

# Tamil TIMES

Vol XVI No.12 ISSN 0266-4488 15 DECEMBER 1997 90p

**ANNUAL SUBSCRIPTION**  
 UK/India/Sri Lanka.....£15/US\$25  
 Australia.....Aus\$45  
 (Australian bank cheques only)  
 Canada.....Can\$40  
 USA.....US\$35  
 All other countries.....£20/US\$35



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**Tamil  
TIMES**

ISSN 0266 - 44 88

Vol. XVI No. 12

15 DECEMBER 1997

Published by:

**TAMIL TIMES LTD**

PO Box 121, Sutton, Surrey SM1 3TD  
United Kingdom

Phone: 0181 644 0972

Fax: 0181 241 4557

Email: prajan@gn.apc.org

#### ANNUAL SUBSCRIPTION

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Australia.....Aus\$45

(Australian Bank cheques only)

USA.....US\$35

Canada.....Can\$40

All other countries.....£20.US\$35

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# NEWS REVIEW

## Bigotry Wins Over "Midnight's Children"

The Sri Lankan government's capitulation to the forces of intolerance and bigotry in unilaterally revoking the permission previously granted to the BBC to film a serialised adaptation of Salman Rushdie's novel "Midnight's Children" has come in for severe criticism.

The orchestrated opposition to the filming came mainly from Members of Parliament belonging both to the governing Peoples Alliance and the opposition United National Party. Otherwise divided among themselves on strictly party lines on such important constitutional issues as devolution of power to the regions or the creation of a separate Muslim Unit in the east of the island (which of course are of direct concern to the people they represent), the so-called stalwarts of the Muslim community like A H M Azwer, A H M Fowzie, Alavi Moulana, M H M Ashroff and I L M Iliyas ganged up in a rare but unseemly brotherhood of bigotry to force the hand of the government. As UNP parliamentarian Aswer took the lead saying, "Against the cry of Muslims of this country, the government has granted permission to film the book in Sri Lanka", the others joined in not to be outdone. And the government succumbed in the name of "respecting Muslim sensibilities".

The fact of the matter is the book "Midnight's Children" is not about Islam. The campaign to ban the filming of the book was mounted purely for the reason that the author of it is Salman Rushdie who also wrote the controversial "Satanic Verses" which incurred the ultimate wrath of Iran's then spiritual leader Ayatollah Khomeini who issued the fatwa (sentence of death) on Rushdie in 1989 on the ground that the novel blasphemed Islam. Millions of dollars were offered to anyone who would kill the author and ever since Rushdie had been living "underground" unable to move around like any other free man.

The Booker Prize winning "Mid-

night's Children" is not such a novel. Its story stretches from the beginning of Indian independence in the late 1940s to the imposition of emergency rule in 1975 by former prime minister Indira Gandhi. It traces the fate of a group of children born on the stroke of Indian independence in August 1947. One, Saleem, migrates with his family to Pakistan and fights in the Bangladesh war.

India, which has a large Moslem population, had refused permission in July this year for the series to be filmed there. It looked as if the long-awaited project, first intended to mark 50 years of the Indian independence, would finally get off the ground after Sri Lanka approved filming in October this year.

The BBC which had already commenced preliminary filming work in Sri Lanka pulled its production crew out of the island after the government revoked the permission previously granted to film a \$5 million serialisation of Midnight's Children.

BBC's Producer Christopher Hall said: "We are deeply disappointed that permission to film this epic story has now been withdrawn following earlier agreement from the Government of Sri Lanka and the National Film Corporation." A BBC spokesman said that the Corporation was "deeply disappointed" at Sri Lanka's action and the "project has been postponed indefinitely". "The ambition to make it remains, but the practicality of shooting something which demands the locations where it is set is very difficult to realise," he said.

Salman Rushdie's response to the government's decision to ban the filming of his book was angry. "Unfortunately the forces of Muslim intolerance and political cowardice are stronger than those who wish to defend such things as the ability of writers to make films out of their work," Rushdie told BBC radio in London.

Rushdie rejected the assertion that

there was popular objection for the filming in Sri Lanka saying: "There was no actual public protest at all. In fact the discourse in the newspapers and so on was entirely ... on our side."

### Call to Lift Ban on Filming "Midnight's Children"

"DEMOCRACY" (Prajathanthra), a foundation for Freedom of Expression in Sri Lanka has called upon the government to immediately lift the ban on the BBC filming of Salman Rushdie's "Midnight's Children".

The statement issued by the Foundation's convenor, Lucien Rajakarunayake, said:

"The bigots in our society, who are intolerant of any views other than theirs, have struck again with success. The Government of Sri Lanka is reported to have refused permission to the BBC to go ahead with the filming of Salman Rushdie's celebrated novel, "Midnight's Children", at the request of some members of the Islamic Faith in the Peoples Alliance. The protest against making of this film was first raised by another member of the Islamic Faith in the UNP.

"The producers of the film had already obtained clearance of the Ministry of Foreign Affairs, which is very careful about protecting the image of Sri Lanka abroad, and the State Film Corporation, which deals with permission for the production of the film.

"Once again the ban is based on the vague statement that it would affect Muslim religious sensitivities. This was the same argument raised when the previous government banned Taslima Nasrin's novel "Lajja". It is similar bigotry that made this government to ban Dr. Tambiah's "Buddhism Betrayed too. The alleged affecting of religious sensitivities is something that any government or petty politician can take cover under in situations that demonstrate the refusal to permit dissident thinking in whatever form, whether book, picture, cartoon, theatre, poster or film. Those who issued a statement that the filming of "Midnight's Children" had been banned by the President stated that the book was considered blasphemous, and that it was authored by Salman Rushdie who wrote the "The Satanic Verses".

Pointing out that while "The Satanic Verses" had been declared blasphemous by several Islamic states, no country or court had stated that "Midnight's Children" as blasphemous, the Foundation statement added, "In any event those who

called for the ban...have proved themselves to be totally unconcerned with Freedom of Expression which is guaranteed in our Constitution. The demand for the ban on the filming was both intolerant and undemocratic... and deserves the condemnation of all who believe in free expression....

"The fact that Salmon Rushdie has written one book that has been condemned by many Islamic states, cannot and should not be a reason to ban the reading or filming of any other books by him....

"With the ban imposed on the filming ..., Sri Lanka has unwittingly become one of the countries that has joined ranks against this threatened this writer. As for blasphemy, it is best that in a democracy, decisions on what is blasphemous is taken by the Courts of our country and not by executive fiat given at the request of the ranks of the intolerant. We demand that this ban be lifted, and if the filming is considered blasphemous, due process be followed under the law, instead of bending to the demands of political bigotry."

## An Emerging Consensus ?

In spite of the months of well publicised intra-fighting between the governing Peoples Alliance(PA) and the main opposition United National Party(UNP) over the devolution and constitutional issues, there are signs that the two parties are likely to sit together in the near future to work out a devolution package acceptable to both parties and the minority Tamil and Muslim parties.

The fact that the government's island-wide political campaign in support of its devolution proposals had successfully prevented the efforts of the Sinhala Commission and its extremist allies from gathering momentum on an anti-devolution tide would appear to have made the situation conducive to the governing and the main opposition parties reaching a consensus.

That the government was making a determined effort to reach a consensus with the UNP was underlined by Justice, Constitutional Affairs, Ethnic Affairs and National Integration Minister Prof. G. L. Peiris, who is taking the lead role in spearheading the government's efforts, while addressing the Ceylon Chamber of Commerce on 11 December that President Chandrika Kumaratunga had told him to do everything possible to reach consensus with the UNP on devolution proposals adding, "The government is fully confident that it can achieve that objective."

Prof. Peiris said the committees appointed by the UNP to work on the unsettled areas of the devolution proposals were expected to finish their task within a month. The UNP and the PA would then put their proposals together and work out a consensual proposal.

Noting the debilitating impact the continuing ethnic war was having on the economy of the country, the Minister said the country may be able to absorb the

economic impact of the war for two or three years, but could not withstand it over a long period of 10 or 12 years. The war was costing Rs. 46.3 billion or 30 percent of the government's revenue and 20 percent of its expenditure.

Not long ago, the stance of the UNP and its leader Ranil Wickremasinghe on the devolution issue has been the subject of adverse comments of it being evasive, ambiguous and opportunist with the sole aim of politically benefitting from the failure of any efforts on the part of the government.

It looks as if the recent visit of Ranil Wickremasinghe to India and the discussions he had there with the Prime Minister and the rest of the Delhi's political establishment including opposition political leaders have had a positive impact on his thinking and approach to the government's devolution package.

During his visit to India, Ranil Wickremasinghe even called for the resurrection of the much maligned Indo-Sri Lanka Accord of July 1987. If reports in recent days in the Colombo newspapers are accurate, he told the UNP's Parliamentary Group that in finding a solution to the ethnic crisis it would be inevitable to concede more powers to the North and East. That meant more powers to the merged Provincial Council for the North and East of the island than conferred on by the 13th amendment to constitution enacted in 1988. To the credit of Mr. Wickremasinghe, he made these remarks in response to comments by his party MPs like Susil Moonesinghe and W J M Lokubandara who are among the strident anti-devolutionist hardliners in the UNP.

According party sources, UNP MPs in three groups met with a high level committee of the UNP appointed to find an alternate solution to the ethnic crisis. The committee comprised of Ranil

Wickremesinghe, Tyrone Fernando, Ronnie de Mel, A C S Hameed, K N Choksy, Mahinda Samarasinghe, Gamini Jayawickrema Perera, Rohan Abeygunasekera, Henry Jayamaha, Tilak Marapana, Charitha Ratwatte, D Swaminathan and K Annamalai. At these meetings where groups of 25 UNP parliamentarians were invited on each occasion, it was also unanimously accepted that the Northern and Eastern Provinces should be devolved with more powers and in other provinces power should be devolved according to the needs of the people of the provinces.

It would appear that at a recent meeting, Mr Lokubandara had suggested that the UNP should look for ways to devolve powers at district level instead on provincial level. Ranil Wickremesinghe is reported to have responded that according to the 13th Amendment to the Constitution enacted by the UNP when in government, powers were to be devolved on a provincial level and as such the party could not come down to district level. Confronted by his critics as to why he was advocating more powers to be devolved to the Provincial Council in the Northeast, Wickremesinghe had retorted that the late Mr. Gamini Dissanayake in his presidential election campaign and the party's manifesto in October 1994 before he was assassinated had committed the party to devolve more powers to the North and East.

An angry Susil Moonesinghe is reported to have interrupted the UNP leader saying, "You are the new leader of the UNP. Why are you still going ahead with the policies of Gamini Dissanayake who is dead and gone? Let us formulate new policies." To his credit Ranil Wickremesinghe responded by asserting that he too was a co-signatory to the UNP's then published election manifesto and he could and would not go back on it now, adding further that the present government's proposals were also based on those contained in Gamini Dissanayake's election manifesto.

The latest stand of Ranil Wickremesinghe against the hardline anti-devolutionists in his party is seen as a positive sign for an emerging possible consensus between the PA and the UNP on the devolution issue.

One issue on which there appears to be a continuing dispute within the parties, except for the Sri Lanka Muslim Congress (SLMC) is on the proposal for a separate Muslim unit in the Eastern Province. While the SLMC, which is a constituent party of the PA government, is strongly advocating the proposal, the

Muslim leaders in the UNP, and some within the SLFP are not in favour. It would seem that the UNP would certainly oppose a separate Muslim Unit.

Though some political analysts see

the emerging consensus as a positive development, some cynics would seem to think that as irrelevant because the LTTE would not be a party to it and therefore the war would continue.

## Local Elections in Jaffna

The Sri Lanka government's announcement on 3 December to hold local government elections in the Jaffna peninsula and the adjoining areas that have been recaptured from Tamil Tigers in the north of the island has been met with mixed reactions. Again the issue appears to be the reluctance on the part of non-LTTE Tamil political parties to participate in any election that would clearly be construed as an open challenge to the LTTE's claim to territorial hegemony in the northeast of the island.

The Commissioner of Elections, Dayananda Dissanayake, said in a statement that nominations would be received from December 16 to 23 for the Jaffna district and in a region in Kilinochchi district. The date of elections for the seats in the local councils would be announced later.

Elections to these bodies have not been held since the ethnic war broke out in 1983. The regions have been governed by special commissioners.

The government last year also wanted to hold these elections, but later postponed the polls after Tamil political parties complained that free and fair elections could not be held there because of the displacement of a large number of people and because some areas were still under the control of the LTTE which would prevent the holding of elections.

The Jaffna peninsula has been in control of government forces since the end of 1995, and later captured areas in and around the district of Kilinochchi. Thousands of soldiers are now engaged in a six-month campaign to capture a vital highway linking the government-held frontier town of Vavuniya and Kilinochchi. The Tigers have been offering fierce resistance to the military's effort.

The government appears to be keen to introduce an element of civilian administration by holding local government elections in these areas thereby remove both in appearance and in fact the military authorities from administering these areas.

However Tamil political parties have expressed mixed reactions over holding elections for local bodies in the North. The Tamil United Liberation Front

(TULF) which held most of the local bodies in the Jaffna Peninsula and the other areas in the North in the 1980s said that the ground situation was not conducive to holding elections. "We have not taken any decision on fielding our candidates yet", TULF President, Murugesu Sivasithamparam, is reported to have said.

"We genuinely feel that the situation in the north is not that favourable to have a free, fair and secure election for local bodies in the North. But if the government gives the assurance and is determined to have the elections, we will consider standing. Anyway, we have not decided on anything concrete, but we will be taking up the issue in the near future" Sivasithamparam added.

Leader of the Eelam People's Democratic Party (EPDP) and the Jaffna District Member of Parliament Douglas Devananda told journalists in Colombo that they could field candidates and posed the question whether it would pave the way to solving the problems of the people of the North and East?

"Our party is insisting on a broad-based political settlement to the North-East crisis. The need of the hour is building up a strong political leadership for the Tamils and not concentrating on petty politics," he said

"The Tamils in the North and the East have day-to-day problems and we are very particular that these problems should be approached carefully. If the government is all out to go for the elections in the North we will face it, and our aim will be to get the people's mandate for a greater political settlement to the North-East crisis," Devananda said.

The Eelam People's Revolutionary Liberation Front (EPRLF) and former parliamentarian Suresh K. Premachandran told the press that people in Colombo could dream of conducting elections in the North, but they are not aware of the ground situation in the North.

"Reports from Jaffna said LTTE infiltration is on the increase and that the LTTE is roaming around in the peninsula. Therefore, security is the main question. With the LTTE in Jaffna and with other difficult conditions prevail-

ing can free and fair elections be conducted in the North is the other question. If the elections for the local bodies are to be conducted, around 1500 candidates are likely to be fielded from all Tamil political parties. What about the safety of these candidates? Even the armed forces find it difficult to manage the entire North and under such circumstances can they provide security to candidates. If the government is keen on elections we will consider it but we have not yet taken any constructive decision on going for the polls," Premachandran said.

However, the deputy leader of the People's Liberation Organisation of Tamil Eelam (PLOTE) N Manickathasan said that his party was opposed to postponing the elections and anyone coming out with various reasons to obstruct it. "We cannot think of any greater normalcy in the North. There's nothing like trying. If a general election could have been conducted when the LTTE was in the peninsula a few years ago, why not an election for the local bodies now? Conditions have improved compared to previous years and we feel that we could improve the conditions further once the elections are conducted and new local bodies are formed," he said.

The leader of the Tamil Eelam Liberation Organisation (TELO) M.K. Sivagilingam commenting on elections for local bodies in the North, said that the civil administration has to go a long way to have free and fair elections in the North. "The voters list in the North has not been renewed for the past twelve years. From 1986 onwards the new voters have not been registered. There are no proper statistics of people who are eligible for voting. Many are either dead or have fled the peninsula to the South and overseas. Therefore, with the very old unprepared voters list, going for elections in the North is ridiculous. We have not yet decided on contesting but our politburo will decide on it today," Mr. Sivagilingam said.

"A year ago, when elections were proposed, these Tamil parties gave the same excuses. The government is offering an opportunity for these parties to participate in elections and thereafter to run the local government in these areas. But they don't want to take up the opportunity. They did not want the LTTE to be there running these areas because the leaders and members of these parties would be eliminated if they ever dared to go there. Now the military has recaptured these areas from LTTE and in the absence of a civilian administra-

tion, the army has to do the job, both military and civilian. This is unsatisfactory in a democracy, and there are constant complaints from these Tamil parties that the army was committing human rights violations. If they want really want to change the situation, they must have the courage to take part in elections and thereafter run the administration themselves. There is no point in them always

remaining in Colombo and keep on complaining about the army's misbehaviour without having the courage to paly their role in at least in gradually civilianising the administration in these areas. If they do not have the courage, they should stop their sanctimonious protestations of the suffering of the Tamil people," said a Tamil activist from Colombo who wanted to remain anonymous.

## Dixit Returns to Colombo

Jyotindra Nath Dixit, who was India's High Commissioner to Sri Lanka between 1985 and 1989 was recently in Sri Lanka to promote his already well publicised book, "Assignment Colombo", the cover-picture of which depicts a lion (Sinhala) and a tiger (Tamils) in mortal combat, an appropriate reflection of the continuing ethnic conflict in Sri Lanka was in Colombo recently. Newspaper columnists used to describe him as the "Viceroy of India" in Colombo because of the way in which he deployed his presence and influence reflecting the immense influence that Delhi was exercising during these years.

Now retired from high office both at home abroad, Mani Dixit is free to voice his views freely. His recent comments to journalists in Colombo, particularly in the aftermath of the release of the report of the Jain Commission probing into the wider circumstances of the Rajiv Gandhi assassination in 1991, appeared to be as forthright and assertive as those he made while he was in office.

Commentators both in Colombo and Delhi are of the view that India's involvement in Sri Lanka during the 1980s, when the ethnic conflict escalated with Tamil militancy on the upsurge, was a tragedy for Sri Lanka and a disaster for India. But Mani Dixit, as he is popularly known and just "Mani" for his innumerable friends, political, diplomatic and otherwise, is made of sterner stuff and he is conscious of what India is, what it should have done and what it should do.

In his view, India's lack of "grit" in pursuing its costly military foray into northern Sri Lanka, in the form of the induction of the Indian Peace Keeping Force (IPKF) following the Rajiv Gandhi-Jayawardene Accord of July 1987, might have to Rajiv Gandhi's 1991 murder by a suspected Tamil Tiger suicide bomber.

"If you are a regional power, if you are determined to safeguard your unity and integrity, you have to take hard de-

isions," Dixit told journalists in Colombo. He said New Delhi's policy was driven by the fear that Sri Lanka's Tamil separatist problem could spill over into India's southern state of Tamil Nadu.

"And if you take hard decisions then you must have the grit to follow them through till they are fully implemented...Had we succeeded...perhaps Rajiv Gandhi would not have been killed," Dixit said.

The IPKF arrived in Sri Lanka's Tamil dominated northeast with a mandate to enforce the Indo-Sri Lanka accord which promised autonomy to the island's Tamil. But the accord quickly fell apart with fierce fighting erupting between the IPKF and the Tamil Tigers on October 10, 1987. An approximate 2000 Indian soldiers died and about 4,000 were wounded during this fighting until the IPKF's withdrawal in March 1990 having been requested to do so by the then President of Sri Lanka, Ranasinghe Premadasa who by then was in friendly terms and negotiating with the Tamil Tigers.

Commenting on the Jain report which sought to indict certain Indian politicians, particularly the Tamil Nadu Chief Minister for collaborating with the LTTE. Dixit asked, "Are we going to punish every political leader who dealt with the LTTE?" He said it was wrong to blame the DMK alone, adding that Rajiv Gandhi, India's prime minister from 1984 to 1989, had maintained contact with the LTTE even after the peace process had collapsed.

"Accusing (the DMK) alone is not correct. Rajiv Gandhi and (his mother) Indira Gandhi were involved. Gandhi kept meeting them (LTTE) until 1991.. Once the LTTE did not keep to its commitment to India to join the peaceful process... when they started fighting us we should have broken off relations." adding, "Instead of that, on the one hand we asked our army to fight them, and on the other hand our intelligence agencies

and various political parties kept hobnobbing with them thinking that this two-track approach would succeed, which was not correct," Dixit said.

Dixit, who retired in 1994 as India's Foreign Secretary, the most senior diplomat in the foreign ministry, said the LTTE had good cause to fear Rajiv Gandhi, who was killed by a suicide bomber as he campaigned for national elections

his party won in June 1991.

"I only know that the LTTE certainly was instrumental in the assassination because the LTTE apprehended that if he (Gandhi) came back to power he would ensure full support to the Sri Lankan government to fight against the LTTE because they had repeatedly betrayed the commitments they had given to Rajiv," Dixit said.

## The Cyberspace War

The Sri Lankan government is taking its war to cyberspace, launching an integrated national Internet website aimed at countering what officials describe as Tiger propaganda and to presenting the true and correct picture and image of the country.

