# Sri Lanka versus the Tamil Tigers in the Fourth Tamil Eelam War (2006-2009): A Case Study

The present case study examines the war waged between the democratic government of Sri Lanka and a terror organization, The Liberation Tigers of Tamil Eelam (LTTE). The LTTE maintained de facto sovereignty over large swathes of territory in Sri Lanka and aspired to eventually establish an independent state. Against them stood the government of Sri Lanka which had been unable to retain sufficient military effectiveness or maintain its monopoly on violence.

The FBI has described the LTTE as one of the most brutal terror organizations in the world. By 2006, no less than 32 countries had added the LTTE to their lists of terror organizations, including India, the United States, the European Union, the United Kingdom, and, of course, Sri Lanka (Bhattacharji, 2015; Yass, 2014). Despite the LTTE’s powerful position, the Sri Lankan army succeeded in conducting a comprehensive military campaign which ended with the organization’s complete dissolution/annihilation/destruction. To this day, there are no reports of attempts to revive it.

**The important question for our purposes is: how did Sri Lanka achieve this total victory? Additionally, is it possible to completely eliminate/dissolve/destroy a terror organization that adopts guerrilla tactics and terror while adhering to ethical principles?**

The present case study will help us offer an answer.

## Setting

We will begin by explaining how the conflict between Sri Lanka’s two major ethnic groups, the Tamil and the Sinhalese, developed. It was this ethnic conflict which ultimately led to the outbreak of the fourth Tamil Eelam War.

Sri Lanka (previously, Ceylon) is an island in the Indian Ocean. The island nation has an area of 65.5 square kilometers and is a social-republican democracy with a low democratic profile. The population of Sri Lanka is comprised of four ethnic groups: the largest is the Sinhalese (literally, “lions” in Sanskrit) the majority of whom follow Thervada Buddhism. They comprise 73.8 percent of the total population and constitute a majority in the island’s southern and western regions. The second largest group is the Tamil, the majority of whom follow Hinduism, and who constitute about 12 per cent of the island’s total population. They are the majority in the country’s northern and eastern regions. Two additional groups are the Muslim moors (9 per cent of the population) and a small population of Indian Tamilans, who were brought by the British from southern India to work on the island’s plantations.

From 1989 to 2009, the ruling Sinhalese and the minority Tamilans were embroiled in an ethnic conflict. The Tamilans were headed by the LTTE which sought to establish an independent Tamil state or, at the very least, achieve Tamil autonomy within Sri Lanka.

From the 18th to 19th century, Sri Lanka was a British colony. Many Tamilans studied in English schools, and therefore, despite their numerical inferiority, were given preference by the British government for jobs in the public sector and were disproportionally represented in local councils.

With the general British withdrawal from southern Asia in 1948, Sri Lanka gained independence. As the island’s ethnic majority, the Sinhalese did not hesitate to wield their power. They sought to establish Buddhism as the country’s national religion, and to institutionalize the ascendancy of Sinhalese culture and language at the expense of the Tamil. Towards this end, the government adopted a series of oppressive and discriminatory policies. For example, the Ceylon Citizenship Act, passed in 1948, stripped Tamil plantation workers from India of their citizenship; they should be considered citizens of India not of Sri Lanka, it was argued. Such measures led to the acute oppression of the Sri Lanka’s Tamil minority, and, for the first time, the Tamilans began to consider the possibility of establishing a federal government which would afford the Tamilans local autonomy (Yass, 2014; de Silva, 2010).

In 1956, the Official Language Act established Sinhala as the island’s official, and only, language. Further measures included, limiting the number of Tamilans in public service, and the strategic re-settlement of Sinhalese in Tamil regions. In 1972, Sri Lanka adopted a new constitution which continued the policy of discrimination against the Tamilans. It established Buddhism as the country’s primary/national religion and Sinhala as the official language. Laws severely limiting the number of Tamilans in universities were also passed.

These measures favoring the Sinhalese, fueled the Tamil desire for autonomy or an independent state, leading, in the seventies, to the rise of radical Tamil groups. Most extreme was the separatist LTTE, a secular, nationalist group established in 1976 by a group of young Tamilans led by Velupillai Prabhakaran. The LTTE considered itself the sole representative of the Tamil and employed violent methods to marginalize competing Tamil groups. It demanded the establishment of an independent Tamil state in northern and eastern Sri Lanka, and from its inception, embraced guerilla tactics and terror to this end.

1983 represents a watershed in Tamil-Sinhalese relations; in the aftermath of the killing of the 13 Sri Lankan soldiers in the North by a group of the Tamil militants, the first Tamil Eelam War broke out between the LTTE and the Sri Lankan government. During the war, which lasted less than a month (July 24 – August 5), the Sinhalese attacked Tamilans and their property. These attacks led to the deaths of some 300–3,000 Tamilans (exact numbers are unknown) and left tens of thousands of citizens without homes. The violence led to a steep rise in Tamil support for the radical LTTE and other militant groups (Rogers, Spencer & Uyangoda, 1998; Yass, 2014; de Silva, 2010; Battle, 2010).

