

# Tamil **TIMES**

85p

Volume VI No.3

ISSN 0266-4488

January 1987

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# Tamil TIMES

## COLLECTIVE PUNISHMENT

THE Sri Lankan government has once again demonstrated its total lack of humanitarian concern for the Tamil people. The fuel embargo it has imposed in the Jaffna district in northern Sri Lanka is nothing short of a blockade against the economy and livelihood of the people of Jaffna. The consequence of this blockade has been cruel and devastating. All agricultural, industrial, commercial and social activity has been adversely affected and before long would come to a grinding halt. Even the sick are said to be dying without transport to hospitals due to lack of petrol for ambulances or other vehicles.

The government has claimed that fuel supplies were suspended in response to the LTTE's announcement that it was going to collect fees for issuing vehicle licences within the Jaffna peninsula. One assumes that the LTTE leadership took into account the potential hardships to which the government would subject the Tamil people.

A spokesman for the government is reported to have said that the embargo would continue until the Tamil militants agree to go to the negotiating table. There is absolutely no doubt that the government has imposed the fuel ban as a collective punishment against the Tamil community.

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## LTTE v EPRLF

THE Liberation Tigers of Tamil Eelam (LTTE) recently announced that it had taken action to disarm and proscribe the Eelam Peoples Revolutionary Liberation Front (EPRLF). The two main reasons advanced by the LTTE for its attack on the EPRLF were that the latter had caused grave injustice to the Tamil speaking Muslims of the eastern province, and that it had organised a conspiracy to wipe out the LTTE's military leaders and installations. The EPRLF had denied these allegations.

Whether the allegations are true or not, the action taken by the LTTE to politically and organisationally liquidate a fellow Tamil liberation group which had hitherto been a part and parcel of the Tamil resistance movement cannot be condoned or justified. Moreover such fratricidal warfare can only serve to divide and weaken the Tamil people's struggle. What is needed is the mobilisation of all the available forces, and not liquidation.

## GOVT. HAS LOST ITS LEGITIMACY

THE constitutional right claimed by the Sri Lankan government to continue in office even after the expiry of the term for which it was elected is that it received a mandate from the people in the referendum held in December 1982.

Now the government's own Commissioner of Elections in his rather belated but surprisingly forthright 'Report on the First Referendum' (please see page 5) has severely criticised the manner and the circumstances in which the referendum was held. He has also highlighted the many malpractices that were committed during the poll and the failure of the authorities to prevent flagrant contraventions of the electoral and criminal laws of the land.

The only conclusion one is compelled to arrive at from a reading of the Election Commissioner's report is that the government of President Jayawardene lacks the constitutional or moral right to continue in office any more. It has totally lost its legitimacy. It has no claim to allegiance from the people.

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## WE SALUTE

THE many tributes paid so far can hardly fill the vast void created by the death of S. Nadesan Q.C. Sri Lanka has lost a truly great man whose passionate and unremitting commitment to the cause of human rights, democratic freedoms, independence of the judiciary and the rule of law brought him into frequent confrontation with those in authority.

At a time when an all-powerful Executive was seeking to subordinate the judiciary and undermine its independence and integrity, Nadesan was one of the few lawyers who ventured out in its defence. At the same time he had utter contempt for those who sat on the elevated bench of the Supreme Court, but did not have the guts and the sturdy independence expected of them to withstand external and executive pressure.

We salute Nadesan whose long and distinguished record of service in the cause of human rights and justice would entitle him to an esteemed position in the annals of his country.

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*From S.C.O.T. Newsletter, January 1987*

### Wiping out the Tamils

Students of contemporary history of the situation in Sri Lanka with particular interest in Human Rights violations will no doubt recollect that every now and then utterances such as 'wiping them out', 'cutting off all supplies', 'skinning them alive', in relation to the Tamil community have come from the highest quarters in Government and Opposition. If these had come from people who were not in positions of authority, or if they were statements that appeared to emanate purely on impulse, then they can be dismissed as matters that did not merit any consideration. When taken in the context of what has gone on in the Island in recent times they assume a level of relevance and importance and become worthy of serious thought and comment.

There has been a steady and systematic attempt to segment the Tamil community by a cleverly designed process of state colonisation and an attempt by the use of force to scatter Tamils in the Island (and to shores abroad) with the hope of leaving a demoralised and deprived few. Are the Tamils going to be 'wiped out' from the North, East or plantation areas of Sri Lanka? What of the Tamils, Sri Lankan and non-Sri Lankan abroad? Take the 'Great Tamil movement' in recent times, within the Island first. Refugees in their land of birth, forced to move from one district to another, from one camp to another without the foggiest idea as to what fate will befall them the following day!

Take the 'International Movement'! 17000 asylum seekers in West Germany alone in 1985? 4500 in France, 2700 in Switzerland and 2000 in the U.K.? These are all people **fortunate to be alive!** One shudders to think of the numbers who have been eliminated by pogroms and other means. The Amnesty International continues to highlight year after year the practice of unlawful killings and 'disappearances' in Sri Lanka. There does appear to be at least a small measure of success in the 'wiping out' operation!

The U.N. Convention on the **Prevention of the Crime of Genocide** (General Assembly resolution 2670 of 1948) defines Genocide as 'killing or causing serious bodily or mental harm of a national, ethnic, racial or religious group committed with intent to destroy such a group in whole or in part'.

Has enough been done by the expatriate Tamil community, by Tamils who have managed to secure for themselves 'the right to life, liberty and security' to campaign for those same privileges for their less fortunate brethren who remain subjected to torture, to cruel, inhuman or degrading treatment? What is our response to the rapidly escalating situation regarding the refugees widely scattered in Sri Lanka, India, many European countries and elsewhere? Some quarters in the international community still appear to consider Tamil refugees as economic migrants and not the genuine victims of persecution. It is a matter for some consolation that the head of the Terre d'Asile, a voluntary organisation in France, and UNHCR's former representative in Paris, Henriette Taviani, holds the view that the Tamil refugees are not fleeing simply because of the civil war in the country but because of **racial persecution in Sri Lanka.**

The expatriate Tamils have many responsibilities to discharge urgently. Organisations both in the U.K. and other countries need to intensify their appeals to the international community to do everything possible to instil at least some sense into the powers that be in Sri Lanka that racial persecution must be stopped forthwith. Urgent measures need to be taken for the welfare of the large numbers of refugees and this responsibility cannot be totally left to the governments which (often reluctantly) have agreed to offer temporary asylum. There must be a concerted and co-ordinated effort by expatriate Tamil organisations to rise to this new challenge. The immediate needs of refugees and problems related to their future settlement are matters which demand urgent thought and action.

# FUEL SUPPLIES TO JAFFNA SUSPENDED

THE SRI LANKAN government suspended supplies of fuel to the Jaffna district with effect from 2 January following the announcement by the Liberation Tigers of Tamil Eelam (LTTE) that they were going to take over the civil administration within the peninsula including the issuing of vehicle licences as from January this year.

The discontinuation of fuel supplies has brought about predictably harsh consequences for the civilian population of the Jaffna peninsula, which numbers about a million. Transport, including public transport, has come to a grinding halt. Even ambulances have been grounded owing to lack of fuel. Distribution of food and other essential supplies has been severely disrupted. Prices of essential items, when available, have skyrocketed.

Communication and transport between the many off-shore islands and the mainland have been severed as boats are no longer plying for lack of fuel.

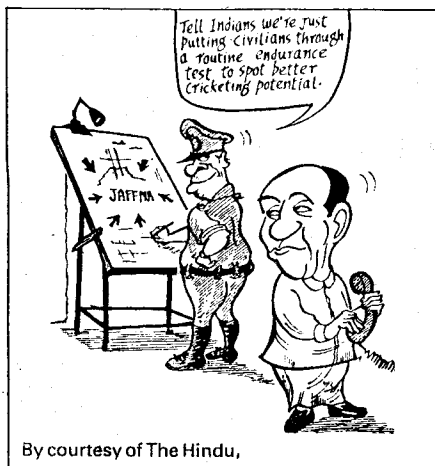
Although a ship has arrived at the Kankesanthurai harbour with flour and sugar, no distribution has taken place due to the unavailability of transport.

On 5 January, the government also announced a ban on the transport of aluminium to northern Sri Lanka on the pretext that Tamil militant groups were using aluminium for the production of mortars for use against the security forces.

In the meantime reports from Jaffna indicate that the LTTE has indefinitely postponed its plans to set up a central office in Jaffna to co-ordinate their political and civilian activities. The proposal to set up traffic police also would appear to have not been implemented as most of the vehicular traffic has come to a standstill.

Meanwhile, the Co-ordinating committee of the Citizens' Committees in the Tamil areas has appealed to the International Red Cross to intervene immediately providing relief to the fuel-starved Jaffna peninsula. The Committee claimed that patients in hospitals had died for want of oxygen even before the fuel embargo was imposed because the authorities had denied permission to transport oxygen.

The ban on fuel supplies has also brought the fishing industry to a total standstill because boats could not be taken out to sea without fuel.



By courtesy of The Hindu,

The Jaffna Traders Association, many trade unions and other popular organisations in Jaffna have called for the lifting of the ban on fuel supplies pointing out the grave hardships and sufferings to which the innocent people of Jaffna and its environs have been subjected.

## Hindu organisations want ban on fuel supply lifted

COUNCIL of Hindu Organisations yesterday appealed to all parties to resume negotiations and desist from creating situations which would adversely affect the peace process. The organisation also called upon the government to lift the ban on the supply of fuel to the North.

In a statement, President of the Council of Hindu Organisations Yogendra Duraiswamy said. "The Council of Hindu Organisations has consistently maintained that the national problem of creating the necessary conditions for peace and harmony to prevail between the various ethnic communities in our country can and must be resolved politically through negotiations. The political settlement should enable every citizen of Sri Lanka to live in honour and equality, free from fear and a highly centralised form of government. Power must be genuinely shared by the people at different levels of government.

It is unfortunate that the peace process is now in abeyance. We appeal to all parties to resume the negotiations and desist from creating situations, which will adversely affect the peace process. Action and counter-action may lead to an escalation of the conflict and create repercussion, national and international, which may go beyond control and lead to disastrous consequences.

According to the press "the government stopped the supply of petrol and diesel to the North from 2nd January 1987 following a LTTE announcement that it was collecting vehicle licensing fees, an official

spokesman said."

The stoppage of fuel supplies to the Jaffna and Kilinochchi districts will damage the economy of this area and make the civilian population suffer. Agricultural activities will be impaired, fishing will be affected and movement of people and goods will be restricted.

"How can the people of this area welcome such a move as claimed by people in responsible positions."

"It is also said that "even in Jaffna most of the people were not with the terrorists" and that "the terrorists were gradually getting isolated". If this is so why punish "most of the people" for actions done by the "terrorists". Such a move is counter-productive.

"The population of the Jaffna and Kilinochchi districts is about 900,000 and according to estimates given in the press from reliable sources the militants number 5,000 to 10,000."

"The action to stop fuel supplies tantamounts to denying 900,000 citizens of Sri Lanka their basic human right to lead a normal life, including their "right to work" and "to just and favourable conditions of work", merely because a "terrorist" group decided to collect vehicle licence fees from a very small group of vehicle owners.

"And it will be interesting to find out the number of vehicles actually in use in the concerned area today.

"We call upon the government to lift the ban on the supply of fuel and to take constructive steps, in consultation with the parties concerned, to resolve this national problem."

## Greater Glory

*Man proposes  
but God disposes;  
that was  
the old system.  
Now, in the North  
the LTTE proposes  
and disposes  
Gone is TELO  
in a blood orgy.  
Gone is PLOTE  
without a fight.  
Gone is TESO  
without a whimper.  
Now EPRLF  
is also going.  
Can EROS hold out for long?  
The LTTE is supreme  
as far as anyone can see.  
One Party,  
one Voice,  
one Flag,  
for the Tamils  
Great glory  
if that be so.  
But will it be so?  
Or blood, blood,  
and still more blood?  
The law of the jungle?  
Mothers weep,  
fathers despair  
as the fight  
for all-conquering power  
takes its toll.  
A once peaceful land,  
a thriving people  
wedded to Ahimsa,  
and all that's good.  
Now, oh God!  
The leaders have fled.  
The youth have taken over,  
to build a new order  
on a grand design.  
But the pitfalls, the mistakes?  
Oh, forget them.  
After all,  
Boys will be Boys.*

-ANON - XI

(By courtesy of "Saturday Review")

## LTTE Puts Conditions For Direct Talks With Government

THE LIBERATION TIGERS of Tamil Eelam (LTTE) made it clear to the Sri Lankan Government that direct negotiations for a settlement of the ethnic problem would not be possible unless more than 3,000 Tamils held under the Prevention of Terrorism Act were released forthwith.

This was stated by the LTTE commander for the Jaffna area, Mr. Krishnakumar ("Kittu") at a news conference held at the LTTE headquarters in the town, shortly after he and other LTTE representatives held "secret talks" with a Government-sponsored delegation at Kankesanthurai, 18 km from Jaffna, on 27th December.

Mr. Kittu said they also told the delegation that any settlement must be under Indian mediation. This was contrary to a claim made by Government sources in Colombo that the LTTE wanted to hold direct talks without India as mediator.

The four-member informal delegation of the Sri Lankan Government, headed by a ruling United National Party (UNP) MP, Mr. Vincent Perera, held talks with the LTTE leaders for almost three hours *in camera*. The talks were held at the town hall of Kankesanthurai.

The LTTE side was represented at the talks by Mr. Kittu, the deputy commander, Mr. Kanagaratnam, alias Major Rahim, and two others.

Apart from Mr. Perera, who played a

major role recently in the swapping of two soldiers with two militant leaders, three others represented the Government side. They were Mr. Mark Fernando, an attorney, Mr. Felix Dias Abeyesinghe, secretary of the political parties' conference, and Mr. K. Jeyabalasingham, a former chairman of the Kankesanthurai Town Council.

Armed militants guarded the town hall during the talks, while the army stayed a little distance away. The Government delegation flew from Colombo to Jaffna early on 27th December and the talks began at 10.30 a.m.

The Government delegation returned to Colombo in the evening.

While Mr. Perera declined to talk to the press saying that it was a secret meeting, Mr. Kittu told newsmen that he had affirmed the next round could only be held on condition that the Government released all Tamil political prisoners. He said the LTTE had also told the Government delegation that it was determined "not to budge an inch from the Tamil Eelam demand".

Mr. Perera asked the LTTE leaders to submit a list of Tamil political prisoners and the LTTE agreed to do so shortly. Mr. Perera was reported to have said he would submit a report to the Government about the day's talks.

## P.O.Ws. EXCHANGED

THE LONG-AWAITED exchange of prisoners between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) took place on 19th December at 8.10 a.m. in Jaffna. Lt. Chandrasiri and Pvt. Banda of the Sri Lankan Army, who were in the custody of the LTTE in Jaffna were handed over by the LTTE to Capt. Kotielawela of the Army outside the Jaffna Fort army camp. Simultaneously, the Army authorities at Palaly camp gave in exchange two LTTE members in custody. Selvasamy Selvakumar of Kalviyankadu and Fabian Annexus of Gurunagar to the LTTE Jaffna leader, Mr. Kittu.

The Sri Lankan National Security Minister, Mr. Lalith Athulathmudali, the Joint Operations Commander, Gen. Cyril Ranatunga, the Defence Secretary, Gen. Attygalle, and the Member of Parliament for Yatiyantota, Mr. Vincent Perera, flew to Jaffna from Colombo and returned with the two servicemen.