The government's effort appears to be in response to the number of websites that, not only the LTTE, but also expatriate Tamil groups that sympathetic to the "Tamil cause" run on the Internet to project and promote their viewpoints.

"The 'war of words' in cyberspace is cheaper, certainly in human and material terms, than the actual brutal war that is claiming hundreds of lives each month. So long as the parties stop the war forthwith on the ground here in Sri

Lanka, I would not object to them conducting their war of words in cyberspace. The battle-field of cyberspace is infinitely more human than what is taking place day to day in the earthly battlefields in this country," said a Tamil university academic who moved to Colombo after October 1995 when he had no option but to evacuate from Jaffna.

The website, www.lk, was launched by the Foreign Ministry in collaboration with the Institute of Computer Technology of the University of Colombo, a ministry statement said.

"Lankan Web Window" will serve as a comprehensive depository of news and information related to Sri Lanka, including news bulletins from several government departments like the defence min-

istry. It provides links to various websites offered by internet service providers and other agencies in the island, the statement said.

"It will also help in countering anti-Sri Lanka propaganda by enabling Internet surfers world wide to have access through a single window to authentic news and information on Sri Lanka".

Officials said the newly-launched window was part of a concerted effort by the government to counter the Liberation Tigers of Tamil Eelam (LTTE) own Internet sites.

LTTE, who are fighting for a separate homeland for minority Tamils in Sri Lanka's north and east, have long had a presence on the Internet through various websites which portray their view of the 14-year war that the government says has claimed more than 50,000 lives.

The government's information department recently launched its own website, www.lk.news as part of the overall exercise to tap new media to disseminate information.

The ministry statement said there were plans to mirror the window in several locations and develop parallel translations in Sinhala, Tamil, French and German languages. The statement said that the government also was preparing to produce a CD-ROM with all relevant information on the country that will be available in time for the 50th independence anniversary in February, 1998.

## KRISHANTHY RAPE AND MURDER TRIAL

In the Krishanthy rape and murder trial being heard before a Trial-at-Bar comprised of three High Court Judges, rejecting defence objections the Judges allowed an application made by prosecuting lawyers representing the Attorney General to add rape charges against six of the nine soldiers being tried for the murder of a Tamil schoolgirl in the town of Jaffna last year. The soldiers are also accused of murdering the teenaged Krishanthy Kumaraswamy's brother, her mother and a neighbour who went looking for her when she disappeared in September 1996.

The prosecution did not press charges of rape to begin with because there was no admissible evidence, except for confessions by some of the accused to the police. In Sri Lankan law, confessions made to the police are ordinarily not ad-

missible as evidence. But new material had surfaced upon which the prosecuting authorities felt rape charges should be included against six of the nine accused. Before the rape charge was added, the Attorney General had indicted the accused under the relevant provisions of the Penal Code with being members of an unlawful assembly, abducting 18-year-old Krishanthy Kumaraswamy with a view to committing illegal intercourse and with committing her murder on or around 7 September 1996. They were further charged with committing the murder of Krishanthy's mother Rasamma Kumaraswamy, her younger brother Pranawan aged 17 and a neighbour Sidhamparam Krishnamurthi.

The Judges also had earlier rejected the preliminary objection from the defence challenging the jurisdiction of the

Court to continue with the trial against the accused eight of whom are army personnel and one a reserve police constable.

The accused in the case are: Corporal D Somaratne (1st), R J M Jayasinghe (2nd), G P Priyadharshana (RPC) (3rd), A S P Perera (4th), W S W Alwis (5th), D G Muthu Banda (6th), D M Jayatilake (7th), D V I Kumara (8th), and A P Nishantha (9th).

In opening the prosecution case, Additional Solicitor General, D P S Kumarasinghe said that by their conduct the accused persons, all of whom are members of the security forces, in committing the offenses of rape and murder of innocent civilians in the performance of their official duties in Jaffna, had brought the Sri Lankan government, the Sri Lankan nation and specially the forces to which they belonged into disrepute. Their conduct culminated in murder of four innocent civilians, a teenager, her mother, her brother and a distant relative created an uproar both in Sri Lanka and abroad.

The offenses had been committed on 7 September 1996 at "Semmani" army

checkpoint which was on the Kandy-Jaffna road near the turn-off to Nallur. Close by there was an arch which read, "Jaffna Welcomes You". On this unfortunate day, all the accused had been on duty at this checkpoint. In the morning, Krishanthy had passed the checkpoint riding a bicycle to sit the GCE(AL) examination. On her return journey home after sitting the examination, she had to pass the checkpoint again. As she reached the checkpoint on her bicycle around 3 pm, the 1st accused, who was the most senior officer there, stopped her for checking and then directed his officers that she be taken to a bunker behind and kept there with her hands tied and mouth taped, Mr Kumarasinghe told court.

Continuing his address, Kumarasinghe said that Krishanthy's mother being agitated over the inordinate delay in her daughter returning home from school decided to look for her daughter. In the meantime she had also become aware of her daughter being stopped at the checkpoint. The mother, Rasammah Kumaraswamy went to the checkpoint accompanied by her son Pranavan Kumaraswamy and their distant relative Sithamparam Kirupamoorthy. On arriving at the hem checkpoint, they inquired about Krishanthy. The 1st accused denied taking Krishanthy into custody. He even pretended as if he was making inquiries from others by talking over the walkie-talkie to confirm that the girl had not been taken into custody. Refusing to believe the 1st accused, the mother insisted that she would not leave the checkpoint without her daughter. It had now become evening and the mother by now thought there was no purpose in waiting any more and decided to leave with her son and the other relative. But the 1st accused refused to let them go shouting at them, "You can't come here any time you want and leave anytime you want." Perhaps the 1st accused feared that if they let them go at that time, the matter of Krishanthy's abduction would come to light.

Concluding his address, the Deputy Solicitor General said, the student was killed after being subjected to rape by more than one person. The other three also were killed. Altogether two innocent women and two men were killed and their bodies were buried. The women were buried together in one spot while the two men were buried in another spot.

Mrs. Panchanayaki Fransisco Sinnadurai, Principal of St. Charles Vidyalaya, Jaffna, giving evidence confirmed that Krishanthy sat the Chemistry paper between 9 to 11.30 am on 7 September

1996 in the GCE(AL) examination held at the Chundikuli Girls High School centre in Jaffna where she was the Chief Supervisor for the examination. On previous dates, she had sat papers in other subjects. Krishanthy was due to sit her Physics paper on 9 September, but she did not present herself on that day or thereafter. The witness also said she knew and identify by sight the usual white uniform worn by girl students of Chundukuli. Shown a production in evidence of a garment(a frock) recovered from the scene of the crime, witness said, "This frock is torn at the waist and discoloured. Usually they wore pure white ones."

P A Samarawickrema, who was one of the policemen manning the checkpoint where the first accused was the officer-in-charge, giving evidence said that on 7 September 1996 he learnt that a school girl had been abducted at noon. On that day, the first, second and third accused were all on duty at the checkpoint. When witness finished his duty at 2 pm and returned to the rest room, he saw the first accused relaxing in a chair who asked witness (because of his ability speak Tamil) to get some information from an LTTE activist. When witness went to see the LTTE activist, he saw a teenage girl. Her hands were tied and mouth taped. When witness asked her name, she shouted "Krishanthy Kumaraswamy". Since what she said was audible to the people on the roadside, the first accused ordered her to stop shouting. She said that she was a student at Chundikuli Girls College.

Witness Samarawickrema has also seen a grey-haired woman in saree who was about 60 years of age. The two males who accompanied her had come on bicycles. These three people refused to leave without finding the girl. Thereafter, witness had reported the incident to Corporal Asoka who was in charge of the first checkpoint which was three-quarter of a mile away from the first accused's checkpoint. Later Corporal Asoka and witness went to the first accused's checkpoint. There both of them had asked the first accused to hand over the three persons to them, but the first accused refused following which they returned to their posts. During the following morning they learnt that all three of them had been killed during the night.

Samarawickrema described Krishanthy as a teenager wearing a white school uniform and had short hair and identified a photograph produced in court as that of Krishanthy. He also identified from photographs the other three victims, mother, brother and neighbour of Krish-

anthy. Being shown the garments which were worn by Krishanthy on the day she was killed and produced in court as evidence, the witness confirmed that the girl was wearing a similar uniform on the day. The witness said that he and not seen or known the girl, her mother or the other two males at any time before that particular day.

The witness admitted in cross-examination that he too was taken into custody in connection with the same incident, but was later released. He said that nobody made a promise or request to him to give evidence against the accused in order to get himself released from custody. He was taken into custody, but he had no reason to fear because he had not committed any offence. He made two statements but the details relating the accused's involvement were in the second statement, but not in the first. When he made the first statement, the accused were also accompanying him and pressurised him not to divulge the true facts. Hence he had suppressed the facts through fear of his life.

Giving evidence, ex-policeman Abdul Hameed Nazaar, who has been given a conditional pardon by the Attorney General because of his minimal involvement in the crimes in which the accused are charged, said that at the time of the incident, he was serving in the Ariyalai area at the 2nd checkpoint. Corporal Rajapakse, the first accused was in charge of the 1st checkpoint. On that day, witness was on duty at the 2nd checkpoint from 9 am 12 noon. On that day witness had seen an elderly woman and two males coming to meet the 1st accused at about 3 pm. The woman had asked the 1st accused to release her daughter who had been taken into custody. The 1st accused got the signature of the woman and then told her that her daughter had already been released and asked her to leave. The woman replied that she would not leave without her daughter. Witness at that time left and went to his checkpoint.

Nazaar said that at about 8 pm that day, the previous witness Samarawickrema had come to Nazaar's checkpoint and asked whether the four persons were there. Later Nazaar went towards the 1st checkpoint. The 3rd, 4th and 6th accused were at his checkpoint. Witness went to the 5th accused and asked his as to where the missing persons were. The 8th accused had come with a bucket of water and the 3rd accused had asked him to follow him towards the bunker near the saltern which was towards the Nallur junction. Then witness saw a woman in

(continued on page 10)



## LTTE leader Calls for Struggle to Continue Until the Goal of Freedom is Realised

**C**handrika Kumaratunga's rule constitutes the worst period for Tamils in the long history of State oppression; the central objective of her policy is to repress the freedom movement spearheaded by the LTTE and subjugate the Tamil nation; the devolution package is a political drama played to distract world opinion to cover-up the tragedy suffered by Tamils as a consequence of the massive war effort by the government; the political package fails address the basic national aspirations of the Tamils as it denies a Tamil homeland and the Tamil national identity; the recognition of the Tamil homeland is fundamental to a political solution; any political framework that fails to recognise the historically constituted homeland of the Tamils cannot be a basis for a solution to the Tamil National question; such a political arrangement is inconceivable as long as the ideology of Sinhala-Buddhist chauvinism exerts hegemonic influence; freedom is a sacred right which has to be fought for by shedding blood and making sacrifices; and therefore let us continue our struggle until we realise our goal of freedom with the memory of those martyrs who have fought and died with dedication for the liberation of our land, the leader of the Liberation Tigers of Tamil Eelam (LTTE), Velupillai Pirabakaran, said in a message to mark the anniversary of the Heroes' Day that fell on 27 November 1997.

The following is the full text of the message addressed to "My beloved people of Tamil Eelam":

Today is Heroes' Day, a sacred day in which we honour and remember our beloved martyrs who have sacrificed their lives for the cause of freedom of our nation.

Our martyrs were extra-ordinary human beings. They chose the noble cause of liberating our people. Having lived and struggled for such a cause they finally sacrificed their precious lives for that higher ideal. I venerate our heroes since they renounced their personal desires and transcended their egoistic existence for a common cause of higher virtue. Such a noble act of renunciation deserves our veneration.

Our liberation movement pays high-

est respect and reverence to our martyrs for their supreme sacrifice. We honour our martyrs as national heroes, as creators of the history of our national struggle. We commemorate our heroes and erect them memorials so that their memories should remain forever in our hearts. It has become a popular norm to bury our martyrs with honour, erect stone monuments for them and venerate these war cemeteries as holy places of tranquillity. The practice of venerating heroic martyrdom has become an established tradition in our society.

Our tradition of venerating martyrs as war heroes has always irritated the Sinhala chauvinist state. The Sinhala chauvinists find it intolerable the very fact that those whom they categorise as terrorists are venerated and glorified by the Tamils as war heroes. Furthermore, they feel that this tradition has become a source of inspiration to the Tamil freedom movement. Impelled by this hostile attitude, they committed a grave crime that deeply offended the Tamil nation.

This regrettable incident occurred when the Sinhala army of occupation took control of the Jaffna peninsula. The enemy forces committed the unpardonable crime of desecration, disrupting the spiritual tranquillity of our martyrs. Their war cemeteries underwent wanton destruction, their tomb-stones up-rooted and flattened and their memorials erased without a trace. I call this act of desecration of the graves of martyrs whom the Tamils venerate as their national heroes as wicked, immoral and uncivilised. This act cannot be dismissed as a wanton display of an occupying army. This is a grave act of terrorism which has left an indelible stain in the soul of the Tamil nation.

This heinous act clearly demonstrates the fact that the racist Sinhala regime has no respect for the deeper sentiments of the Tamil people. Nor are they prepared to do justice to the Tamils in recognition of their national aspirations.

Fifty years have lapsed since the governing authority of the island was transferred to the Sinhala majority. What have the Sinhala political parties, which have been ruling the island for the last half century, done to the Tamils to redress their grievances?

Have any of the reasonable demands of the Tamils been fulfilled? Has the burning question of the ethnic conflict been resolved? Nothing has happened. Rather, during this lengthy period of time, the Tamil people have been systematically burdened with intolerable suffering. Successive Sri Lankan Governments adopted a policy of genocidal repression aimed at the gradual and systematic destruction of the Tamil nation. The planned annexation of the traditional lands of the Tamils, the denial of their linguistic rights, the deprivation of their educational and employment opportunities, the disruption of their social and economic existence, the destruction of their national resources and the mass extermination of the Tamils during riots and military campaigns indicate such genocidal policy.

Chandrika's rule constitutes the worst period for the Tamils in the long history of the Sri Lankan state oppression. Not a single Tamil has been spared from harassment or suffering over this three years period. It is during Chandrika's rule that the flames of war have escalated into major conflagration and scorched the Tamil lands. This has resulted in mass exodus of populations causing immense hardships to our people. It is during her regime that historically renowned traditional lands of the Tamils came under Sinhala military subjugation. Her Government has intensified aggressive military campaigns and has tightened the embargo on food and medicine causing indescribable suffering to the Tamil people. It is during Chandrika's administration that Sinhala chauvinistic oppression against the Tamils has become harsh, severe and rigorous. The central objective of her policy is to repress the Tamil freedom movement spearheaded by the Liberation Tigers and to subjugate the Tamil nation under Sinhala military rule. Her Government is pursuing this military option with single-minded determination.

In order to cover-up the monumental tragedy suffered by the Tamils as the consequence of the massive war effort and to distract world public opinion, Chandrika's Government has staged a political play in the name of the devolution package. In reality, this political drama is intended to justify the strategic aims of the war and therefore, it is the other face of the military solution. The international community was misguided by the subtle and sophisticated propaganda of the Sri Lankan Government and opted to support the so-called package. We are surprised and disappointed to note that international countries have

made a hasty decision on this matter without an objective analysis of the racist tendency of the Sinhala-Buddhist chauvinism and the bitter and oppressive history suffered by the Tamils.

Chandrika's political package fails to address the basic national aspirations of the Tamils. Severely watered down in its scope and content, these proposals have not yet evolved into a full-fledged comprehensive framework even after two and a half years of deliberations. Yet, we can perceive clearly the underlying objective of this political package. It aims at denying the Tamil homeland and the Tamil national identity. Its central objective is to subjugate the Tamil nation under the domination of the supreme power of the Sinhala state. The military solution of the government also aims at a similar strategy. Therefore, in our view, the political project of the so-called devolution package and the strategic objective of the military programme are similar, like two faces of the same coin.

Chandrika's Government lacks the political will and commitment to resolve the Tamil national conflict reasonably through peaceful means. Chandrika is not courageous enough to submit a substantial framework to fulfil the national aspirations of the Tamil people. To justify her political inability she blames the extremist elements of Sinhala-Buddhist chauvinism and the LTTE. In reality, Chandrika's Government itself is an embodiment of neo-Sinhala Buddhist chauvinism. It is absurd on her part to blame these forces, since it was Chandrika's political party which was instrumental for reviving and re-building Sinhala-Buddhist chauvinism as a monstrous phenomenon.

There is no truth in Chandrika's accusation that the LTTE does not seek a political solution through peaceful means. It is because we sought a political settlement through peaceful means that we participated in several political talks from Thimpu to Jaffna. During these political negotiations we firmly upheld the interests of the Tamil nation, whereas the Sinhala Governments denied justice to the Tamils. Therefore, the talks failed. This situation arose because of the irreconcilable and intransigent attitude of the Sinhala governments. Therefore, we cannot be blamed for this situation.

From the time of the Thimpu talks we have been emphasising that the recognition of the Tamil homeland, Tamil nationhood and the Tamil right to self-determination should be the basis for any negotiated political settlement. This is our position even today.

The recognition of the Tamil homeland is fundamental to a political solution, since the territory of the Tamils is crucial for their national life and identity. Any political framework that fails to recognise the historically constituted homeland of the Tamils cannot be a basis for a solution to the Tamil National question.

It is questionable whether the Sinhala political parties will agree for a political settlement on the basis of Thimpu principles when they are not even prepared to recognise the Tamils' right to a homeland. Such a political arrangement is inconceivable as long as the Sinhala-Buddhist chauvinistic ideology exerts hegemonic influence in the Sinhala political world. Having realised this political reality twenty years ago, the Tamil people opted to exercise their right to self-determination and fight for an independent state. Our liberation movement, in pursuance of the national aspirations of our people, has been engaged in a struggle for the last two decades to realise the right to self-determination.

For the last fifty years, the Sinhala state has been adopting a singular policy of oppression against the Tamils. This irrational policy has given rise to war and violence destroying the peace in the Island. Unless this policy is radically changed the war will continue for ever with its disastrous consequences. It is not the LTTE, but the Sinhala chauvinists who have chosen this path of violence and destruction.

By adopting a policy of military repression the Sinhala state has been destroying itself. Such a policy will never an put end to the Tamil freedom movement. One day the Sinhala chauvinists will realise this truth. We do not anticipate that the Sinhala chauvinists will renounce their policy of oppression and be prepared to do justice to the Tamils. We have not launched this liberation struggle with such expectations. We are aware that freedom is not a concession gained from the enemy, but a sacred right which has to be fought by shedding blood and making sacrifices.

Therefore, let us continue to struggle until we realise our goal of freedom. Let us continue to struggle with the conviction that the immense sacrifices we have made will not be wasted. Let us continue to struggle to expel the enemy forces who have occupied our sacred land. Let us continue to struggle with the conviction that a determined nation will eventually win. Let us continue to struggle with the memory of those martyrs who have fought and died with dedication for the liberation of our land. □

(Continued from page 8)

the bunker. Then the 3rd accused gave a signal by whistling. From the other side too a similar whistling signal being given. When witness and the others went to a nearby place as asked, the witness saw a girl with several strangers standing nearby. The witness saw two persons removing the dress of the girl forcibly. The girl was in white school uniform and tie. She was lying on the ground. The 3rd accused remained there and asked witness to go and wait at the road. After about 10 minutes, the 3rd accused came up to the witness and said, "We have finished with the girl, you also go if you want." The witness too went up to the girl. She cried, "water, water", and witness kept the bucket of water close to her and she took the water in her palms and drank. He spoke to her in Tamil asking whether she had any links with the LTTE. The girl replied that she had nothing to do with the LTTE, had passed her GCE examination with seven distinctions (As). Just then the 7th accused came up and scolded the witness in foul language and chased him away saying, "Go away without asking any questions from the girl."

Nazaar added that the girl appeared to be filled with sorrow and her dress was torn. It must have been about 10 pm. There was moonlight. She was lying on the ground which was hidden by thorny shrubs with several men around her.

Nazaar went up to the 1st accused and asked whether he could leave as it was getting late. But he asked witness to stay for a further five minutes. The witness saw the old woman lying on the ground. At that time witness heard cries and saw two persons taking away the girl. Another followed them with a mamoty whom the witness identified as the 8th accused. They came towards the old woman who was lying on the ground. At that time, witness again told the 1st accused that he wanted to leave as it was getting late to go to his checkpoint. The 6th accused forcibly took away witness's gun and told him to wait there. The 1st accused told witness that unless he helped them, witness would also would be shot and buried. The others had given their T-56 rifles to the witness to enable them to do what they were doing. Moments later witness saw the 8th accused with the mamoty dragging the old woman by the hand across the road and putting her inside a newly dug pit. She was dressed in a saree when she was put into the pit. Four persons covered the pit with earth. Asked by one of the Judges whether those three persons were in court, the witness pointed to the 2nd, 4th, 7th and 8th accused. Then the others came and took away their weapons from witness who could not identify any of them. They wore dark trousers. Then he accompanied them to the checkpoint from where they dispersed.