In 1987, India and Sri Lanka signed an accord in which India agreed not to recognize an independent Tamil state (but continued to acknowledge the Tamil historical right to the northern and eastern regions of Sri Lanka). India also provided the government operative assistance, establishing training camps in its territory, and dispatching the Indian Peace Keeping Force (IPKF) that same year. The contingent served as a police force in the North and East, enforcing local cease fires. The arrival of the IPKF marked the end of the first Tamil Eelam war. However, before long, India was dragged into direct military intervention, which resulted in Indian soldiers in Sri Lanka becoming targets for Tamil terrorists.

Over the course of just a few years, the IPKF lost 1,500 soldiers, eliciting public outcry in India. In light of these losses and the ensuing public disapproval, India withdrew its forces in 1990, spelling the end of its active military intervention in Sri Lanka.

The withdrawal of the IPKF was an important milestone. In the absence of foreign intervention, the LTTE was able to establish its power as the leading Tamil organization, extending its authority over the Tamil as a whole, and becoming the de facto representative of the Tamil people to the Sri Lankan government. The withdrawal of the IPKF also precipitated the outbreak of the Second Tamil Eelam War (Yass, 2014; Gnanaseelan, 2015).

In 1995, the Second Tamil Eelam War was ended with the signing of the peace agreement. In the agreement, victims of violence were promised justice and Tamil perpetrators punishment. The Tamil minority, as a whole, was also guaranteed justice and peace.

The agreement did not last long. In 1995, the Third Tamil Eelam War broke out. The LTTE continued to fight and commenced bombing attacks against citizens in South Sri Lanka. The war ended in 2001, following a unilateral ceasefire on the part of the LTTE, the result of Norwegian mediation (“Sri Lanka's Peace Process: In Jeopardy,” 2004; Rogers, Spencer & Uyangoda, 1998).

In 2008, in the wake of escalating terror attacks and failed peace talks, Sri Lankan president Mahinda Rajapaks decided to shift strategy. Instead of pursuing a peaceful resolution to the conflict, the government would fight an all-out war against the LTTE in hopes of achieving a decisive military victory (Goodhand, 2011). This marked the beginning of the Fourth Tamil Eelam War, the focus of the present case study.

## Who were the Tamil Tigers?

### Formation and Goals

The LTTE, the “Liberation Tigers of Tamil Eelam,” was a separatist organization governed by a secular, nationalist ideology. Established in 1976, it considered itself the rightful representative of the Tamil minority in Sri Lanka and sought to establish an independent state in the country’s northern and eastern regions. From its birth to its demise, the organization was led by one man – Vellupillai Prabhakaran.

### Effective Control over Territory

The LTTE maintained de facto control over extensive territories in northern and eastern Sri Lank for 30 years (from 1990 until 2009). The territories under its rule constituted a political entity called Tamil Eelam. It had a capital (Killinochi), a flag, a national anthem and an advanced administrative system (including a judiciary), a police force, a prison system, an army, a tax system, banks, a welfare system, and media outlets. LTTE-controlled regions and government-controlled regions were demarcated by a clear physical border, guarded by armed military personnel on both sides. To travel from one area of control to another one had to present identification and pay customs duties on imports. In other words, the LTTE maintained effective control over Tamil Eelam (Manhoran, 2006; Secretary General of the United Nations, Experts Panel, 2011; Yass, 2014; Stokke, 2006; de Silva, 2010).

### Character of the Organization and the Resources at its Disposal

The organization was split into two divisions: a military wing and a subordinate political wing. The activity of both wings was overseen by a governing council comprised of the leaders from each wing. Prabhakaran headed the council.

The political wing was responsible for the administration of the territory under LTTE control. It was entrusted with supplying the needs of the civilian population – in the hope of winning their support as well as to lay the groundwork for the establishment of an independent Tamil state. Other bodies established by the organization included a bank, responsible for the organizations’ financial concerns as well as those of civilian population under its control; a judiciary, with a hierarchical system of local courts headed by a supreme court, all responsible for maintaining social order; a police force (the Tamil Eelam Police); and a socialist education system and support network (e.g., schools, orphanages, hospitals, and support for widows). Citizens in these territories also received civil services from the Sri Lankan government. In other words, two economic-political systems operated in the country’s northern and eastern regions simultaneously (De Clerq, 2004; Stokke, 2006; Reichard, 2011).

The LTTE’s military wing included a ground force, a navy, an air force and an intelligence branch. The ground force was comprised of four major ground brigades, each one comprised of hundreds of troops:

**Charles Anthony Brigade.** Established in 1991, this was the LTTE’s main conventional fighting force. Over the course of the Sri Lankan civil war, the brigade participated in more than 75 battles against the Sri Lankan army.

**Jeynathan Brigade.** A special unit which also participated in important battles with the Sri Lankan army.

**Imran-Pandiyan Brigade**. The LTTE’s anti-aircraft unit. Established in 1998, it was considered one of the LTTE’s best trained brigades. It had at its disposal rocket propelled grenades and surface to air missiles (including Stinger missiles).

