive governments and militant groups, particularly the LTTE, had taught them to live as though they had no rights. The LTTE in particular explicitly stated (e.g. Mahattaya in June 1990) that any rights they had were subject to the military needs of the freedom struggle. In fighting the LTTE, governments rejected any accountability for death and injury to civilians, however deliberate or unjustifiable. Even the present government too has instituted no serious inquiry into violations.

Despite the issue of separation being raised on some occasions again and again there is a lack of sensitivity to it on the part of the defence establishment. The question of the STF in the east using forced civilian labour and travelling in civilian buses had been raised since 1995. The use of forced civilian labour by the army in rural Jaffna has also been known. Most revealing is the frequent practice in Mannar. The buses leaving Mannar for Colombo are driven to the Thallady Army Camp.

The civilians had been asked to get down from their bus and get into an army bus. Then the convoy proceeds with the passengers mixed up with security personnel. At Cheddikkulam the passengers return to their bus. Leading citizens in Mannar have made representations to those in charge. He promised to look into it, but so far there has been no substantive change. The thinking here seems to be that the Tamils are asking for too much and that if the LTTE shoots Tamils, it is not their problem. Both sides have used civilians as shields.

In the story of civilian travel, a classic incident was the massacre by the Navy of more than 35 civilians crossing the Jaffna Lagoon on 2nd January 1993. The official claim was that the Navy had demolished Tiger boats - a typical Defence Ministry reaction. We stated in our preface to Report No.

10 (15/1/93): "The Navy's act of piracy in the Jaffna Lagoon which left more than 35 dead or missing, reinforced some of the worst fears (among civilians). It must be said here that the Tigers too must be blamed for not allowing the development of any structure to safeguard the interests of civilian travellers, and forcing them to travel under contrived provocative conditions."

This problem continued until the Tigers were evicted from Jaffna in 1996. The logic of the LTTE was very clear. They wanted the Jaffna Lagoon kept open for their military transport. To this end they used the civilians as a shield, giving them no alternative travel arrangements. The civilians learnt to accept it and in the course of it reinforced a mindset peculiar to the Tamils. They developed a horror of confronting the LTTE, but at the same time passively accepted all the risks the LTTE imposed on them to prosecute its 'freedom struggle'. The civilians had to cross the Lagoon to go anywhere. The LTTE too played on this. Sometimes the travellers waited anxiously for days. The anxiety rose to such a pitch that they jumped into the first boat available without any further thought. They had no alternative but to hope that international pressure and fear of the Tigers would keep the Navy away.

Indeed after the incident of 2.1.93 the Navy was for the most part restrained. There were no further incidents on this scale. The Tigers won. It is in their very nature to go for what they want regardless of the human cost. Today they have done the same to stop the air service. The occasional charter of the aircraft for military use was after all of very marginal military value compared with the essential nature of the service provided for the civilians. This was how the civilians saw it.

Following the Lagoon tragedy above, every effort of international organisations to open a safe route through Elephant Pass or Pooneryn for the civilians was dashed by the LTTE just when a breakthrough was expected - e.g. the negotiations with UNHCR in 1993.

The only time the LTTE talked about a safe route for the civilians was during negotiations with the present Government in early 1995. That again was only as a pretext for asking the Government to remove the Pooneryn army camp.

As with the downing of Flight 602, the military reasons it gave were largely nonsensical compared with the urgent civilian interests at stake - the de-mining of Jaffna for example which the LTTE's overseas propaganda (e.g. Hot Spring) claims is being obstructed by the Government.

The case of the civilians against the LTTE, in short, is this: "In making us travel through the Jaffna Lagoon, you used us for your military ends. We obeyed you and took the consequences because we had no choice. Today the airlines give us the opportunity to travel with much more dignity. To us the airlines occasionally chartering out flights to the military was not an issue. You told us that we had no rights. It was you who after all taught us not to ask questions and to take what was given. Should you not now be good enough to let us fly and attend to our private matters in peace? If you would let us behave as though we had rights, we would fight for them - against you, the Government and anyone else."

The LTTE's concern about the airlines making money would strike Jaffna folk as a joke. The LTTE was second to none in squeezing money out of the people. Overall it had made people spend nearly Rs. 2,000 on a return trip to Colombo which used to cost Rs. 200. Its systematic extortion during the Exodus period was beyond belief. The LTTE has driven itself into such a state of subjectivity that its anger against ordinary civilians has attained an uncomprehending insanity.

The people boarding flights even after the LTTE warnings is a left-over from the Kilaly boat days. When they were told that this would be the last boat for a couple of days, they got in regardless of the consequences. Similarly when rumours got about that the flights would be stopped, they simply took what came. So poorly had the LTTE been understood after all this experience, that neither the people nor the airline officials dreamt that the LTTE would shoot down a passenger flight.