Selvakumar alias Aruna was captured in April 1986 when the Navy fired on a militant boat in the high sea. An LTTE spokesman in Jaffna told pressmen that Aruna, a high ranking leader, was the Batticaloa commander of the group. He was reported missing at sea and the LTTE organised a hartal in this connection in late April.

The other militant known as Gamini was arrested in May 1985 at Gurunagar in an incident in which an LTTE leader, Rasan, was killed while having lunch. Gamini was later charged under the Prevention of Terrorism Act and sentenced to two months imprisonment. He was serving his sentence.

In Jaffna the LTTE leader, Mr. Kittu referred to an earlier statement by the National Security Minister that an exchange of prisoners could occur only between two States. This exchange means that the Government accepts there are two States in the island, Mr. Kittu said.

**Minister denies swap:** In Colombo, at a press briefing held in Raimalana, Mr. Athulathmudali denied that there was a swap of prisoners. It was only a gesture of goodwill, he said. No conditions were imposed by either party. He said this demonstrated the success of the negotiating process.

The Minister hoped that lasting peace in the country could be achieved through negotiations. The two soldiers said that they were looked after well in Jaffna. Mr. Athulathmudali said the Government was merely reciprocating the act of goodwill of LTTE in releasing the soldiers.

Mr. Athulathmudali, thanked all those involved in the release, including those whose attempts to secure the soldiers' release had failed. The Minister's reference was to the SLMP leader, Mr. Vijaya Kumaranatunga, who visited Jaffna twice, along with the relatives of the soldiers in a bid to secure their release. During the first attempt, the SLMP leader stipulated that the soldiers should be released only through him. During his second visit, he said that the LTTE was free to release them to anybody. Mr. Kittu said in Jaffna that it was after Mr. Kumaranatunga's change of position that the soldiers were released directly to the Government.

The soldiers were captured by the LTTE in Mannar during a clash in which the LTTE Mannar Commander, Victor, was killed. Subsequently, the LTTE submitted a list of persons in army custody to the Government. Ten soldiers stationed in Jaffna visited an LTTE camp and pursued negotiations. Thereafter, the terms of release were finalised.

## AN EXCHANGE FULL OF IRONY

"HE HAS COME BACK FROM THE GRAVE." This cryptic remark of an LTTE spokesman here today sums up the release of 24-year-old "Maj. Aruna" of the LTTE, who was one of the organisation's two detainees released in exchange for the two soldiers captured by the Tigers. In fact, the exchange is full of irony.

When the Sri Lankan naval boat attacked an LTTE boat carrying Maj. Aruna and other Tigers on April 27, it was presumed he was dead. A funeral was held for him and the LTTE also put up posters in memory of him in his birthplace, Kalviyankadu in the Jaffna peninsula, which was also the hometown of Sri Sabarathnam, the TELO leader. Maj. Aruna, the Batticaloa commander of the LTTE and Sabarathnam were cousins.

But what had happened in reality, according to the LTTE, was that Maj. Aruna was wounded in the thigh in the naval battle and his face was badly burnt. His burnt face helped him to conceal his identity. When the Navy captured him on the sea, he told them he was a "boatman" Selvasamy Selvakumar. He was lodged in the Welikade prison in Colombo and for several weeks the LTTE did not know that he was alive. The message, somehow, reached the group later. When the exchange deal was struck, the LTTE asked for "Selvakumar", and out came Maj. Aruna, a top LTTE leader. The LTTE managed to keep it a secret.

There is an irony about one of the two released Sri Lankan soldiers also - 2nd Lt. Ajit Chandrasiri. Several soldiers were killed in a

battle with the LTTE at Mannar in October and these two were captured.

The Sri Lankan Government, by mistake, handed over the mutilated body of some other soldier to 2nd Lt. Ajit Chandrasiri's parents and they were also said to have conducted the funeral for him. When the LTTE released the photographs of the two captured soldiers to Mr. Vijaya Kumaranatunga, the Sri Lanka Mahajana Party leader, who was negotiating the exchange, Lt. Chandrasiri's parents were only too happy to know that their son was alive.

### Troops intercept eight North-bound fuel lorries

GOVERNMENT troops based in Vavuniya have arrested eight persons and taken into custody a large quantity of petrol and diesel which was being transported in eight lorries to the strife-torn Jaffna peninsula despite a ban imposed by the Government on the transport of fuel to the north, police sources said on 8.1.87.

According to these sources, the lorries which were transporting the fuel had also been taken into custody and handed over to the Vavuniya police with the stock of petrol and diesel.

It is also reported that troops handed over to the police a variety of aluminium products and other items.

# REFERENDUM 1982

## ELECTIONS CHIEF QUESTIONS VALIDITY

The Commissioner of Elections, Chandananda de Silva, has raised serious questions as to the validity of the referendum held in Sri Lanka in December 1982. It was on the basis of the so-called mandate of this referendum that President Jayawardene's government extended the life of the parliament by a further six years without a general election. Some of the more serious charges in regard to the conduct of the referendum revealed in the "Report on the first referendum in Sri Lanka" released recently included the following:

- \* Threats, intimidation, forcible taking away of polling cards;
- \* Intimidation of polling observers;
- \* Public display of symbols prohibited by law, and the failure of the authorities taking action to prevent it;
- \* Display of marked ballot papers by voters in contravention of the secrecy of the ballot;
- \* The generalised climate of fear;
- \* The detention of the secretary of a recognised political party;
- \* The poll being conducted under a state of emergency.

The following are a few extracts from the report:

"In some of the polling stations voters were displaying the marked ballot papers in a continuous manner . . . The displaying of marked ballot papers in this manner surprised and shocked every one, because in the elections held in the post 1947 period no one had witnessed such a scandalous situation . . . When the secrecy of the vote has been so sacrificed, serious doubts will continue to remain whether the voter exercised the degree of freedom of voting as stipulated in the law."

He adds: "The most important feature of a free and fair election is the equal opportunity provided to the elector to cast his vote to the candidate of his choice. The displaying of marked ballot papers of this nature had no precedence.

### SOMEONE'S COMMAND

. . . The continuous and mass displaying of marked ballot papers at some polling stations could not have happened by accident . . . If it could not be ignorance or conspiracy to display them, one other possible reason would have been the subjugation to someone's command."

" . . . The secrecy of the vote is for the very important reason that the core and substance of an elected body to claim to be truly representative of the people's wish lies in the fact that the choice exercised by the voter is in fact a free choice.

" . . . If the markings on ballot papers were so exposed, one cannot escape the conclusion that the validity of such votes as equal votes - equal as freely marked votes - remain in doubt.

"Secrecy of the vote being the most important ingredient of a free and fair election, its diminution leaves a grievance in the electorate regarding the validity of such votes."

Representations were received on the

previous day, says the Commissioner, that Polling Observers appointed to some polling stations were being instructed to keep off from polling stations on the day of the poll for fear of safety.

"It is not wrong to conclude that the right of some Polling Observers to be in attendance at a polling station to observe the conduct of the poll had been disturbed."

Allegations had been made about the disturbances at the close of the polls, including instances where, through violent means, the close of the poll had been held up.

Says the Commissioner: "It is regrettable to note that the traditional co-operation between the public and the staff including the police who manned the polling stations was not available or effective in some places."

The Commissioner poses a question: "Why did 12 per cent of the voters who voted only two months before at the Presidential Election, abstain from voting at the Referendum?" One of the reasons he lists as a possibility is: "the atmosphere of disturbance that prevailed."

In the words of the Elections Commissioner, "one of the issues which created a continuous furore was the liberal display of Referendum symbols in gross violation of Section 50(1) of the Referendum Act". He calls this a "very unpleasant" feature at the Referendum. To permit them to continue the display, he says, "was an affront to the law".

### UNCLEAN HANDS

"Apprehension of persons responsible for the displaying of symbols was few. Why were detections difficult? The display of symbols was illegal. Everyone admitted it. Law enforcement authorities could have simply removed them and if

anyone objected it was not difficult to have resisted such objections and even prosecuted them, because those with unclean hands have no justice to seek. In fact the Commissioner advised the police to do so. Question remains as to why this simple course of action was not taken."

### CRUDE CONSISTENCY

Law abiding citizens, says the Commissioner, are baffled by the fact that after nearly twenty two years of compliance within the framework of the law it came to be violated with such "crude consistency".

The law abiding citizen "may see it as a callous disregard of the law. It is bad enough. But does he also see it as a calculated disregard to observe the law on the part of wrong doers convinced that the authorities would not take action.

" . . . The proposal to extend the life of Parliament was made by the Government. Does he see it as an instance when the law enforcement authorities, who knew the stand of the Government on this issue, entertained any fear that they would be misunderstood as individual officers and therefore refrained from taking action to remove the Symbols?"

### BLATANT VIOLATION

"The blame," says the Commissioner, "has to be borne by those who blatantly violated it, in an induced climate of the near in-action on the part of the law enforcement authorities . . . The wrong doer has to be condemned for the wrong done."

Commissioner de Silva records the allegations that Polling Observers who managed to reach the polling stations found it imprudent to stay. He says: "All the precautions taken prior to a poll can be negated, if within the crucial nine hour period of the poll the freedom of the voter is qualified or denied.

"Allegations were made that certain Polling Observers were not either able to reach their polling stations in time, or having arrived at their polling stations discovered after some time that it was not prudent to continue to stay."

To the extent that grievances remain without effective redress, says the Commissioner, "the establishment is exposed to criticism."

### IN REMAND

In addition to the violations of the law and the climate of fear, the Commissioner of Elections also records the fact that the Secretary of a recognised political party

continued on page 6

# COLOMBO 'WAS FORCED TO SEEK ISRAEL'S HELP'

THE SRI LANKA Government was compelled to seek military help from the Israelis as 'nobody else was helping us', according to the Sri Lankan Minister for Finance and Planning, Mr. Ronnie De Mel.

Mr. De Mel, who was in Dubai on an official visit, told reporters that Sri Lanka was a strong supporter of the Palestinian demand for an independent homeland, but it was 'forced' to seek assistance from Israel. The Minister, who is now in Teheran for trade discussions said that besides Israel, Pakistan and China were helping Sri Lanka.

'Nobody else was helping us since they were afraid of India', he said. The 'arrangement' with Israel was, however, temporary.

According to diplomatic sources, besides Israel, Pakistan and China, Sri Lanka is now also buying arms from South Korea or through South Korean agents.

Mr. De Mel said Sri Lanka had faith in the Prime Minister, Mr. Rajiv Gandhi's mediation efforts as well as Indian sincerity in settling the island's ethnic problem.

'India is indispensable': Two Indian Ministers - Mr. P. Chindambaram and Mr. Natwar Singh had been deputised by the Government of India and were playing an effective role', Mr. De Mel said that Indian involvement was necessary for any peaceful settlement.

Referring to the Christmas ceasefire between the Government and the Tamil

militants, the first in three years, Mr. De Mel said it was a positive move. Viewed in the perspective of the recent exchange of prisoners between the two sides, it gave hope of an early settlement.

**Fairly close:** He reiterated that but for a few points, the two sides had come fairly close together and "we will be able to iron out the remaining problems in the next three months. Now there is a very definite prospect for a peaceful settlement with the help of India", he was quoted as saying.

He said the island had suffered a setback in its economy due to the fall in tourism. The number of tourists had dropped by 45 per cent since 1983. Against 450,000 tourists in 1983, the current year's figure was estimated at 250,000.

According to Mr. De Mel, fishing and rice production had also suffered. Northern Sri Lanka accounted for half the island's fish haul but the industry was at a virtual standstill there. Rice production in the northern and eastern parts, where the Tamils dominated, had come down to 10 per cent of what it was before 1983.

**Burgeoning deficit:** However, Mr. De Mel said, Sri Lanka had managed a five per cent growth in its overall economy. But the steep rise in defence spending, from about Rs. 500 millions before 1983 to a whopping Rs. 10,000 million in 1986, had increased the Government deficit. The economy was also undergoing inflationary pressures.

There had been a slowdown in

industrial activity, leading to an increase in unemployment growth which was now 14 per cent, compared to 12 per cent before 1983. The ethnic problem had checked the Government's efforts to curb unemployment, which in 1977 was 26 per cent. - UNI

*By courtesy of "The Hindu"*

## REFUGEES ARRESTED

*Over 200 Tamil refugees were taken into custody in the high seas off Talaimannar in north-west Sri Lanka as they were returning from Tamil Nadu across the Palk Strait, according to a news report in "The Island" of 29 December. The arrested refugees included many women and children.*

*While some of the women and children have been released after questioning and recording of their statements, a number of males were continuing to be detained, the report added.*

## REFERENDUM 1982

*continued from page 5*

was held in remand during the conduct of the Referendum.

A State of Emergency was also continued during the conduct of the poll.

Among the Commissioner's other observations are these:

"However divergent the interpretations could be yet it becomes rather difficult in these circumstances to deny the allegation that the failure to maintain the expected levels of law and order in general, and more specifically on the day of the poll, partly at least would have been the reason for the failure of some Polling Observers to assert their rights and be present at the polling stations."

"In fact the very right to vote is at times claimed to have been affected by threats, intimidation, forcible taking away of polling cards etc. outside the purview of polling stations... A disenchantment with the very process of election can develop because the elector may experience a gap in the right to vote and its effective exercise.

## CRISIS IN CONFIDENCE

"The cumulative effect of such unattended grievances, unattended amongst other reasons due to lack of satisfactory procedure, or because some people mistakenly believe that they are best left to be forgotten but are seldom so forgotten, may otherwise lead to a crisis in confidence. Election violence at times may not be altogether unrelated to such left overs."

## DPL and Lawyer in Baby Racket

**A FORMER Sri Lankan diplomat in London and a Colombo lawyer have been implicated in a racket, smuggling babies to Britain.**

Together they allegedly cheated £1,500 from a British couple, who adopted two babies from Sri Lanka, a report exposing the fraud has revealed.

They were asked to pay £2,000 by the ex-diplomat, and his lawyer friend as expenses whereas they would have had to pay only about £400 if they had dealt with the Department of Probation and Childcare in Colombo, the report states.

"A couple from Surrey, also followed the same route to obtain a baby in Colombo and found they had paid far more than the official method would have required" the report in the Baptist Times, the official organ of the Baptist Church said.

The report also quoted Sri Lanka's Deputy High-Commissioner in London Ananda Goonasekera as saying the couples should have contacted the embassy before adopting a child as then they would have obtained a baby paying the legal and administrative costs only.

"I would like the couples to come to

see us, so we can stop this kind of abuse," Mr. Goonasekera has said.

The former diplomat who advised the couple on the adoption of a child had allegedly asked them for £800 to be paid into a bank account for the use of a member of a lawyer's family resident in Britain. The couple paid the amount before travelling to Sri Lanka to finalise the adoption procedures.

In Sri Lanka, they were introduced to the lawyer, who required a sum of £600 as legal fees for each of the two babies the couple wanted.

Later the couple had written to the ex-diplomat accusing him of dishonesty which he had subsequently denied. The official, a high ranker in the High Commission, has since been recalled to Colombo.

Later the lawyer had phoned the couple from Colombo begging them to be silent, the report said. The couple had argued and accepted an assurance that their original £800 would be repaid.

The couple had decided to disclose the story for the protection of other couples who might be deceived in the future, the report added.

*The Sun, (Colombo)*

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# Protests Focus On Jailed Teacher

ON THE fourth floor of the Slave Island police station, a young woman who normally teaches classics and preaches feminism and civil rights has become a new symbol of Sri Lanka's decade of turbulence and civil unrest.

Thousands have been arrested and detained under Sri Lanka's draconian Prevention of Terrorism Act since it became the law of the land seven years ago.

Amnesty International, the London-based human rights organisation, estimates that the number now detained in Sri Lanka

under the act is about 3,000.

