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MARCH 1994

No. 32

UNP Defeated in Local Elections

Local government elections in the East and Southern Province in March have shaken the foundations of the United National Party (UNP) government. The ruling UNP was able to secure only 37% of the votes in the Eastern Province and Vavuniya town in the elections held on 1st March for 431 seats in 40 local government bodies. Over 2,000 candidates contested and 60% of the registered voters cast their votes. Independent groups won 29% of the votes, Sri Lanka Muslim congress (SLMC) 19% and the main opposition, Sri Lanka Freedom Party (SLFP) 13%.

The independent group backed by Tamil militant groups PLOTE and TELO gained majority in the Batticaloa Municipal Council and six of the Pradeshiya Sabhas in Batticaloa District gaining 41% of the votes. The UNP gained 24% of the votes. In Batticaloa District 30,000 (40%) of the votes were spoilt.

The EROS-TELO supported independent group gained majority in the Trincomalee Town Council and the UNP won seven of the ten Pradeshiya Sabhas gaining 42% of the votes. In Amparai District UNP won eight of the fifteen local bodies including the Amparai Town Council gaining 42% of the votes. The SLMC won six councils in Amparai, Batticaloa and Trincomalee, but was able to gain only four councils in Muslim-majority areas in Amparai District. PLOTE's political wing the Democratic People's Liberation Front (DPLF) won seven of the eleven seats in the Vavuniya Urban

Council polling around 60% of the 7,450 votes. The UNP won only two seats.

The elections in the East was conducted following the recommendation of the Parliamentary Select Committee on the Ethnic Problem that local government elections must be conducted before a referendum to decide whether the Northern and Eastern Provinces should continue to be merged as one province. The intention of the government was to show the outside world that the people were against merger and also that normalcy had been restored in the East and civil administration was functioning.

The ruling UNP conducted a racist election campaign and President D.B. Wijetunge's speeches at rallies were filled with anti-Tamil and anti-minority sentiments in order to raise the passions of the Sinhala-Buddhist majority and ensure their votes. President Wijetunge called on majority Sinhalese to form a united front against the minority communities alleging that the minority had been given too much and were asking for too much. He often quoted as example the stateless Hill Country Tamils, saying that former President Premadasa was forced to grant them citizenship because of lack of unity among the Sinhalese. He argued that the minorities should have a lesser role in national politics and promised to divide the North-East Province. The President has also been continuously saying that there is no ethnic problem in the country but

only a terrorist problem.

The Tamil militant groups PLOTE, TELO, EPDP and EROS contested as independent groups and campaigned mainly against UNP's treatment of minorities and the division of North-East but did not approach the elections on national issues. They said that voting was necessary as an expression of opposition to the UNP. The other Tamil parties EPRLF, TULF and ACTC urged the Tamils to boycott the elections on the basis that the time was not conducive for elections and the elections would not bring solutions to the problems of the Tamils.

In the run up to the elections the security forces resorted to violence against civilians in an attempt to force them to vote for the UNP. Force was also used in the nomination of UNP candidates. UNP politicians accompanied by security forces went round forcing, sometimes at gun-point people to sign nomination papers. Three Tamil women who worked as teachers for Norwegian development agency Redd Barna were ordered by the Batticaloa Superintendent of Police (SP) to become UNP candidates. They reluctantly signed the nomination papers and then fled to Colombo. The SP brought them back to Batticaloa by force and a Redd Barna official stands accused of abducting the women.

Former intelligence officers were nominated as UNP candidates. Police officers were directly involved in election campaigns and

police vehicles were used. According to the Sri Lankan newspapers the UNP recruited former PLOTE members who formed the "Mohan's group", working for the Batticaloa unit of Military Intelligence, for election campaign. One of them "Selva" was also nominated as candidate for the UNP in Kaluwanchikudy. The 5,500- strong police force was used extensively to threaten voters. Police were involved in distributing leaflets urging people to vote for the UNP. EPRLF says that security forces withheld polling cards and thousands of ballot papers were stolen.

On election day police walked into a number of polling stations, sometimes firing into the air, ordering people to flee and stuffing illegal votes into ballot boxes. In some areas voters were assaulted by police. A number of complaints were made to the Commissioner of Elections who in turn has requested the Inspector General of Police to take action against the policemen involved. Some observers say the elections cannot be considered as free and fair.