**Leopard Brigade**. The LTTE’s commando unit. It was mainly comprised of child-soldiers, fanatically loyal to Prabhakaran and to the Tamil national movement.

**Sea Tigers:** This unit had almost 3,000 naval personnel. It included troops, engineers for vessel maintenance and upkeep, marine communication technicians and a naval intelligence unit. It had between 100–200 sea craft, including submarines (The LTTE was the first non-state organization to develop such advanced naval capabilities). Its navy afforded the LTTE an orderly supply of ammunition, food, money, and troops. It also allowed the LTTE to maintain its power on the ground by forcing the Sri Lankan navy to scatter its forces to protect its ships and pursue enemy vessels, diverting resources from attacks on the LTTE’s ground forces.

**Air Tigers**. This branch had at its disposal 6 light aircraft of Czech make (Zlin Z-143’s), with targeted strike capabilities, as well as a number of helicopters. The branch was developed to counter the extensive aerial bombardment campaigns conducted by the Sri Lankan air force. The LTTE also used its air force to carry out aerial terror strikes against cities under government control, as well as industrial and energy facilities and army bases. These strikes significantly disrupted day-to-day life throughout Sri Lanka, during the civil war.

**Service Intelligence Security Organization Tigers (SISOT).** This branch was responsible for gathering open-source and closed-source intelligence used to support suicide missions and military strikes, identify government agents and “enemies,” assist weapon-buying operations, and to smuggle humans and weapons in and out of Sri Lanka. This was all conducted using a network of agents and informers who gathered information from a variety of sources.

The military wing also included a woman’s brigade, an orphan’s bridge, a cyber warfare brigade, and an elite, pioneering suicide bombers’ brigade (Black Tiger) which used custom LTTE-made suicide vests to attack military, political, and civilian targets. Finally, as is the practice in conventional armies, the LTTE established an academic brigade entrusted with troop-training. Over the years, the LTTE grew into one of the best organized – and most brutal – terror organizations in the world (Bhattacharji, 2009; Flynn, 2011; Echemendia, 2010; Personal Interview with Sri Lanka’s ambassador to the U.N., November 10, 2012; Reichard, 2011).

This review of the military arm of the LTTE, clearly demonstrates its equivalence to the conventional armies of sovereign states.

## Definition of the LTTE as a Guerrilla Force

We will now determine whether the LTTE meets the criteria of a guerilla organization, as defined in our introduction.

**Intentional use of violence against military or security personnel for the attainment of military or political objectives.** The LTTE targeted Sri Lankan troops. For example, in 1983, the LTTE attacked a military jeep outside of Jaffna, killing 13 Sri Lankan soldiers. In 1987, the LTTE snuck a vehicle with explosives into a Sri Lankan military base in the North. The explosion resulted in the deaths of dozens of soldiers. After the deployment of the IPKF in 1987, the LTTE’s naval arm began to conduct naval suicide missions against Sri Lankan navy personnel.

**The creation of devoted para-military units comprised of civilians and/or soldiers.** The LTTE was similar to a conventional army. It was comprised of 20,000 Tamil civilians and troops, some of them volunteers, others forcibly enlisted. These troops were willing to sacrifice themselves on behalf of the Tamil cause.

**Use of military tactics while relying on the local, civilian population.**As mentioned, in addition to its military *modus operandi*, the LTTE sought to win the moral and material support of the local populace. The LTTE would not have achieved what it did were it not for this civilian backing. In exchange, the LTTE promised defense against the Sri Lankan army and protection of their property and well-being (Hellmann-Rajanayagam, 1994; Reichard, 2011).

**The LTTE, therefore, meets the criteria of a guerilla fighting force.**

## Definition of the LTTE as a Terror Organization

We will now examine whether the LTTE can be characterized as a terror organization, based on the definition of “terror” described in the introduction.

**A form of violent conflict conducted by non-state groups or forces.** The LTTE was an independent organization and did not represent any sovereign state.