What is different about 28-year-old Pulsara Liyanage is that she is Sinhalese and she is a woman.

Her detention has inspired protests from civil rights activists within Sri Lanka and abroad as well as women's organisations here and in India.

But after 40 days of imprisonment, virtually all that is known of Ms Liyanage's condition is that on her first night in jail she was bitten by a rat.

Until recently, the wide powers of the

Terrorism Act were used almost exclusively to detain young men from the minority Tamil community who were suspected of involvement with the Tamil struggle for their own homeland.

But the Sri Lankan civil rights movement and agitation to end the 10 years of ethnic struggle have started to gather support from among the majority Sinhalese community.

By almost any measure, Ms Liyanage is an activist. In addition to her job teaching classics at Kelaniya University, she was involved in the Sri Lankan women's movement as both writer and organiser.

Probably more important in the eyes of the Government, she was a founding member of the Campaign for the Release of Political Prisoners - although the Government says there are no political prisoners - and a member of the Movement for Inter-Racial Justice and Equality.

Significantly, both organisations, known as CROPP and MIRJE, spanned the gap which has divided Tamil and Sinhalese in almost every other aspect of life on the island.

In addition, Ms Liyanage was involved in the agitation to push the Sinhalese-dominated Government towards a settlement of the long-standing conflict with the Tamil guerrillas in the north and east of Sri Lanka.

Questions in parliament about Ms Liyanage's detention have won little more than confirmation from National Security Minister Laliathmudali that she had been arrested under the Prevention of Terrorism Act.

Mr. Athulathmudali, one of the Government's hawks on the ethnic conflict, said the arrest was in connection with the activities of "certain militant groups in the south" who supposedly have connections with terrorist organisations.

The minister refused further details "because I do not want to be unfair in any way to the lady concerned."

Civil rights workers say privately that the real reason for Ms Liyanage's detention lies not in her own activities but in the civil-rights activities of her unnamed boy friend - also a Sinhalese - whom police have been unable to find.

Even the limited information proffered by Mr. Athulathmudali was more than the Government is obliged to provide.

Under the Prevention of Terrorism Act, anyone arrested "on reasonable suspicion" can be held for three months without charge, and the period of detention without charge can then be extended indefinitely.

Under the act, those detained can be visited by relatives but not by lawyers. Informed that Ms Liyanage's parents were concerned about her health because she recently underwent major surgery, Mr. Athulathmudali promised "the best possible treatment available".

By courtesy of "The Globe and Mail" (Toronto),  
December 12, 1986

## EROS DEMANDS END TO VIOLENCE AGAINST EPRLF

This is the text of a statement by the Eelam Revolutionary Organisation (EROS) on the recent clashes between the LTTE and EPRLF:

"The course of action presently followed by the LTTE will only undermine the cause of the movement in general and further pave the way for interference on the part of India. It is therefore essential that the LTTE should do some rethinking on the policy of violence that they have embarked on.

The confrontation between the LTTE and the EPRLF will only facilitate the Sri Lankan Government's endeavour to crush the aspiration of the Tamil speaking people. This is not the time for divisive action which will not only endanger the well being of our people

but also bring to nought the successes achieved so far by the militants. It is reported that one of the main reasons for the onslaught on the EPRLF by the LTTE is the suspicion that they are being manipulated by India for her own ends.

If the allegation is true then conversely any action taken against the EPRLF will boomerang on the other militant groups as India will not tolerate a situation of this nature passively.

We therefore exhort the Tamil speaking people with one voice to demand the cessation of the violence that is being perpetrated on the EPRLF and not be indifferent to the actions of the LTTE.

Their cry should be "Stop warring among yourselves and unite to continue the fight for Eelam."

## EELAM SECRETARIAT SOON

Says LTTE

In a statement issued from Madras datelined 3rd January the Liberation Tigers of Tamil Eelam (LTTE) stated that they have "effectively taken over the civil administration in the north, and a Tamil Eelam Secretariat will start functioning soon to streamline and co-ordinate the entire administrative network". The statement added:

"On the 1st January, the LTTE put into operation a traffic police system, which is empowered to impose points for traffic offences and introduced a set of road rules.

"In the course of last year, the LTTE has gradually and systematically built up a civil and economic infra-structure to provide various services to the civilian population. A legal administrative structure has been created by establishing Rural Courts in all villages. The LTTE has opened up village hospitals and has organised first aid teams to provide medical facilities for the people. An economic unit has been set up to organise and supervise the production and distribution of essential food items.

"LTTE operated people's shops and the Co-operatives maintain a fair price system in all areas. Nursery schools and children's parks have been opened. Our Social services unit has been actively involved in rural development and reconstruction work, repairing roads, rebuilding bridges, water tanks, renovating temples, schools and houses. The LTTE is also running a TV network.

"Though our liberation movement is already collecting taxes on various commodity goods, a streamlined taxation system including income tax will be introduced with the formation of Tamil Eelam secretariat. The LTTE is also planning to set up an effective postal system soon.

"With a view to expanding its political structure, the LTTE has inaugurated a mass organisation, called The People's Front of the Liberation Tigers. The People's Front will have branches in all villages and towns in Tamil Eelam, and will mobilise all sections of the Tamil masses and provide them with an opportunity to direct participation in the liberation struggle."

# POLICE ON THE RAMPAGE

HOW MUCH did the lives of a Sub-Inspector and two other police officers cost in Sri Lanka? For an answer, one has to go into all the available records since 1982. However the recent incidents in Kalmunai in eastern Sri Lanka on 13th December show that the lives of three police officers in terms of costs were 50 houses, 5 cars, a Pillaiyar Temple and 3 Rice Mills and a lorry apart from 3 Muslim civilians including a woman and a Tamil.

The Government Media Centre has been at pains to state that three civilians were killed in the "incident" which followed the ambushing of a police convoy. The Media Centre also mentions that the dead woman's 10 year-old daughter had been sent to the Kandy Hospital in a critical condition. The Government Media Centre was obviously silent about the "civilian killers".

On the 13th morning, a police party which was on patrol on the Kalmunai-Akkaraipattu Road, was ambushed by the militants near the 3rd Division of Kalmunai, a predominantly Muslim area. Immediately after this incident, police officers from Sammanthurai and Kalmunai - among them were some Special Task Force personnel - rushed to the scene and went on a rampage. An unofficial 19 hour curfew was clamped down in the Kalmunai area on the 13th at about 11 a.m. and was lifted on the 14th.

The Special Task Force (STF) and police were seen patrolling the calm and otherwise busy township of Kalmunai.

The Muslims and Tamils had jointly called for a hartal in protest against the

killings and arson on the 15th. Kalmunai based Islamic Youth League led a call for hartal and on 16th December. Kalmunai, Sammanthurai, Maruthamunai, Addalaichenai, Ninthavoor, Pandiruppu, and Thuraineelaverni observed the hartal. Perhaps, this was the first time Tamils and Muslims of Kalmunai got together for a Hartal.

Ironically, the Minister of Transport Mr. M. H. Mohamed who visited the affected area on the 16th ran into the hartal. No one - either a Tamil or a Muslim - was there to receive the Minister. The Minister had a brief tour with full military escort and rushed back to Colombo in a helicopter.

He was reportedly met by the M.P. for Kalmunai, Mr. A. R. M. Munsoor, the Assistant Government Agent, Mr. M. H. Mohinudeen, and the Co-ordinating Officer, Mr. Sumith Silva. The Minister also reportedly said that he would be placing his report to the Cabinet on the damage, and would also consider the question of paying compensation to those affected, and the appointing of a Commission to investigate the incident.

The Citizens' Committee of Batticaloa had made urgent representations to President Jayawardene to hold an immediate inquiry into the incidents in Kalmunai.

The main disturbing aspect of the whole episode is the proposal of setting up a permanent base for the Special Task Force (STF) in Kalmunai. At present, there are no permanent stations for them in the area.

## West German Gunboats To Sri Lanka?

According to a Reuter report datelined 5 January from Bonn, West Germany is considering the sale of armed patrol boats to the Sri Lankan government for use in its conflict with the island's minority Tamil population.

West German government sources said that Sri Lanka had conveyed its interest in buying the high speed boats made by the north German shipyard, Ahoking and Rasmussen. They said that the cabinet's secret security council, which would have to approve the sale, had not reached a decision. West German law prohibited the export of arms to areas of tension.

A spokesman for the shipyard said the company was awaiting an export licence but declined to comment on how many boats Sri Lanka wanted to buy. He also declined to disclose the value of the contract, but described it as substantial.

## TAMILS BACKED

THE UNITED NATIONS High Commission for Refugees and the World Council of Churches said in Geneva yesterday that they opposed Swiss government plans to send back to Sri Lanka about 40 Tamils refused asylum in Switzerland. Three Swiss churches also announced their support for a campaign against the Tamils' repatriation.

## TULF LEADER MEETS STATE DEPT. OFFICIALS

THE PRESIDENT of Sri Lanka's Tamil United Liberation Front, Mr. Sivasithamparam, yesterday had a round of discussions with officials of the U.S. State Department, congressional circles and human right activists on all aspects of the Tamil problem. In the process, he also appraised them of the present status of talks with the Jayawardene Government.

At the State Department, he met Mr. Rufus Grant Smith, country director for India and Sri Lanka, and the Indian desk officer, Mr. Donald Camp. He informed them about the talks under way with Colombo under India's good offices. He made known the views of the Tamils that any arrangement under a unitary Constitution should provide for a single linguistic unit, the East and North, for the Tamils.

The proposed Provincial Council should have exclusive legislative and executive power on legislation affecting Tamil areas. It should have full responsibility over law and order, education, industry and land reforms.

Mr. Sivasithamparam appealed for pressure on Colombo so that a solution to the Tamil problem was not delayed any more, before it took on the chaotic dimensions of Lebanon.

The Tamil leader, who was accompanied by Mr. T. Sritharan, secretary-general of the Tamil Eelam Association of America, held similar discussions on Capitol Hill. A delegation of Congressmen including Mr. Stephen Solarz, chairman of the House Asia and Pacific Affairs Sub-Committee and Mr. Mervyn Dymally, are visiting both India and Sri Lanka.

## MORE STF BASES

Three more Special Task Force (STF) bases are to be established as part of the government's determined effort to strengthen its military presence in the eastern province of Sri Lanka. The new bases will bring the total of STF bases in the Amparai and Batticaloa districts to 13.

The STF consisting mainly of police commandos specially trained by foreign mercenaries already have bases in

Kalawanchikudi, Thirukkovil, Akkaraipathu, Kalladi, Kiran, Morapatanchenai, Karadiyanaru, Urani and Vavunativu.

According to a report in 'The Island' of 3 January 1987, there are presently about 1500 police commandos deployed in the Eastern Province bases which are protected by minefields and barbed wire protective fences.

A sum of Rs.4 million has been allocated for the construction of the three new STF bases.

## Two Plantation Workers Shot Dead

Two tea plantation workers were killed and several injured when police opened fire against demonstrating workers at St. Coombs estate in Talawakelle on 5 January.

The workers had suspected that one of their colleagues, Pitchaimurthy Yessiah, a member of the Lanka Jathika Estates Workers' Union, who had gone 'missing' from December 27 had in fact been killed. Following this incident tension ran high as the workers numbering several thousand went on strike demanding action against the police and the Superintendent of the estate.

Following a meeting with a delegation of the trade unions, including the General Secretary of the Ceylon Workers Congress, Mr. M. S. Sellasamy, President Jayawardene directed that the Superintendent of the estate, Mr. H. T. Caldera be transferred and that the bodies of the persons who died following the police shooting be handed over to their relatives. The police had previously buried the bodies in a cemetery at Nuwara Eliya without reference to the relatives. The police had to exhume the bodies in order to comply with the President's directive.



## "It's the fight that matters not the reward"

WHAT IS important is the fight and struggle for justice and not the victory nor the defeat, said Mr. S. Nadesan QC at the Sri Lanka Foundation Institute.

He was speaking following the ceremony accorded to him to receive the Peter Pillai Foundation Award.

Mr. Nadesan said:

"From 1974 I gradually reduced my professional work with the view to retiring from practice when I reached the age of 75. But this was not to be as my involvement with human rights and in particular the Civil Rights Movement made it impossible for me to do so. According to the Upanishads life is work and work is worship.

"So in the evening of my life I have fought many a battle as a member of the C.R.M. and otherwise in the cause of the people. I have won a few and lost many. I console myself with the thought that what matters is the fight for the cause and not the results.

"What is important is the fight and struggle for justice and not the victory nor the defeat. The saying in Bhagawad Gita 'To action you have a right but not to the fruits thereof' has been a source of great comfort to me in my life as it has enabled me to cultivate a sense of detachment which is necessary for happiness and peace of mind.

"In the course of these fights for the fundamental rights of the people, I have been compelled to reflect on several matters including the Rule of Law.

"Nowadays the Rule of Law has to be maintained more rigorously than ever before. In a civilised society it is the laws that contribute to the civilised character of society.

"It is not the men but the laws. This is the principle of Dharma. It must be regarded as superior to all men and all other things.

"Dharma (Law) say the Upanishads 'is the King of Kings far more powerful and

rigid than they. There is nothing higher than Dharma. By its prowess the weak prevail over the strong and justice triumphs' is the concept of Dharma from which all principles of morality and ethics flow.

"If justice is to be maintained in the country those who occupy positions of responsibility must be persons of integrity, of detachment, of objectivity. They must not swerve from their path on account of political or other extraneous considerations but deal out justice. If Dharma is violated by whoever it may be under that very law, divine retribution is inevitable.

"The Rule of Law is the foundation of democracy. Democracy is a moral concept. It is something which is pledged to the defence of truth and justice. If we compromise with evil, with injustice, with untruth we may gain a temporary advantage but permanent danger will result."

He concluded by saying:

"You have humbled me with this award, but you have honoured the noble spirit of Father Peter Pillai and of the Civil Rights Movement of this country to which I am proud to belong."

## S. Nadesan QC – A Tribute

By Manel Fonseka, (Civil Rights Movement of Sri Lanka)

Mr. S. Nadesan QC, the eminent lawyer, Senator and gifted and dedicated champion of human rights, died in the early hours of Sunday, 21 December, 1986 after a brief illness. He was in his 83rd year.

Mr. Nadesan applied his intellect and passion for justice to an amazingly wide range of human rights issues throughout his life. Beginning his legal career in the 1930s, he was noted for his incisive logic, relentless pursuit of facts and skilful and dogged advocacy. He was elected to the Senate in 1947 as an independent, and was a founder member of the Civil Rights Movement in 1971 where he was active up to his death. He was President of the Bar Council from 1970 to 1972.

In a long career of 55 years at the Bar, Nadesan was associated with a number of famous and important cases, such as the Abdul Aziz sedition trial in 1943 and this same trade union leader's criminal trespass case in 1959; the challenge to the Press Council Bill of 1972, the Fundamental Rights Applications against the banning of the **Aththa** and **Saturday Review** newspapers, and the challenging of the contention that the Supreme Court judges were deemed to have vacated office. Amongst his most recent and successful civil liberties cases were the **Pavidi Handa (Voice of Clergy)** fundamental rights case concerning freedom of expression, the Kalawana Constitutional issue concerning the franchise, and the **Daily News**

contempt of court case defending the independence of the judiciary, and the defence in the 49 day trial of Kalmunai Citizens' Committee President, Paul Nallanayagam which case had serious implications for the functioning of civil liberties bodies.

Nadesan was a colossus in a vanishing breed of lawyers who excel in every sphere of the profession. He was equally at ease, and equally a master of his field, whether applying his extraordinary talent to a criminal trial, a tax case, a constitutional issue, a trade union dispute, a complex commercial arbitration, or a case involving international human rights standards. This versatility marked his career from its beginning right up to his last days.