Despite the thuggery and election

offences committed by the UNP 63% of the voters have voted for other parties, sending a clear message to the government. The emerging conciliatory mood among Muslims and Tamils who are increasingly becoming aware that divided they fall, has put the UNP in a difficult position. UNP has upto now thrived on the confrontation between the two communities. In a referendum Muslims and Tamils voting together may defeat government intentions to divide the North-East. It is also clear that the people want the government to realise that by making statements that there is only a terrorist problem, the Tamil national question will not simply disappear. People want immediate solution to the long-standing ethnic crisis on the basis of acceptance of the legitimate rights of the minorities.

Before it could recover from the eastern debacle, the ruling UNP had another rude shock. It was defeated by the opposition coalition the People's Alliance (PA) led by SLFP, in the Southern Provincial Council elections held on 24 March. The PA won 30 seats in the council

while the UNP secured 23 seats. The UNP received more votes than the PA only in Balapitiya, former President Premadasa's birth place.

With Presidential and general elections to be held later this year, the UNP is in bad shape. President Wijetunge's leadership has been questioned within and outside the party. There are increasing doubts whether he will be nominated as presidential candidate. Some UNP members say his racist comments had cost UNP the minority votes in the East and South. President Wijetunge will, however, put the blame elsewhere.

Observers say Chandrika Kumaranatunge who was instrumental in PA's victory, has emerged as an alternative leader for Sri Lanka. She is now almost certain to be nominated as the presidential candidate of the SLFP. Some analysts say that chauvinistic politics has ended and if she is elected President she would solve the Sri Lankan problem. Tamils find it difficult to believe this. They have seen too many leaders break too many promises after gaining power.

Tamils tortured by Police and Armed Forces

A fundamental rights application in respect of Vijayan Vimalendran (23yrs) has been filed in the Court of Appeal in Colombo. According to the application Vimalendran had been taken into custody on 2 October 1993 from a lodging house at Old Moor Street in Colombo by Khan and Jayasuriya belonging to the Military Intelligence Unit. He had been subjected to several forms of inhuman and degrading treatment and tortured during his detention from 2 October to 11 December. Even the place of his detention is not known as Vimalendran had been kept blindfolded most of the time. His hands and legs had been

bound with chains and broom handles had been used for beating on the soles of his feet. Petrol had been poured on the head before covering with carrier bags. Assaults had been intermittent until 11 December when the blindfold was removed. Between 11 and 15 December he had been held at the Panagoda army camp prior to his being handed over to Criminal Investigation Department of the Police.

In another Rights application Nesamalar the wife of Nadarajah Sathyarupan (32yrs) from Batticaloa has sought an examination of her husband by the

Judicial Medical Officer.

Sathyarupan employed in Kuwait had returned to Sri Lanka in 1991 with the Gulf war and was employed in a maintenance garage at Maligawatte in Colombo. He was arrested with his employer on 2 February by Peliyagoda police and had been tortured by unidentified persons. He had been taken to a hospital on 15 February for treatment.

His transfer to a prison also has been prayed for in the application and the Court of Appeal has allowed time till 9 April for respondents to file answer.

TIC ACCESSION LIST

A selection of documents received by TIC in March 1994

GOVERNMENT AGENT A CASUALTY OF LOCAL POLLS

Following the local government elections held in the Eastern Province on 01 March the the Government Agent of Batticaloa district. Mr. Maunagurusamy was transferred to the Ministry of Public Administration in Colombo. His transfer on 23 March amid claims of unfair practices at the elections is seen as a fall out from the failure of the ruling UNP to achieve victory.

The local government elections in the east was unique in that a student attending school has become a councillor. Mylvaganam Yogarajah an Advanced Level student at Methodist Central College in Batticaloa had been elected a member of the Manmunai West Pradeschiya Sabha. This student arrested at Mahilavedduvan village had been reporting every week prior to the election at the army camp after his release.

EPIDEMIC DEATHS

Health authority in Jaffna reported the the high incidence of death from Septicaemia during the first three months in 93. Forty seven patients died at the Jaffna Hospital from this disease in January/February. Twenty more died in March.