The trial is continuing. □

# CONSTITUTIONAL REFORMS

## Towards a Consensus

**Neelan Tiruchelvam**

(The text of a speech delivered on 27 August 1997 to the Lions Club of Colombo at the Intercontinental Hotel).

The political history of modern Ceylon and post independent Sri Lanka has been characterised by obsessive concern for questions of Constitutional Reform. In the early nineteenth century we focused on the Manning reforms. Later the Donoughmore reforms introduced two radical changes which were intended to place our constitutional experience apart from the rest of the Sub-Continent. The two radical changes were the introduction of universal adult franchise and the departure from the Westminster model - by the establishment of the Executive Committee system. The energies of the State Councils were also focused on constitutional reform until the Soulbury Constitution was introduced in 1948. Since Independence, we have had to Republican Constitution in 1972 and in 1978.

There are two contrasting approaches to constitution making - one is 'consensual' and the other is 'instrumental'. A consensual constitution is one which endeavours to engage all elements within a polity in the constitution making process. It is a genuinely participatory exercise where the outcome is envisaged to be an enduring instrument which seeks to advance the principles of governance and constitutional values which command the widest consensus. A consensual constitution is one which is intended to endure beyond the tenure of a particular government. An instrumental constitution on the other hand is intended to reflect the concerns and interests of a particular regime, and is often arrogantly imposed on the rest of the polity by dismissing or disregarding the concerns of minorities and other important sections of the society. Such constitutions often do not endure beyond the tenure of a particular regime. This was the fate of the first Republican constitution which was enacted despite the bitter opposition of the then Federal party and even of its minimum demands.

The idea of 'constitutionalism' according to S A de Smith involves the proposition that the exercise of governmental power shall be bounded by rules. These rules prescribe the procedures ac-

ording to which the legislative and executive acts are to be performed and delimit their permissible consent. There is a further distinction between rigid and flexible constitutions often determined by the procedures for constitutional change. A flexible constitution is one which has no special procedure for amendment or has procedures which are relatively more flexible. An extreme example of this is the United Kingdom which does not have a written constitution in the sense that there is no authoritative single document which can be called the constitution. But even in United Kingdom, legislation to abolish the monarchy or to extend the life of Parliament, can be passed only in special circumstances. The Sri Lankan constitution is an extremely rigid constitution in that we have the requirement that no amendment to the constitution can be passed without a 2/3 majority.

After the first republican constitution was enacted and between the period 1978-1988, the then parliament had a 4/5 majority which was extended in consequence of the referendum held in 1982. During this period, there were 16 amendments to the constitution. Some of these amendments have been criticised for having been weighted in favour of the regime in power and for having helped consolidate its authority. The sixth amendment in particular effectively contributed to disenfranchisement of the people of the north and east and compounded the then political crisis. Therefore rigid constitutions sometimes have the advantage of limiting undemocratic and retrograde constitutional reforms. On the other hand, it was during this period that the 13th amendment to the constitution was enacted establishing a scheme of provincial devolution and the 16th amendment of the constitution was enacted establishing a scheme of provincial devolution and the 16th amendment of the constitution was enacted according to Tamil the status of an official language and to English the status of a link language. However a rigid constitution can also obstruct progressive constitutional reforms and thereby further compound political cri-

sis and sense of national paralysis which could otherwise have been averted. It is significant that between the period 1988 to the present, not a single amendment to the constitution has been possible. During the period of President Premadasa, there was an All-Party Conference to discuss many aspects of constitutional reform and even proposed the enactment of a draft chapter on fundamental rights which was to become the 17th amendment to the constitution. However, the then Opposition support for this reform could not be secured and the amendment was never enacted.

However, the downside of proportional representation is that it compounds the rigidity of the constitution. In addition to the 2/3 majority requirements, there are also many provisions to the constitution which cannot be altered without a referendum. Professor Wade once commented that the 1978 constitution provides for bizarre forms of entrenchment which includes the unitary state, the executive presidency and the national flag and national anthem. It should, however, be noted that the doctrine of basic features which was adopted in India and in Bangladesh does not form part of our law and was rejected by the majority of the supreme courts in the 13th amendment case. The doctrine entrenched certain features of the constitution, which in Indian context included the independence of the judiciary and judicial review, which could not be amended even adhering to constitutional procedure.

The question that we need to ask ourselves is why do we need constitutional reform in Sri Lanka. Are we not devoting too much of our energies debating on whether we should have unitary of a federal constitution, whether we should have an executive presidential system or a parliamentary form of government, whether we should have proportional representation or a constituency system or a mix of both. As Alexander Pope pointed out in his 'Essay on Man' in 1734 "for forms of government let fools contest, whatever is best administered is best". Is constitutional reform the answer to the present political crisis?

The objective of constitutional reform is to primarily redress the imbalance in the relationship between communities and to create a framework in which there can be meaningful sharing of power between regions and between communities with a view to facilitating a pluralistic democracy. Previous attempts and such reforms have failed to create the constitutional foundation for a multi-ethnic polity. Both in 1931 and 1948, the proposal to establish a federal

constitution was advanced by the Canteen Sinhalese but this proposal was not accepted by both the Soulbury and Donomoughore Commissions. Both India and Pakistan were more fortunate in that the government of India Act in 1935 established a system of provincial governance which subsequently resulted in a scheme of linguistic federalism as a result of the report of the State's Reorganisation Commission. Therefore, at the transfer of political power India had in place a federal form of devolution which was essentially a colonial constitutional construct. This construct, however, has shown remarkable resilience despite the challenges to the legitimacy and new autonomy movements in Kashmir, Punjab and the North-East. Lord Soulbury, when he was called upon to reflect on the Soulbury reforms and the post-independent history of disenfranchisement of estate Tamils and the Sinhala only legislation, had pointed out that he would have provided for stronger minority safeguards if we had the hindsight to anticipate a subsequent development. Similarly, the 13th amendment to the constitution was an incomplete solution, as no meaningful sharing of power was possible where the executive and the judiciary did not become neutral arbiters between the cen-

tre and the regions but became the custodians of the authority and the powers of the centre in a unitary state.

The objectives of the constitutional reform are firstly to alter the nature of the state to more accurately reflect the reality of the power sharing arrangements. Secondly, to substantively augment the powers of the regions by abolishing the concurrent list and adding the subjects in that list to the regional list. Thirdly, to construct a unit of devolution in the north-east by redemarcating boundaries and creating a unit which reconciles the interests of the three communities who live in that region.

One of the fundamental grievances of ethnic minorities relates to the breakdown of the rule of law in moments of crisis. Their concern is that the protective arm of the state is not extended towards them in moments of crisis. We saw this in the failure of the state to extend protection to those affected by collective violence in 1958, in 1977 and in 1983. Similarly, political arrangements such as the Dudley-Chelvanayakam Agreement were abrogated. Similarly, humanitarian safeguards which are set out in the Emergency Regulations and Presidential Directives with regard to arbitrary arrest and detention are continuously disre-

garded with impunity.

Even the judgements of the Supreme Court in Wimalendran's case and the more recent Sirisena Cooray's case, set out strict guidelines which the police and security personnel must comply with during arrests and detention. But there are so many arrests which continue to take place particularly of Tamil speaking persons in complete disregard of these guidelines. The demand in respect of minority safeguards is that they should not be expressed in more administrative directions or even an ordinary legislation but they should be embodied in the constitution, in the supreme law of the land. But even when they are embodied in the supreme law of the land as in the 16th amendment, they are not effectively implemented. It is not possible for a Tamil speaking person to transact business in the official language of his choice in a police station, in a post office or in the Department of Immigration or Inland Revenue. Constitutional provisions relating to language might often remain a dead letter despite the fact some of these provisions have formed part of the second Republican Constitution for almost two decades. Similarly under the 13th amendment, the powers of the provinces

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# A Continuing Spectre of "Disappearances?"

**A**n Amnesty International delegation which visited Sri Lanka recently has concluded that of the 600-odd people who have "disappeared" in the last 18 months after their arrest by the security forces, and nearly all have died as a result of torture or been deliberately killed in detention.

The delegation has also identified human rights abuses by the LTTE which is engaged in an armed conflict with the government.

According to the AI, there is no evidence to suggest that sanction for the "disappearances" came from the political leadership, but the Sri Lankan gov-

(Continued from page 12)

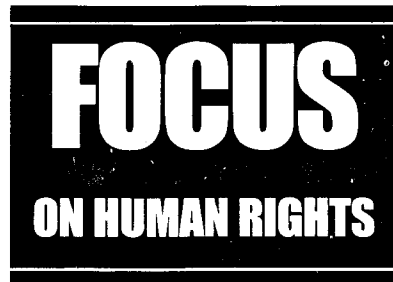
in relation to public transport and agrarian services and aspects of education have been disingenuously reappropriated by the Centre in clear violation of the spirit of the 13th amendment. So constitutional reform per se will not resolve the current crisis unless there is also respect for the rule of law. King James in a 1607 speech to the English House of Commons stated: "For I will not say anything which I will not promise, nor promise anything which I will not swear. What I swear I will sign, and what I sign, I shall with God's grace ever perform".

Finally as a nation, we are at the crossroads of history. As a people, we remain helpless as our public life has been overtaken by a cruel and unending war which is causing incalculable human tragedy and is eroding the moral foundations of our political institutions. We recently had to encounter the political assassination of two of our colleagues. Sadly the impact of these deaths were only too brief as we uncritically resign ourselves to war, destruction and political assassinations as being an inextricable part of our troubled history.

If we surrender to despair, there can be no hope. But to surrender to indifference and apathy would be to betray an entire generation and to forfeit the confidence of those who have entrusted us with their hopes and aspirations. This is why constitutional reform is inextricably linked with out democratic future, the political stability of our institutions, peace, reconciliation and economic prosperity. □

ernment reacted too slowly to well-documented reports of a rise in "disappearances" in the Jaffna peninsula during mid-1996. As a result, by the time the authorities acknowledged the reality of what was happening there, around 600 people had "disappeared", and hundreds more were victims of torture at the hands of the security forces.

A three-member AI delegation visited Sri Lanka in August 1997. Two of the delegates of the AI team visited the northern Jaffna peninsula between 13



and 19 August 1997 with the consent of the government. This was the first Amnesty International visit to Jaffna since 1982. During their visit to the peninsula, the delegates were able to travel around freely. They met the military commander in charge of the peninsula, the military commander in charge of Valikamam (the western part of the peninsula, and adjoining islands, representatives of various political parties as well as community leaders, lawyers and representatives of the local and international non-governmental organisations. They also interviewed dozens of victims of human rights violations, including relatives of the 'disappeared' and survivors of torture and attempted extrajudicial executions.

In Colombo, the AI delegation met with high-level government officials, including the Minister of Foreign Affairs, the Minister of Justice, Constitutional Affairs, Ethnic Affairs and National Integration, the Secretary, Ministry of Defence, the Attorney General, the Inspector General of Police and Deputy Inspector General of Police (Crime). They also met members of the Human Rights Commission and of three Presidential Commissions of inquiry into past human rights violations. In addition, the del-

egates had a long meeting with the members of the BoI.

In late October 1997, on the occasion of the Commonwealth Heads of Government meeting in Edinburgh, Scotland, the Secretary General of Amnesty International met President Chandrika Bandaranaike Kumaratunga. They held discussions about the human rights policy of the government and the implementation of some of the recommendations listed in AI's report. Around the same time, comments on a draft of this report were obtained from the government. These have been reflected in the text, where appropriate.

"Although we welcome the government's decision to make public reports into thousands of cases of 'disappearance' from 1988-1994, and several other measures taken since coming to power to strengthen human rights protection, it is vitally important that the government addresses the underlying structures and practices in the security forces," Amnesty International said in its 26-page report (ASA 37/27/97) dated 27 November.

According to AI, the events of 1996 indicate the need for an active approach to tackling the root causes of human rights violations in Sri Lanka - the lingering sense of impunity among perpetrators and the legislation allowing for people to be detained incommunicado for long periods of time.

"In the past, Sri Lanka became a country notorious for 'disappearances' - a country racked by the terrible anguish suffered by relatives who never knew the fate of their loved ones," AI said adding, "The government must seize the initiative now to ensure that nobody has to go through this harrowing ordeal again."

The Sri Lankan government has taken some steps to clarify the fate of the "disappeared", establishing a Board of Investigation (BOI) to investigate around 760 complaints. The BOI to date has traced 180 of the "disappeared".

"Disappearances" usually took place in reprisal for attacks on the military by the Liberation Tigers of Tamil Eelam (LTTE) armed opposition group - for example the killing of more than 1,300 soldiers during an attack on Mullaitivu army camp in July 1996. After the Mullaitivu attack, the army told villagers in the Navatkuli area to gather at a local school, where they were made to file past masked informants. After a night of severe beatings in the main army camp nearby, most of those detained were released, however 39 remain unaccounted for despite numerous requests for information made by their relatives.

"As was often the case in the past, the security forces resorted to widespread 'disappearances' in reprisal for attacks on their members by the Liberation Tigers of Tamil Eelam (LTTE), who are fighting for the establishment of an independent state in the north and east of the country. The highest number of 'disappearances' in the peninsula were reported in July and August 1996 (190 and 143 respectively) in the aftermath of such attacks.

The LTTE have also been responsible for gross human rights abuses in Jaffna and elsewhere, including indiscriminate killings of civilians during attacks on checkpoints or army patrols and summary executions of suspected informants.

Referring to approximately 540 people who 'disappeared' after they were arrested by the army in the Jaffna peninsula in mid-1996, AI team that visited Jaffna in August 1997 in its report stated:

There is no evidence to suggest that the sanction for 'disappearances' came from the political leadership of Sri Lanka. However, the government has to take responsibility for failing to protect the lives of civilians under its jurisdiction. By the time government authorities in Colombo acknowledged the reality of what was happening in Jaffna, approximately 600 people had been reported 'disappeared'. Hundreds of others were victims of torture at the hands of the security forces. There were also several reports of rape by members of the army.

Several measures taken by the government managed to curb the number of 'disappearances' being reported and some of the 'disappeared' were in fact traced. Nevertheless, reports of 'disappearances' continue to be received. For instance, in the first half of 1997, 41 cases of 'disappearances' from Jaffna were reported, four of whom have been traced by the authorities so far. Investigations into the 600-odd cases of 'disappearances' by a Board of Investigation set up in the Ministry of Defence and a special investigative unit of the Military Police are continuing. In addition, according to the Ministry of Foreign Affairs, the newly-established Human Rights Commission is investigating 274 of the cases.

The experience of the past year shows that Sri Lanka will remain prone to upsurges of serious human rights violations, particularly 'disappearances?', until the government tackles these problems at their root cause: the lingering sense of impunity among perpetrators and the sweeping powers of the Emergency Regulations and the Prevention of

Terrorism Act allowing for people to be detained incommunicado for long periods of time.

The AI report states:

More and more evidence is emerging of the 'disappearance' of approximately 540 people in six months in the middle of 1996 in the Jaffna peninsula... For months, the specific conditions prevailing in the area at the time prevented the full story of these widespread 'disappearances' from emerging. After some members of parliament and local and international human rights organisations expressed concern, the government in November 1996 established a Board of Investigation (BoI) in the Ministry of Defence to investigate the reports of 'disappearances'. At the time of writing, the BoI had been able to trace 180 people out of 760 complaints. The circum-

The devastating armed conflict in Sri Lanka has continued to deprive the civilian population of an environment in which they can enjoy their human rights with dignity and respect. Both the security forces and the armed opposition group, the LTTE, have been responsible for catalogues of human rights violations and abuses, and have ignored safeguards in international law to uphold some of the most fundamental rights of Sri Lankans citizens, such as the right to life and liberty of person. Amnesty International takes no position on the validity of the underlying political and socio-economic issues. However, it believes that the only way forward is for both sides to acknowledge their responsibility for human rights violations and abuses and to take measures to halt

such abuses. For 14 years, Amnesty International has been highlighting the plight of the civilian victims of this armed conflict, making specific recommendations for the protection and promotion of their human rights. This report identifies some of the positive initiatives by the government amid difficult political and military circumstances to address one of the most persistent human rights violations in the country, the 'disappearances', but it also reflects Amnesty International's view that to deal with the problem fully, these initiatives must be followed with serious determination and commitment. Amnesty International hopes that the recommendations in this report will be implemented without delay.

Reports of 'disappearances' also continue to be received from other parts of the country. For instance, during the first half of 1997, 16 cases were reported from Batticaloa district and three from Mannar district. There have also been allegations of 'disappearances' from Kilinochchi district, but Amnesty International has

such abuses.

For 14 years, Amnesty International has been highlighting the plight of the civilian victims of this armed conflict, making specific recommendations for the protection and promotion of their human rights.

This report identifies some of the positive initiatives by the government amid difficult political and military circumstances to address one of the most persistent human rights violations in the country, the 'disappearances', but it also reflects Amnesty International's view that to deal with the problem fully, these initiatives must be followed with serious determination and commitment. Amnesty International hopes that the recommendations in this report will be implemented without delay.

stances in which the BoI's investigations have to be carried out, including the continuing displacement of civilians in the peninsula, may to some extent have contributed to a delay in finalising the investigations...

It appears that in particular the firm action taken by the government to investigate the 'disappearance' of Krishanthi Kumarasamy, an 18-year-old schoolgirl from Kaithady and bring to justice those responsible for her killing curbed the number of 'disappearances' reported from the peninsula. Krishanthi Kumarasamy was arrested by the army on her way home on 7 September 1996 after sitting an examination paper. Her mother, Rasammah Kumarasamy, her 16-year-old brother Pranaban Kumarasamy, and a family friend, Kirupakaran Sithamparam also 'disappeared' after they were taken into custody at the same army

checkpoint. They had gone to inquire about Krishanthi Kumarasamy's arrest. All four bodies were found in shallow graves in mid-October 1996. The arrest of nine members of the security forces and the legal action subsequently initiated served as a signal to the security forces that the government would not tolerate such human rights violations. At the time of writing, the Trial-at-Bar of nine soldiers charged with abduction, rape and murder was scheduled to start on 1 November 1997....

### Background Information

The Jaffna peninsula in northern Sri Lanka was under the control of the Liberation Tigers of Tamil Eelam (LTTE) since mid-1990. Between late 1995 and early 1996, the security forces undertook four large military operations and succeeded in regaining control. Amnesty International was encouraged by initial reports that the security forces were behaving with more discipline than Jaffna residents had experienced in the mid-1980s.

Between 1983 and mid-1987, there had been widespread human rights violations, including torture, 'disappearances' and extrajudicial executions in the north and east. These violations had

occurred in the context of an escalating armed conflict between the security forces and armed secessionist Tamil groups. More than 680 cases of 'disappearances' were reported during that period. After July 1987, an Indian Peace Keeping Force (IPKF) was responsible for security in the area under the terms of the Indo-Sri Lanka Accord aimed at providing greater regional autonomy, among other things. During the time of the IPKF presence in the north and east, Amnesty International recorded 43 'disappearances' for which members of the IPKF were believed responsible. The IPKF left Sri Lanka in early 1990.

After the armed conflict between the LTTE - which by that time had emerged as the main armed opposition group - and the government forces resumed in June 1990, the number of those reported to have 'disappeared' or deliberately killed at the hands of the Sri Lankan security forces, particularly in the east, reached thousands within months.

By mid-1990, the LTTE established firm control over territory as well as the civilian population in the north. It prohibited almost all expression of dissent within the area and was responsible for the unacknowledged detention of hundreds of Tamil political prisoners and members of the Muslim community on suspicion of being 'traitors'. In addition, it summarily executed scores of Tamil people considered to be informants, often by tying their bodies to a lamppost with a placard stating the 'charges' hanging around their necks. It was also responsible for the torture and ill-treatment of prisoners and of children who were coerced and sometimes forced to join the armed group.

In the south, between 1987 and 1990, the security forces seeking to suppress an armed insurgency within the majority Sinhalese community were responsible for killing tens of thousands of people, often under the cover of 'disappearance'. Unidentifiable bodies and sometimes severed limbs or heads were regularly displayed in public as part of the campaign of counter-terror. This pattern of mutilation and display, together with the use of plain-clothed squads, was transferred to the east when the military returned there from the south after the resumption of hostilities in June 1990.