But it would be wrong to think of Nadesan only in connection with glamorous **causes célèbres** that catch the public eye. He would put equal zeal and care into a document destined solely for the eyes of a government official. He was always ready to listen to anyone's troubles, and was outraged by any injustice. He would spend weeks sifting facts, mastering complicated documentation, wrestling with and overcoming obstacles, and preparing a clear and detailed memorandum making out the case for redress. All this without fee and as often as not for a person hitherto a total stranger to him.

Mr. Nadesan was himself tried – and acquitted – in 1980 with breach of

parliamentary privilege, for a series of articles he had written on this subject in 1978 for the Civil Rights Movement. Ironically, he had been a member of the Joint Select Committee of Parliament which had drafted the original Parliamentary Privileges Act in 1953.

Mr. Nadesan had a unique record as an independent senator, having been a member of the Upper House from its inception in 1947 to its abolition in 1972, with a brief interruption. In the Senate he was associated with social and labour legislation and with issues relating to the national question. He made particular contributions to the question of minority rights and of citizenship for the plantation workers, both of which were seen by him in the context of national unity and national harmony.

Perhaps the most impressive of his many remarkable Senate speeches is that courageously made in the month following the April 1971 insurgency. It reflects Nadesan's passion for social justice. In it he eloquently identifies the economic and social problems which gave rise to the frustration of our country's youth, for which he says the older generation of which he is part must accept the blame. It also reflects his deep concern for human rights; its plea to a beleaguered government not to dismiss out of hand allegations of excesses by the army and police, but to publicly commit itself to investigating

*continued overleaf*

# The Lonely Crusader For Human Rights

SOMASUNDERAM NADESAN, Queen's Counsel and the doyen of the Sri Lanka Bar died on 21 December 1986. Although Nadesan was eighty two years of age, he was so physically and mentally alert and vibrant, that his sudden demise came as a rude shock to his friends and colleagues.

Nadesan was born at the turn of the twentieth century at Annaicottai, within the Jaffna peninsula. His father was the Administrator of a secondary school and young Nadesan secured the Governor's Scholarship to Royal College, Colombo. His academic record was undistinguished. He played no games, and knew neither Latin nor Greek. He, however, showed some early interest in English literature, and insisted that his teachers read Dickens aloud to him. He subsequently joined the University College and the Law College, but these formative years were uneventful.

Mr. Nadesan was a multi-faceted personality whose career spanned more than half a century of public life in law, politics, and in his restless crusade against injustice and oppression. Although his very career defies categorisation, it is convenient to refer to three distinct phases. The first was his legal career, which evolved slowly given his relatively modest upbringing and undistinguished academic career. Recognition came gradually as Nadesan struggled against numerous odds, to establish a niche for himself in the legal profession.

It was an era during the transfer of political power where the legal profession was at the very summit of its influence, and was dominated by men of exceptional talent, ability and learning. It was compared to an army which consisted only of generals; and Nadesan brought to bear

skills of legal analysis, clarity of expression, and complete devotion to his brief that brought him success and recognition. He was made a Queen's Counsel in 1953, almost twenty years after he had been admitted to the bar. He was equally at ease in a criminal trial, a corporate or tax case or in a writ petition on administrative or constitutional matters. His mastery of the facts was only matched by his obsession with court procedure and trial tactics. He would apply himself to a question of law with equal zest, read all the relevant authorities and develop his legal submission with a thoroughness of a medieval scholar. His style in Court was playful and even sometimes scornful of his opponent's case. This tended to unsettle and even annoy his more intense opponents. As Chief Justice S. Sharvananda once observed, 'Nadesan's real strength was his ability to demolish a case. He would by his manner and style of presentation laugh a case out of Court'. He planned his Court strategy as a field commander would plan a complex military manoeuvre leaving little to impulse or intention. He outpaced equally gifted contemporaries with his sheer energy, dedication and devotion to detail. He was the consummate lawyer, admired by his colleagues, for the rare combination of legal talent, versatility, indomitable will and indefatigable energy.

The second phase of Nadesan's career was his role as a legislator. He was elected to the Senate, the Second Chamber of Sri Lanka's Parliament in 1947, and remained in the Senate, except for a short break, until its abolition in 1971. He intervened frequently and his contributions were measured, reflective and carefully researched. His

influence transcended the boundaries of the second chamber and his advice was sought by party leaders, trade unionists and even by the then Prime Ministers. The unfolding Sinhala-Tamil relations which assumed such a central position in the political arena consumed much of his time and energy. He was appointed in 1949 to a committee to design the National Flag, an emotive and divisive issue between the two communities. The committee was chaired by S. W. R. D. Bandaranaike and included, Sir John Kottelawala, J. R. Jayawardene, T. B. Jayah, L. A. Rajapakse, G. G. Ponnambalam and S. Nadesan. Nadesan expressed his sturdy independence by being the sole dissident arguing that a national flag must be a symbol of national unity and that the design of the lion flag with the stripes outside it, would be 'a symbol of its disunity'.

During the language agitations in the fifties Nadesan made an important intellectual contribution towards both articulating the aspirations of the politically embittered Tamil community and in creating a climate in which negotiations could be conducted. He wrote a series of articles to the Sunday Observer in 1957, in which he argued that 'the Sinhalese and Tamil nationalists inhabiting Ceylon speak different languages, profess in the main different religions and cherish distinct historical memories and traditions. This is a demographic reality which we have to face'. He argued that the conflicts between the two nationalities could only be resolved by the application of democratic principles to the problem of reconciling 'the predominance of the majority nationality with the liberty of the minority nationality'. Other societies had adopted policies of bilingualism, federalism, regional autonomy and constitutional safeguards of the fundamental rights of national minorities. He dismissed the contention that federalism would lead to a movement for separation, by stating that 'on the other hand, it is in unitary states with national minorities that irredentist and separatist movements have taken root'.

These essays emphasised the need for a linguistic and cultural homeland to preserve the national character of the Tamil ethnic collectivity and foreshadowed subsequent political developments. Nadesan reverted to these theories in 1971 when a Constitutional Assembly was constituted to draft the first Republican Constitution. He published a monograph as 'a contribution to the debate now taking place in the country'. He argued that in a multi-ethnic polity constitution must enjoy the consent of the national minorities if it is to have any legitimacy. He subjected the Basic Resolutions tabled at the Constituent Assembly to a detailed critique with particular reference to the inadequacy of the provisions relating to language and minority rights. Nadesan's influence was considerable within the Joint Select Committee in Parliamentary Privileges in

## A TRIBUTE — *continued from page 9*

them once conditions permit, is extraordinarily skilled and compelling.

Among his most valuable writings are his dissenting report as a member of the National Flag Committee (1950), his still extremely relevant article on **Regional Autonomy**, originally published in the **Sunday Observer** in 1957, and, in his post-Senatorial days, his book on the principles of constitution-making and the 1972 Constitution, and his report on the 1980 **Strike and its Aftermath** written for the Civil Rights Movement.

A number of Nadesan's cases in the superior courts are extremely important social and political documents, as they place in the public domain important evidence and issues which are otherwise inaccessible. His life is a chronicle of the age, as much as the values for which he stood were such that he has been called "the conscience of our time".

Nadesan gave CRM the best of his

legal expertise and energies. Never a man to stand on his dignity, he would also rush to the Supreme Court Registry to personally file an urgent petition, enthusiastically go shopping in the Pettah for stationery, supervise typing and hand-deliver envelopes. Those of us in CRM who were privileged to work with him will sorely miss the wisdom, keen insight, meticulous attention to detail, and impish humour of one for whom we had a very deep affection and regard.

Although a fierce and aggressive fighter in the cause of justice he was a man of great gentleness and warmth. He was well-known for the simplicity of his life-style, his famous fruit and vegetable diet and the long, reflective walks which he took across the length and breadth of Colombo — often dressed in a pair of baggy shorts and carrying his papers in a shopping bag.

**Many will mourn the death of a great human being.**

*continued opposite*

## NADESAN – the Philanthropist

I RECEIVED the news of the death of Mr. S. Nadesan Q.C., with shock and grief. It was nearly a week after his death that I got the news when I telephoned a friend in Colombo.

He had returned to his home from the UK on 20 October, 1986 and I spoke to him a couple of days after his arrival. He sounded very happy and said that he was quite well. I never imagined then, that he had not many more days to live.

I know I am least competent to write about Nadesan the eminent civil lawyer or Nadesan the constitutional expert on Parliamentary Privileges or Nadesan the ardent champion of Civil Rights. I can only write a few lines about Nadesan the philanthropist who gave liberally of his time and money towards the cause of education and more particularly education for the poorer sections of the Tamils.

It was in the late forties that he shared the vision of a Colombo Hindu College with that galaxy of eminent men like Justice Nagalingam, Sir Kandiah Vaithianathan, Mr. K. Mahadevan, Senator Perisundaram, Mr. K. C. Thangarajah and others of the Hindu Educational Society. I referred to these gentlemen in my Prize Day Report of 1977 as "men committed to the sanctions of a trust higher than any the world could impose". The late Mr. K. Mahadevan referred to their vision as a

"dream of dreamers". But the dream was partially realised and Colombo Hindu College was started in 1951. It fulfilled the need for the less fortunate Tamil children who couldn't find admission to the prestigious colleges in Colombo. The college was unique in many respects.

Its glory began to wane soon after the race riots of 1958 and the Hindu Educational Society with its band of dedicated men was eclipsed after the nationalisation of schools in 1961. In February 1974 when I was appointed Principal, I took over a college with multiple administrative problems, a defunct PTA, and a building in a very bad state of repair. Within weeks, I approached Mr. Nadesan in his Castle Lane house and I was disappointed to note his indifference. He said: "I have shed all my tears for Colombo Hindu College and I have no more tears to shed". I came away dejected and began fighting my own battles; but what I didn't realise was that Mr. Nadesan, from a distance unobserved, was assessing my bona fides.

By the end of 1975 however, he gradually moved in to help in the rebuilding of Colombo Hindu College. On his own, within a month and without flourish or ostentation, he made his own substantial contribution and collected for the PTA nearly two lakhs of rupees.

He made it clear that all this should not go in his name, but in the name of the Hindu Educational Society. He was a man of action and he would act swiftly and boldly. Colombo Hindu College is just one example of Mr. Nadesan's intrinsic good-will to help the cause of education. There were numerous other schools – Buddhist, Christian and Muslim – towards which he gave liberally.

Although to the day of his death he remained mentally alert and in good health, he decided to step down from active practice nearly 15 years ago. He was at heart a socialist and led a very simple life. A man of few words but intensely sincere and selfless. Such mortals tread this earth very rarely. Mr. Nadesan is no more; but the spirit of his selfless service to the cause of education will live long in the hearts and memories of those generations whose educational development was made possible in some measure by him.

The void caused by his demise can never be filled. Though old, he had "promises to keep and miles to walk" before he could sleep. We shall not see the like of him for a long time – perhaps never!

K. JEGANATHAN

(former Principal of Colombo Hindu College)  
Transkei, South Africa

Continued from page 10

1952, and the Joint Select Committee on the Constitution in 1958. However he always operated on the periphery of Tamil politics, as the centre stage was dominated by G. G. Ponnambalam and S. J. V. Chelvanayakam, the latter progressively eclipsing the former by the mid-fifties. He was rarely part of the Tamil political mainstream and disassociated himself from the Satyagraha campaign in 1957 and was a vocal and consistent critic of the Vaddukodai Resolution of the T.U.L.F. He was traumatised by the violence which engulfed the community in 1977 and 1983, and he increasingly diverted his efforts from the arena of formal politics to the protection of human rights in Sri Lankan society.

Nadesan's role as a human right activist was perhaps the most decisive and enduring phase of his public life. This struggle gave the fullest expression to his 'keen intellect and passion for justice'. He helped find the Civil Rights Movement in 1971 in the aftermath of an insurgency which resulted in the deaths of eighteen thousand Sinhala youths. During this period the Civil Rights Movement was in the forefront of the public protest against the abuse of emergency powers, the denial of rights of persons in custody and of police brutality. Mr. Nadesan led a team of CRM lawyers who unsuccessfully challenged the Press Council Bill before the Constitutional Court. After the second Republican Constitution was enacted, the Civil Rights Movement continued to express concern over the deprivation of civic rights for Mrs. Bandaranaike and other political opponents, the extension of the life of Parliament, the fairness of the Referendum, torture and death in custody, preventive detention, the

statelessness of plantation workers and other issues relating to the right of trade unionists and workers. Mr. Nadesan remained the backbone of the Civil Rights Movement and the symbol of its uncompromising commitment to the legal and political values of a democratic policy. Mr. Nadesan placed himself in personal peril when he wrote a series of articles on Parliamentary Privilege and proceedings were instituted against him for breach of privilege.

Considerable international interest was shown in this case, by human right organisations, bar associations, individual lawyers. H. L. de Silva, Senior Counsel for Nadesan stated in an eloquent opening address 'this case awakens us to the question of the reality and the substance of our freedoms... whether all the solemn declarations... are in the words of the apostle, only sounding brass and tinkling cymbal, signifying nothing. After four days of hearing, the Supreme Court discharged the rule against Mr. Nadesan reaffirming counsel's contention "that Parliamentary privilege is not meant to insulate Parliamentarians from reasoned criticism".

The general strike of July 1980 and the use of emergency powers to dismiss forty thousand public servants was an event of momentous consequence to the trade union movement. Nadesan authored a CRM publication entitled, 'The Strike and its Aftermath' where he made a reasoned analysis of how the problems of strikers in essential services was dealt with historically and pleaded that the dismissal of the strikers was neither fair nor just. The Government's decision in 1982 to extend the life of Parliament for a further six year term through a Referendum 'shocked and alarmed' the Civil Rights Movement.

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The CRM issued several reasoned statements opposing the referendum and further questioned the procedures under which the referendum was held. During this period the leaflet of Pavidu Handa (Voice of Clergy) opposing the referendum was illegally seized by the police and its secretary the Rev. Ratnasara Thero was threatened with arrest. Within hours of receiving this information Nadesan filed a fundamental right application before the Supreme Court.

The Court upheld the petition and ordered the Superintendent of Police, Gampaha, to pay damages in a sum of rupees ten thousand and cost in a sum of rupees two thousand and one hundred. The matter however did not end there, as the Government in an extraordinary move directed that the damages and the cost be paid out of public funds and the police officer concerned to be promoted in order to ensure "that public officers do their duty and follow orders without fear of consequence from adverse court decisions".

In 1984, the Chief Justice of Sri Lanka made a speech at a prize-giving, in which he referred to the violence in July 1983, as an expression of popular protest against governmental inaction towards 'terrorism' in the North. Many liberal elements in the country were dismayed by the Chief Justice's rationalisation of events of July 1983. Some even felt the expression of such views impaired his judicial functions, while others argued that he was acting within the limits of free speech. The Government appointed a Select Committee of Parliament to investigate the conduct of the Chief Justice. Nadesan was retained by the Chief Justice to vigorously resist what the CRM viewed as an encroachment upon the

continued overleaf

# S. NADESAN Q.C. — A Life Extraordinary

IN ASIAN SOCIETIES where popular adulation is mostly reserved for politicians and cinema stars. It would be foolish to try to remember the lives of men like S. Nadesan by conventional yardsticks. To say that the country in which he was born and which he served, the profession in which he distinguished himself and the people among whom he lived are deeply poorer by his loss, would be a trite tribute; and a hardly adequate one. In a world that searches for consensus at the lowest common denominator, Mr. Nadesan exemplified the highest common denominator. He was an uncommon man. He will remain a perennial symbol of individual excellence; a non-conformist who stood outside systems and conventions, but yet made a mark in public life.