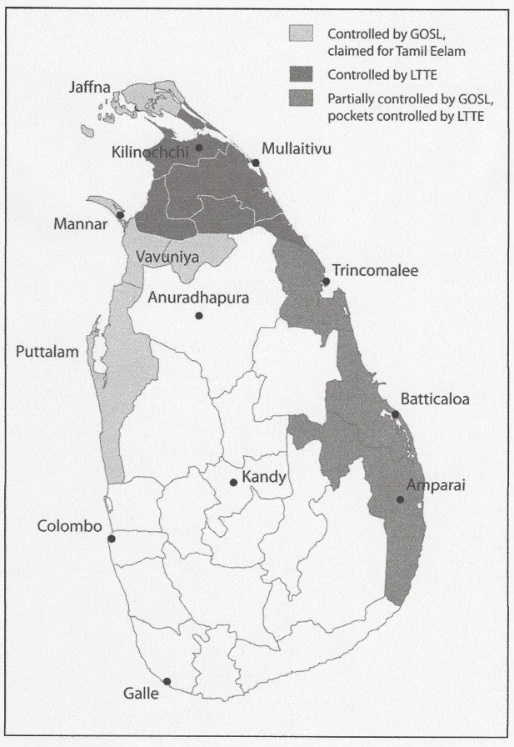
**The intentional use of violent acts (or the threat thereof) against civilians or soldiers outside of combat zones (targeted for their affiliation to a specific population), in order to spread, fear and confusion.**The LTTE intentionally used violence against Sinhalese and even Tamil civilians. Beginning in the eighties, the LTTE conducted more than 200 suicide attacks against civilians and political leaders. To this end, the LTTE enlisted female bombers, taking advantage of Sri Lankan ethical norms which forbid touching women. Some of these attacks were directed against moderate Tamil politicians who supported compromise and dialogue. For example, Tamil Parliament Member Neelan Thiruchelvam – who was involved in the peace accords reached between the Tamilans and Sinhalese – was assassinated by the LTTE in 1999. Likewise, the Tamil mayor of Jaffna, Alfred Duriappah, who was suspected of sympathy for the Sinhalese government, was assassinated in 1975. Other targets included foreign leaders, such as former Indian Prime Minister Rajiv Gandhi (assasinated in 1991) and Sinhalese, Sri Lankan politicians, such as President Ranasinghe Premadasa, in 1993, and trade minister C.V. Goonaratne, in 2000 (Yass, 2014; Personal Interview with Sri Lanka’s ambassador to the U.N., November 10, 2012).

**To achieve political goals (national, social-economic, ideological, religious etc.)** The LTTE had a clear political goal: the establishment of an independent Tamil state in north-eastern Sri Lanka.

**The LTTE thus can be defined as a terror organization.**

## The Course of the War

The Fourth Tamil Eelam war began in 2006 and lasted until 2009. When the war broke out, the LTTE enjoyed effective control over a territory of 15,000 square kilometers.



**Map 1: Division of territory between the LTTE and the Government of Sri Lanka (GOSL)**

### Immediate Cause of War

On July 21, 2006 the LTTE closed the sluice gates of a water reservoir in eastern Sri Lanka in the Mavil Aru region. The reservoir provided water for drinking and agriculture in the city Trincomalee and its environs in south-eastern Sri Lanka. The closing of the reservoir left 25,486 citizens without water (many of whom were under the government’s control).

### The Goals of the War

Beyond the immediate need to reconquer the reservoir, the war was defined as a humanitarian rescue operation. The Government of Sri Lanka sought not only to reopen the sluice gates but also to completely destroy the LTTE – and were willing to do so at any price (Smith, 2010). The sluice gates were conquered within a month, on August 10, 2006. The operation, however, continued until the organization was totally defeated.

### Sri Lankan Preparation for War

The Sri Lankan president appointed himself minister of defense, and appointed his brother (Gotabaya Rajapaksa), who had extensive military experience fighting the LTTE, defense secretary. The size of the army was tripled to 300,000 troops. The defense budget was raised in stages; by 2008, it comprised 20 per cent of the national budget. The government purchased military equipment such as missile launchers, bombs, Kfir helicopters, artillery equipment, MiG-29’s as well as unmanned drones to help minimize civilian losses (both physical and mental) (Secretary General of the United Nations, Experts Panel, 2011).

The war encompassed a territory of 7,753 square kilometers and unfolded in three phases.[[1]](#footnote-1)

**Phase 1**: A year-long campaign in eastern Sri Lanka. It began in 2006, in the region of the conquered sluice gates, and spread southward, following the course of the Verugal river and reaching Batticaloa. The campaign drew to a close on July 10, 2007 with the conquest of Batticaloa.

**Phase 2**: A yearlong campaign in northern Sri Lanka. The campaign began in February 2007, west of Vavuniya, and ended in 2009 with the conquest of the LTTE capital, Kilinochchi.

**Phase 3**: A campaign lasting several months also in north Sri Lanka. It began with the conquest of Mullaitivu and ended with the defeat of the LTTE on May 17, 2009.

### Phase 1

The first phase of the war was a yearlong campaign which lasted from July 28, 2006 until July 10, 2007. The campaign encompassed an area of 6,000 square kilometers and a population of 212,486 civilians.

During the campaign in the East, the Sri Lankan Army and the LTTE engaged each other in the ten major cities controlled by the latter. The Sri Lankan army sought to conquer the cities and liberate their inhabitants.

#### The Strategy of the Sri Lankan Army During the First Phase of the War

Throughout the first phase of the war, the LTTE subjected Sri Lankan soldiers to heavy artillery fire, protecting their positions by blending into the civilian population (including women and children) and using them as human shields. The Government of Sri Lanka retaliated with aerial bombardments of the LTTE’s weapon caches, bases and troops. At the same time, the Sri Lankan Army launched a coordinated offensive on multiple fronts and with high concentrations of soldiers in order to place the LTTE at a numerical disadvantage.