When the People's Alliance government came to power in August 1994, it pledged its commitment to human rights and introduced a number of safeguards to prevent torture and 'disappearances'. President Chandrika Bandaranaike Kumaratunga, elected in November 1994, also initiated negotiations with the

LTTE towards a peaceful settlement to the armed conflict in the north and east. However, after the LTTE unilaterally ended the talks in April 1995 and fighting resumed, the pattern of 'disappearances' began to re-emerge. During 1995, Amnesty International recorded 70 cases of 'disappearances', mostly from the east and from the capital Colombo. During 1996, as stated above, approximately 600 cases were reported. This represents the highest number in the country since 1991, when 410 cases had been recorded by the United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID).

Over the last few years, Amnesty International has repeatedly appealed to the leadership of the LTTE for an immediate halt to the deliberate killing of civilians and other grave abuses by its members and to make a clear commitment to upholding human rights.

During 1997, Amnesty International held the LTTE responsible for the killings of Arunasalam Thangathurai, a member of parliament of the Tamil United Liberation Front; Mohamed Maharooof, a member of parliament of the United National Party (UNP), and several others. Amnesty International also expressed concern about the deliberate and indiscriminate killing of at least nine civilians in an attack on the World Trade Centre in Colombo on 15 October 1997.

### The Jaffna peninsula: Cut Off from the Rest of the Country

Between July 1995 and May 1996, the security forces undertook four large military operations in the Jaffna peninsula aimed at regaining control from the LTTE. Throughout this period, access to the peninsula was severely restricted. In addition, formal censorship was imposed under Emergency Regulations (ERs) at the start of Operation Riviresa in September 1995 and again, on 19 April 1996, at the start of Operation Riviresa II. The first period of censorship ended in late December 1995, the latter on 8 October 1996.

Approximately 300,000 civilians, who had been forced by the LTTE to leave Valikamam during the offensives, started to return from Thennamarachchi and Vaddamarachchi in April and May 1996. Despite several obstacles put in their way by the LTTE, tens of thousands of internally displaced people also returned from the Vanni. The large major-

ity were able to return to their homes, others took shelter with relatives because their homes had been badly damaged due to shelling or bombing or because the army was occupying them. Throughout the peninsula, the army had requisitioned houses and turned them into checkpoints or small temporary camps.

The military generally banned national and international journalists from visiting the area during the army's offensives, except on a few occasions when they took journalists under military escort for short visits. As a result, independent confirmation about alleged human rights violations was limited. Since early 1997 however journalists have been able to visit the area more regularly.

### Human rights abuses by the LTTE

Since the security forces took control over the Jaffna peninsula, there have been sporadic incidents of human rights abuses by the LTTE in the area. However, the most serious abuses have been reported from other parts of the country (see box) and thus fall outside the scope of this report. The human rights abuses by the LTTE in Jaffna have included indiscriminate killings of civilians during attacks on checkpoints or army patrols and summary executions of people suspected of being informants to the army or 'traitors' to the LTTE cause.

On 9 November 1996, two grenades were thrown inside a shop at New Market, Jaffna town. Sunderambal Ragnathan, a 22-year-old female shop assistant was killed and 12 others, most of them also women, were injured. Scores of other civilians have been injured in crossfire or landmine explosions.

During its visit, Amnesty International recorded evidence of more than ten cases of summary executions (see Appendix B). In most cases recorded, the killings were carried out within a short period after the person was taken away from their home. A placard was left by the body stating that the person was killed for being an informant or a traitor. Among those killed was Sivayogini Patkunamanikkam, a woman from Nallur whose body was found on 19 July 1996. It was widely believed that she was killed because she had stayed behind when the LTTE, vacating the peninsula in late 1995, were ordering civilians to do the same.

### 'Disappearances': A Familiar Pattern

An analysis of the pattern of 'disappearances' in Jaffna during 1996 indicates that, as was often the case in the

past, the security forces resorted to 'disappearances' in reprisal for attacks on their members by the LTTE in or outside the peninsula. The highest number of 'disappearances' were reported in July and August 1996 (see graphic).

Two specific incidents apparently triggered the sudden deterioration in the human rights situation at the time. The first was the killing of 12 civilians on 4 July during a suicide attack by a member of the LTTE on a convoy accompanying the then Minister of Housing, Construction and Public Utilities on a visit to oversee the rehabilitation work being set up in the Jaffna peninsula. In addition to the 12 civilians, which included the Chairman of the Cement Cooperation, eight members of the security forces were also killed during the attack. One of these was the brigadier in charge of Jaffna town.

The other main incident which sparked off the sudden deterioration was the killing of more than 1,300 soldiers during an attack on the Mullaitivu army camp on the east coast by the LTTE on 19 July 1996. This casualty figure was the highest reported in one single attack in the history of the armed conflict in Sri Lanka. In addition, dozens of soldiers were reported to be missing in action. (In May 1997, Amnesty International appealed to the LTTE to provide information about nine soldiers reported missing after the attack on Mullaitivu army camp. According to international humanitarian principles, once a combatant has been taken prisoner, he or she should be treated humanely and have their right to life respected.)

Throughout July 1996, tension increased especially in the rural areas of the peninsula amid continuing attacks on military personnel. For instance, on 9 July, four soldiers were reportedly killed at Karaveddy, Vaddamarachchi; on 14 July, 13 soldiers were killed at Sarasalai, Thennamarachchi.

During this period, scores of people 'disappeared' after they were taken into custody during round-up operations by the security forces. Such cases were reported from Gurunagar, Valikamam on 27 August 1996. On that day, the army rounded up hundreds of civilians and made them queue in front of eight informants at St. James Church, Main Street, Jaffna. At least ten among them, including Joseph Ganeshwaran, Vethanayagam Jerome Emmiliyanus and Wilden S Alphonse (alias Wilson) were blindfolded, put in an army truck and driven towards the Gurunagar army camp. Several relatives were witnesses to the arrest and detention but have been

unable to trace their whereabouts since. Many other people 'disappeared' after they were taken into custody at military checkpoints set up throughout the peninsula.

The police, who were gradually being deployed in the peninsula to assist the army, have not been named as being responsible for recent 'disappearances' in the Jaffna peninsula. Members of the Eelam People's Revolutionary Liberation Front (EPRLF), a Tamil group opposed to the LTTE, have been reported to be acting as informants to the army. In addition, former members of the LTTE are assisting the army in identifying suspects. Members of other armed Tamil groups who have over the last few years been responsible for 'disappearances' and other human rights violations in the east and Vavuniya have to date not been involved in similar activities in Jaffna. However, according to a report, people belonging to one such group, the People's Liberation Organisation of Tamil Eelam (PLOTE), whose members cooperate with the army in other parts of the country, have been accused of abducting for ransom the brother of a local businessman.

One former member of the intelligence wing of the LTTE reported how, after two months in detention, the army started taking him against his will on cordon and search operations, with his head covered by a blindfold provided with a little opening. He was told to nod his head to point out members of the LTTE. On return to the camp, he claimed that he and other informants would be beaten if they had not pointed out anybody.

### 'Disappearances' of 39 Young Men

On 19 July 1996, the day after the attack on Mullaitivu army camp, at least 39 young men reportedly 'disappeared' after they had been taken away during a cordon and search operation by the army in the region around Navatkuli, Thennamarachchi division. The search commenced at Navatkuli at 9am, then proceeded to Thatchanthoppu around 11am, to Kaithady at 1pm and to Maravanpulavu around 1.30pm.

According to the testimony of one person arrested at Navatkuli, the army told all villagers to gather at the Koyilakandy Maha Laxmi Vidiyalam, a local school. About 100 people were told to file past four or five masked informants standing behind a cadjan fence. Shortly after 3pm, about 13 people were loaded into an army truck and driven away.

According to one of the people who was initially arrested but later released,

all of them were blindfolded and had their hands tied behind their backs. On their way, they could hear others being put on the truck, including people from Maravanpulavu. A witness from Maravanpulavu North confirmed that the villagers of Maravanpulavu were told to gather at Alady junction, and that about 75 people gathered there. He estimated that around 25 of them, who had been identified by seven masked informants sitting in a van, were loaded onto the truck coming from Navatkuli. Around 5pm, the truck headed for the main army camp at Navatkuli, established on the premises of 'Lakshmi' rice mill.

The same witness, an ex-prisoner, also testified that in total more than 85 people from the villages around Kaithady were brought to the camp that evening. Throughout the night, screams were heard of prisoners being beaten.

On the next day, around 9am, army personnel called out several names of prisoners. The blindfolds of those whose names were not called out were removed around 2pm and they were photographed. It was only then that the witness realised that those whose names had been called out earlier that morning were not there. After the photographs were taken, 47 prisoners were put in an army truck and taken to the Kankesanthurai police station. The remaining 39 to date are unaccounted for.

The relatives made inquiries at the army camp and were told by army personnel at the entrance that those detained in the operation would be released once investigations were over. The grama sevaka (village headman) of Navatkuli made inquiries on 20 July 1996. He was reportedly told that those detained on the previous day had been transferred to another army camp, but was not given the name of the camp.

Despite numerous inquiries at local army camps and appeals to local and national authorities, to date the fate or whereabouts of the people taken away on that day remain unknown. (The names of the 'missing' are given in an Appendix to the report)

### Bodies in Disused Wells, Lavatories and Shallow Graves

Several people interviewed by Amnesty International alleged that the bodies of people killed in custody were dumped in disused wells and lavatories in or near army camps. They alleged that in certain areas the smell of putrefying bodies is emanating from these places.

A 21-year-old son of a farmer from Meesalai, Thennamarachchi in a sworn



statement obtained by Amnesty International alleges that he was arrested on 31 July 1996 on his way to visit his grandmother when passing an army checkpoint near his home. He accounts what happened subsequently:

*... the army personnel ... hit me with the rifle till I fell down.. After I fell they tied both my hands together and with the legs also together covered my face with a shopping bag. Due to this I could not breath properly and was rolling on the ground.*

*'Thereafter they were throttling my neck by placing a cloth around it and by pulling it from both ends. This was followed by cutting me by the knife fitted on the gun. One of the soldiers stabbed me on the back of my body at six places... This was followed by cutting at my neck, since there was a cloth around [it] it did not cause much injury. Thereafter one of them cut in my head at two different places which caused fairly deep injuries. Then I felt I was losing consciousness.*

*'At that stage I was able to feel an attempt .. to remove the two golden rings I was wearing. Since the rings did not come out they sliced the two fingers with the knife. I lost consciousness...*

*'When I recovered I found that it was dark and that I was in a lavatory pit partly covered. The insects in the pit were attacking me by biting at my cut wounds. Due to this I raised cries.'*

Fortunately, army personnel who were occupying the checkpoints returned to their camp after dark. Therefore, no army personnel heard his cries during the night. However people in the vicinity heard his cries and when his parents came searching for him on the following morning, they told them they had heard someone crying from the pit close by. He was then rescued from the pit.

In the weeks after this incident, there were reports of another body having been found in a lavatory pit. Other witnesses claim they saw how bodies were burnt by the army but did not have information about the identity of the bodies.

A former informant interviewed by Amnesty International testified that he and three other informants were forced by the army to question two brothers from Chavakaddu who had been taken into custody at the local army camp. One of them was lying on the floor and asked for water. The informant tried to give it to him, but the prisoner was too weak to drink and died shortly afterwards. Army personnel then ordered the group of four to put the body in a polythene bag. Subsequently, the four were taken away so they were not able to see how the body was disposed off.

### Government Action to Bring a Halt to 'Disappearances'

Among the measures introduced by the government shortly after it came to power were the establishment of three presidential commissions of inquiry to investigate past gross human rights violations, including the thousands of 'disappearances' reported since 1 January 1988. (The three commissions had identical mandates but were responsible for the investigation of 'disappearances' in three different geographical areas.

For more details of their mandate, see Sri Lanka: Time for truth and justice (AI Index: ASA 37/04/95) of April 1995.) The commissions started work in early 1995 and presented their final reports to President Chandrika Bandaranaike Kumaratunga on 3 September 1997. Throughout this period they submitted regular interim reports on the progress of their investigations.

In a welcome move, the government announced on 3 September 1997 that the interim and final reports of the three commissions would be made public. It also announced that prosecutions would be initiated in those cases where the commissions found *prima facie* evidence and that a new commission would be established to examine the complaints which the three commissions were not able to inquire into before their term ended.

Although at the time of writing, the reports of the commissions were being printed and thus not yet publicly available, Amnesty International understands that the commission responsible for the north and east did not investigate the reports of 'disappearances' in Jaffna during 1996.

In March 1997, the members of the HRC were appointed, eight months after the Act establishing the HRC was passed in Parliament. In late June 1997, the government announced that the function of monitoring the welfare of detainees which had till then been entrusted to the Human Rights Task Force (HRTF) would be transferred to the HRC as of 1 July 1997. [The HRTF, initially set up in 1991, was re-established under the Emergency (Establishment of the Human Rights Task Force) Regulations No 1 of 1995 after the resumption of the conflict in mid-1995 with a mandate to safeguard the welfare of detainees held under the ERs and Prevention of Terrorism Act (PTA)].

Throughout 1996, local and international human rights organisations campaigned for an office of the HRTF to be

opened in Jaffna. However, apart from a two-day visit to Jaffna in mid-November 1996, the HRTF was not able to carry out its mandate in the Jaffna peninsula. Amnesty International believes that the lack of monitoring of the welfare of detainees throughout this period contributed to the high number of 'disappearances' reported at the time. In early October 1997, three members of the HRC visited Jaffna and identified premises for a regional office, which is now expected to be opened in November 1997. During its visit, Amnesty International pressed upon the members of the HRC the urgent need to open a regional office in Jaffna. Government officials in Colombo and military authorities in Jaffna all agreed that there was a need to have an independent authority locally available where complaints can be lodged.

As stated above, after a lot of publicity surrounding the case of Krishanthi Kumarasamy in late 1996, the BoI was established in the Ministry of Defence. Initially a military person was put in charge of the investigations but amid protest over the lack of independence of the BoI, a civilian, Bandula Kulatunga, was appointed. The four other members are senior officers of the security forces. As of August 1997, the BoI has visited Jaffna on four occasions and recorded evidence of 368 complainants. Amnesty International was informed that during the next phase of the investigations by the BoI, it intended to call for reports from the relevant heads of the security forces.

The General Officer Commanding (GOC) of the 51 Division of the army in Jaffna informed the Amnesty International delegation that he had introduced several measures in early 1997 to bring a halt to 'disappearances' and torture. He acknowledged that he had received a large number of complaints of both 'disappearances' and torture.

The measures introduced included the issuing of 'arrest receipts' to a relative or, in the event a relative is not available, the grama sevaka of the village where the arrest took place. The commander also introduced several changes to the model of receipt designed by the Ministry of Defence. He included details of not only the rank of the arresting officer, but also the name, unit and number as required under presidential directives issued in early September 1997. [The directives issued by President Chandrika Bandaranaike Kumaratunga in early September 1997 are similar to those issued to the security forces in mid-1995 under the Emergency (Establishment of the Human Rights Task Force) Regulations No 1 of 1995. Whereas under the old

regulations, arrests had to be reported to the HRTF, under the new ones the security forces have to forthwith, and in any case not later than 48 hours from the time of arrest or detention, report an arrest or detention and the place where the person is held to the HRC. In addition, they have to inform relatives of detainees, grant the HRC access to places of detention at any time, record statements of detainees in a language of their choice, and take specific protective measures when arresting children and women.] There was general agreement among the population in the peninsula that since the beginning of 1997, at the time the new GOC of the 51 Division had taken over command, a clear improvement in the human rights situation had come about. Similar positive assessments were given about the brigade commander in charge of Vadamarachchi division. It was pointed out to Amnesty International that very few cases of 'disappearances' had been reported from that area.

Among the measures taken by the GOC, 51 Division was the establishment of a special investigative unit consisting of members of the Military Police to investigate 379 complaints of 'disappearances' in 1996 lodged directly with the military authorities in Jaffna. The unit has taken statements from relatives, and has gathered information from the army units alleged to have been stationed in the area at the time of 'disappearance'. As of August 1997, out of 130 cases had been investigated, seven people had been traced in custody and in one case relatives had reported that they had found the body of the 'disappeared' person. In relation to complaints of 'disappearances' during the first half of 1997, 3 people out of 32 people reported to the military authorities as 'disappeared' had been traced by the special investigative unit. Investigations into other cases are continuing. The results of these investigations are intended to be submitted to the BoI.

The Secretary, Ministry of Defence assured Amnesty International that action, including criminal prosecution, has been initiated against those found to be responsible for the 'disappearances' by the BoI, and that senior staff are being held accountable on the basis that they failed in their duty to keep control over their troops. Amnesty International has requested the Secretary, Ministry of Defence to be kept informed of the outcome of these measures.

#### Conclusions and Recommendations

Amnesty International appreciates some important steps taken by the government to restore the rule of law in Sri

Lanka amid difficult circumstances. These include the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights, the establishment of the HRC and the commissions of inquiry into past human rights violations and the lifting of the state of emergency in areas of the south in July 1997. [Between 4 April 1996 and 6 July 1997, the state of emergency was in force throughout the country. On the latter date, its application was narrowed to the north and east and some bordering areas as well as the capital Colombo and surrounding areas.] Amnesty International is also encouraged by several human rights training programs for the security forces, including courses organized by a Directorate of Humanitarian Law set up by the Commander of the Army in May 1997. It also appreciates initial action taken to investigate the 'disappearances' reported from Jaffna and undertakings that those responsible will be brought to justice. It is outlining below a number of recommendations, which would, if implemented, contribute to the further progress of this work.

In Amnesty International's view, the action announced in follow-up to the reports of the three commissions of inquiry into human rights violations (including 'disappearances') since 1 January 1988 would, if fully implemented, contribute to breaking the lingering climate of impunity among the security forces.

*Amnesty International is urging that the findings of the BoI be made public at the earliest opportunity, and that action is taken to follow-up on the government's commitment to initiate criminal prosecution of those alleged to be responsible.*

The international community is waiting to see how the government deals with human rights violations both under the previous regime and under its own term of office.

*While some action has been taken to investigate reported 'disappearances', further action is needed in the areas of prevention and accountability. In addition, mechanisms need to be put into place to ensure that those measures already introduced, such as the presidential directives, are fully adhered to.*

For instance, from the information available, it appears that many of the human rights safeguards, such as those laid down in presidential directives issued in early September 1997, are routinely flouted. 'Arrest receipts' are not being issued in all cases of people taken into custody, relatives are often not informed of the place of detention and the HRC is not being systematically informed of all

cases of arrest and detention. Furthermore, prisoners continue to be held in unauthorized places of detention.

#### Key Factors: Accountability and Review of Security Measures

The government's initiatives in strengthening protection of human rights, in Amnesty International's view, could benefit from technical assistance in two key areas: investigative and prosecutorial expertise and review of security measures, including the ERs and PTA.

In 1991, after its first visit to Sri Lanka, the UNWGEID recommended that the government should "pursue the clarification of 'disappearances' even more vigorously". It suggested that 'human rights groups should be brought more closely into the search for missing persons, specifically as regards the identification of bodies discovered. In such identification, assistance might also be requested from an international team of forensic experts under United Nations auspices'.

*Amnesty International is urging the government to establish an independent forensic team and that members of the police and judiciary are instructed to call upon the team's expertise if and when remains of victims of human rights violations are to be exhumed and identified.*

Since the government came to power, Amnesty International has been urging it to review the ERs and PTA to bring them in line with international standards, a recommendation also made by international bodies such as the Human Rights Committee and the UNWGEID. During meetings in August 1997 with the Minister of Foreign Affairs, Minister of Justice and Constitutional Affairs and Secretary, Ministry of Defence, Amnesty International was told that a review of ERs would be considered. Comments by the government on a draft version of this report affirmed that the ERs are "under constant review". However, experience to date suggests that this review is largely confined to the geographical application of the ERs rather than to address some of the fundamental aspects of its provisions for arrest and detention which have been identified as falling short of international standards as well as having been the subject of criticism by the Supreme Court of Sri Lanka.

*Amnesty International recommends that a thorough review of ERs and PTA, which would take into account the comments of the Human Rights Committee and the Supreme Court of Sri Lanka, is undertaken at the earliest opportunity.*

# THE CRUCIAL PHASE BEGINS IN JAFFNA

By D B S Jeyaraj

**T**he Jaffna Peninsula was home to nearly a million Tamils and almost ten million Palmyrah trees a few years ago. The ravages of war have made its cruel impact and now the population is about a half of what it was earlier while the Palmyrahs have been reduced to about one third of the original number. Whatever the downsizing in numbers Jaffna still remains the premier enclave of the Sri Lankan Tamils and the sturdy Palmyrah the most appropriate metaphor for the indomitable Tamil spirit. The Palmyrah may sway dangerously in the storm and may even be uprooted but will not bend. Such too is the spirit of the Tamil people. (If I may be permitted to strike a personal note I do wish to recall the Indian Army Operation code-named Operation Pawan, meaning gust of strong wind or whirlwind in 1987. The symbolic comparison of Wind and Palmyrah was inevitable. An article I wrote then in the "Island" entitled "Can the Pawan break the Palmyrah? struck a responsive cord on a widespread basis. The Palmyrah metaphor found great acceptance to the point where even some friends who disagreed with some of my views then came up with a very worthwhile book called "Broken Palmyrah").