The rapid spread of this infection in blood is attributed to the general malnourished state among the population and the lack of primary health care. The shortage of drugs to treat infected patients has resulted in the high death rate.

PC 4677

Dharmawardhana, Anoj
Prosperity only with peace
London: Silvarrow; February 1994
1p.

DESCRIPTORS: Statement / Ethnic problem / Sri Lankan Government / President

SHR 3225

Amnesty International
Sri Lanka: Amnesty International
Welcome Ratification of UN
Convention against torture
London: Amnesty International;
24th January 1994

2p.

DESCRIPTORS: UN Convention / Torture / Agreement / Sri Lanka

OHR 275

The truth about Somalia: briefing
London: Campaign Against
Militarism
10p.

DESCRIPTORS: Somalia / United States / Foreign Interest / Militarisation / Foreign Aid / Political History / Killing / United Nations

SHR 3121

Ullurtatcit Tertalkal - 1994
Sri Lanka: PLOTE; February 1994
1p. (Text in Tamil)

DESCRIPTORS: Election / Municipal Council / Eastern Province / Vavuniya

SHR 3223

Letters from UNHCR
London: UNHCR; 7th February
1994

2p.

DESCRIPTORS: UNHCR / Sri Lankan Tamils / Refugees / Repatriation / Deportation

SHR 3223

Gunaratna, Rohan
Indian Intervention in Sri Lanka: the role of India's intelligence agencies
Colombo: South Asian Network on Conflict Research; 1993
500p.

DESCRIPTORS: IPKF / LTTE / EPRLF / EROS / PLOTE / TELO / Tamil Militant Groups / Indo-

Lanka Accord / JVP / Foreign Intervention / Intelligence Service / India / Genocide / Suicide Squad / History / Politics / TULF / Political Parties / Rape / North Eastern Province

SHR 3290

Statement to the UN Cmmission on Human Rights Geneva 1994
London: NGO Forum on Sri Lanka;
December 1993

1p.

DESCRIPTORS: Appeal / Human Rights Violation / UNHCR / Sri Lankan Government

SHR 3295

Ruiz, Hiram A.
"People want peace ": Repatriation and Reintegration in war - torn Sri Lanka
Washington: U.S. Committee for Refugees; January 1994
36p.

DESCRIPTORS: Visit Report / Statistics / Refugees / Tamil Nadu / Repatriation / Arrest / North Eastern Porvince / Displaced Person / Welfare Centre / Women / UNHCR / Refugee Camp / Mannar District / Colombo / NGOs / Deportation / Interview / Recommendations

SHR 3319

Spot report: update from C.S.I. Colombo
Colombo: Jaffna Diocese of the Church of South India; 5th January 1994
1p.
DESCRIPTORS: Bombing / Northern Province / Appeal / Attack on Churches / Attack on Hospital

SHR 3318

50th session UNHCR: Freedom of opinion and expression in Sri Lanka
London: Article 19; February 1994
4p.
DESCRIPTORS: Freedom of Expression / Sri Lanka Government/ UNHCR

MARCH DIARY

MARCH 01

FILM ON ASSASSINATION:

According to reports the Madras High Court has directed the Tamil Nadu Board Censors to decide before 31 March whether the film on the assassination of Rajiv Gandhi should be allowed to be screened. The producers claim screening of the film will not affect the current murder trial.

MARCH 02

STUDENTS WITHOUT

ACCOMMODATION: Reports said that students from the North-East were having difficulty finding accommodation after Peradeniya University hostels were closed without notice on 26 February. Observers say local people are reluctant to provide accommodation fearing police harassment.

MARCH 03

ADVICE TO MUSLIM

POLITICIANS: Anuradhapura Young Men Muslim Association Secretary L.A.Sultan said that Muslim politicians should visit refugee camps and attend to the needs of Muslim refugees. Many Muslim refugees from the North live in Anuradhapura, Kalawewa and Horowapotana.

MARCH 04

SEARCH IN BATTICALOA:

Security forces surrounded the Tamil villages of Panichchankerni and Mankerni in Batticaloa District and conducted a search. Several Tamils were beaten up during the search for no reason.