Mr. Nadesan was a celebrated constitutional lawyer, but that does not explain the man. He was a single-minded civil rights champion, a courageous advocate of Human Rights, but that again is an inadequate way of describing him. In the fifties and sixties when Ceylon had a bicameral legislature, he was the famed "Senator Nadesan". In an Upper Chamber stuffed with mediocrities, he was its outstanding adornment. But that was one phase of his life and achievement. Earlier, in the twenties of the century, when a band of youths from Jaffna, fired by brave idealism and zeal, and inspired by the Gandhian struggle for Indian independence, decided themselves to stand up against British imperialism and uphold the country's right to "Purna Swaraj", Mr. Nadesan was one of those gallant youths; waging a campaign not only for political freedom but for the establishment of an egalitarian society. The Youth Congress was spearheaded by men of the stamp of S. Handy Perinbanayagam (who predeceased him but remained Mr. Nadesan's friend and admirer) — men who were absolute non-achievers in material terms and innocent of all political guile, but who challenged the system all the way and pushed the frontiers of thought nevertheless. Well, that was again one, early phase of his life.

## A SIMPLE MAN

Left-inclined by conviction and a genuine Socialist in his thinking, Mr. Nadesan was later to become the legal confidant of Marxist parties and Trade Union leaders. He was a friend of the Bandaranaike family and a trusted political adviser, but he was also legal consultant to the Lake House empire of Associated Newspapers of Ceylon Ltd., built by Press baron Esmond Wickremasinghe as a bulwark against

the Bandaranaiques. There was no political party in Ceylon, Left, Right or Centre, which did not at some time or other seek his services in some capacity or another. But he belonged nowhere. There was no single canvas that could hold him, no political party that would absorb him, no single role in public life that fitted him. If the judges listened to him with respect, if political leaders valued his judgement, and if the legal fraternity took pride in him, it was not for any particular reason that one would place one's fingers on; it was simply that he was Mr. Nadesan. And Mr. Nadesan was a simple man.

During my journalistic years in the Ceylon Daily Mirror in the sixties when my duties took me to office late in the mornings, I used to do leisurely walks by the sea, beside the rail tracks from Wellawatte to Bambalapitiya. Trains run constantly carrying office workers from the suburbs, but the seafront used to be deserted. Practically every day I used to cross one man, sometimes once, sometimes twice, walking from the opposite direction. At the beginning I used to see the eminent Queen's Counsel Mr. Somasundaram Nadesan dressed in a pair of khaki shorts and a shirt, both of which could

## By S. Sivanayagam

have looked more presentable with a little bit of ironing, and a pair of slippers, suspiciously looking like bathroom slippers which had seen better times. I noticed after some time that he had decided to abandon his slippers. I got a little worried later when I saw him without the shirt either. Recalling this on a later occasion while proposing a toast to Mr. Nadesan who was Chief Guest at an Alumni Dinner at Kokuvil Hindu College, I ended the narration by saying (quite untruthfully of course): Ladies and Gentlemen, at that stage of Mr. Nadesan's undress at the seafront I stopped taking my walks because I shuddered to think what he might shed next! While everyone laughed, Mr. Nadesan merely looked at me with a kind of amused surprise.

## SELF-EFACEMENT

Perhaps it is this supreme unconcern for personal image-building that has cost him his rightful attention in contemporary writings on the political and legal history of Ceylon. It came as a sad surprise to me only when I sat down to write this piece that here was a man who influenced thinking both in law and public life for over half a century in that country, and how scanty are the references to him in contemporary records! You may come across copious references to people who picked Mr. Nadesan's brains, but

hardly any about Mr. Nadesan himself. The Tamils, like the Irish produce rugged and brilliant individualists, but some of them, even without populist support manage to leave their names in history. In Mr. Nadesan it was a fatal combination — the refusal to conform, plus self-effacement.

Many are the legal battles he fought on behalf of the "underdogs", and in a country like Sri Lanka where the very superstructure of the State has been built on a total lack of humanitarian compassion towards its citizens, Mr. Nadesan has been the most consistent and dedicated advocate for Citizen v. State. The sordid story of independent Ceylon's history began with the deprivation of citizenship and franchise for a million Tamils in the plantations who had enjoyed these same rights under colonial rule. The legislation was challenged in the courts of law and the case (Kodakkan Pillai v. Mudanayake, Mudanayake v. Sivagnanasundaram) has passed into legal history. Both the Supreme Court and the Privy Council stood with the State in what can now be seen as dubious and evasive judgements. Mr. Nadesan fought and lost. That was in 1953. But losing and winning was not the issue; he became a crusading "karma yogi", unmindful of the "fruits of the action", ever ready to do battle in the cause of righteousness. His triumph in the Paul Nallanayagam trial before the Sri Lankan Supreme Court earlier this year (1986), when he came out of retirement at the age of 82, to defend a naturalised Canadian Tamil, the head of the Citizens' Committee of the Eastern Province community of Kalmunai, who was facing seven charges each of which was punishable by five years' imprisonment, now remains as his crowning glory and the signing off of a career that spanned more than half a century.

## AN INCISIVE LOGICAL MIND

For a man who became so pre-eminent in his chosen field of law (interestingly, his first stint was teaching), for a man who never looked like a legal giant nor behaved as one, for a man who cared nought for the externals, dress, appearance, deportment, social graces, not even his prose style and diction in court, what was the secret of his success? It was his head.

Endowed with a sharp intellect and an incisive logical mind, he had the unerring capacity to get to the pith of any problem; in arriving at the essentials across a maze of non-essentials. I remember listening to him at the Senate once, at the time Mrs. Bandaranaike was in power. He was talking about the excessive zeal shown by the administrators in implementing

the "Sinhala Only" law in Government Departments, and referred in particular to some painted sign boards in the Income Tax Department. Go and take a look at those boards, he said. There are the large Sinhala letters on top, below which was the Tamil name in small lettering, small letters mind you, and followed by large English lettering. "What are you trying to prove by this?", he asked turning to the members in the Government ranks. "The only message you are trying to convey is that Tamils have better eyesight! Is that what you are trying to say?". By reducing the argument to its logical absurdity, he was able to pinpoint the pettiness that prevailed.

One cannot help but think that if it was an accident of birth that made Mr. Nadesan a Tamil and a Hindu, had he been born a Sinhalese and a Buddhist, he might have even changed the course of Ceylon's history and spared many of the agonies that the country is going through. If he did take up the cause of Tamil rights, it was not because he was a Tamil but because he stood for Human Rights, for minority rights, for constitutional rights, for the rights of the under-privileged. But that makes the core of the Tamil tragedy in Sri Lanka; when in 1948 political power effectively passed into the hands of the Sinhala majority, there came a frozen upper limit beyond which no Tamil could have risen, unlike during the colonial times when men of the calibre of Sir Ponnambalam Arunachalam and Sir Ponnambalam Ramanathan could dominate the life of the country with supreme aplomb. Mr Nadesan was 44 years old when Ceylon became a Dominion.

Born on 11th February, 1904, enrolled as an Advocate of the Supreme Court in 1932, and appointed a Queen's Counsel in 1954, he was already elected to the Senate at its very inception in 1947, and kept his seat there until the abolition of that Upper Chamber in 1971, with a one 2-year break. He was a member of the National Flag Committee in 1948, a member of the Parliamentary Select Committee which drafted the law relating to Parliamentary privilege in 1954, Chairman of the Bar Council in 1969, and a founder-member of the Civil Rights Movement in 1977.

Nadesan was the recipient of the Peter Pillai Foundation Award for the year 1983 in recognition of the promotion of Social Justice and the protection of the rights of the under-privileged sections of Society, for which ideals that dedicated missionary and educationist Fr. Peter Pillai had given his whole life. As member of the Select Committee on Parliamentary Privilege, his view that judicial power in that sphere should only be exercised by the Judiciary was accepted by Parliament and applauded widely. As Chairman of the Bar Council he

revitalised that body; the Council set up a Special Committee to study the then proposed new Constitution of 1972, and drew public attention to some of its unsatisfactory features. Subsequent developments were to vindicate his stand.

### CHAMPION OF A FREE PRESS

No attempt by any Government to trespass on the Freedom of the Press, the Freedom of the Judiciary or the Freedom of Dissent went without Mr. Nadesan throwing down his gauntlet. He led the Civil Rights Movement's team of lawyers before the then Constitutional Court to oppose the Press Council Bill. When Government introduced an amendment to the law relating to Parliamentary privilege, and went on to exercise judicial power through Parliament in the farcical Ceylon Observer case, he opposed it in print. A badly-stung Government had him hauled before the Supreme Court for breach of privilege of Parliament. The trial threatened to become an international cause celebre; the International Commission of Jurists sent a distinguished English Queen's Counsel to observe the trial. Fortunately for the government's reputation, Mr. Nadesan was acquitted.

When Government sought to amend the Constitution to provide for two seats to the Kalawana constituency, one for an elected M.P. and one for an M.P. nominated by the ruling party, the Civil Rights Movement challenged the move before the Supreme Court, and Mr. Nadesan successfully argued before the Court that such an amendment would infringe the fundamental franchise rights of the people. The move was dropped. He also appeared in the "Pavidi Handa" case where the Supreme Court held that the confiscation by the police, of leaflets calling for a general election, during the Referendum campaign, was unconstitutional. And then came the Fundamental Rights petition before the Supreme Court contesting the Government's ban on the Saturday Review. This writer was the editor of the paper. On July 1, 1983, the office was sealed by the police, and by end-September, fearing a threat of arbitrary detention by the Government, I had left the country.

I was to meet Mr. Nadesan a few months later - but in Madras. It was January 6, 1984. A friend phoned to say that Mr. Nadesan was in Madras on a private visit and was anxious to see me. I volunteered to go wherever he was - immediately. No, he said, Mr. Nadesan insists on his coming there himself. And he came, accompanied by my friend and his grandson, and carrying a marketing bag! Seeing him without dentures and with sunken cheeks distressed me, but he beamed at me even as he walked in and

stretched his hand. "I have come to meet that brilliant editor I am trying to defend" he said, full of mirth. The next one hour he insisted on telling me, chuckling all the time, how the Saturday Review case was proceeding, and how he was keeping on reading out in Court large chunks of what I had written, and testing the patience of the judges. "I have to establish the policy of the paper, you know, and how do I do it without quoting from the Editorials?". "And you know," he said, switching to mock seriousness, "I can understand why the poor judges (and he mentioned two by name) were squirming. What you write can sometimes be very biting!". And he laughed again. It was on that mischievous note that he left me. That was the last I saw of him.

### MAJORITY RULE

Though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; the minority possess their equal right, which equal laws must protect, and to violate must be oppression.

Thomas Jefferson 1800

### The Lonely Crusader For Human Rights

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independence of the judiciary and the freedom of expression of the Chief Justice. The Chief Justice retired before the Select Committee could conclude its inquiry.

Undoubtedly, the cause celebre which was an appropriate finale to Nadesan's career as civil right lawyer was the case of Paul Nallanayagam the Chairman of the Citizens' Committee of Kalmunai, who was indicted for treason for having implicated the Special Task Force of the Sri Lanka Police in the disappearance of about forty Tamil youths. The additional Solicitor General told the Supreme Court that Paul Nallanayagam had made a 'false statement' about the killing of innocent people by members of the STF to the BBC and the *Le Monde*. The trial before the Colombo High Court started on 17th March, 1986 and ended on 17th July, 1986 with Nallanayagam's acquittal on all charges. The trial was a vindication of not merely Paul Nallanayagam's refusal to compromise with the rights of citizens but also the role of Citizens' Committee in providing redress to innocent citizens.

Nadesan was not without his professional and political detractors. Some referred to him somewhat uncharitably as the 'fox'. This was no allusion to Isaiah Berlin's distinction between those who believed in a single dominant principle - hedgehogs - and those who believed the world is diverse and pluralistic - the "foxes". But if Berlin's distinction between different writers and thinkers could be extended to men of the law, Nadesan combined the legal ingenuity, the professional skills, and the mental agility of a "fox" and the idealism and single-minded commitment to justice of a 'hedgehog'.

Neelan Tiruchelvam

**MEDIA FILE**

From John Rettle, in Batticaloa, Sri Lanka

THE HUGE TANK pulled across the path of our car. Half-a-dozen men in fatigues jumped down, waving automatic rifles. Half-a-dozen more trained two heavy machine guns on us. The car was taken apart. Everything was removed, even the seats.

They are thorough, these men of the Special Task Force (STF), an elite police commando unit fighting militant Tamil separatists in the Batticaloa district of Sri Lanka's troubled Eastern Province. They have been trained by a variety of foreigners, including Pakistanis, a private British company and for intelligence gathering, Israelis.

They are Sinhalese in a mainly Tamil area, and they were tense and nervous. We were in Kattankudi, a Muslim village just south of Batticaloa, and the conflict has been spreading to the Muslims.

We had official permits to be in the area from the Ministry of National Security in Colombo, but the tension eased only when the commander radioed headquarters. He was told, no doubt, that the previous day we had visited the coordinating officer — in effect, the district's military governor — who had received us affably. We were politely told we could proceed, with apologies for the inconvenience.

Local Tamils rarely get such courtesy from the STF. The local citizens' committee claims they are often roughed up. The Government flatly denies the allegations, or that torture is used on detainees suspected of being "terrorists". Privately, some Government officials admit that the troops

## Sri Lanka's Citizens' Groups See Police As The Biggest Enemy

are not always completely under control.

The citizens' committee in Batticaloa accuses the STF and the army of arresting suspects, many of whom then disappear, and denying the arrests.

The committee has sworn affidavits about 393 Tamils who were seen to be arrested. The security forces admit to having detained only three. The committee also has hospital records and photographs of the injuries claimed to have been sustained during detention.

One of the alleged tortures is "helicopter training". The thumbs are tied behind the back and attached to a rope, with which the body is lifted and beaten or burned.

The Government claims the citizens' committees are self-appointed bodies putting out propaganda for terrorists. The committees are indeed self-appointed, but Tamil communities in the north and east have had no representation since their MPs resigned after refusing to take an oath to a unitary state three years ago.

It may also be true that in some areas, notably in the northern Jaffna peninsula, which is tightly controlled by the Tamil Tigers, the citizens' committees are no longer independent. But in Batticaloa, they consist of lawyers, businessmen, churchmen of all denominations, and retired civil servants.

If they do not criticise the "terrorists" much, it is because, as one committee member said: "People here have a love-hate relationship with the militant groups, who often do bad things, but then the

security forces come and do something worse."

One of the bad things, for the businessmen, is that the militant groups demand money. But the fear in Batticaloa is primarily of the security forces. "Here it is a crime to be a young man," said another member of the committee.

The effect on Batticaloa is disastrous. According to the Government Agent, Mr. M. Anthonimuttu, only 60 per cent of the district's land is under cultivation. The disruption caused by the conflict, the reluctance of young men to move about and the restrictions on the movement of traffic threaten a serious fall in food production.

The town is slowly dying. No one dares go out after sundown, business is being strangled, and any kind of social, cultural or even sporting activity is out of the question.

Even the Muslim community is being drawn in. Centuries ago, the Muslims were lowcaste Hindus, and they still speak Tamil. They were converted by Arab traders, whose religion offered a way out of their caste prison. Now they are traders, shopkeepers and businessmen.