Today the focus in terms of war is on the Wannai or the Northern mainland where the LTTE is resisting for more than six months the advance of the Sri Lankan forces. In a replay of history where the doughty Wannai chieftains like Pandara Wannian carried on the struggle against European invaders on the mainland after the Jaffna Kingdom on the peninsula had fallen the Tigers too after the fall of Jaffna continue the struggle in the citadel that is Wannai. While the main theatre of war is certainly the Wannai there are signs that the "sideshow" in Jaffna too is about to expand in scale and scope. The low level insurgency that has been prevailing in the Peninsula since the largescale withdrawal of the LTTE from there nearly 18 months ago is now showing signs of increasing in quantitative and qualitative terms.

The tricky situation has been further compounded by the announcement of local authority elections in Jaffna. Sri Lan-

ka's Commissioner of Elections has called for nominations to the local government authorities in the Jaffna Peninsula. Nominations have to be filed between 16 and 23 December. According to the proclamation nominations have been called for 17 local government bodies consisting of 13 "Piradesa Sabaigal" or Pradeshiya Sabhas, three "Nagara sabaigal" or urban councils and one "Maanagara sabai" or municipal council.

The municipal council is Jaffna City while the three urban councils are Chavakachcheri, Point Pedro and Valvetthurai. The Pradeshiya sabhas that correspond to the earlier DRO or AGA divisions are as follows. Kayts, Delft, Velanai, Valigamam West, Valigamam north, Valigamam South, Valigamam East, Vadamaratchy East, Vadamaratchy North, Thenmaratchy, Pachilaippalli, Nallur and Jaffna Town and gravets.

When the government announced local elections to Jaffna early this year most Tamil political parties made strong protests that the ground situation was not conducive for free and fair elections. The Sri Lankan President somewhat reluctantly postponed the election then.

From the government's point of view some form of representative democracy is very essential in Jaffna to take on the responsibility and duty of a civil administration. The government does not want to prolong the current situation where the armed forces are the de-facto and de-jure rulers of Jaffna. The government is also not amenable to the request by some Tamil groups that an interim civil administration should be set up first. Both the armed forces as well as a lot of Jaffna citizens do not want an "ex-Tamil militant group hegemony" imposed upon them from above.

The government also feels that for a viable civil administration to function some form of elected representatives are necessary. Besides most donor agencies that have pledged aid for rehabilitating and re-constructing Jaffna have expressed a desire that the Jaffna people's representatives themselves should play a constructive role in determining their priorities as opposed to centralised planning from Colombo. Although Jaffna

does have 10 Parliamentary Representatives the flawed election process through which they were elected as well as their disappointing performance in carrying out their duties has caused a crisis of confidence and eroded their credibility.

It is in that context that the government wants to usher in local authority elections as a first step in the long road to a genuine and meaningful democracy for Jaffna being established again. The holding of elections at this level could also help as a rehearsal for other elections of greater magnitude that may follow in due course. These include Parliamentary, Provincial or regional council elections and of course referenda of the binding and non-binding types. It is very likely that some Tamil political parties may object to local elections in Jaffna even now but if the government accedes to that request then it will throw away again an opportunity to set in place an appropriate electioneering mechanism in Jaffna. Also it would be hard to justify the staging of a referendum, which is a must for Constitutional reform. In the peninsula after postponing local polls again on the basis that the situation is not conducive.

This does not mean, however, that the situation is rosy in Jaffna for a free and fair local poll. The AGA Division of Valigamam North is almost entirely under the direct territorial control of the army with the bulk of the population being denied entry into what was their homes. This is strictly from a security perspective. On the other hand the Vadamaratchy East Division that is mainly littoral terrain is very much under the sway of the LTTE still. In Pachilaippalli and Thenmaratchy the army dominates some areas while the LTTE is dominant in other areas. It is therefore a mootpoint as to whether free and fair voting would be possible in these places.

Even elsewhere the possibility of vote tampering, rigging and corruption is very much there. The special Commissions of Inquiry that probed the Jaffna electoral district polling in the 1994 elections has concluded that the independent list of candidates fielded by the EPDP and UNP became victors mainly as a result of fraudulent practices including largescale rigging. The Commission that probed the electoral malpractices in the Eastern Province and Vavuniya local authority elections in 1994 also has recommended imposing civic disabilities on several Police officers including DIG's and SSP's for electoral tampering.

Under these circumstances it would be naive to presume that unsatisfactory

practices could be totally eradicated here too. Still it would be practical in the long run to have elections that would be as democratic as possible albeit with some defects rather than no election at all. One way of minimising electoral malpractices would be the saturation of Jaffna with independent election monitors preferably from International organizations.

One positive factor in the scenario is the very real desire on the part of the army upper echelons to hold elections in Jaffna. These thinking sections know and have openly stated that the armed forces cannot indefinitely bear the burden of civil administration. They want to relieve themselves of this task as early as possible. As such it is in their interest to ensure a truly participatory -democracy emerge in Jaffna even at a local authority level first. Also of importance is the antipathy between the armed forces and the Tamil ex-militant groups in Jaffna. This state of affairs also militates against largescale rigging in favour of these groups. Besides the Jaffna of today has a proportionately larger concentration of over forties people. These sections according to an EPDP spokesperson are pro-TULF and anti-militant.

It is not clear, however, whether the TULF will contest the polls. The TULF hierarchy is yet to visit Jaffna although the PLOTE, EPRLF, and EPDP have gone to Jaffna and are indulging in some political activity there. The TULF problem is three-fold. First is the reluctance to face the Jaffna people without having achieved something tangible like a political settlement. The second is the suspicion in view of past experience that the ex-militant groups will rig the polls with army connivance. The third is security as the LTTE in the light of the Than-gathurai killing is likely to turn its guns on the most vulnerable targets the TULF in order to sabotage the polls. While these problems are very real the Tulf would only be throwing away an opportunity to establish their political stock and serve the people if they desist from participating.

The fear of the LTTE is very much an important factor as that organization has been re-asserting its presence in a big way in the peninsula in recent months. The announcement of elections could be considered by that outfit as a direct challenge to its covert authority. In that case a campaign of violence particularly directed against candidates could be expected. The people too would be discouraged from voting freely in the polls.

What is important is to realize that the LTTE has been infiltrating Jaffna in

large numbers for quite some time now. This was not in anticipation of elections alone but also for a more deliberate military agenda. The LTTE has not reconciled with the fact of losing Jaffna. It has been making elaborate plans for re-establishing its presence in a more dynamic manner as opposed to the low level insurgency campaign undertaken in the past. The Jaffna peninsula has seen a spurt of LTTE operations in the recent past.

It is the last mentioned aspect of the Jaffna situation that is of vital importance to the LTTE at this juncture. First and foremost is the symbolic and political value of Jaffna. Although the area of Jaffna peninsula is small it is still the jewel in the Eelam crown. When this government hoisted the national flag at Duraiappah Stadium on 5 December 1995 it dealt a crippling blow to the LTTE psyche. The attempt to convert the Wannai as a fully liberated alternative zone to Jaffna has not met with the expected success. The fact that more than four-hundred thousand people defied the LTTE diktat and opted to "Sleep with the enemy" in military occupied Jaffna added further salt in the wound.

The LTTE edifice of a parallel government or state in the making was primarily focused in and around Jaffna. The LTTE had all the time in the world during 1990 to 95 to create a viable alternative to Jaffna outside the peninsula. Although some attempts were made they were not massively largescale. This stemmed from two factors. One was the supreme confidence of the Tigers that Jaffna would not fall. The second was the Jaffna centric thinking of most LTTE leaders and important supporters. It is an unquestionable fact that the prestige of the LTTE amidst its overseas Tamil support base has diminished to some extent at least by the fall of Jaffna. There is also the emotional factor of the bulk of LTTE hierarchy coming from Jaffna.

At the same time there was no denying the fact that the greatest military achievement of this government was the seizure of Jaffna. That factor has helped it nationally and internationally. Another troubling factor from an LTTE point of view was the gradualisation of normalcy in the Peninsula. The economy was slowly creaking to life. The pace of rehabilitation was proceeding although not very speedily. The people of Jaffna were becoming accustomed again to the benefits of a life amidst peace. This obviously is not to LTTE liking.

Therefore it became crucially imperative to the LTTE that Jaffna be re-taken. Internationally a massive fund

raising drive with the publicly stated purpose of reclaiming Jaffna was launched. The reported disappearances and rapes in Jaffna were highlighted in LTTE overseas propaganda. Many Tamil expatriates of Jaffna origin responded emotionally to this appeal and contributed lavishly to the project.

In the Wannai a secret recruitment and training project was on for this objective. The LTTE has a little known elite fighting division called the "Chiruthaigal" or Leopards. This was basically a Commando type Unit. Originally it was under the command of senior leader Sornam who is presently in charge of the Charles Anthony Infantry Brigade. The "Chiruthaigal" or Leopards were re-structured and re-oriented in the Wannai in recent times. Hundreds of cadres were specially trained under the direct supervision of Pottu Amman, the earlier LTTE leader in charge of Intelligence and Shanker the former anti-aircraft wing leader.

The new training focused specifically on combat inside the army-controlled Jaffna peninsula specifically. The Leopards were programmed to live and fight in what is deemed the hostile territory of Jaffna. A new scheme of war too seems to have been devised. While the residual elements of the Leopards remain in the Wannai under Shankar the cream under Pottu Amman has been deployed to Jaffna. The talk on the LTTE grapevine is that Prabakharan has entrusted his trusted deputy Pottammaan with a deadline to accomplish certain objectives in Jaffna. The leader apparently is supremely confident that Pottammaan will deliver the goods.

Sivashankaran alias Pottammaan is a native of Ariyalai a suburb of Jaffna Town. He is one of the few pre-1983 members of the LTTE who are active in the movement still. Pottu means thilak or the traditional "dot" on the foreheads of Hindus. Sivashankaran in his youth was enamoured of the TULF Jaffna MP V Yogeswaran. The custom those days was for young men and women supporters of TULF leaders to prick their thumbs and press the blood on the foreheads of leaders as "pottus" to signify in symbolic fashion their commitment to sacrifice for Tamil Eelam. This was almost a ritual on TULF platforms those days. Sivashankaran in his eagerness had split his forearm instead of pricking his thumb and daubed Yogeswaran in blood. The bleeding had been severe and a fainting Sivashankaran had to be rushed for emergency treatment then. Thereafter he had been nicknamed Pottu. Later the same name stuck to him after joining the movement too. With the passage of time Pottu

an ardent Prabakharan loyalist who treats his leader like a re-incarnation of Lord Muruga became a senior leader. The suffix "Ar" was added on in respect. Finally he got the suffix "Ammaan" literally meaning Uncle but a respectful form of address in usage affixed to his name Pottu.

Rising from the ranks Pottu, became Batticaloa District Commander for the LTTE. There he met and married his wife. Later he was sent to the Indian coast to oversee transport of men and materials at a very critical phase during the IPKF period. He then was appointed as Jaffna Commander during the Indian Army period again. This was a time when Prabakharan and other seniors were in the Wannai. Despite the overwhelming IPKF presence Pottammaan with a small group of Tigers wrought havoc through the length and breadth of the Jaffna Peninsula then. After 1990 Pottammaan became chief of the LTTE intelligence. It was he who allegedly masterminded the killing of Rajiv Gandhi, Premadasa, Ranjan Wijeyratne, Clancy Fernando and a host of others. He was also instrumental in the fall from grace of Mahathaya the erstwhile LTTE deputy leader. Now Prabakharan who has tremendous confidence in Pottu has given him a new duty again.

The appointing of Pottu as Jaffna Commander also means a demotion for Thamil Chelvan the head of the LTTE political wing who participated at talks with this government in 1995. After the fall of Jaffna Thamil Chelvan was asked to co-ordinate LTTE activity in the Peninsula as Jaffna Commander. Although the LTTE did continue to function actively in the Peninsula the scope and scale was not to the satisfaction of Prabakharan who like Oliver Twist always wanted more in performance from his cadres. Besides Thamil Chelvan displayed a marked reluctance to be actively present in the Jaffna Peninsula. He was present most of the time in Kandawalai on the northern mainland rather than be in the field. Pottammaan on the other hand has left the Wannai and based himself in Jaffna. He set up camp in Poompuhaar, a colony in his native Ariyalai on the coast of the Jaffna lagoon. Close contact with the LTTE dominated mainland was maintained via Pooneryn promontory. The security forces came to know of Pottu Ammaan's presence and virtually declared the south-western villages of greater Ariyalai like Poompuhar, Uthayapuram, Vasanthapuram, Maniyan Thottam, Munangu and some areas of Colombothurai, Pashaiyoor etc as no go areas. A lot of people have been dis-

placed. The area considered has beaches, coves, coconut plantations, fields, shrub jungle etc and is a quite conducive terrain for guerrilla warfare. Pottammaan, however, has shifted camp now.

Pottammaan's deputy in the peninsula is said to be Kalaichelvan, a native of Trincomalee who has considerable experience of the Jaffna terrain. After the 1995 Kalai Chelvan was stationed in Madduvil and performed very creditably from a Tiger point of view. His elevation is Kalai Chelvan's reward.

The Army Control over Jaffna peninsula is fourfold in terms of area control. There is the high security area generally around military installations where people are not allowed to live in or move about. There is practically no LTTE presence here. The second is cleared areas where military installations and checkpoints abound. The security is quite tight and the LTTE can only maintain a covert presence here. shooting with small firearms and throwing grenades is the only mode available to the LTTE here.

The third and fourth are the intensely dominated and sparsely dominated areas. These are areas where the army does not have a permanent presence. The intensely dominated areas are places where the army patrols regularly and intensively intermittent cordon and search operations are undertaken here. The sparsely dominated areas are places where the army does infrequent patrolling. Sometimes the army does not sight these places for even weeks at a stretch. Even shelling is done in the general direction of these places. Some of these areas are like liberated Tiger zones with the LTTE moving about very casually. The army has restricted a lot of food supplies to these areas. Much of LTTE activity is in the 50 called dominated areas and to a lesser extent in cleared areas.

Earlier the Army had built-up structures known as "bunds" demarcating areas of control. These bunds known as "the great walls of China" to Jaffna inhabitants prevented movement of people from one area to another. If a bund went through a village residents of the same place were cut off from each other. There is also a strict permit system for people of one region to move into another region. Cordon and search operations were routine. The checks at sentry points were intensive and humiliating. people regardless of age and position were forced to dismount from their vehicles in most instances cycles and motor cycles at these points and demean themselves. In many instances people took longer routes to circumvent these check points. It was obvious that if ordinary people could do it

the Tigers too could do it and avoid checking.

The escalation of war in the Wannai has seen a pull out of some military personnel from Jaffna too for redeployment. This is visibly felt now in the closing down of some sentry posts and check points etc. There is also a drop in the numbers engaged in patrolling. The "bund" scheme of movement restriction has been virtually abandoned. The cordon and searches as well as patrolling has dropped to some extent. This visible decrease of military activity in Jaffna is definitely correlated to the increase of LTTE activity here. It is a case of the East replicating itself here. The corresponding increase of Tiger activity is interlinked to the decline of military rank and file in Jaffna.

The LTTE presence in the Peninsula is of two types. One is a permanent and the other a rotational presence. The permanent cadres are generally hidden in safe houses, hidden bunkers or mobile camps. They are highly mobile but are stationed in particular areas. They are aided and abetted by some people out of a number of reasons including ideological sympathy, fear, relationship, parochial feelings and in many cases financial gain. It is also suspected that whole families supporting the LTTE too are being systematically transplanted from the Wannai by the Tigers.

The rotational presence is from Tigers infiltrating the Peninsula at various points. The LTTE uses the Vidathal Theevu - Pooneryn - Sangupiddy coastline on the north west of the mainland to enter the Peninsula on the Colombothurai - Ariyalai - Kachhai - Kilaali coastline. The more frequent passage is from the Chundikulam LTTE naval base on the South Eastern Mainland to the entirety of the coast along lower Vadamaratchi or East Vadamaratchi and Pachilaipalli coastal areas of the Peninsula. This coastal stretch from Uduthurai to Vallipuram encompassing the coastal villages of Aaliyawalai, Thalai adi, Sembian pattur, Maruthankerni, Amban, Nagar Kovil, Kudathanai, Manal pitti, Mulli, Katkavalam and Vallipuram provide safe entry and exit points to the Peninsula.

These are all areas where the army seldom patrols and the LTTE maintained open camps here. The LTTE also has gone around the peninsula by sea from the Mullai theevu coast and penetrated the coastline along Ponnalai, Karainagar, Senthankulam and Thiruvadi nilai. The LTTE is quite active and visibly present in large areas of East Vadamaratchi, Pachilaipalli, Southern and South Western Thenmaratchy and in pockets of

Valigaamam. The permanently present cadres are invigorated and replenished by rotational cadres and supplies. The LTTE grapevine however is buzzing with the news that the Tigers will soon take on important targets like camps and cantonments.

An indication of how the LTTE operates could be gleaned from the discovery of a safe house recently in Madduvil. An aged widow and her young teenaged daughter were living there. The only son a member of another group had been killed by the LTTE earlier. The family had also been exploited for money. The aged father, a farmer had a premature death as a result mainly because of LTTE inspired worries. The mother and daughter were living in a half finished house with incomplete brick walls and an earthen floor.

The family was considered anti-LTTE. Yet a hidden bunker of immense proportions was found on a subterranean level. Eight LTTE men were hidden there. Four were killed and two committed suicide while two escaped when the forces acting on a tip off surrounded the dwelling. It was found that the poverty stricken family was nurturing and nourishing the Tigers not out of ideological commitment but due to monetary remuneration and fear.

One of the beneficial aspects from a strictly security perspective alone is the ready flow of information coming from the people themselves. According to security reports the information may sometimes be late but is almost always accurate. Prompt follow up action has instilled trepidation in the hearts of the people that helping the LTTE would mean retribution. Also the people still consider the LTTE as incapable of wresting control of the Peninsula again. If on the other hand the people feel that the forces are losing their grip and that the LTTE could make a come back then their mood too may change in the interests of survival which after all is primordial and fundamental.

Reports from Jaffna indicate that Pottu Ammaan too is working on this psychological aspect. He himself is visiting several old supporters enlisting their support. Posters have appeared in Jaffna asking the people not to support the Tamil groups or the Army. The LTTE has also distributed leaflets and put up posters stating that the Tigers will return soon. The LTTE has also started collecting funds in the Peninsula starting with the business people. The Army aware of this has issued strict orders that no-one should help or donate money to the LTTE.

The LTTE has also issued warnings to the owners of illicit liquor booths and screeners of blue films in Jaffna. Already some of these are closing shop in fear. The situation is somewhat reminiscent to the pre-1983 period where the LTTE embarked on cleaning Jaffna of anti-social elements.

What is of greater concern is the escalation of activity in Jaffna after Pottu Ammaan took over. 16 attacks occurred during November in various parts of the peninsula. Some were staged with heavy weapons and sophisticated explosives. 82 casualties dead and injured were incurred on the side of the security front.

There is one school of thought that feels the climate in terms of political psychology too is favourable to the LTTE at present. According to this viewpoint the government has been unable, mainly as a result of LTTE opposition, to implement meaningful rehabilitation and reconstruction. The corruption level is increasing. The Human Rights situation is far from satisfactory. The earlier cordiality that prevailed between the army and the people is virtually non-existent. The introduction of the non-LTTE groups to Jaffna too has not contributed positively to the situation. More importantly the long awaited political solution is yet to materialise.

The validity of the above-mentioned situation is summed up best by an observation made by Steven Mann, the US State Department's Deputy Director in charge of South Asia at a recent conference at Harvard University. Speaking at a Conference entitled "Political Economic and Social Reconstruction of Sri Lanka" organised by the Harvard Institute of International Development Mann said that the Sri Lankan government may have lost its opportunity to win support from amongst the Tamil people of Jaffna. "The government has a small window - which may already be closed - to win over the people of Jaffna" he said. "if the government does not make a showcase of Jaffna in the eyes of the whole Tamil population, then it is a useless acquisition of real estate".

This state of affairs in jaffna as referred to by Steven Mann reiterates what the proponents of the view regarding the political environment being conducive for a resurgence of anti-government feeling among the people of Jaffna. According to this view the current situation has caused a prevailing sense of disappointment and disillusionment among the people. This is an ideal time for the LTTE to move into Jaffna in a big way. It does not mean that the people are going to transform overnight but if the LTTE con-

tinues to make a continuously powerful impact in the peninsula then the future could be quite dicey with the people revising their options and opinion.