Realizing that the fighting was primarily taking place in heavily populated areas, and seeking to minimize danger to civilians, Defense Minister, Mahinda Rajapaksa, decided to abandon the government’s accepted counter-terror strategy and adopt an unprecedented approach. The Sri Lankan army would adopt a tactic by which it would try to force LTTE troops into nearby jungles, allowing the army to continue its offensive in non-populated areas. Likewise, the Sri Lankan army, for the first time in its history, began to implement guerilla tactics. Special forces soldiers were sent deep into LTTE territory, striking enemy positions and gathering intelligence about troop placement, locations of weapon caches, and more. Using this intelligence, the Sri Lankan army was able to carry out precision strikes against strategic targets. The army reported on this change in tactics to the government, so that all levels of the leadership understood the situation (Personal Interview with Sri Lanka’s ambassador to the U.N., November 10, 2012). Nevertheless, in some cases, the Sri Lankan army’s best attempts to avoid civilian casualties, were frustrated by LTTE counter-measures. For example, during a campaign in Sampur, the location of the local LTTE command from August 27, 2006 until September 4, 2006, the LTTE used civilians as human shields. Regardless, the Sri Lankan army launched attacks and bombarded LTTE targets, even when civilians were in the vicinity, arguing that the operation to liberate them from the terror of the LTTE was ultimately in their best interests (Personal Interview with Sri Lanka’s ambassador to the U.N., November 10, 2012; Reichard, 2011).

### Phases 2 and 3

The campaign in North Sri Lanka was called the Wanni Operation. It began in February 2007 (concurrent with the campaign in the East) and ended in May 2009. The goal of the campaign was to liberate civilians in Sri Lanka from the LTTE. The government characterized the operation as a humanitarian campaign and the most extensive hostage rescue in history. During the campaign, the Sri Lankan army conducted military operations against the LTTE in a number of strategic areas in the North. Targets included Silawathura which would, if conquered, lead to full control over the island’s western shores, preventing the LTTE from launching operations from its bases which dotted the coastline. Likewise, Kilinochchi, the LTTE’s administrative center and capital since 2006, was targeted (Sri Lanka Government, 2011).

#### Sri Lankan Policy Towards Civilians in Response to LTTE Tactics

To weaken the LTTE forces, the army conducted extensive aerial bombardments. In December 2008 alone, the army conducted 400 aerial strikes. In addition, the Government of Sri Lanka decided in 2009, in collaboration with the UN Security Council, to make further changes in its military guidelines with the goal of reducing civilian casualties: the government announced, in stages, the establishment of three No Fire Zones in the North, in which civilians would be guaranteed safety. The maintenance of No Fire Zones directly impacted Sri Lankan military tactics, forcing ground forces to engage the enemy without aerial support or bombardment.

The first No Fire Zone (NFZ) was established in January 2009, to the north-east of Visuamadu. The army’s strategy was to try to extract civilians from the region and transfer them to Visuamdu which was under Sri Lankan control. The army informed civilians of the policy by setting up loud-speakers along the NFZ border; dropping fliers which included maps of the region, from the air; and broadcasting radio announcements, informing civilians how to safely make passage into regions under government control. 20,000 civilians managed to escape the first NFZ and safely made their way into Sri Lankan controlled territories.

The success of the operation alerted the LTTE to the inherent “dangers” of losing civilians which, among other things, meant the loss of human shields. The LTTE, therefore, endeavored to keep civilians within its territory as hostages, at all costs. Civilians who sought to escape were shot and members of the LTTE’s suicide cadre were sent to detonate bombs from within groups of civilians. This made it difficult for civilians to make their way to areas under Sri Lankan government control. In addition, at one point, the LTTE forcibly moved civilians from the No Fire Zone to Puthumathalan, a minute coastal strip surrounded by water. This, they hoped, would make it easier to prevent civilians from escaping. As soon as the Government of Sri Lanka realized what was happening, it declared Puthumathalan, which had been conquered a few days prior, the second No Fire Zone on February 11, 2009.

The third zone, declared on May 8, 2009, was Vellamullivaikkal (Shashikumar, 2014; United Nations, 2009).

#### LTTE policy towards civilians

At the beginning of the second phase of the war, LTTE leader Prabhakaran understood that he had underestimated the Sri Lankan army and realized that the LTTE’s military wing could not prevail using old strategies. Therefore, beginning in January and until May 2009 when the LTTE was finally defeated, Prabhakaran actively prevented citizens, even women and children, to leave the territories under his control. Those who tried to escape were shot. Prabhakaran adopted a tactic of taking civilians with him during a withdrawal, using them as human shields. Likewise, he dispatched suicide fighters to areas considered safe for transit to open fire on civilians. This resulted in the deaths and injuries of civilians and security personnel alike.

For example, with the conquest of Kilinochchi by the Sri Lankan army on January 2, 2009, the remaining LTTE troops evacuated approximately 15,000 people to Puthumathalan which had been declared a No Fire Zone. They took with them a large number of civilians to serve as human shields and to prevent them from escaping to government-controlled territories. The LTTE denied that these civilians were being used as human shields or that they were being forced to joined them. Civilians followed them freely, they claimed.