MARCH 05

LTTE ATTACK: Operational Headquarters of the Ministry of Defence reported the killing of three soldiers and injury to two others in an attack on the Poonagari army camp by the LTTE.

MARCH 06

NAVY ATTACKS FISHERMEN:

Four fishermen were killed and six others were injured in a naval attack while fishing off the coast of Nakarkoyil in Jaffna District. These

fishermen had set out from Uduthurai, Sithankerni and Nakarkoyil for fishing.

MARCH 07

TAMIL YOUTH ARRESTED:

A Tamil youth named Baby Subramaniam was arrested on Jampettah Street in Colombo. Police said he had dangerous weapons in his possession.

MARCH 08

TIGER DEATH REPORTED:

Operational Headquarters of the Ministry of Defence reported the killing of one LTTE cadre at Muthuchenai in Batticaloa during a security operation.

MARCH 09

SOLDIER KILLED BY

LTTE: Police sources reported the killing of a soldier at Morawewa in Trincomalee District when an army patrol was ambushed by the LTTE.

MARCH 10

REFERENDUM IN THE EAST:

Speaking at a public meeting at Balapitiya President D.B.Wijetunge said that a referendum would be held in the East immediately after the Southern Provincial Council election whereby the North and East would be divided. Terrorism would then be confined to the North and eliminated.

MARCH 11

NORWEGIAN AID:

Norwegian development agency NORAD has allocated Rs. 2 Million to improve the Nurses Training College in Batticaloa. NORAD has also given Rs. 500,000 for the implementation of the Basic Nutrition Programme in the district.

MARCH 12

INDIAN ARRESTED:

Loganathan Dayalan (24 Yrs) an Indian national with a fifteen day visa to enter Sri Lanka to attend a wedding was arrested by Mutwal police while travelling in a taxi at

Mattakuliya in Colombo District. The police have demanded clearance from Madras police for his release.

MARCH 13

FISHERMAN KILLED BY

NAVY: Maurice Francis, a fisherman with nine children was killed and another injured when their fishing boat was fired upon at 7.00 a.m. by the navy off Munai coast, Point Pedro in Jaffna District. The boat was burnt and his charred body was washed ashore.

MARCH 14

LTTE ATTACK POLICE

POST: Security sources reported the killing of two policemen in an attack on the police post at Mannar by the LTTE.

MARCH 15

GOVERNOR VISITS

REFUGEES: North East Governor Lionel Fernando on a visit to refugee camps in Valaichenai ordered that dry rations be issued to the 46 Sinhalese families when the army officers informed him that the security situation was inadequate for them to be resettled in their former villages. The demand for settlement in the Coconut Development Authority's premises in the midst of Tamil villages was disallowed by the Governor.

TAMIL ARRESTS IN

COLOMBO: Police carrying out a night raid at Kotahena and Mutuwal arrested 14 and 15 Tamils respectively on suspicion of LTTE links.

MARCH 16

MORE ARRESTS IN

COLOMBO: People's Park shopping complex in Colombo was surrounded by police in the morning and 48 Tamils suspected of LTTE links were arrested.

LTTE CADRE KILLED:

Operational Headquarters of the Ministry of Defence reported the killing of 19 LTTE cadres by the security forces in an ambush at

MARCH DIARY

Kathiraveli in Batticaloa District.

MARCH 17

DEVELOPMENT HALTED:

Several development projects begun under the 15,000 village level projects initiated by President Premadasa in the Batticaloa district have ground to a halt due to lack of funds.

MARCH 18

CHANDRASEKERAN GRANTED BAIL:

P.Chandrasekeran, leader of the Upcountry People's Front and member of the Central Provincial Council facing charges under the Prevention of Terrorism Act was released on bail until the next date of trial by the High Court Judge.

MARCH 19

KILLED BY UNIDENTIFIED PERSONS:

Police headquarters reported the killing of V. Siriyawathie and K.Ramachandran by unidentified persons at Pachanoor in Trincomalee District. Their bodies were recovered with gun shot wounds near the cemetery road at Pachanoor.

MARCH 20

HOMES OCCUPIED BY SECURITY FORCES:

Arrangements are being made to pay rent to owners of houses which are occupied by the security forces in Batticaloa District. Currently 486 houses are occupied by the Army, Police and Special Task Force.