There is however a counterpoint to this argument too. A senior journalist working for a prestigious US application had just returned to Colombo after a prolonged stay in Jaffna. This journalist revealed a fresh insight over the phone to this correspondent. He admitted that the feelings had reached a very low point some time ago when the army reacted very badly to the Stanley road explosion that killed a brigadier and injured then Housing Minister, Nimal Siripala de Silva in Jaffna. The Mullaithewu debacle exasperated this feeling further.

There was a general deterioration in the relationship between the army and the people then. Disappearances, rapes, torture, brutal treatment of the people etc were then the order of the day. Even then the soldiers of the Vadamaratchy area under Brigadier Wijeyratne maintained high standards of discipline and generally got along with the people of Jaffna. The journalist however emphasised that the situation was changing very much for the better during the past few months. After Major General Lionel Balagalle took over as Overall Security Forces Commander the situation had shown marked improvement. He said that the phenomenon of infrequent patrolling, reduction of checkpoints and sentry points and the drop in cordon and search operations was not entirely due to manpower shortage but also because of a conscious decision to minimise harassment of the civilians as far as possible.

According to this journalist General Balagalle was engaged in a massive public relations exercise to win the hearts and minds of the Tamil people. Already Balagalle was being referred to in the international media as the "Human Rights General" because of the tremendous improvement in the human rights record of the army in recent times. This he said was contributing to an easing of tension between the people and the forces. Yet the people in reality did not want anyone with arms to be in control but also realised that this heartfelt yearning could not be possible right now.

What the people of Jaffna feared and there were very reasonable grounds to entertain such fears was whether the army will continue to behave "Nicely" with them in the wake of a sustained military campaign against them by the LTTE. Although few expect the LTTE to overthrow the army in Jaffna the anxiety is about the army showing its ugly side

(Continued on next page)

# THIS IS MURDER, NOT RAGGING

Dr.S.Narapalasingam

**T**he details in the ragging incident that resulted in the killing by torture of Varapragash have been well publicised in all the Sri Lankan newspapers and quite rightly the condemnation has also been equally severe. The feelings of his father, mother and elder brother on their irreplaceable loss have been described in detail by several journalists. There could not have been any sane human being, who did not feel the sorrow of losing a brilliant and promising young man in this most heartless manner.

Some professionals have written about their own harrowing experiences when they entered the universities in Sri Lanka. Attention has also been drawn to some past horrible incidents of ragging. They are appalled that the authorities have not taken effective action in the past to end ragging in the universities.

But little attention has been paid to the fact that the irresponsible behaviour of those, who provided leadership to the people has started the domino effect that is destroying human values. The system of political patronage, corruption and all kinds of violence, including the violence that has been unleashed in the name of "liberation" are all manifestations of the denigration of human values. The universities in Sri Lanka have been functioning in this anti-cultural environment. It is, therefore, necessary to consider the behavioural problem of students in this wider context.

(Continued from page 22)

again when the Tigers start attacking them intensively. In that context the people fear that the escalation of LTTE activity would once again make the army expose its bestial nature again. Interestingly Lionel Balagalle himself was in charge of military intelligence for a long time. His main adversary Pottammaan too was in charge of LTTE intelligence until recently. Thus the chief protagonists have an "Intelligence" background. It is clear therefore that the announcement of elections, the hearts and minds approach of the army, and the escalation of LTTE activity will make a dynamic impact on Jaffna during the next few months. Jaffna has entered a crucially decisive politico-military phase the result of which could be unpredictable at this juncture. □

## Victim of Inhumanity

Varapragash was a student of St. John's College located in Jaffna, whose residents had either fled or disappeared and those still there had experienced untold suffering since the ethnic conflict escalated into a bloody war. He had performed exceptionally well in studies as well as in sports and was a school prefect. Since he had to wait for nearly two years to enter the engineering faculty of Peradeniya University after having obtained the required grades in the Advanced Level examination, he had started studying for the CIMA examinations. Within this short period, he had completed successfully all the earlier parts and was to sit for the final examination in November, 1997. Had he lived, he would have had a promising career having secured qualifications in both the accountancy and engineering professions.

He was to have been ragged on Friday, October 3 but had escaped as he was on his way to Colombo to attend the CIMA classes. Ever since he joined the university, he had been travelling to Colombo during weekends to attend these classes. He was ragged on October 6 by a group of Tamil engineering students, one year senior to him. The cruelty of the physical "ragging" as reported in the media could be discerned from the following: "He was commanded to do 500 sit-ups. After doing about 150 sit-ups, he had pleaded with the tormentors that he wanted to stop as he was unable to go on. But he was threatened to continue and a little while later he had fainted.

Water was splashed on his face to revive him and when he revived he was forced to continue. But he had fainted again after doing about 250 sit-ups. He was once again revived in the same manner and when he completed the 500 sit-ups he had collapsed. That night he had started passing blood with his urine." His father, Dr. S. Pragasham a medical doctor residing in Colombo was informed of his son's condition by his room-mate.

He brought Varapragash to Colombo in a critical condition the following day and admitted his son first to the National Hospital. Later he was transferred to a private hospital, where he was kept in the Intensive Care Unit. This was done when all the tests indicated that his kid-

neys were not functioning as they were badly damaged. In the intensive care unit he was put on a dialysis machine. He eventually died at 11.55 p.m. on October 26 due to cardiac arrest after his lungs had suddenly collapsed. Varapragash was, however, able to give a statement to the police identifying those who ragged him, as his condition improved slightly in the intervening period.

It was reported that despite an entry being made on October 16, no arrests were made until October 26. The alleged main suspect B P Sathiskaran from Kayts had escaped arrest. On the recommendation of the Board of Discipline of the university at a meeting held on November 6, the university authorities have now expelled him. According to the Vice Chancellor, Prof. Leslie Gunawardena the 6 undergraduates in remand custody for allegedly being involved in the 'ragging' incident would also be expelled.

Dr. Pragasham's insistence that it should be noted that it was only the Tamil boys themselves who did this inhuman cruelty to his son reflected his sincerity and impartiality. He had told a journalist, who was interviewing him about the tragedy: "It was not the Sinhala children. You write that otherwise some people will put some colour to it and bring an ethnic thing to it. He was very popular among the Sinhala children. It was only a group of Tamils who did this to him. Even when we wanted blood for his son over the radio, the first four people who volunteered were Sinhalese. It was only the fifth person who was a Tamil. These people were not even known to me." This should open up the minds of many whose thinking is marred by racial prejudices.

What happened to Varapragash should not be dismissed as a freak incident perpetrated by a few sadists. It is a wake up call to root out violent behaviour not only in the universities but also in the society at large. Astoundingly, despite the wide condemnation of the tragic ragging incident at the University of Peradeniya, some students in the Eastern University had indulged in ragging the freshers. S. Vijayanathan a first year Arts Faculty student from Mullaitivu was reported to have been treated at the Batticaloa General Hospital. He had a hernia operation earlier and developed swelling of the bladder after performing some exercises in the Varapragash style. The sadistic nature of ragging reflects the degeneration of human values in the society on the one hand and in general the impulsive thinking of the younger generation without any consideration for the long-term effects of the resulting actions on the other. Violence is becoming the

established method to exhibit not only authority but also defiance.

According to the Tamil daily, *Uthayan*, published in Jaffna, its office was attacked by over 300 students of the University of Jaffna for exposing the "true" story of a ragging and assault of the university's first year student, S Balakumar. He was reported to be an anti-ragging first year commerce student and was assaulted by seniors after he refused to obey their commands. The point to be noted here is the way the students reacted to the newspaper report, when there have been other peaceful methods of raising their objections, if they considered the report to be "untrue".

### Pervasive Evil Practices

The three evils that continue to torment honest and peace loving citizens of all races are human rights violation, corruption and irresponsibility. The non-enforcement of the laws of the country as well as the rules and regulations in various establishments, indiscipline in the ranks and files within the agencies responsible for maintaining security, law and order are all manifestations of the decline in standards of governance since independence. It has come to the stage now that a citizen cannot expect justice from the system unless he or she has the right connection or the power to get things moving. The language of money is the one that is easily understood and effective in getting things done according to the laws of the land.

In as much as a responsible government is all about taking hard decisions in public interest, other institutions which have some responsibility for influencing the way the society functions will also have to act in the larger interests of the society. The overwhelming desire to take the decisions perceived as popular, however, immoral or harmful to the society in the long term has dominated political thinking for a long time. The instinct for survival has also influenced the conduct of many in responsible positions. Even persons conscious of their duties to the society, functioning on the periphery are helpless when their superiors condone unprincipled actions.

### Human Rights

Dr. Hemamal Jayawardena has pointed out that "ragging is a violation of basic human rights, because it is concerned with subjecting individuals to cruel, inhuman and degrading treatment." No sensible person can disagree with him. He had on an earlier occasion refused to conduct lectures until the students condemned ragging. Professor

Carlo Fonseka is another rare intellectual, who resigned his post at the Keleniya Medical Faculty on account of rampant ragging there. However, university teachers as a body had earlier failed to stand up against the barbaric behaviour of undergraduates. The decision by the Arts and Commerce Faculty Deans of the Eastern University to boycott the lectures for second year students, following the recent ragging incidents was effective as the ragging ended soon. This shows the effectiveness of actions taken by the whole academy.

The head of Amnesty International, Pierre Sane speaking at a news Conference in Edinburgh when the Commonwealth Summit was held there during 24-27 October 1997, made special reference to 8 member States with the worst record on human rights violations. 54 countries are currently members of the Commonwealth. Sri Lanka was classified as an errant State in this group. It is amazing that the majority, who claim to be the inheritors of the Buddhist heritage and its protectors are unconcerned about the country's present dishonourable image regarding its human rights records.

Once violations of human rights like political violence are condoned or even ignored as expedient to achieve a specific goal, the practice will not remain confined to that specific area of activities. Nor will it disappear once the goal is achieved. There is a catalogue of cases of human rights violations in Sri Lanka that have taken place since the JVP uprising in 1971, where the culprits have not been brought to justice. The list is still growing, while the leaders continue to give pledges with increasing vigour that the fundamental rights of all citizens will be protected.

### Irrational activism

What has been happening over the past two decades or so in the universities in Sri Lanka may be succinctly stated as some form of irrational activism. Rational activism is useful for social advancement and greater liberalism and reflects the true commitment of the society to the fundamental principles that give strength to its culture. It is indeed necessary in situations such as the one prevailing in Sri Lanka now, where prejudicial thinking is dominating the political landscape and violence has become the recognised means to seek controlling power within various groups and within the society as a whole. Violent behaviour is the consequence of irrational activism. Its intrusion in the society is mainly due to the failures of

the education system as well as the ways the sovereign rulers exercised power.

Peradeniya University Proctor, Professor Ashley Halpe is reported to have announced that the "university laws and regulations will now be enforced more stringently to curb ragging." It is clear from this that the existing laws and regulations were not enforced by the university. Is this not the case with the governments of Sri Lanka? Vice Chancellor of Peradeniya University has said "the university council decided to declare a Varapragash Week to be observed every year in the month of October." It is laudable that the late Varapragash should be remembered in this manner to remind all future undergraduates of the dire consequences of ragging in universities but this will not be sufficient to solve the problem. The fact that the ragging incident in the University of Jaffna mentioned earlier had taken place during "Varapragash Week" underscores the above comment.

Professor S. Pathmanathan, Vice Chairman of the University Grants Commission is reported to have said "that one could not blame a particular group for such acts, as ragging has been a problem dating back some forty years." There cannot be any excuse for the kind of student behaviour reported recently, just because ragging has been present in the past several years.

It should not be forgotten that ragging during our time was totally different with no danger to life or making some student disabled for life. Importantly, it was then limited to the first two or three weeks at most in the new academic year.

As in some other cases, the present thinking in some quarters is to introduce a law to ban ragging. If every aspect of human behaviour has to be controlled through legislation, then one may be forced to think whether the society has any cultural values left at all. The worst part of this approach is to have a statute without enforcing it for the reasons well known to Sri Lankans. Morality in life requires sustained efforts outside the legal system as well. The young minds learn about morality not from books but largely from what they observe in practice. In the final analysis, the fault lies in the society that has tolerated for long, the obnoxious behaviour of those entrusted with the responsibility to govern.

What will happen eventually, if problems are not solved at the very outset is clear at the national level from the present state of the economy and turmoil in the country. What is strange in the academic circle, is that until Varapragash's murder the authorities have not taken firm action to stop once



and for all ragging in any form. The students should have been told unequivocally that this was not the practice in the prestigious universities abroad. In fact, in the universities in the west that one knows of the seniors welcome the freshers and help them enthusiastically to settle down in their new environment.

Interestingly, a commission appointed by President Chandrika Kumartunga on ragging has handed its report long before the recent ragging incident in Peradeniya University. The report is said to have examined in detail the repercussions of ragging and made recommendations. There is hardly any need to elaborate on the failures to act upon the reports of the commissions appointed by governments that addressed the problems of objectionable practices and non-accountability in public services. It seems that the frequently used catchphrase "good governance" has little practical significance and remains a virtuous concept mainly for sermonising.

### The Challenge

While it is natural that parents and students consider the possession of a university degree as a passport to a decent job, any responsible government committed to cultural, economic and social development must view the institution "not just as a creator of knowledge, a trainer of young minds and a transmitter of culture but also as a major agent of economic growth." This had never been the case in Sri Lanka. There has been a significant expansion in university education in Sri Lanka, since independence. This was not for any of the above reasons but simply to gain political support in the very short term. Despite the considerable public funds expended annually, the assumed "investment" in knowledge has not been productive unlike in the fast growing economies in Asia e.g. Japan, Malaysia, Singapore and China (Hong Kong included). On the contrary, it had retarded progress and also caused discontent among the graduates whose job expectations were not realised.

The education system that was adopted after independence for political reasons, promoted ethnic consciousness and ethnic divisions in the society. The rot had started even before the students entered the universities with the changes made to secondary education. These did not help students to broaden their outlook and also deviated from one main purpose of education, namely, to make the society honourable (not just literate). The system is serving well the self-serving politicians and their cronies. It is dreadful to think what the situation will

# Bizarre Developments in Pakistan and India

Ramesh Gopalakrishnan

**M**ore than bizarre. That's the right word to be used if parliaments of India and Pakistan were dissolved on the same day on the fiftieth year of their independence from British rule. Such a possibility did exist, but president Farooq Ahmed Leghari mercifully quit, refusing to sign a message sent by prime minister Nawaz Sharif denoting supreme court chief justice Sajjad Ali Shah. In India, president K R Narayanan saw the polity through a comical phase, with the BJP and Congress(I), trying to woo and buy and keep legislators with suitcases. Mercifully again, Narayanan dissolved the Lok Sabha and ordered elections and avoided the Aya Ram Gaya Ram culture of defections which characterises Indian polity till date.

Still, it's difficult to judge whether the two events augur well for the future of the subcontinent. Well, India runs the risk of electing a full-fledged BJP-led government at the centre, and the same might well last more than the 14-day-long tenure it had in May last year. BJP's prime ministerial aspirant Atal Behari Vajpayee has shown signs of willingness to buy legislators this time, something he would be able to do next time. This

be for the people of all races, if the order of priorities of the political leaders continue to remain as they are now and dallying on the current burning issue in the country continues.

It is simplistic to give the impression that the country has only a single problem, namely the ethnic conflict, and once it is resolved somehow the people can look to a bright future. Even here, the political leaders are yet to put aside their narrow interests and agree on a solution. Politics has become a sort of "hide and seek" game. The evil methods used to seize political power and wealth are like landmines. They are easy to plant but difficult to remove. Herculean tasks lie ahead to get rid of the evil practices introduced by various rulers. This is the challenge facing the people of all races. Unless they act now, it will be too late to hope for a bright future for the coming generations in their native land. □

time it is prime minister I K Gujral's turn to feel proud that he would not like to be involved in buying legislators. Well, no one can afford to forget that former prime minister P V Narasimha Rao and a host of politicians are going up and down the court steps in connection with the purchase of subaltern Jharkhand Mukti Morcha legislators in 1993! So, the dictum is: If you can't buy them, keep up the moral posture!

Apart from the wholesale or retail purchasing of legislators, a BJP-led government in India is certain to push for certain dangerous irreversible changes in the polity. Ayodhya, where the Babri Masjid once stood, is likely to be declared a Holy City on the lines of Amritsar and Varanasi and subtle efforts would be undertaken to build a temple-kind-of-structure. And BJP's backbones, the RSS and the Viswa Hindu Parishad, will get bold enough to demand demolitions of more mosques in northern India. The article 370 of the constitution, which grants special status to Jammu and Kashmir, might be tampered with, if not repealed in toto. Lastly, the BJP and its supporters will crave for more space in the public sphere, targetting some of the liberal, English-speaking media establishments. The targetting is already yielding results.

In Bombay, er Mumbai, where the grand-old Times of India has brought out a special edition praising Shiv Sena chief Bal Thackeray, praising the former-mediocre-cartoonist-on-its-rolls on his 70th birthday! Soon, more establishments will follow suit. Of course, the BJP will attempt to the minorities back its bid for power to some extent. The BJP has showpiece-minorities' leaders in its flank. Sikander Bakht, the party's vice-president, is expected to convince the Muslims and George Fernandes and Parkash Singh Badal may be asked to rein in Christian and Sikh establishments. The changes to polity, which the BJP's hardcore think-tank wants to make, are certain to erode and corrode certain institutional checks and balances in India. With the result that the BJP-led government, whenever it falls, might

leave the country in a worse situation.

Pakistan faces a different dilemma. With Leghari's exit, senate chairman Wasim Sajjad assumed charge as president and the elections to the post is expected to throw up a candidate favoured by prime minister Nawaz Shariff in the end of this month. After Zulfiqar Ali Bhutto, Shariff has become the most powerful prime minister in Pakistan. He has used the row with the judiciary in a clever manner to finish off the only major threat posed to his government by president Leghari.

Shariff has used the democratic angle to the hilt in his battle with the judiciary last month. Thousands of Pakistan Muslim League stormed the supreme court even as Shariff was being called by the chief justice to appear before him on a contempt petition. Shariff was given support from various benches of the supreme court led by Justice Said-uz-zaman Siddiqui, who managed to pass strictures against Justice Shah. In the meantime, he got the senate to pass a law, to take effect in a retrospective manner, to ensure that the president would not be able to block appointment of judges according to the will of the government. The chief justice hit back by directly asking the president to deploy the army to protect the supreme court judges.

Well, the army is the silent arbitrator in all political disputes of Pakistan and doesn't want to be named. The chief justice made this cardinal mistake, and Leghari had no option but to back his demand. This was criticised by Shariff and the senate. The army, keen not to be named, quietly backed Shariff ensuring that Leghari had no option but to quit.

Without the army's support, Leghari could not have dismissed Shariff as he did Benazir last year. After all, Shariff has a steamroller majority in the senate and the army knows too well that he doesn't have much of an opposition in Benazir's party which is going through a crisis. The army, if it had gone along with Leghari, may have to rule directly and face opposition from Shariff. The fact it wanted to avoid this situation is a significant change in Pakistan.

Yet, analysts fear that Shariff might establish a personalised dictatorship in Pakistan, given the army's full and tacit support and the record of the country's recent history. Another major development is the postponement of the peace talks between India and Pakistan to next month. In any case, the new Indian prime minister will have to contend with a much-stronger Shariff during talks with Pakistan in March next. □

# Rajiv's Ghost Wrecks Gujral Government

T.N.Gopalan

**W**ell before the human bomb exploded at Sriperumbudur on the night of May 21, 1991, the then DMK Government was dismissed on charges of abetting and encouraging the LTTE activities. And now, six years later, former Prime Minister Rajiv Gandhi's ghost has come back to haunt the corridors of power.

The Justice Milap Chand Jain Commission probing into the assassination came up with an interim report severely indicting the 1989-91 DMK regime for facilitating the perpetration of the dastardly crime, as it were, by its pro-LTTE policies. The Cong-I want the DMK's head - it wanted the United Front to jettison the DMK. But he UF refused to placate its main supporting party, and so the barely seven-month-old Gujral Ministry had to go.

With no combination unable to muster a majority in the Lok Sabha, it has been dissolved. Fresh elections have been ordered for February next.

There is no sign that no one, leave alone the muddle-headed Jain, will ever come out with the truth behind the assassination, and so Rajiv's ghost will never be laid to rest. But then in the notorious words of Rajiv Gandhi himself, when a banyan tree falls, the earth shakes. (He made that horribly callous remark when reacting to the horrendous anti-Sikh riots in New Delhi after Mrs. Gandhi was gunned down by her own bodyguards.) Naturally then India's own destiny seems to be inextricably linked with that of the Nehru clan's.

Milap Chand Jain landed the job of unravelling the conspiracy behind the assassination when Justice J.S.Verma (presently the Chief Justice of India) who was inquiring into the Sriperumbudur blast bluntly refused to go into the conspiracy angle, saying that such things would not fall within the scope of the legitimate functions of a sitting judge and which had better be tackled by the investigating agencies concerned.