The Muslims are still close to the Tamils, culturally and sentimentally. They want to keep on good terms with both communities, but it is becoming increasingly difficult. The militants are beginning to seek their support, and the security forces are growing suspicious of them. One young Muslim in Kattankudi was told by an STF man: "Muslims, you're just the same as Tamils." *By courtesy of 'The Guardian'*

## The Sri Lankan Crisis: India's Locus Standi

IN MID-1983, the Sri Lankan state aided, abetted and tried unsuccessfully to cover up what was (by the admission of its own President, Mr. J. R. Jayawardene) a genocidal pogrom against innocent Tamils on the island; in the subsequent period, it compounded the atrocity by letting loose its security forces on the North and the East, raising the toll remorselessly but less visibly. In May 1986, it committed the barbarity of bombing its own people in Jaffna, as if it were the capital of a medieval enemy state waiting to be looted, burnt and destroyed. In the current period, it has cut off energy supplies to the Jaffna peninsula, thus imposing a partial internal blockade against the economy and livelihood of a significant part of the national population. All this has fitted into a brutal military strategy that has involved the induction of an assortment of anti-Indian external elements drawn from Israel, Pakistan, South Africa and Western mercenary agencies. Simultaneously, the regime of Mr. Jayawardene has allowed India's "good offices" to operate along an on-off, stop-go track that is supposed to lead to a negotiated political settlement.

During the administration of Prime Minister Indira Gandhi, New Delhi's policy was to express solidarity (whatever might have been the reason for some hesitation initially) with the oppressed Tamils and try and craft a framework and a basis of

substantive autonomy or self-administering opportunities in their traditional region of concentration within the framework of a united (but not necessarily unitary) Sri Lanka. Unfortunately, the political settlement did not come but the parameters of the overall policy were clear to everyone involved. It is equally unfortunate that the policy of the Rajiv Gandhi administration has seen a sharp downslide in the situation on the ground and for this its superficial approach has been responsible.

It is not that no substantive progress has been made along the track of seeking a political solution. Starting with Annexure C of December 1983 — which could have been improved to incorporate, in essence, the firm Sri Lankan Tamil demand for a recognition of the "traditional homeland" comprising the North and the East — several ideas have come on to the agenda.

The gap between the two antagonists has been identified repeatedly in the post-1983 period and is now precisely measurable. Yet the Indian policy has acted as though there is no coherent framework of solidarity with oppressed people, no recognisable baseline to guide India's mediating strategy, and no strategic direction to pursue. For example, in August–September 1985, the Rajiv-Romesh Bhandari policy on Sri Lanka seemed to be tripping up damagingly with the shaping of a foundation that the Tamils could not

possibly accept. In the recent period, the Prime Minister has publicly certified some ideas sponsored by Colombo which stood no chance whatever of being accepted by the Tamils (moderate or militant) as something that India should be supporting.

The mission by two Union Ministers, Mr. P. Chidambaram and Mr. K. Natwar Singh, to Sri Lanka in the latest round has proved quite infructuous — with the Jayawardene regime characteristically reneging on promised support for the proposal of reconstituting the Eastern Province by excising Amparai electorate, or the Sinhala-majority areas, from the unit. India's real policy interest in relation to the Sri Lankan crisis seems to be understood weakly and waveringly in New Delhi. The locus standi in seeking a no-nonsense, decisive way out of the mess needs no apology.

The Government of India must move quickly to reassert its solidarity with the victims of the crisis and its reasonably worked out geo-political interests given the closeness and immediacy of the challenge and the frontline character of the way this nation has been affected. There is no question of India washing its hands, in helplessness, of the whole affair. If New Delhi has been taken for a ride by Colombo, it must get off it. While underlining its deep interest in a negotiated political settlement that will keep Sri Lanka one — against all the current trends — it must make it equally plain that it would be a betrayal of humanitarian and national interests to allow the Sri Lankan Government's military strategy against the Tamils to succeed.

*By courtesy of The Hindu, (Editorial January 17 — International Edition)*

# THE TAMILS AND THEIR FUTURE? \*

A Postscript By A.J. Wilson

(Professor of Political Science, University of New Brunswick, Canada)

MY FATHER-IN-LAW, S. J. V. Chelvnayakam, once told me when I said that the Jaffna man knows how to look after his interests, that my statement was not correct. He responded that the Tamils had been deceived once when they were persuaded to go along with the disfranchisement and decitizenisation of the Indian Tamils. The same thing could happen again unless there was a vigilant Tamil party to safeguard their interests. That explains one of the reasons for the birth of the Tamil Federal Party. On another occasion, I told him some time in 1954, that Ceylon will one day become part of the Indian federation. He immediately replied "We will then join as two states, not as one". I think he was quite accurate.

I have stated all this as a prelude to the current discussions that are going on with a view to ending the ethnic crisis in Ceylon. I shall pose two views before I proceed to answer my main question: A Postscript on the Tamils and their Future?

(1) In August 1979, President Jayawardene, in an interview he gave the news weekly, **Tribune** (18 August 1979) stated that on the question of education (higher) "I am wondering whether we can't go on a racial basis." On employment, he was more positive. He said "I want to go on a racial basis".

(2) The Report of Committee 'B' of the All Party Conference of 1984 stated that Dr. Stanley Kalpage (Secretary of Higher Education and Chairman of the University Grants Commission) had enquired "whether ethnicity could be a criterion only for University admissions. What of other areas like employment, trade and business etc.? Was it to be a determining factor in all other fields? Would it be desirable and acceptable in the interests of an integrated Sri Lankan nation?" My interpretation is that Dr. Kalpage was discounting merit and advocating racial proportionality in the interests of an "integrated Sri Lankan nation".

The two views tell two things to the Tamils. Firstly, they should not be deceived. Secondly, there is no hope for them in the present sovereign entity of Ceylon.

I have earlier referred to deception because of what is contained in the present package of proposals put forward by the Ceylon Government.

(1) Annex 2 of the President's address to the Political Parties Conference states **National Policy on all subjects and functions are exclusively reserved for the Colombo Government. There is no meaning to devolution or even decentralisation when a blanket statement encompasses the subjects reserved for the provinces.**

(2) The powers of the Provinces are

minimal. They are also similar in design to the dyarchical pattern contained in the Government of India Act of 1919. Powers over certain subjects are devolved to the unit. The Centre exercises control and supervision of these powers. This is not specifically stated. But that is the interpretation. It is a trap we should not fall into.

(3) The concurrent list makes it doubly certain that the provinces are only participatory Kachcheris. Most of the powers in the provincial list are repeated in the concurrent list though in devious ways.

(4) Parliament can vary these powers by simple majority and dismantle provincial councils and withdraw powers by a two-thirds majority. The Sinhala Only Act had the support of a two-thirds majority because the two major Sinhala parties united in passing the legislation. The same thing could happen again.

(5) Local bodies, especially Pradeshiya Sabhas and Gramodaya Mandalayas, are to be set up within the boundaries of Provincial/District Councils. What does this mean? There will be one party in a majority at the council level and other parties in power at the local body level. If not in power, there will be a few elected members from the ruling party in these local bodies. These Sabhas and other local bodies with majorities of the ruling party as well as the odd ruling party members in all these bodies will function, as the ruling party's patronage dispensaries. These will nibble away at the powers of the main District/Provincial Council.

(6) We have reserved the cruellest jest for the last. The President has powers of disallowing provincial emergencies. He has emergency powers to deal with provincial emergencies. Most ludicrous is that President Jayawardene in his address to the Political Parties Conference stated (page 2, section 10a) "Executive Power (including all matters in respect of which Provincial Councils have power to enact legislation, shall be delegated to the Governor, and shall be exercised by him either directly or through officers subordinate to him".

This would mean not the Chief Minister or his Board of Ministers, but government officials. It would be a negation of parliamentary and cabinet government. The exercise of devolution and decentralisation are obfuscated and nullified: only a person versed in Sinhalese political culture can understand that the whole exercise is a waste of time and void of content.

President Jayawardene and his advisers can be excused for not being conversant with the whole concept of "political cohabitation" that goes on in France

today. There they have a Socialist President and a Conservative Prime Minister and the two are able to work without a collision. In a way President Jayawardene and Prime Minister Prenadasa work the system in the same way. They keep a safe distance from each other. In France however, President Mitterrand forced his Prime Minister, Jacques Chirac to walk three steps behind him on all ceremonial occasions!

A presidential and a parliamentary provincial council system cannot be juxtaposed. The way out is an adaption of the French Fifth Republic and the American presidential system. The District or the Province or the State, as the case may be, elects the Governor (as in America) just as the Executive President is elected. The Governor then appoints the Chief Minister and his Board. In such a system there is every likelihood that the majorities will be coincidental and not contradictory. If they are contradictory, the principle of political cohabitation can make the constitution function.

There is yet another way in safeguarding minority ethnic rights. A modified version of the Scottish Committee in the British House of Commons can play a role in Ceylon's National State Assembly. All Tamil-speaking members should be in this committee. All legislation which has a bearing on ethnic minority rights must be approved by a majority in this committee before Parliament enacts such legislation into law. In these various ways the sanctity of the unitary state can be maintained.

But there is nothing sacred about the sanctity of a unitary state. **Most unitary states in the modern world are fast federalising.** Ministers hobble the excuse that they must seek the verdict of a referendum if certain changes are to be made. My view is that the present constitution should be scrapped, Parliament should convene again as a constituent assembly and then design a federal constitution which will satisfy the aspirations of the Tamil minority.

My doubts are that the first alternative I suggested will not work. The Sinhalese culture must be understood in all its depth to know why pacts, agreements and gentlemen's understandings are broken in the most perfunctory manner. My conviction is that Mr. Chelvanayakam's prophecy will materialise. Sooner than later we will federate with India, not as one state but as two separate states.

## LAWS

Laws are like spider's webs which, if anything small falls into them, they ensnare it, but large things break through and escape.

Solan 7-6 B.C.

\* Please see Tamil Times October 1986, page 6.

# SPIRITUAL ILLITERACY AND THE SRI LANKAN CHURCH

THE EXTRACT from the Morning Star (17 October 1986) "The Church Sings 'Onward Christian Soldiers!'" which you published in your November issue does not come as a surprise, though it is to be deeply regretted. It is distressing and sad to see the depths to which Church leaders have fallen in Sri Lanka. The Morning Star of 21 November carries a letter from Bishop Swithin Fernando attempting to explain away his participation in that service. He writes "please pray for forgiveness to me", but nowhere in his letter does he admit that what he did was wrong. On the contrary he affirms that he was happy to participate in that service to bless the regimental colours of several battalions of the Sri Lankan army. His only expression of regret if one may use that word is to say that he would not have chosen the hymn 'Onward Christian Soldiers' but again is quick to defend the singing of that hymn which as Dr. D. C. Ambalavanar has appropriately pointed out, the Methodist Church in the USA has dropped from its latest hymnal.

This action on the part of the two Sinhalese Bishops and the President of the Methodist Church reminds me about a statement made by Mr. Nesiah nearly two decades ago when a member of the National Council of the Churches of Christ in the USA visited Jaffna at the height of the Vietnam War. Mr. Nesiah commenting on the failure of the Church to speak out on the need to restore peace with justice in Vietnam said that "even Bishops can be spiritually illiterate". I do draw a distinction between the actions of the Roman Catholic Bishop, the Rt. Rev. Nicholas Marcus Fernando and that of the Anglican Bishop of Colombo together with the President of the Methodist Church. Bishop Marcus Fernando is a Bishop of a Church exclusively based on Sinhalese territory and is therefore answerable to a predominantly Sinhalese congregation. He should of course be answerable to God. But I suppose these days in Sri Lanka among Church leaders like him that is a matter of little consequence. These men have found their own golden calf to worship and pay respect to the State of Sri Lanka and its 'Dharmista' rulers.

## Unpardonable

The participation of the Anglican Bishop of Colombo the Rt. Rev. Swithin Fernando and the President of the Methodist Conference, Rev. H. Fernando in the service to bless the armed forces is, in particular, unpardonable. This is not something personal to be forgiven at a personal level. These men have been acting on behalf of the Church. Bishop Swithin Fernando is Bishop of the Anglican Church in the Northern Province as well. The Methodist

Conference includes a large number of Churches in the North and East. They were therefore blessing the armed forces to launch an offensive against their own flock. The record of the armed forces in the North and East has been well documented by reputable human rights organisations and the news media all over the world. The Sri Lankan President, the Minister of National Security and the news media within Lanka have conceded that there have been 'excesses', which is an understatement for the grave atrocities committed against innocent Tamil civilians. **These two men have betrayed the divinely entrusted task given to them to serve and protect the members of their Church in a spirit of sacrificial service even as a shepherd takes care and feeds his sheep. They have done irreparable damage to the unity of the Church in Lanka. They have lost the confidence of the Tamil Christians. They will no longer be welcome in the Tamil homelands and can no longer be trusted with the welfare of the Church in the North and East. They have done a dis-service to Church and country. They have betrayed the mission of the Church at a crucial period in the history of Lanka. Their action is doubly irresponsible at the present time when meaningful and delicate efforts are afoot to resolve the conflict, and pressures both international and domestic are strong on the Sri Lankan government to desist from attempting a military solution.**

BY SANTASILAN KADIRGAMAR

The writer to the Morning Star 'D.C.A.' is to be congratulated for making this fact widely known. It is time Church leaders and the ecumenical movement all over the world are told in unmistakable terms the role of the Colombo-based Church in relation to the state and the oppression of the Tamil people. In commenting on the Church in Sri Lanka, the 'Tamil Times' (August 1986) was absolutely correct in stating that, "In its eagerness to resist the charge by Sinhala-Buddhist extremists that the Christian tradition was an 'alien element' within the Sri Lankan body politic, the Church commenced its campaign to establish its own 'Sinhala authenticity'. Tamils, whether they be Catholics, Christians or Hindus, had to be sacrificed to establish the so-called authentic Sinhala identity of the Church. In this campaign, many leading members of the Church have become more Sinhala and less Christian."

You rightly said 'many' and not 'all'. While we have reason to rightly condemn the role of the institutional Church and its leadership today, it is but fair that we pay

known names within the Church in Lanka. Two of them are no longer with us. I refer to Bishop Leo Nanayakkara and Bishop Lakshman Wickremasinghe of revered memory. The latter in particular visited Jaffna every year since he became Bishop in the early 1960s and identified himself with the aspirations and sufferings of the Tamil people. Jaffna did not fall within the stewardship of the Kurunegala Diocese of which he was Bishop. It is well known that his untimely death was precipitated by the tragic events of July 1983. In his pastoral letter shortly before his death which the CCA News (Christian Conference of Asia, November 15, 1983) aptly titled "A Cry From The Heart" he spoke out in clear and unambiguous terms - "I am against the arson, loot and murder of innocent people and torture by the security forces in Jaffna, Trincomalee, Vavuniya and elsewhere. These are unjustified acts of revenge for the activities of the armed groups whom they cannot eliminate. I do not support the demand for the domination of the Tamils by the Sinhalese majority. Nor do I condone the biased propaganda to be found in the national daily papers . . . My deepest sympathy is for the Tamils whose ancestors arrived during the period of British rule, and it is especially so, for the estate labour who have contributed so much to our income from exports. They have suffered and been humiliated because they are defenceless. I feel deeply ashamed for the pain and the loss they have undergone. It is a moral injustice that cries out to heaven . . ." These were courageous words, and the sincere outpourings from the heart of a man who was true to his calling and loyal to the authentic mission of the Church.

## Remained Silent

Contrast the actions of the Anglican Bishop of Colombo and the Methodist President with that of Bishop Lakshman in 1980 when he blessed the 40,000 dismissed striking workers in Ratmalana. That action of his evoked hostility and hard words from President Jayawardene which received wide publicity in the press. At a meeting of the "Christians in the Struggle for Justice", held in Kurunegala two years later I specifically asked Bishop Lakshman whether any of the other Bishops spoke up in his defence on that occasion. His reply was that he did not receive support from such sources; on the contrary he said some Christians wrote to him saying he well deserved to be reprimanded by the President.