The Question of Proof

As the organisation's positions

and demands became increasingly impossible, it developed its characteristic approach. Its slogan of the 1970s that 'Tigers claim their armed actions' is today observed mostly in breach. To the people of Jaffna the import of its threats and warnings is clear, although these are given out with calculated ambiguity. So there is no final proof. Take the warnings about flying. They came on letterheads of the Tamil Eelam Administrative Service, with no Tiger emblem but claiming to come from the political wing of the LTTE, or from Well Wishers of the People of Tamil Eelam and so on. A leaflet appeared in Jaffna on 10.10.98 from 'Jaffna University students' which said among other things that the Government must take responsibility for the lives lost in the airline tragedy.

There always remains an element of doubt about the source of the warnings. Those desperate to travel would have optimistically hoped that these messages were forgeries. The airline officials too entertained that possibility. Now foreigners looking at the affair would find no proof of the LTTE's complicity.

Even as we were preparing this report, we had to suddenly sit up and ask ourselves questions such as whether Fr. Thevasahayampillai was the victim of an elaborate hoax. He only brought an identity card and had seen no bodies. Could the aircraft have been hijacked and forced to land in the Vanni? We then had to rule this out. Fr. Thevasahayampillai would have directly gone to fellow parish priests and to people he knew. What he brought back were unquestionable, authentic reports current among the people there. A plane being forced to land could not be hidden, and people travel daily to and from the LTTE controlled area. The fishermen's and traders' networks cannot be so easily manipulated by the LTTE in matters of this kind. The whole truth would soon come out.

To the people of Jaffna themselves the LTTE has made it very clear that they shot down the aircraft. They would try hard to avoid admitting or denying it. If they deny it people would fly. If they admit it, they would be condemned worldwide. This way of functioning has helped them to manipulate the media and NGOs in their favour - there being no

forensic evidence to pin down most of the LTTE's crimes.

The question is how long can we afford to be in confusion about such a force which manipulates the confusion of others without being itself confused? The manner in which the Government is handling the aircraft disaster inquiry too would work to the LTTE's benefit. Wherever there was the potential for an inquiry to embarrass the Government, there has also been tardiness and lack of seriousness.

The people could in such matters generally expect disappointment and undue delay, such as after the initial fanfare and pledges over investigating the Chemmani graves. With the missing aircraft too the pattern is similar. It is also similar

to the administrative clumsiness over the long delayed mine clearing operations in the North, which were finally due to begin when the aircraft went down.

For an event of this nature which stands high in the category of crimes, an investigation by an Assistant Director of the Civil Aviation Authority, as announced, may be necessary for internal purposes, but cannot constitute a bona fide inquiry. It is necessary to get together an unquestionably impartial body, preferably including foreign experts, to go into the matter. If the Government is faulted as it is bound to be, it should be big enough to take it. If not, there is little hope.

Afrika-Post

Die Meldungen über Gewalt, Chaos und Kriege dominieren die Berichterstattung über Afrika. Tages- und Wochenzeitungen berichten meist nur über die aktuellen spektakulären und darum negativen Ereignisse auf dem „schwarzen“ Kontinent.

Wer mehr wissen will, wer sich ein differenziertes, der vielschichtigen Wirklichkeit näherliegendes Bild von Afrika machen will, braucht zusätzliche Informationen.

In Hintergrundberichten und Kommentaren, Features und Reiseerzählungen, Chroniken und Medienterminen informieren unabhängige Autoren, Journalisten, Experten und Wissenschaftler über unseren Nachbarkontinent und fördern damit die Kenntnis und das Verständnis für Afrika in der deutschsprachigen Leserschaft.

Die Leserinnen und Leser der *Afrika-Post* wissen: Afrika ist weniger ein „schwarzer“, vielmehr ein bunter Kontinent, dessen Probleme und Entwicklungen uns

Europäer Tag für Tag stärker berühren. Zudem nimmt Afrika Bedeutung in der bilateralen wie internationalen Zusammenarbeit und innerhalb der Vereinten Nationen zu. Sich mit Afrika zu beschäftigen, wird darum für verantwortliche Politiker, Unternehmer, Wissenschaftler und Vertreter von Stiftungen und Kirchen immer dringender. Die in ihrer Form einzigartige, länger als hundert Jahre bestehende Zeitschrift, die tiefgehende Informationen und kompetentes Wissen über die Menschen und Länder, die Gesellschaften und Kulturen, die Traditionen und Riten in Afrika vermittelt und somit Entscheidungshilfe leistet, ist die *Afrika-Post*



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