But right from the word go, the Commission was plagued by all kinds problems - from the bickering over the terms of reference to the protracted battle in the courts on the cut-off date (the events from which period the commission was

to probe into) to the Rao regime's apparent reluctance to part with certain relevant documents, the litany of its woes was endless.

But suddenly in 1995 there were fire-works. Rajiv's widow chose to speak out, denouncing the unconscionable delay in the working of the commission and the government ran for cover. Mr. Jain who had been languishing in a cellar, as it were, and kicked around even by junior officials, was transformed into a much sought-after, a much dreaded VVIP.

Evidently because the 17-volume interim report, submitted in August last, contained some damaging references to the DMK, a constituent of the UF government, the latter dragged its feet on tabling the report. Though the Cong-I was making some noises, it too did not press the issue.

Then the *India Today* scoop exploded on the political scene - the rather titillating excerpts indicted the DMK, Union Finance Minister P.Chindambaram and the V.P.Singh and Chandrashekhar governments as also the entire Tamil community, in one broad and vicious swipe.

Apparently on a signal from Sonia Gandhi, the Congress high command to go for the UF's jugular. If the DMK was not dropped from both the ministry and the united front itself, the Congress would withdraw its support, the emboldened Rajiv loyalists thundered and president Kesari had to fall in line.

For all the noise made by the Congressmen, shaking in self-righteous indignation the so-called interim report, highlighting the events which "remorselessly" led to the felling down of Rajiv, is a mishmash of some cloying tributes to the late lamented hero, half-baked inferences, jaundiced perceptions and ritual incantation of cliched truism, in short anything but a well considered, balanced and relatively objective view of men and matters. A few gems here: "by his charismatic personality, he won the hearts of his countrymen. His smiling face and his pattern of behaviour and his manners were so attractive and appealing that he would turn his foes into friends. Though he lost power in December 1989... he was on the crest of

his popularity and seen as if destined to be the future prime minister of India".

"The (Lankan Tamil) militancy... assumed anti-national character and penetrated into the social fabric of the Tamil population..."; "the assassination would not have come to pass but for the nexus between the LTTE operatives and the Tamil population..."

"An unverified information was furnished by an intelligence agency during October 1989 which categorically (sic) stated that the Queen of Nepal had asked Major Gen. Aditya Shamsher Jang Bahadur to arrange for assassination of Shri.Rajiv Gandhi. He was allowed to spend up to Rs.10 crore for the assignment".

Not to speak of the outrageous assertion that Karunanidhi had asked the LTTE intelligence wing leader Natesan to annihilate Varadarajaperumal and Padmanabha.

One can go on and on to show that Jain was more interested in fixing blame on certain politicians than in getting at the truth and hence his atrociously selective use of the information available at his disposal. An outraged editor remarked, "the so-called interim report is full of such gaping holes that even a second-class magistrate would throw it into dustbin with contempt and without a moment's hesitation".

The funny thing is that Jain is yet to come to grips with the conspiracy angle, the main purpose for which it was constituted in the first place. Fingers have been pointed at a variety of persons, ranging from Chandraswamy (and derivatively Narasimha Rao) to Subramaniam Swamy to some Khalistani leaders to CIA to Mossad ad nauseum. One really shudders to think what more unsubstantiated and loonier conclusions he would arrive at given his proclivity to treat most solemnly even the most ridiculous piece of trivia as yet another startling piece of evidence against the evil forces which or who had conspired to take away the life of the very dear Rajiv.

Be that as it may, the Cong-I desperately wanted to show to all concerned that it was in the driving seat and that when it came to Rajiv there was going to be no compromise. Proceedings in both the Houses of the parliament, the Lok Sabha and the Rajya Sabha were completely paralysed the day after the Jain report was tabled. The Congress M.Ps vowed not to allow any business to be transacted unless the DMK ministers were sacked from the cabinet. Possibly by adopting such shrill, aggressive stances it did, the High Command wanted to impress Sonia Gandhi of their

unwavering loyalty to the memory of her late husband and that way persuade her to take to campaigning in the next elections.

"We're left with no mascots any more. Organisationally we have been badly mauled in the last few years. Only Sonia is capable of reinfusing some life into the party..." a Congress MP was quoted as saying.

The UF was caught on the horns of a dilemma. It has given into the Cong-I in April last by replacing Deve Gowda with Gujral. It could do so again by sacrificing the DMK in that was going to be the only way of saving the government. But what if the Congress, having tasted blood twice, seeks to extract heavier and heavier prices in the days to come, which could cost the UF politically a lot? Besides who could bring himself to tell the DMK to opt out when it was clear as daylight that Jain Commission's strictures on it were blatantly motivated and unjust.

The two communist parties, the Telugu Desam and the Asom Gana Parishad had their own political compulsions to be seen as uncompromising anti-Congress, and hence they put their feet down firmly on the demand for jettisoning the DMK.

But the Samajwadi Party in the UP and the Tamil Maanila Congress wavered. The former desperately needed to join hands with anyone so willing in order to prevent the BJP from coming back to power in his state. And the TMC itself could not afford to be seen as siding with a party accused of having had a role in the assassination of Rajiv. Besides if there was the prospect of Sonia's campaigning it could jump into the Congress bandwagon and emerge a big player in tis won right in the state instead of depending on the DMK's help. Even more tempting, there was a snide move by some sections in the Cong-I to install a new UF led by Mooponar himself minus the DMK.

Anyway he apparently decided that his image as a Rajiv loyalist was more important in the long run than the DMK's friendship and so he kept making attempts to broker a deal between the UF and the Cong-I. But in order not to be seen as wrecking the Front, he decided to go by the consensus, and so did even more reluctantly, Mr.Mulayam Singh Yadav of the SP.

Both the UF and the Cong-I did have a vested interest in keeping out the BJP and also avert elections in the immediate future. But Karunanidhi would not opt out since doing so would be tantamount to owning responsibility, even if

indirectly, for the assassination. And the Congress, having precipitated the matters to a point of no return, could not be seen as giving in without at least a face-saving formula.

Seeing the UF was not disintegrating on the one hand, and the BJP tempting its MPs with promises of office and money, threatening to do a UP in New Delhi, that is, (see Tamil Times, Nov.97), the Congress high command got panicky and came up with one formula after another, desperately beseeching the UF not to allow the Lok Sabha to be dissolved. As Karunanidhi remarked, it resembled the fabled foolish monkey which, while trying to remove the wedge, got itself trapped in the split log. The story does not say whether the monkey was able to extricate itself. But surely Kesri's Congress was not.

With no meeting ground found and with the BJP failing in tis attempts to split the Congress, President K.R.Narayanan had little option but to dissolve the Lok Sabha and order fresh elections.

Inder Kumar Gujral was a decent man, but too rootless to be an effective leader. If coalitions are going to be the future of India, the likes of Gujral, who are not headstrong or pompous and who have no great personal agenda of their own, and relatively enlightened, could be ideally suited to lead the govt. But the was not to be. Whatever happened in the last week of November seemed to be chapters from a collective suicide pact by the secular forces.

For chances are even if a hand Lok Sabha results after the next elections, the BJP would be within a striking distance of the Red Fort. The prospect is indeed disturbing. A divisive party like that could spell disaster for a multi-lingual, multi-ethnic nation-state like India. □

## Detainees Launch Fast

Some 200 Tamil detainees at Colombo's New Magazine Prison have launched another fast demanding that their cases be expedited and settled either way.

TULF parliamentary group leader Joseph Pararajasingham told the press that these 200 detainees were among 1,000 Tamil youths who were languishing for several years in prisons, detention camps or police stations while the legal process was moving at snail's pace.

Pararajasingham again demanded that these youth should either be released or charges should be filed against them in a court for the law to take its course. Just keeping them for so many years was a crime against the Tamil youths, he charged.

# The Jain Report's Fallout in Tamil Nadu

T.N.Gopalan

In the aftermath of the interim report of the Jain Commission and the dissolution of the Lok Sabha, the question on everyone's lips is, which way the Tamil polity is headed now? Whether it is going to be a resurrection of Tamil nationalism with a vengeance or of the discredited Jayalalitha? Is the parting of ways between the Tamil Maanila Congress and the DMK inevitable now? Will the BJP get a toe-hold in the state now, clinging on to the coat-tails of the DMK, ruining the secular credentials of the latter even while shaking off its own pronounced North Indian bias?

The fact is, frankly, no one cares either way, says journalist Kolappan, whether Jains indictments and the antics of the congress are just or whether Karunanidhis protestations of innocence can be taken at face value. Our people have had enough of this entire Lankan business, they are fed up with it all. I suspect people at large are quite apathetic. Even if Karunanidhi is dismissed again on this score, I don't think heavens will fall. By the way it materialised without the deep nexus of the LTTE operatives with the Tamils in Tamil Nadu, but the fact remains that one stage, right down to the late eighties, the Tigers did enjoy a large measure of support and sympathy among the people at all levels. When the LTTE-IPKF confrontation started, the DMK had organised a human chain demonstration throughout the state to demand the withdrawal of the Indian troops, and the response was very good, even if not tumultuous. Though by that time the opinion leaders, the intelligentsia, had become annoyed with the recalcitrance of the Lankan militants.

Possibly the massacre of the Eelam Peoples Revolutionary Front (EPRF) leaders in June 1990 did turn the tide firmly against the Tigers for good and whatever goodwill that might have remained was almost completely destroyed by the Rajiv assassination.

There is no doubt whatsoever that Lanka is almost a four-letter word among the middle classes as also in the mainstream media. Says Dr.Dhyan Chand

Carr of the Indo Sri Lanka Friendship Association: "at one stroke the assassination had destroyed the rear base, as it were, of the Eelam struggle. We have been finding it difficult to drum up public support for a speedy end to the conflict still going on in the island and for a just package of devolution for the Tamils".

And precisely why any attempt to whip up a Tamil nationalist backlash should not go very far. No doubt attempts will be made, but I don't think they will succeed, says commentator Cho Ramaswamy. The Jain report would surely be exploited by the Tamil nationalists to the hilt and they will make themselves heard now with the tacit support of the DMK, but that's about all. Otherwise I don't see any significant public response coming. Even in the heydays of the Dravidian movement, when Periyar E.V.Ramaswamy was ruling the roost, poet Bharatidasan was belting out stormy lines on the glory of the unique Tamil race and street-corner meetings stridently denounced the Brahmin-Bania axis, the large backward caste sections had remained quiescent. But at least there was an intellectual ferment, which reached its peak in the anti-Hindi agitation of 1965.

Ironically the DMK's capture of power two years later only marked the decline of such strong anti-North sentiments. The progressive integration of the Dravidian enthusiasts into the national mainstream was briefly halted in the mid-seventies when the DMK took up the cry of state autonomy strongly and Karunanidhi was hailed as the Mujibur Rehman of the south. Even such a sudden stridency could be attributed to the decline of Karunanidhi's popularity and the widespread disenchantment with the corruption of his then regime.

The subsequent rise of MGR, before whose charisma Karunanidhi found himself totally powerless, was a resounding repudiation of everything Dravidian. Whether it was taking on the Centre or the Brahmins or abandoning the Tigers he had sedulously nurtured when the

IPKF confrontation started, he could go about the job blithely without incurring public hostility. All the ravings and rantings of the Tamil nationalists could do little to challenge his hold on the Tamil masses. Many held that being a Malayali, he could not appreciate the Tamil interests, but that too did not work.

And Jayalalitha continued from where her guru had left. Even though she did brazenly claim that she represented the latest stage in the evolution of the Dravidian philosophy she thought nothing of flying in the face of all the cherished Dravidian principles, whether cracking down on the Tigers or endorsing the saffron brigades demand for Ram temple at Ayodhya. Again she was trounced in 1996 not because of a Dravidian backlash but because corruption and atrocities against the opposition reached unprecedented heights during her reign.

Such being the situation, there is no ground to suspect as many seem to do that the Jain fracas could contribute to the political rebirth of a disgraced Jaya. The DMK might be less popular than it was a year ago, but surely Jayalalitha is nowhere near staging a come-back. Even in the latest round of local body polls, the DMK has triumphed and the AIADMK has been beaten hollow.

With the Congress wiser after the humiliating experience of the past and hence unwilling to join her in her mission to unseat Karunanidhi, her shrill denunciations on the Rajiv count will fail to carry conviction. Inevitably the TMC finds itself in a fix. How far it can go to hit out at Karunanidhi when certainly popular sentiments are not necessarily against him, how much it can make use of the Jain card to discredit the DMK when the assassination is a distant memory and what options it has when it is not yet strong to go it alone and a prospective ally like the rival AIADMK has not taken off at all, are questions still troubling it. But the parting of ways could be said to have started with Moopanar's studious refusal to come to his ally's rescue and even exploring the possibility of forming an alternative UF government with the support of the Cong-I. If the alliance is finally severed, a party like the Pattali Makkal Katchi (PMK) as also the Communist Party of India -Marxist (CPM) could rally behind the DMK. And the stoked up Tamil nationalist sentiments could also help the DMK the possible loss of the TMC votes.

Poet Inquilab, in the forefront of the Tamil nationalist group, but not rabid by any stretch of imagination, notes, "I would say that the interim report has contributed to a revival of nationalist senti-

ments, though I am conscious there's not going to be any great upsurge. On the other hand because of the blatantly motivated and even malicious report, many sections like ours could tend to ignore the failings of the present regime and rally behind it. That way the report comes to Karunanidhi's advantage..."

There were a lot of breast-beatings, effigy-burnings and even a case of self-immolation. When it looked as if his UF constituents were preparing to dit h him in order to appease the Cong-I, a crafty Karunanidhi pounced on the offending line from the report which seems to imply that the entire Tamil community was in a way responsible for the Rajiv assassination and frothed at the mouth over the unpardonable insult to the Tamil pride. The various Tamil nationalist organisations have sought to make use of the political space thus made available by Karunanidhi's discomfiture and are letting out war cries of standing up for the glory and pride of the unique Tamil race. But the Chief Minister is unlikely to allow their agitations to go out of hand lest the cong-I would say, We told you so...

Incidentally almost all these organisations admire Velupillai Prabhakaran and hail him as the one and only hero of the contemporary Tamil society. An indication of their sway over the Tamils became available when as many as 18 of them took out a joint rally on December 2 to protest against the Jain report. And how many turned up? Not even 200 in all!

Veeramani, the DK leader, for once dared offend Jayalalitha, the valiant saviour of social justice (a title conferred on her by him), and denounced the Jain report as mischievous and unsubstantiated. The other Tiger votary, P. Nedumaran, steered clear of Karunanidhi altogether and sought to pick holes in the report and say the Tigers were not responsible for the assassination.

And what about that Tamil Nadu star in the Tiger firmament, the one and only Vai.Gopalasamy, who, the LTTE once said in its official organ, represented the hopes of the Tamils in Tamil Nadu and whom it wanted to be anointed the chief of the DMK in the larger interests of the community? Having joined hands with the incorrigible Tiger-baiter Jayalalitha, he is wincing in silence! Apart from Moopanar, he is the only leader yet to comment on the Jain report. He has virtually gone underground, this time not for a rendezvous with Thambi Prabhakaran, but to lend a hand in the preparations for the AIADMK's conference in Tirunelveli in January and also to ensure that he does not cause any embarrassment to the lady of the Poes Garden. And Jaya is defending him in public, saying that he should not be blamed for whatever he might have done during his DMK

days at the behest of Karunanidhi!

So then back to the question what will happen in the impending elections to the Lok Sabha from Tamil Nadu. A live Rajiv could not raise his party's stocks in the state even after 13 visits in 1988-89. A dead Rajiv could immediately after the assassination. The lady who had cashed in on the event but who subsequently claimed in sheer arrogance that her victory in the polls had nothing to do with the Sriperumbudur tragedy, his own party now reduced to a non-entity and the splinter group which also swears by him, all seek to derive some solace from the probe into his killing. Ironically the man who finds himself on the otherside of the fence is sitting pretty at the moment. But what will happen if someone like Rajnikanth or Sonia Gandhi herself pitches in or anybody's guess. □

## BRIEFS

### JINA-KANCHI PASSES INTO HISTORY?

Poet Kalidasa and traveller Huang Tsang had once praised the Tamil town of Kanchipuram as the greatest of habitats in India. Now, its plural heritage is under threat, with two 1,500-year-old Jaina temples, both protected monuments, at suburban Tirupparuttikunram about to disappear. The smaller temple of Chandraprabha, the eight Tirtankara, is about to be consumed by thorns and bushes. The bigger temple of Trilokyanathar, one of the descendants of Bhagwan Mahavirar, was mauled by a team of trustees to whom the state archaeological survey entrusted the renovation work during the previous AIADMK regime. Valuable paintings and sculpture were demolished by the "renovation team" which attempted to use cement-based mortar! And, as a result, the fourth gopuram of the temple,

housing the sannadhi of Padmaprabha, the sixth Tirtankara, collapsed during rains last year.

### MORE WAGES OF NEGLECT

Also suffering from neglect are the seventh century rock-cut cave-temples of famous Pallava emperors Mahendravarman and Narasimhavarman at Mamandur on the Kanchipuram-Vandavasi road and the 11th century Chola temple complex at Sendamangalam.

### FISHERMEN'S FEARS

Tamil Nadu Fishermen have sighted, in the Palk Straits, new United States-made patrol boats fitted with artillery firing equipment. The Sri Lankan naval personnel, according to the fishermen, have been using these boats to fire at innocent fishermen who set sail from Rameswaram and other coastal towns and fishing hamlets. However, the Indian Navy has countered their charge saying that only those who crossed international waters had been fired upon by the Sri Lankan naval personnel. Four fishermen were killed in November last and their bodies recovered from the sea.

### LANKANS HELD

With the publication of the Jain Commission's interim report, the vigil on the LTTE has intensified once again in Tamil Nadu. Three Lankan refugee youth who managed to flee the Mandapam camp and reach Puzhal in the outskirts of Chennai city were arrested last month. Two Jaffna-based Lankan citizens were taken into custody from a Dindigul lodge where they had been staying since their arrival in India. The Indian Navy has suggested screening of Lankan refugees before they attempt to land in Rameswaram and other places in Tamil Nadu.

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### MATRIMONIAL

**Jaffna Hindu Aunty living in UK seeks suitably employed groom with permanent residence for attractive niece, 24, working in Colombo. M 996 c/o Tamil Times.**

**Jaffna Hindu parents seek partner for British born son, 29, educated and qualified in UK, ACCA finalist, finance accountant, employed in London. All correspondence treated confidentially. Send photo, full details. M 997 c/o Tamil Times.**

**Jaffna Hindu mother seeks groom for daughter, 35, 5'3", fair, slim, working in Colombo. Send horoscope, details. M 998 c/o Tamil Times.**

**Friend seeks groom for Sri Lankan Tamil bride, 37, Christian/Born again, Australian citizen in employment. Nationality immaterial. Send details. M 999 c/o Tamil Times.**

**Tamil Christian mother in UK seeks partner for recently qualified engineer son employed in Colombo, 35, 5'11", pleasant. Religion no bar. Contact 01462 675 273 or write to M 1000 c/o Tamil Times.**

**Tamil parents seek educated employed partner for Graduate, Executive, son, 31, British citizen. M 1001 c/o Tamil Times.**

### OBITUARIES



**Paramanathar Rajaratnam, Attorney-at-law, beloved husband of Mangalanayaki; loving brother of late Palasuntharam-**

**pillai and late Sathiapama; loving father of Ganesharatnam (Sydney), Ahilandeswari (Colombo), Rameshwara (London) and Apiramasunthari (London); loving father-in-law of late Vigneshwary (Sydney), Wijayaindra (Colombo) and Thayaranjini (London) and loving grandfather of Aruna (Penang), Urmila (Sydney), Janatharan (Colombo), Samarthan (London), Rameayah and Ninthiyah (both of London), passed away in London on 09.09.97 after a brief illness and was cremated in London on 14.09.97.**

The members of the family thank all relations and friends who attended the funeral, sent messages of sympathy and assisted in several ways during the period of great sorrow. - 40 Dean Street, South Strathfield, NSW 2136, Australia.