When Sri Lankan forces approached Puthumathalan, the LTTE withdrew to Vellamullivaikkal and again brought civilian hostages with it. At this point, civilians and combatants were trapped in small coastal strip 12 kilometers long, stretching from Puthumathalan to Vellamullivaikkal, which was, as mentioned, declared an NFZ.

### The End of the War

In April 2009, the Sri Lankan army was able to liberate 300,000 civilians from LTTE control, transferring them to a refugee camp established in Vavuniya.

On May 13, 2009, two weeks after the conquest of Puthumathalan, the UN security Council demanded the LTTE lay down arms. At the same time, it demanded that the Government of Sri Lanka take measures to avoid violating international law (by bombarding areas with high concentrations of civilians) and to assist the liberation of citizens trapped in combat zones. The next day, Vellamullivaikkal fell into Sri Lankan hands.

The final engagement of the war took place in May 2009 at Mullaitvu, the last city to be liberated from the LTTE, and the last refuge of the Tamil Tiger leader, Vellupillai Prabhakaran. The government hoped that his capture or death would spell the end of the war. On May 16, the army overran the last rebel strongholds.

On May 17, General Sarath Fonseka declared victory against the Tamil Tigers. On that day, almost 263,000 civilians were liberated (Shashikumar, 2014). On May 18, 2009, Prabhakaran was killed on the battlefield with another 250 people – some civilians, others combatants – during an escape attempt. As the government had surmised, his death marked the end of the Tamil Tigers as a military force. During a military parade held in the Sri Lankan capital, Colombo, on June 3, President Mahinda Rajpaksa declared the war against the LTTE to be over (Shashikumar 2014; Sri Lanka Government, 2011).

An internal report, published by the Sri Lankan government, reported the number of combatants killed on both sides. Between July 2006 and May 2009, 5,556 Sri Lankan soldiers were killed, 28,414 wounded, and 169 declared missing in action. According to the same report, the LTTE lost 22,247 combatants, 11,812 of whom were identified by name (the identification was based on uniforms or dog-tags, as well as intercepted radio communiques) (Sri Lanka Government, 2011; Shashikumar, 2014).

## Allegations of Ethical Misconduct on the Part of the Sri Lankan Army

### Violation of the Principle of Distinction

UN reports attest to the many civilians killed during the war. During the relatively short period from January 20 until April 24, 2009, 6,432 civilians were killed and 13,946 wounded. Responsibility for some of these casualties could be attributed to the Sri Lankan army firing on civilian targets.

According to the report published by the UN Human Rights Council, on February 1 and 2, 2009 the Sri Lankan army unleashed no less than four barrages of heavy weapons fire against Puthukkudiyiruppu hospital, which although being held by LTTE fighters also contained civilians. These attacks led to the deaths of at least nine people and resulted in at least 20 wounded. (It is unclear how many were combatants and how many civilians) (United Nations Security Council, 2001, p. 8).

The Sri Lankan army was also accused of using heavy weapons indiscriminately in No Fire Zones with many civilians. The UN Human Rights Council claimed that not long after the establishment of the NFZ’s, the Sri Lankan army began shelling them, ignoring the demands of the UN and human rights groups. These bombings led to the deaths of hundreds of civilians every day.

A testimony supporting these allegations, was provided by a pastor who survived the attack of Mullaittivu and described his experiences. He claimed that after having reached the coastal strip, he, four other pastors, and sixty orphans dug a bunker to protect themselves from the heavy fire. According to him, the fire was directed at civilians and combatants without distinction. Later he and the civilians in the bunker were able to establish telephone contact with a soldier in the Sri Lankan army. The soldier instructed them to emerge from the bunker the moment they saw Sri Lankan soldiers approaching, identifying themselves by waving a white flag. They followed instructions: as soon as they heard soldiers approaching, some of the adults and children emerged from the bunker with a white flag and ran towards them. The soldiers, however, ordered them to halt, firing warning shots. The soldiers, it seems, were afraid that LTTE fighters were hiding among the civilians. This concern was not entirely unjustified; as the pastor explained, some troops had indeed blown themselves up among the civilians. The civilians quickly scrambled back to the bunker. The soldiers continued to fire at them and threw grenades into the bunker for an entire night. The civilians cried all night and called for help. In the morning, the pastor decided to confront the soldiers, and, with another pastor, emerged from the bunker with a while flag. He explained to the 15 soldiers, who were veiled in black masks, that they were civilians. The soldiers instructed them to lie down in from of them, mentioning that they had received orders to shoot and kill any survivors. After pleading for mercy, they strip searched the remaining civilians for explosives, including some children. Another pastor was struck in the chest by the soldiers, fell to the ground, and died later that day (Jon, 2011; Yass, 2014).