In 1981 the Tewatte Consultation was convened by Bishop Lakshman to focus the attention of the Churches on the National Question. It was attended by 150 delegates from both the Roman Catholic

continued opposite



*continued from page 16*

and Protestant denominations in the country. Urged by Sinhalese friends who recognised the legitimacy of the Tamil demands I made a strong plea on behalf of the Tamil Christians that the Churches recognise the Tamil peoples' right to self-determination and became involved in a heated and passionate argument with Bishop Lakshman. He had the honesty and integrity to declare his opposition to self-determination. He preferred to focus on the legitimate grievances of the Tamil people and arrive at a consensus on issues like land, language, employment and education. He was however visibly agitated over the absence of a consensus among the Sinhalese and Tamil Christians and at one stage appealed to the Sinhalese and Tamil Christians present in these words. I recall from memory - "I want my brother Bishops and others present here to speak out and tell our Tamil friends what they really feel. Everytime our Tamil friends come here and express their grievances you shake your heads in seeming approval and keep mum. You later come and whisper in my ears we cannot give in to their demands." There were five other Sinhalese Bishops present on that occasion including Bishop Swithin and Bishop Marcus Fernando. They remained silent.

**Action To Heal Wounds**

Far from participating in a service to bless the armed forces, Sinhalese Bishops could have been visiting Jaffna more often and doing the kind of work that Vijaya Kumaranatunga is doing. A visit to the Citizens' Committees, the refugee camps and the families of detainees and the disappeared would have won the respect and confidence of the Tamil people. A visit to the refugee camps in India and meeting with the Tamils in exile and South Indian Church leaders and human rights activists would have been deeply appreciated. It is such acts that can heal the wounds inflicted on the Tamils and prepare the ground for true reconciliation, not blessing the banners of the army!

There are today some well-known Christian leaders following in the tradition of Bishop Lakshman and Bishop Leo. We would be doing a dis-service to them by mentioning their names at this juncture. In your interview (Tamil Times, April 1985) with Mr. Robert Kilroy-Silk (Labour MP) soon after the visit to Sri Lanka by the British Parliamentary delegation, you have the following questions and answers which are worth quoting in the present content:

**Q.** *Did you talk to any Christian leaders and what is their position:*

**A.** We spoke to some of them, some were very good and some were very bad.

**Q.** *Who are the people you met?*

**A.** I can mention the names of those ones we were not impressed with. We weren't particularly impressed with the Papal Nuncio in

Colombo and the Anglican Bishop of Colombo. There were other Christian leaders who impressed us and who were clearly worried and concerned about the future of the Tamil people.

Nevertheless, right until this infamous date when the Bishops blessed the banners of the Sri Lankan army, the Churches' failures were acts of omission rather than acts of commission. To cite just one example when the Minister for National Security Athulathmudali made hostile and disparaging remarks directed against Bishop Deogupillai none of the other Bishops dared or cared to take a stand and speak up for him. The Church and its leaders until recently had to be called to penitence in the well-known words of the General Confession for having left undone those things which they ought to have done. But now these leaders have done those things which they ought not to have done. They have performed an act that has lost for them the confidence of not only the Tamil people but also the ecumenical movement. They are a party to the conflict, and the Tamil Church has the right to demand from the ecumenical movement the exclusion of these Churches from peace initiatives including efforts to ensure the human rights of the Tamils and welfare of Tamil refugees.

**Play Down Atrocities**

The Sri Lankan Church which is controlled and dominated by its Sinhalese constituency has stood in the way of the World Council of Churches and the Christian Conference of Asia performing their legitimate duties in relation to the oppression of the Tamil people. The work of these two organisations in mobilising world public opinion on behalf of the Tamils, in comparison for example with the work they have done for the Philippines and South Korea, has been blocked by the Churches in Sri Lanka. The WCC was not among several NGOs that have taken up the violation of human rights in Sri Lanka before the UNHRC. This is in spite of the fact that the violations of human rights in Sri Lanka is just now one of the worst in Asia. WCC spokesmen have admitted this fact. When the writer posed this question to the relevant officer in WCC the answer was that the WCC cannot move in the matter unless a request is made by the Church in the country concerned. Far from making a request and providing the necessary documentation the Sri Lankan Church, including the National Christian Council, has sought to play down the atrocities committed against the Tamils.

In the 1960s and early 70s Sri Lankan delegations to WCC and CCA consultations waxed eloquent on liberation struggles and justice and human rights issues. Sri Lanka gained a reputation for being progressive, and the Christian Workers' Fellowship and other groups in Sri Lanka were held forth as models. All this fell apart when faced with a major crisis at home. The Sri Lankan

Church is becoming more like the Indonesian Church, reluctant to give a free hand to ecumenical organisations to move on justice issues when it concerns one's own country. It is no coincidence that Indonesia is the other Asian country with a horrible record for the violations of human rights. I refer to East Timor and Irian Jaya and the massacre of hundreds of thousands of alleged communists since Suharto took over in 1966.

It can be argued that the Philippines is a Christian country and South Korea has a large Christian population. In which case the local Churches must help ecumenical bodies to evolve appropriate strategies for action. Far from doing that it now appears that the Sri Lankan Church has crossed the Rubicon taking its place on the side of reaction and oppression rather than progress and liberation.

The Church leaders should at this juncture take a vote among the Sinhala Christians on the Tamil demand for the right to self-determination in the same way that the Ceylon Mercantile Union (CMU) has done. Then we can all decide how he should relate to the Sinhalese Church. The CMU with its 95 per cent Sinhalese membership has voted overwhelmingly in support of the Tamil demand. Every left party in Lanka has adopted the self-determination demand after 1977. **The left movement is far ahead of the Church on the question of justice to the Tamils. Let us and the world know where exactly the Sinhalese members of the Church stand on this question. If Church leaders cannot take a clear and open stand on this issue, the least they can do is to remain silent and not stand in the way of Christians within and outside Sri Lanka, especially Churches and Christian organisations all over the world, that have taken a consistent stand on justice to the Tamils.**

**India's mediation essential**

*THE SRI LANKAN MINISTER for Rural Industries Development, S. Thondaman, has said that India's mediatory role in solving the island's protracted ethnic issue should continue and "her co-operation is indispensable". However, he was not shy of giving plenty of advice regarding India's efforts. Speaking to newsmen at Pattamangalam town in Tamil Nadu, he said India should work towards formulating a "proper base principle", which could bridge the gap between Tamil militant groups and the island government. This must be done without any delay as the present juncture was very crucial.*

*Thondaman said, however, the "base principle" should not favour division of Sri Lanka or anything that would harm the island's unity and integrity.*

*Referring to the help extended by India to more than 100,000 Lankan refugees, Thondaman emphasised that India was not an outsider to the issue. "The broad objective is to create conditions under which the refugees can return to their homeland with dignity and security".*

# DOWN MEMORY LANE . . .

THE EDITOR has kindly allowed me to wonder a little more into two worlds – mine and yours. The thought that first comes into my mind is one of gratitude to my old pupils and friends who feted me and my wife at a luncheon recently. This demonstration of affection and goodwill should be heartening to old teachers like me, as it shows that the traditional Tamil values of pupils reverencing and paying homage to their teachers are still with us.

I wish to refer to an event which took place a few decades ago, an event on a much higher plane. In the late 19th – early 20th centuries, J. M. Hensman, a distinguished son of Jaffna, from Sandilipay, was Principal and Professor of English in the Government College, Kumbakonam, a college with degree courses. Srinivasa Sastri was one of his pupils and Swaminatha Iyer, the well known Tamil scholar, was an assistant under him. In later years, Sastri blossomed into a great Indian leader, successor to the great Gokhale as President of the Servants of Indian Society, and a trusted friend of Gandhi. His mastery of the English language and his powers of oratory brought him fame in the English-speaking world. The Freedom of the City of London was conferred on him. He was made a Privy Councillor.

About the year 1934, Rt. Honourable Srinivasa Sastri passed through Colombo on his way to Australia. Hensman had retired and was living in Chundikul. Sastri came all the way to Jaffna to pay his homage to his "Guru" who was ninety years old. Those who have gone through the travails of a 12 hour rail journey from Colombo to Jaffna, can well imagine what Sastri would have suffered, coming to Jaffna in the morning by the night mail and returning the same evening.

He declined all invitations by the Jaffna leaders to address a public meeting. He said that what brought him to Jaffna was his reverence for his guru. Those of us, who had the rare chance to have at least a distant view from outside the Hensman home of this demonstration of "guru bakthi", can never forget that touching scene.

\* \* \* \* \*

In my speech at the luncheon I referred to a contretemps that took place between Gladstone and Disraeli as they were emerging from the House of Commons. They were both great Prime Ministers but were implacable enemies. Gladstone was a moralist and devoted his life to proving that politics could be a godly pursuit even at the personal level. Disraeli was a man of extravagant behaviour and his open liaison with some of the socialite ladies of the day gave him a dubious reputation. But, as Prime Minister, his undoubted talents, his services in

consolidating the British Empire, in the acquisition of the Suez Canal shares and other acts of statesmanship, earned him a lasting reputation.

He was a friend of Queen Victoria who disliked Gladstone. It is said that when Disraeli died, a few days after his burial in the family vault at Hughenden, she came to lay a wreath on the tomb of her favourite Prime Minister, a royal gesture unknown in the history of England till then or thereafter. Sir Muttucomaraswamy, the maternal uncle of Sir P. Ramanathan and father of Dr Ananda Coomaraswamy, the great art critic of international fame, was a good friend of Disraeli, who introduced him to the Queen. Muttucomarasamy had



The "Orator" making a point

dramatised the story of Harichandra, and had it performed in the presence of the Queen, he himself playing the role of Harichandra.

The Queen was delighted both with the story and his acting and thought that a person, coming of the race to which Harichandra belonged, should be honoured. Disraeli strongly supported the idea. Muttucomara

swamy was knighted, the first Asian to be so honoured. On Disraeli's recommendation, he was also admitted to the Inns of Court, the first non-Christian to be so admitted. Disraeli wished to adopt him as Conservative candidate for one of the parliamentary seats. So Sir Muttucomaraswamy came to Ceylon to sell his property, which was considerable, to return to England and settle down there. But on arrival in Colombo, he fell ill with pneumonia and passed away. Mumtaz Mahal, that stately mansion in Colpetty, which is now the official residence of the Speaker of the Sri Lankan Parliament, originally belonged to him.

It was he who had introduced the Ponnambalam brothers into the higher circles of English society and both brothers, Ramanathan and Arunachalam, enjoyed, during their life time, the friendship and esteem of eminent politicians and literary men in England. Sir P. Ramanathan before setting out to England, to highlight the atrocities committed on the Sinhalese people during the riots and martial law of 1915 and seek redress from Whitehall, sent a personal cable to Neville Chamberlain, the Secretary of State for the Colonies, requesting him to await his arrival before taking any decision on the representations made to him both by the Ceylonese leaders and the Government of Ceylon. He had to send a person to Madras to despatch this cable as there was then strict censorship in Ceylon. The first world war was going on but he risked a journey to England through mine-infested seas. He interviewed Chamberlain, almost at a personal level, and had all the Sinhalese leaders released from prison and Governor Chalmers recalled.

Some of my readers may think that my 'anecdote' is due to dotage; but I feel that the younger generation should read of these old events and feel proud of the Tamils, who blazed such wonderful trails.

C. Subramaniam

Principal Emeritus, Skanda Varodaya College

## Special Message To Tamil Friends

MANY of our friends are suffering in thought with you as, in Jaffna, elsewhere in Sri Lanka or overseas, you continue to go through the agony of the present situation.

Our American friends know little about it so I have prepared a special letter for them.

We read all significant information on Sri Lanka in the Tamil Times, India Abroad (weekly newspaper printed in New York) the Morning Star (we marvel that it continues to appear) and once in a while in an American newspaper. I wrote to the American Ambassador to Sri Lanka and our two U.S. Senators for the state of New York on behalf of the Tamil cause. I am preparing a letter for the new American Ambassador in Colombo. I always receive a careful but not necessarily satisfactory reply from the Ambassador.

And what can my good wife and I say in comfort and sympathy to you, our dear Tamil friends scattered on several continents? Only that you are several times each day in our thoughts, in our prayers and number one on our list of world concerns. We marvel at your faith and fortitude and patience and earnestly pray that the struggle for local self government may succeed in 1987. It will require great patience, compromise on both sides (and belligerents are not very good at compromise) and something called a bit of luck which we recognise as an answer to our prayers.

W. R. Holmes  
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— SPECIAL ISSUE

VOL. 11 NO. 1 NOVEMBER 1987

**THE NAKED TRUTH . . .**



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### MATRIMONIAL

**CHARTERED ACCOUNTANT**, in late 30's, Jaffna Hindu, employed USA, seeks bride, preferably qualified in Accountancy or Computer Science **Box M140**.

**ELDER SISTER**, settled in Australia, seeks suitable marriage partners for professionally qualified sister 34 (presently in UK) and brother 37, teacher Zimbabwe. 'Inter-marriage' considered. **Box M150**.

**JAFFNA HINDU** parents seek professionally qualified partner between 28 and 34 years for professionally qualified accountant daughter. Please send horoscope when replying. **Box M151**.

**MARRIAGE ALLIANCE** sought by Jaffna Hindu parents for 26 year old attractive daughter in final year M.Sc Computer Electronic Engineering. **Box M152**.

### FORTHCOMING EVENTS

**Saturday, March 7**

Memorial Thanksgiving Service for life and work of Barbara Atkins at the Putney Methodist Church, 3pm.

**Saturday, March 7**

Tamil Performing Arts Society presents "Mukamillatha Manitharkal" Anson Hall, London NW2, 7pm. For details call 01-459 4335 or 01-340 7660.

**Saturday, March 21**

S.C.O.T. Musical Evening, followed by Dinner & Disco. Lola Jones Hall, Tooting. For tickets and other details call 01-422 8984 (nett proceeds to Tellipallai Cancer Hospice).

**Sunday, April 19**

S.C.O.T. Tamil New Year Lunch & Raffle Draw. Lola Jones Hall (nett proceeds to refugee relief and rehabilitation).

### From Nuclear Physics to High Finance!



**Dr. Asoka K. Selvarajah**, son of Mr. S. Selvarajah of Alperton, Wembley, earlier of Yaparimoolai, Point Pedro, and of Mrs Selvarajah of Kurunegala, was recently awarded a Ph.D. by the Birmingham University for research into Particle Physics. He is presently a Consultant for Financial Planning Services in Covent Garden, London W.C.2.

## OBITUARIES

**THURAIRAJASINGHAM** Mercy Thangaratnam. Wife of late C. Thurairajasingham (Retired, Irrigation Engineer). Mother of Belle, Dr. Chandra (U.K.), Pathmaranee (U.K.), Malar (Australia), Mahendran, Sathia and Rabin (U.K.), mother-in-law of Blanchard Selvarajah, Sethurajan (U.K.), late Mano Kadirgamar, Victor Duraisamy (Australia), Yohini and Thayamani (U.K.). Funeral service on Saturday, 20th December at General Cemetery, Kanatte. No.10, E Block, Anderson Flats, Colombo 5.

**AMARASINGHAM**, Barathan (son of the late Mr. & Mrs. J. C. Amarasingham, Uduvil), former Engineer, Browns (Colombo) and recent emigré to Australia. Barathan leaves behind his wife Chandra and three children.