MARCH 21

ARREST OF ABDUCTORS:

Private Vimala Ramanayake and two other soldiers who had abducted Murugesu Kulendran (24 yrs) from Vantharumoolai in Batticaloa District were taken into custody by the Eravur police. The body of the abducted person was found with several injuries. It was earlier reported that he had been abducted by the LTTE.

MARCH 22

POLICE DENY ARREST:

Speaking in Parliament on the extension of Emergency debate

P.Joseph MP disclosed that police had arrested Selvanayagam Chandrakumar (20 yrs) and Veerakkutty Mathan while cycling at Vammiyadi in Eravur on 24 February and their parents had been informed that they would be released within 3 to 4 days. However when he enquired from the Assistant Superintendent of Police on 4 March Mathan's presence was denied and Chandrakumar was reported as having been killed in crossfire between the police and LTTE. The MP also informed that the son's death had not been conveyed to the mother by the police.

MARCH 23

ARMY ATTACKS CIVILIANS:

Following a grenade being hurled at an army jeep over 80 residents of Palukamam 1st Division, Veerachchenai and Vanninagar villages were led away in the morning and beaten up by security forces personnel. T.Meharan (22 yrs) was admitted to Batticaloa hospital with serious injuries and several were treated at Kaluwanchikkudi hospital.

MARCH 24

PEOPLE'S ALLIANCE

DEFEATS UNP: In the elections held for the dissolved Southern Provincial Council the opposition People's Alliance obtained 32 seats against the UNP's 23 and secured control.

MARCH 25

ASSISTANCE TO REPAIR

TANKS: Development agency CARE International will assist in the repair of tanks in Batticaloa District. Around Rs.550,000 will be spent on repair of tanks in the Eravur, Pattippalai and Vavunativu Pradeshiya Divisions.

MARCH 26

LTTE ATTACKS ARMY

CAMP: Two soldiers were killed and two others injured in a LTTE attack on the Ethavedunuwewa army camp in the Manal Aru area in the Mullaitivu District.

MARCH 27

RECRUITMENT FOR ARMY:

Reports said that the government has approved recruitment of another 10,000 soldiers to the army. Currently there are 90,000 soldiers. Interviews for recruitment will be held in early April.

MARCH 28

CIVILIANS KILLED BY

AIRFORCE: Reports said three civilians were killed by airforce bombs at Murasumoddai in Kilinochchi District. Many were injured and admitted to hospital. Eight houses were damaged in the attack.

MARCH 29

REFUGEES RELUCTANT TO

BE RESETTLED: Batticaloa refugees requested visiting opposition MPs to urge the government to suspend resettlement in border areas in the Batticaloa District. They are concerned about security in these volatile areas.

MARCH 30

REFUGEES IN TAMIL NADU:

According to reports there are currently 78,396 Sri Lankan refugees in camps in Tamil Nadu. The Sri Lankan government estimates that there are further 92,000 Sri Lankan Tamils outside camps. Of the 29,103 refugees returned since 1992, 1,508 are settled in welfare centres in Sri Lanka.

MARCH 31

COURT REJECTS

CONFESSION: The Colombo High Court gave its reasons for the rejection of the confession of Upcountry People's Front (UPF) Secretary Abdul Cader submitted as evidence by the prosecution. In a 24-page judgement the Judge said that the statement was not voluntary. The case was postponed to 18 April. On this date prosecution will inform court whether it will continue the case.

ELECTIONS COMMISSIONER CONFIRMS POLL IRREGULARITIES IN THE EAST

In his report on the investigations carried out after the conclusion of the elections to the local councils in the Eastern Province the Elections Commissioner Chandrananda de Silva has listed a number of irregularities and requested the Inspector General of Police to conduct further investigations.

Some of the irregularities in the report are:-

a) Polling station -Eravur Tamil School.

Between 8.30 and 11.15 an armed group forcibly entered the section set apart for male voters and chased the voters away before casting 542 ballot papers into the ballot box after marking their preferences.

Another similar armed group entered the section set apart for women voters and forcibly obtained stacks of ballot papers numbering 537 and cast them in the ballot box after marking their preference.