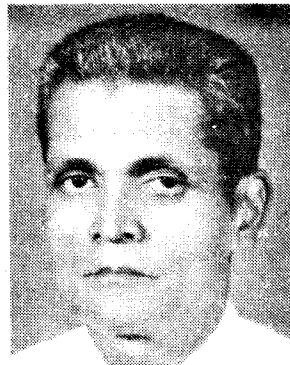


**Mr. Nagaratnam Selvaratnam, born: 22.10.1945, formerly, Executive Engineer, Dept. of Highways, Jaffna; later Chief Engineer, Road Development Authority; Provincial Director, Northern Province; beloved husband of Thangammah; loving father of Suthakaran (International Systems Ltd., Colombo), Bhakthagowri (Student, Hindu Ladies College, Jaffna); son of Nagaratnam and late Lakshimipillai Nagaratnam of Vaddukoddai; son-in-law of the late Sivakolunthu, Parameswari; Sivakadacham, Savun-**

**tharanayaki; loving brother of Indrani, Kalamalini (Teacher, Vavuniya Muslim M.V.); brother-in-law of Marimuttu (Adm. Officer, Divisional Secretariat, Puthukudiyiruppu); uncle of Selvakumaran and Thamarichelvi passed away in Jaffna on 29th October 1997 and cremation took place on 31st October at Vannarponnai.**

The members of the family wish to thank all friends and relatives who attended the funeral, sent messages of sympathy and floral tributes and assisted in various ways. Special thanks are due to the officers and employees of the Northern Regional Office & C.E.'s Office of the Road Development Authority, Jaffna, the Principal, Staff and Students of the Jaffna Hindu Ladies College, its Old Students' Association and the School Welfare Society for their expressions of sympathy and help rendered during the period of great sorrow. - 40/3 Railway East Lane, Arasady Road, Kanthermadam, Jaffna, Sri Lanka.

### IN MEMORIAM



**In loving memory of Mr. Karthigesu Balasingam, Retired Station Master of 105 Palaly Road, Kanthermadam, Jaffna on the first anniversary of his passing away in Scarborough, Canada on 15th December 1996.**

Greatly loved deeply missed and always remembered by his beloved wife Annapooranam; sons Nanthabalan and Yasothapalan; daughter Neeraja; daughters-in-law Jeevarani and Srilali; son-in-law Ravindran and grandchildren Claire, Tricia, Thayalan, Visakan, Thevyan and Vernija. - 5 Empringham Drive, Scarborough, Ontario M1B 3Y1, Canada.

### Mrs. Gnanambikai Perumal Pillai



**(4th July 1924-12th Dec. 1993)**  
**Wife of late Dr. C. Perumal Pillai.**

Four years have drifted by, since you were taken from our midst. Your loving care and gentle guidance still strongly missed. In your peace we find solace.

Your children, Ravi, Usha, Jeeva, and Ranjit; sons-in-law Desmond and Michael; daughters-in-law Shanthy and Vasuhi; grandchildren Rajesh, Shahila, Meera, Arun and Arjun.

### Tenth Death Anniversary



**In loving memory of Mabel Thambiah, Retired Principal, Vembadi Girls' High School, Jaffna.**

Called to rest on 14th December 1987.

Fondly remembered by her many friends and family.

'Goodness and mercy all my life shall surely follow me; And in God's house for evermore My dwelling place shall be.'

- R.S. Thambiah, 68 Rosebank Avenue, Sudbury Hill, Middx. HA0 2TW, UK.

**FORTHCOMING EVENTS**

**December 27** 7.00pm to midnight The League of the Friends of the University of Jaffna presents Annual Dinner Dance at Harrow & Wembley Progressive Synagogue Hall, 326 Preston Road, Harrow. For tickets Tel: 01923 225 850.

**January 1st** New Years Day.

**Jan. 2** Chaturthi; Feast of St. Basil.

**Jan. 3** Shashti; Thiruvembavai commences; SLTWG Drop in, Tel: 0181 545 3313.

**Jan. 4** Feast of Epiphany of Lord Jesus.

**Jan. 7** Feast of St. Raymond.

**Jan. 10** Pirathosam.

**Jan. 11** Feast of Baptism of Lord Jesus; Karthigai; Vaikunda Eekathasi.

**Jan. 12** Full Moon.

**Jan. 13** Feast of St. Hilary.

**Jan. 14** Thai Pongal.

**Jan. 16** Sankadahara Chaturthi; Feast of Blessed Joseph Vaz, Apostle of Sri Lanka.

**Jan. 17** Feast of St. Antony.

**Jan. 20** Feast of St. Fabian & St. Sebastian.

**Jan. 21** Feast of St. Agnes.

**Jan. 22** Feast of St. Vincent.

**Jan. 24** Eekathasi; Feast of St. Francis de Sales.

**Jan. 25** Pirathosam; Feast of Queen of Martyrs at Thoodavelly - Mannar.

**Jan. 27** Amavasai.

**Jan. 28** Feast of St. Thomas Aquinas.

**Jan. 31** Chaturthi; Feast of St. John Bosco; SLTWG Drop in. Tel: 0181 545 3313.

**AUSTRALIAN NEWSLETTER**

**Jaffna College Old Students' Dinner Dance:** The Jaffna College 'Old Golds' Dinner Dance was held on November 22nd at Cherrybrook Community Centre Hall, Sydney. Old students from far and wide gathered to meet their school friends and revive fond memories of their school days. They were the first Jaffna school to form an old students' association and are the pioneers to get a live music - The Breakaways - for a similar function in Sydney.

The evening began well with the sound of lively music with the able comperes Dorothy Macintyre and Navah Niles and the singing of the college song and the chorus 'Hurrah, Hurrah, for Jaffna College, we cheer' sung lustily by everybody. The president of the association, Dr. A. Balasubramaniam, in his address recounted the history of the school - the oldest in Asia and the first co-educational school in Sri Lanka. He remembered the great Principals of the bygone era and the ideals the students imbibed in the school and recounted the activities of the association in Sydney particularly in sports.

There were a few items of entertainment including Tamil songs and a Tamil drama. After the sumptuous dinner, dancing on a packed floor and a good time by all, the function ended with a vote of thanks by the secretary Mr. K. Nagulendran.

At the A.G.M. held earlier, the following were elected for 1998. **President:** Dr. S. Satkunarajah, **Vice-President:** Dr. A. Balasubramaniam, **Secretary:** Mr. Shan Rathinam, **Treasurer:** Mr. K. Somasundaram.

**National Heroes' Day:** The Tamil Coordinating Committee (Sydney Branch) celebrated 'Eelam National Heroes' Day on 29th November at the Sydney Adventist College Hall, Strathfield by honouring the great warriors who had laid down their lives in quest of the great cause. The photographs of the great martyrs were displayed and the people queued to offer flowers at the special altar.

**Tamil Senior Citizens' Association, New South Wales:** The following were elected to the new Management Committee: **President:** T. Mahadeva, **Vice-President:** K. Sivagnanam, **Secretary:** T. Chelvarajah,

**Treasurer:** A. Venkataraman, **Asst. Secy:** P. Sabesan, **Asst. Treasurer:** S. Vadivelpillai, **Committee:** A.C. George, Mrs. D. Satkunananda, D. Vijayanayagam, K. Thillanathan, P. Rajaratnam and S. Piravananathan.

The association is very active in pursuit of charitable causes. On November 10th they held a food sale for charity. They meet every Thursday from 10am to 2pm at the Strathfield Community Centre in Homebush.

**Mrs. Bramanandha Honoured in Canada**

Jaffna Saiva Saint Yogar Swamy's 125th birth anniversary was celebrated in Canada at several centres. For these celebrations Mrs. Nageswari Bramanandha was invited from London and she sang Swamy's Natchinthanai songs with great devotion at the Toronto Sivathondan Nilayam, Mississauga Yarl Co-operative Home and Montreal Murugan Temple. It is worthy of mention that her family has been ardent devotees of the Swamy for a long time.

Mrs. Bramanandha also gave a Carnatic Vocal Recital at the Thamill Isai Kalamannam, where she was honoured with the presentation of a Shield by the Veteran Artiste Thamotheram Rajalingam.

Mrs. Bramanandha received her early music training in Burma, Sri Lanka and India. She was a senior artiste at Radio Ceylon before she came over to UK in 1990.

She was conferred the title of Sangeetha Maamani by A.S. Ramanathan, Lecturer, Annamalai University and Isai Maamani by the Meihandan Aatheenam.

**Black History Day in Lewisham**

Black History Day was observed for the second year running by The Tamil Carers, Carees & Elders Group, Lewisham with a Tamil Cultural Festival, Exhibition and jumble sale held on 25th October '97 at the Naval Hall, London Sivan Temple, Lewisham.

The Worshipful, the Deputy Mayor of Lewisham, Cllr. Solomon Brown and Mrs. Brown, who were the Chief Guests, were welcomed by the President Mr. P. Rajasimman and the other members of the group. The Cultural Festival which was excellently produced was comprised of Bharatha Natya and veena recitals, Miruthangam, Break Dance displays and popular light music performed by young artistes from the Boroughs of Lewisham and Bromley.

The Tamil Carers, Carees and Elders Group, which was formed in July 1996, meets every Thursday between 10am and 2.30pm at Naval Hall, London Sivan Temple premises, 4A Clarendon Rise, Lewisham, London SE13, and provides caring, counselling, advice and support services for the elderly, disabled and disadvantaged members of the Tamil community in the area.



**Tamil Times wishes all its readers, contributors and wellwishers a very Merry Christmas and a prosperous New Year**



## Music of Three Traditions



Jewish Folk Music by Stewart Curtis' Klezmer Groove, Spanish Music and Dance by Los Serrano and Indian Music by Arunthathy Srikantha Rajah of London Veena Group kept the audience at Merton Hall, South Wimbledon on 8th November 1997 spellbound for three hours. This multicultural music programme provided very good entertainment for the appreciative audience assembled in the hall.

The organisers of this unique concert, London Veena Group were proud of the event as it fulfilled their objective of bringing musicians of different cultures on the same platform for them to appreciate each other's music as well as to provide the patrons good entertainment. The special feature of the programme was the Poetry of Poet and Councillor Patric Cunnane to mark the European Year (1997) Against Racism.

'Nature promotes no difference in its red blooded sacred creation  
When racial hatred is banished, the seeds of earthly heaven are sown'.

The above, the translation of a Tamil poem by Poet S. Nageendran was greeted with great applause.

A. Muthuvelu.

## Kamalesh Wins Gold Medals



Thirteen year old Kamalesh Tharmasuthan, the elite table tennis player of Australia has won two gold medals, a silver and a bronze in the 1997 Australian National Junior Table Tennis Championships held in Melbourne recently. He also helped Victoria State to annex the Under-14 Inter State Championship with a score of 20 wins.

Kamalesh started playing Table Tennis when he was eight and since 1994 has won many Victorian Junior Championships including the 1997 Victoria State Junior Under-14 Boys Singles TT Championship. He has maintained the top rank in Victoria in his age group for the last four years. In

June this year he was the youngest player selected to attend the coaching project organised by the International and Australian TT Federations aimed at the elite Juniors from Australia and neighbouring countries and run by J.P. Gatién the French coach who trained the 1993 World Champion. He also attended the Australian Olympic Talent Identification Camp held in July 1997.

Coached by Hua Jie Yang, former top Chinese player, Kamalesh trains 10-12 hours a week along with other Victorian leading players, his elder brother Priyesh who plays with him in the state junior team and their father Tharmasuthan, a former Jaffna Open Mens' Singles Champion during his student days at Jaffna College.

Kamalesh excels in studies too and won a scholarship in 1995 to Haileybury College, Victoria.

## Sanjayan's Miruthanga Arangetram



The Miruthanga Arangetram of Sanjayan, son of Mr. Solankai Senathirajan and Mrs. Ambika Rajan of Slough and disciple of Mr. Karaikudi Krishnamurthy took place before a mixed audience from different cultural backgrounds at the Paul Hamlyn Hall, Thames Valley University, Berkshire. The Chief Guests were the Mayor and Mayoress of Slough, Mr. Lakbir Minhas and Mrs. Minhas. The Guests of Honour were the musicologist Mr. P.P. Kanthan and Mrs. C.E. Long, Sanjayan's Head Teacher at Burnham Grammar School.

Sanjayan demonstrated his ability, interest and enviable understanding of both melody and rhythm in his debut performance. The credit for moulding this little boy to this level is solely due to his mentor Mr. Karaikudi Krishnamurthy. It has been a season of accomplishments for this master of rhythm. Three of his disciples had been lined up for debut within a span of a few weeks, and Sanjayan was the second. He is more than a teacher to these young artistes and we in the UK are fortunate to have him in our midst. He brings out those hidden talents to the surface.

The vocalist for the evening was Mrs. Shanthi Sreeram, a well known South Indian TV and Radio artiste and a recent welcome addition to the musicians of the UK. Mr. Kothandapandi provided the violin support while Karaikudi's own product Mr. Baskaran Sreekaram, played the Ghatam. Sangeetha, Sanjayan's seven year old

sister almost stole the show from her brother when she delivered her well presented vote of thanks. The evening's programme was ably compered by Mrs. Anandarani Balendra.

Sanjayan is a member of Amuthu and a student of Reading Tamil School and brings pride to both these institutions.

Thaya Thayakaran, Reading.

## Dikshitar Day Celebrations



Muthuswamy (1775-1835), along with Thyagaraja Swamigal (1767-1847) and Shyama Sastry (1762-1827) formed the Carnatic Music Trinity who lived in Tamil Nadu in and around Thiruvaroor and created gems of compositions which form the bulk of Carnatic music repertoire. Lalgudi School of Music (UK), run by Dr. Lakshmi Jayan observes Dikshitar Day every year around the time of Diwali and this year it was celebrated on 15th November at Kingsbury High School Hall, London NW9.

The programme commenced with the pupils playing 'Vatapi Ganapathim Bhaje' on the violin. The proceedings continued with six groups of violin students of the school rendering compositions of Dikshitar, starting with the beginners and progressively leading to the advanced students. Students of other well known teachers of Carnatic music in London also participated. The impressive performances were by the final group of violinists, the solo violin recitals of Arvind Jayan and Kumar Raghunathan and the vocal recital by Aparna Narendran, a student of the school.

The Chief Guest, Mr. Gopal Sundaran, Executive Manager of the National Board of Kuwait, a connoisseur of Indian Arts and Literature, spoke briefly appreciating the hard work put in by the students, the devotion shown by the parents and the yeoman service to Carnatic music rendered by Dr. Lakshmi Jayan.

## Twenty Years in Service

1997 marks the twentieth anniversary of the founding of the Standing Committee of Tamil Speaking People (SCOT). The event was celebrated with an enthralling music recital by the monarch of carnatic music Mr. T.V. Sankaranarayanan from South India. Over the years SCOT has channelled over £280,000 through various international and non-governmental local orga-



nisations to alleviate the suffering and hardship of the Tamil People and continues to extend its helping hand.

During September and November 1997, assistance was provided to:

1. Jaffna Hospital Development Association: £1,200 to support two medical students for a year to undertake basic clinical work.

2. Federation of Young Men's Association, Trincomalee: £750 to provide urgent relief to 700 displaced families.

3. Sri Shanmuga Trust, Trincomalee: £1,000 to manage the Boys and Girls Homes.

4. Jeeva Jothy Orphanage, Batticaloa: £250 to assist in the teaching of Music and Dancing.

5. Hindu Samaya Abhivriti Sabha, Trincomalee - (a) £1,000 to train young women in sewing skills. (b) £500 to purchase blackboards, pencils, exercise books etc to provide primary school education to over 1,000 children in various refugee camps in Vavuniya. A substantial amount of this money was raised by two UK school students to assist education projects.

Our funds are strained to the extent that we are unable both to assist in all the cases where requests are made or to the full amount of the need.

Those interested in supporting relief and rehabilitation projects in North and East Sri Lanka, please contact The Project Officer, SCOT, 107 Coleman Court, Kimber Road, London SW18 4PB, UK, to get more information.

## Shakespeare School of Oriental Dancing



The Shakespeare School of Oriental Dancing presented the Bharat Natya Arangetram of Gayathri Shankar at The Great Hall, Hatch End High School in Harrow.

Gayathri is a disciple of Smt Gunawathy Shakespeare, a student of Kalahshetra and a sister of the doyen of dancers Smt Kamala Johnpillai (now deceased) of Colombo. The Shakespeare School of Oriental Dancing has been in existence in London for nearly nineteen years, and has presented many ballets and performances and had trained for Arangetram not only

girls from British Tamil families, but also from the Gujarati, Mauritian and Fijian families living in the UK.

Gayathri Shankar is a granddaughter of the late Rugnath Jivan Lodhia and of the late Mrs. Prabhavati Rugnath Lodhia. She underwent ten years of rigorous training under Smt Gunawathy and presented the Arangetram with ease. Her presentation of the Varnam, Keertanam, Padam and Ashtapadi ('Hari Riha') were very well received. Smt Ambika Thamootheram was the Vocalist, Sri M. Balachander on Mridangam, Sri T.L. Kothandapani on Violin and Sri P. Gnanavarathan was on flute.

Mr. Satish Shah, Director and Choreographer of Saraswati Academy of Indian Dance was the Chief Guest, and Mr. Wimal Sockanathan (Lawyer cum Tamil TV personality) was the Guest of Honour. The programme was compered by Smt Shenika Astruc.

## Vaishnavee's Arangetram



Lakshmi Arts Centre under the guidance of Smt Selvaluxmi Ramakrishnan presented its tenth Arangetram in London, that of Vaishnavee, daughter of Dr. & Mrs. Sreeharan at Logan Hall on the 20th of September 1997. Following on the footsteps of her sister Sowmya who made her debut three years ago, Vaishnavee did justice to the Guru's efforts and performed with commendable skill and confidence.

There was more than the usual number of invocatory items presented though in quick succession which provided Vaishnavee with early opportunities to show her skill on abhinaya, a strength that shone right through the Arangetram. The Varnam, bringing together all essential items in Bharatha Natyam, the acid test in any Arangetram is often skipped. But not here. The Varnam, Velanik kanpom vaarir, in Kamas was given the respect it deserves and spanned over thirty minutes with Vaishnavee demonstrating a level of maturity that belied her age. This was a particular aspect which the Chief Guest Mr. Reginald Massey, Author and Art Critic chose to refer to in some depth. He also paid special tribute to the young de-

butante's verve and confidence. In general, items were packed with opportunities for sanchari bhava and Vaishnavee took full advantage of this and brought to life many mythological themes with appropriate emotional elaborations. The short but sweet Jathiswaram in Kannada and later the more elaborate Thillana provided scope for displaying nritta skills.

Sri Reji George who had arrived from India especially for the function provided vocal music. The maestro who hails from Kerala, with Madras as his musical home brought the richness of a career that spans nearly two decades, to raise this arangetram to an even higher plane. The singing of the padam Aarabimanam vaithu was outstanding. As the vocalist moved gracefully from one melodious raga to another, Vaishnavee consonant with them and with matching elegance, portrayed in succession several aspects of Goddess Parvathi. Sri Balachandar on the mridangam, Sri Chandrashekar on the violin and Sri Nimalaraj on the flute provided excellent support. Dr. Sivakumar compered the show ably. Vaishnavee's music Guru Smt Sivasakthi Sivanesan and Miss Riley, Deputy Head of St. Albans High School for Girls were the Guests of Honour. May Vaishnavee's contributions continue.

## M.I.O.T.'s Tear Drops

A very successful cultural programme titled **Tear Drops** dedicated to the Tamil children in the ravaged north of Sri Lanka was presented by the Medical Institute of Tamils at the Thurrock Civic Hall, Grays, Essex on 4th October 1997.

The proceedings commenced with the Mangala Vilakku Etral by MIOT's president Mr. V. Rajayogeswaran. The Chief Guest Rev. Fr. T.E.T. Rajan in his address stressed the need for our children to recognise and appreciate their identity of belonging to a community of noble traditions and rich culture and reminded them of the current suffering of their kith and kin in Northern Sri Lanka.

Junior MIOT President Jayasankar Jeyanathan impressed with his welcome speech both in Tamil and English and displayed his musical talent along with the others in the Junior MIOT Band.

Students of Navalur Tamil School presented Tamil Thaaai Valthu. Kavithai, songs, light music and recitals of violin, guitar and miruthangam were presented by the very talented young children who entertained the audience for over three hours. Naturally gifted with good stage presentation, the students of Narthana Kalalaya provided splendid Bharatha Natyam performances which were highly appreciated.

Finally, the drama 'Broker Sellathuray Visits London' with a creditable performance by Kugan Sathiyanantharajah won the hearts of the audience.

**Kugan.**

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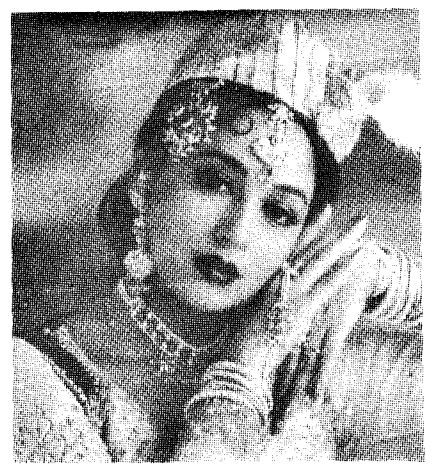
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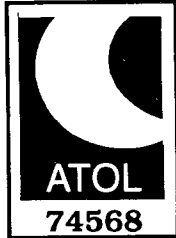
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