**SELVARATNAM**, Rasiah. Accountant, 133 Sussex Way, Cockfosters, Herts. He leaves behind his wife Sarojini (Civil Servant, Inland Revenue), sons Dushyanthan (Accountant, Merryl Lynch) and Puvendran (Computer Scientist, Banque Paribas), and daughter Sharmini (Systems Analyst). Cremation, 17 January, Golders Green.

## PERSONAL

**Dr. Preman Niles**, formerly of the Christian Council of Asia, based in Singapore has recently been appointed Secretary for the Programme on Justice, Peace and the Integrity of Creation with the World Council of Churches, Geneva.

**Rev. Dayalan Niles**, till recently of Boston, has now taken up the post of Associate General Secretary of the Commission on Christian Unity and Inter-Religion Concerns of the United Methodist Church in the USA. His office is at the Inter Church Centre at 475, Riverside Drive, New York.

Both are sons of the renowned theologian and preacher, the late **Rev. Dr. T. Niles**, who was President of the World Council of Churches and of the Sri Lanka Methodist Conference at the time of his death in 1970.

## WEDDING

**John Kulanayagam**, Chartered Accountant, Papua New Guinea and **Nirmala Boniface**. December 27th, Finchley Methodist Church, London.

"AS MEMBERS OF TRRO, we are not dealing with refugees. We are dealing with our brethren who have been made destitutes. We as members of this organisation are committed to a renewal of their life. Our duty is to make them feel that they have somebody to fall upon and some place to fall back. Disruption is severe and suffering is great. It should be our duty to help them with at least the minimum funds they need to live as human beings.

This cannot be done always with foreign assistance. While we seek assistance from those who are devoted to the cause of helping the poor and needy, there should also be a local consciousness that should help these destitutes to feel that they form part of our community and they are our brethren and have not been forgotten and forsaken by their own kith and kin. This consciousness is an essential part of rehabilitation and this can be demonstrated in two ways - by the way we go out to help them and by the way we contribute to help them, both in cash and in kind.

Address of the new Chairman of TRRO, Prof. K. Sivathamby, on the occasion of his first meeting with the Governing Council

## MALA & NIRMALA JEYASINGHAM



Sisters from Ilford, Essex, entertained S.C.O.T. members to an excellent display of Bharata Natyam at their Annual New Year Lunch in London. Proceeds of the day have been donated to refugee relief work in the Tamil areas of Sri Lanka.

## Preston's Prospective Parliamentarian



**Dr. Raj Chandran**, old boy of Kokuvil Hindu College, graduate of the Colombo Medical College, President of the League of Friends of the University of Jaffna (LOFJJ), Major in the British Royal Army Medical Corps (TA) and Medical Practitioner in Sutton-in-Ashfield, Nottingham, has recently been adopted as Prospective Conservative Parliamentary Candidate for Preston, Lancashire. The seat is held at present by Labour, with a majority of 7,000. His wife Qudsia, also a doctor, is from Peshawar in Pakistan.

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## TELLIPALLAI HOSPICE

THE NORTHERN PROVINCE CANCER SOCIETY, a registered charity based in Jaffna, is setting up a hospice to care for advanced victims of the disease – a much needed facility for the whole region.

It will be located close to the regional Cancer Hospital at Tellipallai on land which has been donated by a local philanthropist. The Australian High Commission in Colombo has offered to equip the hospice.

Funds are urgently required to complete the building programme. The total floor area of 10,475 sq.ft. will include 2 single rooms, 4 double rooms, a dormitory, toilets, kitchen, recreation room and other facilities. The amount required is Rs 1,600,000 (£40,000 approx).

The Cancer Society is relying on the support of Tamil expatriates to meet the costs of construction and appeals to them to give generously towards this very worthy cause.

The Standing Committee of Tamil-Speaking People (UK), a registered charity in Britain, is pleased to endorse this appeal and undertakes to receive and promptly remit all donations to the Cancer Society in Jaffna. SCOT has set up a "Tellipallai Hospice Fund" with an initial contribution of £1,000. It will gratefully accept donations to this fund from Tamil expatriates and other well-wishers.

Donations should be sent to:

**The Treasurer, SCOT,  
181 Torbay Road, Harrow,  
Middlesex HA2 9QF, UK**

indicating that it is intended for this fund.

*Cheques should be drawn and crossed in favour of 'SCOT'.*

### Arumuga Navalar – The First Tamil Freedom Fighter



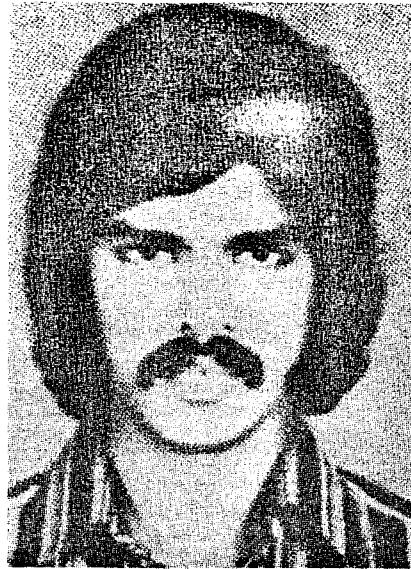
**Father admiring son's handiwork**

"He lived only for 57 years (1822–1879) and although born, bred and educated in Jaffna, he prided himself in being a Tamilian first, and therefore his primary affinity was for the Tamil people and their way of life – whether in Jaffna, Chithamparam or Thiruchendur", declared Krishna Vaikunthavasana at a recent meeting in Wimbledon to commemorate the great reformer's contribution to Tamil regeneration.

Long before Subramania Bharathiyar of Tamil Nadu, Arumuga Navalar was recognised as a leading literary figure and Hindu philosopher, added Mr. Vaikunthavasana who also exhorted the gathering to give their fullest support to today's Liberation fighters.

Earlier a large size portrait of Arumuga Navalar painted by Candeepan Vaikunthavasana was unveiled. It may be recalled that Candeepan painted a portrait of Lord Stockton who died this month.

Among others who spoke at this meeting were Mr. K. Navasothi and Selvi Surulika -kanathan.



Linus Aloysius Franklin is a 31-year-old technical officer at the Chemamadu Irrigation Office. He is married with two children. His father has spoken to eye-witnesses about his son's arrest on 2 December 1984. While searching the area that day, soldiers killed many unarmed Tamil civilians at random, apparently in reprisal for killings of Sinhalese families by armed Tamils which happened several days before. Twenty-seven villagers from nearby Othiyamalai were taken from their houses and shot before the soldiers swooped on the villages of Chemamadu and Cheddikulam. There they arrested 100 men, who subsequently "disappeared". Officials disclaim knowledge of their arrest and whereabouts, but there are strong reasons to believe that Linus Franklin and the rest of the 100 men who "disappeared" that day have been killed and their bodies disposed of in secret, possibly in Iratperiyakulam Army Camp in Vavuniya. This is one of the cases AI is asking the Sri Lankan Government to clarify.

*By courtesy of Amnesty International, Newsletter, January 1987*

## INSTITUTE OF TAMIL CULTURE

Based at Knollmead School,  
Tolworth, Surrey

### CULTURAL EVENING



*Language class in progress*

The Institute of Tamil Culture celebrated their first cultural evening on 22nd November, 1986 under the distinguished patronage of The Deputy Mayor Councillor David Smedley and The Deputy Mayoress of the Royal Borough of Kingston Upon Thames. It was a successful evening attended by over 250 people.

In his speech the Head Master of the Institute Mr. K. Jegatheeswaran, stressed the importance of Mother Tongue Learning. "The school not only teaches the language to the children but also introduces them to the rich culture the Tamils possess, thereby helping them into responsible and respectable citizens", he added.

## Tamil Information Centre

*T.I.C., established in 1983, provides a comprehensive service on the ethnic conflict in Sri Lanka by collecting, documenting and disseminating information. The Library is open to the public from 10 a.m. to 7 p.m. every day. Important Sri Lankan and Indian newspapers and periodicals are available.*

*Its publications in India are handled by Tamil Information & Research Unit (T.I.R.U.) located in Madras, a branch of T.I.C., Madurai.*

*For further information, please write/call/visit its UK office at:*

**3rd Floor, 24–28 Clapham High St,  
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All other countries .....£15/US\$25

Published monthly by

**TAMIL TIMES LTD**

**P.O. BOX 304**

**London W13 9QN**

**United Kingdom**

Views expressed by contributors are not necessarily those of the editor or the publishers.

The publishers assume no responsibility for return of unsolicited manuscripts, photographs and artwork.

Printed By Clarendon Printers Ltd,  
Beaconsfield, Buckinghamshire.



Students of Arunthathy Srikantharajah took part recently in a novel orchestra with nine veenas at the Highgate Murugan Temple, London N6, in aid of the Temple funds. Arunthathy has several concerts to her credit, including two appearances on TV. Besides working as a professional musician and teacher, she is very interested in promoting the veena in the UK.

# Uneasy Calm In Jaffna

AN UNEASY CALM, shattered only by sporadic mortar fire, has now descended on the Jaffna peninsula in Northern Sri Lanka. Residents told THE HINDU that the situation was returning to normal except for an occasional shell fire from the Jaffna Fort and the Point Pedro Camp.

Over 2,000 people have evacuated the Koddadi area, north west of the Jaffna Fort, following the past four days of violence. On Thursday last the Sri Lankan army, entrenched in the Jaffna Fort, ventured out and proceeded towards Koddadi and occupied houses around the Aiyandar Temple.

The army has now consolidated itself in the district telecommunication centre and established a mini-camp with 300 soldiers there. Jaffna residents phoning the exchange have been warned by the security personnel to vacate the 1,000-metre zone immediately. According to the residents, the messages in Tamil said the army would come out after January 14 (Thai Pongal).

Technical officers were taken to the exchange to attend to maintenance of the electronic systems. They were dropped at Pannai in an armoured vehicle later. The officers were asked to come again on Monday for maintenance work.

A spokesman of the Liberation Tigers of Tamil Eelam told THE HINDU that they had allowed technical personnel to go into the

telecommunication centre as maintaining the facilities was essential to the community. "We are not attacking the complex because we do not want to damage and disrupt it" he said.

**Fuel crisis worsens:** With the fuel crisis intensifying, following the Government ban on fuel supplies to Jaffna, the State Transport Board suspended internal bus services in the peninsula yesterday. A Government Secretariat official said that over 50,000 people living in the islands off the peninsula now bore the brunt. Since the Pannai causeway linking these islands with the mainland is impassable because of the Fort and Mandaitivu camps the island residents are using a ferry service plying from Aralithurai. Now only one ferry is operating because of the fuel shortage. Transport of food stocks is impossible and people are suffering.

Outside the peninsula permission has been granted to transport one barrel of petrol to Mullaitivu and Kilinochchi districts without permit. The embargo to Jaffna, however, is enforced strictly with even firewood being stopped at Elephant Pass on the ground that it is timber felled illicitly.

Following charges of corruption regarding the fuel stocks seized at Vavuniya, alternative arrangements have been made. Confiscated fuel stocks are now being purchased from the persons carrying them by the government officials. The fuel is then redistributed to farmers in the Vavuniya area.

**Jayawardene's promise:** The island nation's President, Mr. J. R. Jayawardene, has told the former Tamil United Liberation Front MP for Mannar, Mr. P. Soosaithasan, that he would consider lifting the fuel embargo to the North after consulting his Minister of National Security, Mr. Lalith Athulathmudali. Mr. Soosaithasan met Mr. Jayawardene for 20 minutes today and requested that the ban be lifted.

Mr. Soosaithasan explained to the President the problems faced by the people of Jaffna in the spheres of education, banking, agriculture, fishing and transport in the wake of the fuel ban. He also expressed fears about sentiments articulated in certain circles about further economic measures affecting the North like cutting of power supply and restrictions on the purchase of agricultural produce from Jaffna. While expressing his concern, Mr. Jayawardene impressed on Mr. Soosaithasan the feeling in the Sinhala South that the government was not exerting its authority in the North.

**Holds out olive branch:** The TULF leader then requested that the Government speed up the peace process and "push hard for a negotiated settlement within the next two months". Mr. Jayawardene said he was all for a solution and that the TULF should return to Sri Lanka and negotiate. Even options like redemarcating boundaries could be explored.

The Sri Lankan President also mentioned the names of prominent LTTE members and said that they should all return.

*By courtesy of "The Hindu"*

## DONS QUIT IN PROTEST

THE UNIVERSITIES in Sri Lanka have been indefinitely closed as almost all university teachers submitted their resignations from their non-academic posts from the first week of January.

According to Prof. Osmond Jayaratne, President of the University Teachers Federation, 80 deans and departmental heads from eight universities resigned on

5 January, along with another 90 professors working as Student Counsellors and Wardens.

The dispute between the university teachers and the authorities arose as a consequence of demands put forward by the teachers for a flat increase of Rs.1500 as cost of living allowance, which remains at only Rs.300 presently. The teachers had

rejected the offer to increase to Rs.600.

The dons of the Faculties of Arts and Medicine of the Jaffna University have also resigned from their voluntary administrative posts with effect from 5 January, according to Mr. S. Balachandran, President of the University of Jaffna Teachers Association.

In an apparent act of retaliation, the University Grants Commission announced the cancellation of leave to university teachers to go abroad.

## Australian MP's call for independent inquiry

THE PARLIAMENTARY Group of Amnesty International is composed of a large number of parliamentarians drawn from both the Senate and the House of Representatives in Australia who are members of all political parties represented within the Parliament.

All members share a deep personal concern for the human and political rights of people throughout the world, and as fellow Parliamentarians, especially as democratically elected colleagues of ours within the Commonwealth, we know that you share these concerns.

We are thus deeply concerned to learn from Amnesty International, and from other independent and reliable sources that it seems that many people in Sri Lanka have disappeared without trace, innocent victims of the terrible civil strife besetting your country at this time.

We do not wish to interfere in your domestic affairs in any way, and we extend to you our deepest sympathy at the troubles in your country; nevertheless we join with others in calling upon you to establish an independent inquiry to investigate these cases of alleged disappearances supported by the

establishment of a central, up to date register from which relatives and lawyers connected with individuals concerned could immediately obtain reliable information about the status of arrested persons.

In keeping with Amnesty's principles, we express our complete opposition to the use of violence from whatever source or quarter. The use of violence cannot be justified. In free society disputes and differences, no matter what their origins, should be capable of being solved through peaceful and democratic means.

We as a Parliamentary Group have already written to your President to make our views known to him, and we now appeal to you to use your good offices and influence to bring a speedy and peaceful resolution to this matter which is causing so much international concern.

We extend to you our personal best wishes and our hopes for the return of peace to your beautiful country.

Robert Tickner, MP, Chairman  
Senator Chris Puplick, Secretary

## REV. SINGARAYAR ALLOWED TO SEE MOTHER

Fr. Aparanam Singarayar - now in remand custody in Welikade - met his 86 year-old mother at Palaly Army Camp on Thursday morning (11th December), following special permission granted by President Jayawardene.

Fr. Singarayar, who has been indicted under the Prevention of Terrorism Act in connection with the attack on the Chavakachcheri Police Station in 1982, wrote earlier to the President complaining that the Minister of Justice had turned down his request for permission to visit his dying mother.

Fr. Singarayar was flown to Palaly from Colombo on Thursday morning. His aging mother, two sisters, one of them a nun, and two priests motored up to Palaly from Jaffna to meet him. They chatted for about two hours.

Fr. Singarayar had arrived at Palaly at 7.30 a.m. on the first flight. He left for Colombo by the 10.45 a.m. flight.

In 1984, Fr. Singarayar was first allowed to visit his mother. He was flown from Batticaloa jail to Palaly and then taken under military escort to his mother's house.