American Secretary of Stage, Hillary Clinton, expressed her deep disappointment at the behavior of the Sri Lankan Government. She argued that in its efforts to defeat the LTTE with heavy-handed bombardment and offensives, the government was subjecting civilians to unimaginable horrors One example of the use of heavy fire against civilians took place between April 12 and 14, on the Sri Lankan New Year. The Sri Lankan army declared a humanitarian ceasefire in honor of the holiday and made preparations to receive civilian refugees fleeing the No Fire Zones. Unfortunately, the civilians were joined by LTTE fighters. The LTTE fighters began to indiscriminately open fire, and the Sri Lankan army returned fire from the air, land, and sea, harming civilians in the process.

Another incident took place on June 3, 2009, the day on which the president of Sri Lanka declared the LTTE to be defeated. Thousands of Tamilans, civilians as well as LTTE fighters (some of them political leaders of the organization), coordinated their official surrender. They were to leave the combat zone, accompanied by the UN ambassador to Sri Lanka and Dutch journalist for the *Sunday Times*, Marie Colvin, who had been asked by the LTTE to serve as a mediator. The president of Sri Lanka personally accepted their surrender. According to a UN human rights organization, the Tamilans left the battle zone waving white flags, but were fired upon by the army (Jon, 2011; Personal Interview with Sri Lanka’s ambassador to the U.N., November 10, 2012).

### Sri Lanka’s Response to the Allegations

The Government of Sri Lanka denied allegations that it had violated the principle of distinction. During the war, it argued, it had been careful to distinguish between combatants and civilians and between valid military targets and civilian targets which it had kept off-limits. The Sri Lankan Defense Minister, and Air-Force commander characterized the government’s policy as one which sought “zero civilian casualties.” The government even claimed to have adopted a particularly strict policy, going above and beyond the principle of proportionality (that collateral damage to civilians is acceptable if the value of a military target is especially high): before a bombardment, they would take extra measures to ensure that no civilians were present. The infantry, air force, and navy were all given explicit orders to avoid civilian casualties. The army even appointed teams responsible for confirming information received from intelligence and confirming the precision of targets, ensuring that only LTTE facilities or troops would be attacked. When infantry forces had identified and reported on the presence of armed combatants, reconnaissance drones were dispatched to inspect the area (both during the day and at night). Targeted and regional aerial photographs were used to ensure that the targets did in fact constitute LTTE targets, that no civilians were present, and that none of the targets were protected areas such as hospitals, mosques, churches or schools. Only after it had been ascertained that no mistakes had been made, did the head of the air force himself issue an order to conduct a bombing raid. Even so, the weapons used were chosen to fit the target. Moreover, higher-ups in the air force reported that drones were used in real time, so that infantry commanders, pilots, and higher ups in the air force, responsible for an operation and seated at army headquarters, could observe targets and issue orders to prevent civilian casualties. The Commander of the Air Force recounted that, in some cases although an LTTE training ground had been identified, he personally countermanded orders for a bombing run due to the proximity of civilians. He also claimed that the results of every bombing run were photographed and subjected to inspection (Secretary General of the United Nations, Experts Panel, 2011; Sri Lanka Government, 2011; Personal Interview with Sri Lanka’s ambassador to the U.N., November 10, 2012).

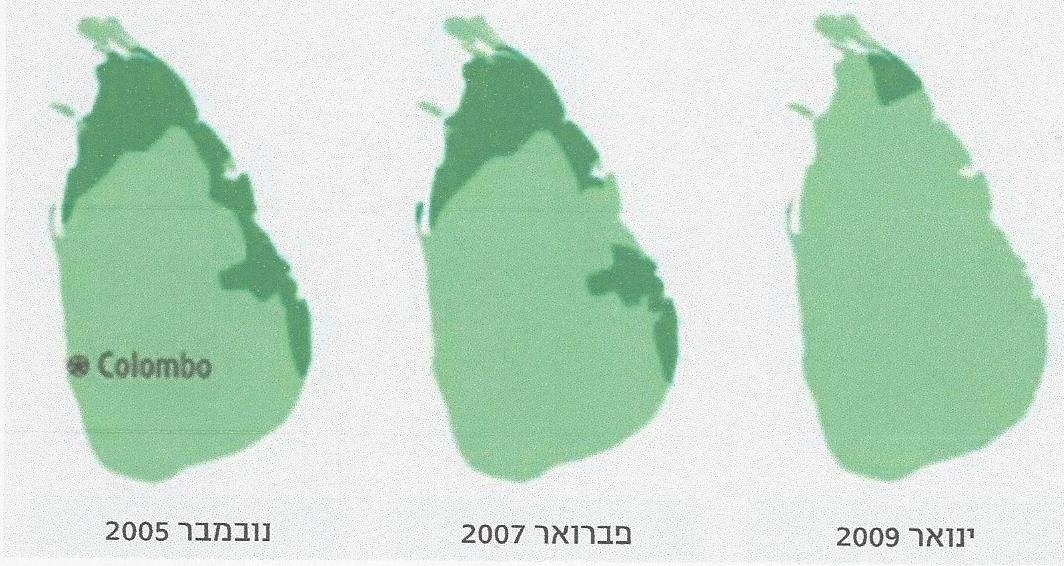
The Defense Minister further claimed that the army never intentionally fired on NFZ’s, and only retaliated when shot at by LTTE fighters. The Sri Lankan soldiers, he explained, approached the borders of NFZ’s at great personal risk, having received no authorization to use anything but their personal firearms, in order to prevent danger to civilians. This greatly extended the time it took to accomplish missions and led to high casualties among soldiers. According to Sri Lankan statistics, during this period (between March and May 2009), 1,212 soldiers were killed, 6,447 wounded and 10 declared missing in action.