A person identified as an Assistant Superintendent of Police had subsequently visited this polling booth and obtained statements from those present to the effect that no

such incident took place.

b) Polling Station- Eravur Vipulananda Vidyalayam.

An armed group forcibly entered the male and female sections to cast ballot papers after marking the preference. The number of votes involved here are 800 and 200 respectively. A person identified as an Assistant Superintendent of Police subsequently visited the booth to obtain statements from those present to the effect that no such incident took place.

c) Polling station- Kudiyiruppu Kalaimagal Maha Vidyalayam.

Gun shots had been continuously fired for half an hour. Thirty five stacks of ballot papers are missing from here and 600 votes had been forcibly cast by the armed group.

In the female section 800 votes had been cast at gun point.

d) Polling station- Kathankudy Zaviya Vidyalayam.

Armed persons in uniform as well as in civilian clothes had entered

both the male and female sections here to forcibly cast 200 and 300 votes respectively.

In calling for further investigations the Elections Commissioner had pointed out that the matters that should be gone into are -:

- 1) Identifying those who committed these irregularities.
- 2) The failure of the policemen on duty at the polling stations to prevent these irregular acts and their disregard of the safety of the election staff there.
- 3) Ascertaining whether police personnel were behind these acts or were directly involved in their commission.
- 4) Ascertaining whether higher officers directed the police personnel involved in their cover up of the incidents.

The Elections Commissioner has called on the Inspector General of Police for disciplinary action as well as action under the penal code for violating the election laws.

SECURITY FORCE DEATHS

Operational headquarters of the Ministry of Defence in a statement released gave the figures on March 15 for service personnel killed in the North East during the first two and a half months as 25 soldiers, 11 policemen and one home guard.

MAJOR OFFENSIVE ON THE NORTH

At a press conference held at the Sri Lanka Foundation Institute on March 15, spokesman for the army Brigadier Gemunu Kulatunga informed that plans for a large scale military campaign against the LTTE in the North were ready.

SOLDIERS KILLED BY LANDMINE

Army headquarters sources reported the killing of six Soldiers and injury to eight others on March 10 when their truck ran over a landmine at Kayts Island in the Jaffna District.

SITUATION REPORT

KILLED BY SHELLS

One person was killed and six others were injured on March 06 when shell fire directed from the Mandaitivu army camp hit Saththirathuchanthy within Jaffna town limits.

TIGERS KILLED

Security sources disclosed the killing of six LTTE cadres and a Soldier in a confrontation at Pirappankulam in Vavuniya District where helicopters provided air cover to troops on March 06.

ELDERS IN CUSTODY

Nagandappodi (80 yrs) and his wife Alagammah (70 yrs) from Mahiladithivu in Batticaloa District are held in detention from 23 November 1993. The elderly couple had travelled to Colombo on learning that their son is being held in detention by the army in Colombo. They themselves were detained when they entered the Operational Headquarters of the Ministry of Defence to make inquiries after their son.

Nagandappodi is held under detention at the New Magazine Prison while Alagammah is at Welikade prison.

MILITANT KILLED

Police sources indicated that Somasunderam Thevanathan, a member of a Tamil group had been killed by unidentified persons at Manalchenai in Trincomalee District on March 15.

CLASH IN MANNAR

Police sources reported the killing of four policemen and injury to twelve others on March 09 when the police post at Tharapuram was attacked by the LTTE.

Three LTTE cadres were also killed and eight injured according to the same report.

ARMY GRABS FROM PASSENGERS

Reports on March 24 said that the army was confiscating items which are not banned, from passengers in ships at Kankasanturai.

Jaffna GA K.Manickavasagar has brought this to the attention of Defence Secretary Hamilton Wanasinghe.

TIGERS KILLED

Defence Ministry said nine Tigers were killed by the army at Thannimurippukulam in Manal Aru area in Mullaitivu District on March 28.

ATTACK IN JAFFNA

Operational Headquarters of the Ministry of Defence reported the killing of a soldier on March 10 by armed intruders near the security defences at Tholakatty in the Jaffna District.