Indian Foreign Minister, Pranab Mukherjee, maintained that Sri Lanka was responsible for defending its citizens under LTTE control and, therefore, condemned them for firing upon them. Nevertheless, he emphasized that the LTTE must stop embedding its fighters among the civilian population and must desist from using them as human shields.

A resident of Kilinochchi attested to the difficulty of distinguishing between combatants and civilians. He explained that the LTTE fighters wore civilian clothes and blended into the general populace (Pallistar & Chamberlain, 2009; Sri Lanka Government, 2011).

According to the Government of Sri Lanka, the difficulty in distinguishing between civilians and combatants only became harder as the fighting progressed during the last months of the war and as the NFZ’s shrunk. [[2]](#footnote-2) On January 21, the decisive phase of the war, these territories amounted to 35.5 square kilometers with 303,000 civilians. By May 2009, this number was 100,000 but forced into a space of a few square kilometers – severely complicating warfare and posing a challenge to the army’s ability to distinguish between LTTE troops and civilians. [[3]](#footnote-3)

In response to Hillary Clinton’s accusation, the Sri Lankan army cited a soldier who testified at a commission of inquiry established by the Government of Sri Lanka. According to his account, soldiers refrained from returning fire at LTTE troops because they were surrounded by civilians and concentrated in a very small area. From a humanitarian perspective, the government claimed that it actively facilitated the wellbeing of trapped civilians. For example, it allowed representatives of the Red Cross and the Catholic Charity Caritas to enter the combat zone and provide trapped Tamil civilians with assistance (Pallistar & Chamberlain, 2009; Jon, 2011; Retnayaka, 2009).

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**Map 2: The progressive conquest of territories under LTTE control, as the government pushed their forces into increasingly smaller territories (Yass, 2014).**

## Summary

After the war, the Sri Lankan ambassador to the UN argued that the war should be understood in light of LTTE activity, their control over large swathes of territory, and their brutal practices. The Government of Sri Lanka understood guaranteeing the safety and wellbeing of all its citizens, from North to South, to be its highest priority. The government likewise sought to allow Sri Lanka to rejoin the international-community as a strong and independent state. To this end, gaining full control over the entire country and rebuilding the Sri Lankan nation by reinforcing the state and restoring its security, tourism, capital, industries and private and public sectors was paramount (Kohona, 2010).

**An analysis of this test case yields several important insights:**

1. The difficulty of contending with the LTTE, a terrorist organization which employed guerilla warfare, is manifest. The LTTE was characterized by its brutal methods, especially its willingness to exploit civilians under its control. As far as the LTTE was concerned, Tamil citizens were a tool, a means to an end, a pawn in its attempts to achieve its goals.
2. We can see how a democratic state can also adopt guerilla tactics: the Sri Lankan army deployed small teams of trained soldiers across enemy lines, to target leaders, gather vital intelligence and help destroy the organization from within (for example during the fighting in eastern Sri Lanka, during the first phase of the war). These units were mobile and highly durable, and their deployment forced LTTE troops and commanders to seek shelter far from the front line. This left troops without direct command, allowing the Sri Lankan army to conquer LTTE controlled territories with relative speed.
3. Despite its claims to the contrary, the Sri Lankan government prioritized the lives of its soldiers over the lives of civilians. It did so to contend with the LTTE tactic of blending into the civilian population to mount attacks against Sri Lankan soldiers. Soldiers had no alternative but to defend themselves at the expense of Sri Lankan civilians.
4. The Sri Lankan government and army tried to protect the wellbeing of all civilians (regardless of ethnic affiliation) during the fighting. It did not, however, do everything in its power to adhere to the principles of international law (or just warfare) – specifically, the principles of distinction and proportionality: it fired upon human shields, targeted civilian buildings such as hospitals, and even bombarded No Fire Zones.

Sri Lanka is the only country in the world to successfully eradicate a terror organization. To do this, it was forced to adopt measures that did not always concord with ethical principles. This provides us the answer to the important question raised at the beginning of this chapter – is it possible to completely eliminate a guerilla fighting force or terror organization while adhering to ethical principles? The answer, it seems, is that it is very difficult. It is a challenge for country to combat an organization of this kind with military effectiveness, while maintaining its moral character.

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1. While the present case study will provide an overview of the strategy adopted by the Sri Lankan army in the first phase of the war, it will only analyze in detail the second and third phases. [↑](#footnote-ref-1)
2. See Map 2. [↑](#footnote-ref-2)
3. The regions of Mannar, Mullaittivu, Vavuniya and Kilinochchi. [↑](#footnote-ref-3)