SPREAD OF MALARIA

In January and February 12,857 cases of malarial fever had been reported in the Jaffna peninsula according to Health Department sources. Out of this 730 were diagnosed as affecting the brain.

The Point Pedro Health Division was the worst affected with 4,650 cases reported.

Non-availability of Malathion used for the prevention of malaria is attributed as the main cause for the spread of malarial fever in the Jaffna peninsula.

FIGHTING AT ELEPHANT PASS

Army sources disclosed that 3 soldiers were killed and 2 were injured on March 21 when the LTTE mounted an attack on the Elephant Pass army camp in Kilinochchi District.

In the counter attack by security forces with air cover 25 LTTE cadres were also killed according to the same source.

BAN ON LTTE

Speaking in the Legislative Assembly Tamil Nadu Chief Minister Jayalalitha urged the Indian government to extend the ban on the LTTE for another two years.

She also demanded that State governments should have the power to arrest suspected foreigners and detain them in special camps.

SUBVERTING THE CAUSE OF JUSTICE

The legal fraternity in Sri Lanka took umbrage during March arising from two incidents where justice was manifestly undone.

In the first instance Presidential pardon granted to two convicted men reflected badly on the stature of President Wijetunge. Shelton Nimal Peiris and Bandula Jayedeva had been convicted of the offence of attempted homicide and sentenced to three years rigorous imprisonment. After conviction they failed to appear before the High Court on 11 December 1992 when they were directed to do so in order that the sentence may be carried out. Open warrants were issued on four different occasions spanning a total period of almost an year. The police failed to take the two men into custody although one was a local councillor and president of the Private Bus Owners Association in the area.

On 15 December 1993 the High Court Judge directed the Registrar of the Court to address the Inspector General of Police stating that information was available to the Court that the convicted persons were moving about freely in the locality and that the police had nevertheless failed to take them into custody.

Within two days of the communication being addressed to the Inspector General of Police, the President of Sri Lanka took action under Article 34 (1) of the Constitution to grant a free pardon to both convicted persons. The circumstances surrounding this bizarre pardon were thrown wide open when a statement was made in this connection in Parliament during the debate on the Emergency. According to this statement the Presidential pardon was granted after considering an affidavit by the victim who was shot and wounded. In the affidavit

he victim had made representations against punishment being meted out to the convicted persons on the ground, among others that the gunshot injuries had healed by the time of his affidavit.

Even where the bona fides of the affidavit are accepted it still falls short of meriting a pardon as the offence involved is a criminal one and is an offence against society which an individual, though the victim, cannot absolve.

J.F.A. Soza, retired judge of the Supreme Court and Chairman of the Human Rights Task Force, Desmond Fernando, former President of the Bar Association and Secretary-General of the International Bar Association and Professor G.L. Peiris, Professor of Law and Vice-Chancellor of the University of Colombo in a joint communiqué on the pardon in question were compelled to recommend that the Presidential prerogative of pardon should in future be exercised on the advice of a body appointed by the Judicial Services Commission.

The second incident involves the Bribery Commissioner Ms. Nelum Gamage who was removed by the government when she insisted on pursuing investigations involving some top government politicians. The circumstances of her removal were such that the Bar Association of Sri Lanka demanded her immediate re-instatement and indicated that it could not co-operate with the new appointee who had been recalled from retirement after serving for 10 years in the post with low results.

Faced with this reaction of the Bar Association the government

responded by removing even the acting Deputy Bribery Commissioner from the Department.

The removal of the Bribery Commissioner and Deputy only indicate that those indulging in corruption continue to have the patronage of the President of the land. Immediately after the death of President Premadasa in May 1993 some of his questionable apparatus like the intelligence units manned by retired police officers were disbanded with much fanfare. But the Presidential pardoning of two convicts and the treatment of the Bribery Commissioner and the Deputy reiterate that the old order still prevails.

US STATE DEPARTMENT OFFICIAL STRESSES NEGOTIATIONS

Assistant Secretary in the US State Department Robin Raphael speaking to Sri Lankan journalists on 31 March asserted that the US had no intention of direct involvement in the Sri Lankan ethnic problem.

He said that several proposals had been suggested by interested parties for the peaceful resolution of the problem and that the US would not hesitate to put forward her own if the need was conveyed.

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