

**GENOCIDAL VIOLENCE
(ENTERS) CREEPS IN
AS THE BLACK DEEPAVALI
INTO THE HEARTLAND OF
THE "CEYLON TEA"
PLANTATIONS**

**MASSACRE OF DETAINEES IN BINDUNUWEWA
"REHABILITATION" CENTRE (BRC)
AND
ATROCITIES ON HELPLESS INNOCENT TAMILS IN
THE HILLS**

Fr. S. Guy de Fontgalland

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Dedication

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This incident will no doubt be a huge black mark on this country's Human Rights record. If the killing of prisoners held in Colombo prison during in 1983 riots brought the reputation of this country's to lowest depths, these killings will revive those memories. (Editorial, The Island 26.10.2000).

1. Introduction

The fervent hope that the Tamil People of Sri Lanka would be able to live in a peaceful, free and just society by the beginning of the New Millenium has been shelved by numerous atrocities, events that took place particularly in the last two decades. Sri Lankan government has accepted most of the articles of the Human Rights Charter. However considering the day-to-day activities, more violations of Human Rights, rather than implementation of the charter appears to be the rule. Today, the rule of law is applied only for the benefit of majority Sinhala people and for the elitist group of the majority. The Tamils in Sri Lanka have to prove that they are innocent every time they are suspected, arrested or detained in the camps. In this report, we will be concentrating on what happened at Bindunuwewa - Open Rehabilitation Centre - on the 25th October 2000 and the after effects in the plantation areas and also on the ethnic crisis in the plantation sector.

Up to the time of writing this report, no clear picture is given to the public as to what happened at the BRC, especially how many were there at the time of the incident, what happened to them, who are responsible for this barbarism etc. These things are not yet clarified and justice is not done to the Tamils of Sri Lanka. Therefore, a team that visited the plantation area having seen the impact of this genocide thought of putting

this report in order that the rule of law is be applied to all people living in Sri Lanka. To achieve this, even though there is enough pressure brought within Sri Lanka by number of people, human rights groups, etc., still, no independent inquiry has been carried out. Therefore we urge all those who respect human rights both in the local scene and in the International fora to pressure the government to appoint an international body to inquire into this matter and bring the culprits to book and see that in future, such incidents are not repeated.

At the moment, there is an international effort to bring about peace in Sri Lanka. If this effort is to succeed, there should be a favourable atmosphere where irrespective of the race (Sinhala or Tamil), they must be treated equally and must be given equal opportunity for their own betterment. If the violation of human rights were to continue, it will be counter productive as the efforts being made to bring about peace in Sri Lanka. Therefore, this report will highlight certain violations of human rights, especially on the people of the plantation sector who are Tamils of Indian Origin. We are sorry to say that we are unable to give everything in detail regarding the happenings in the centre since we have no access to the place or to meet the people who are injured or even the people responsible for the running of this camp. This will be task of the independent body that has to be appointed by the international human rights fora.

PART -I

The Historical Background

2. Ethnic discrimination by the Sinhala Buddhist Majority From 1920 onwards

The history of the ethnic crisis in Sri Lanka commencing from the period 1920 onwards. It was during this period, that the Buddhist revivalist movement was initiated. It was also the first time, the idea of Sinhala Buddhist hegemony began to be spread with the perception that Ceylon is only for the Sinhala Buddhists. All others are considered as second class citizens and are only tolerated if they agree to live with what Sinhala Buddhists can dole out to these people. Tamils in Sri Lanka from that time onwards, have been asking for their rights and to live as equal citizens. But the chauvinist Buddhist monks have thwarted whatever was offered to the Tamils by the successive Governments. Moreover whenever there was civil disobedience, state terrorism was unleashed on the people. The younger generation, having analysed the position of the Tamils in Sri Lanka, believed that they had no choice other than to take up arms to fight for their rights.

This is the present situation in Sri Lanka. Before independence this situation was mostly prevalent in the Tamil homelands of North-East Province. But after 1948, it began to spread in other areas too. Today, Tamils whether they are in the North or East or in the South or in the Central province are living in fear since all the state apparatuses are ranged against the Tamils and are treated as

second class citizens. They are unable to carry on their day-to-day activities with human dignity. A slight provocation in any area is enough to attract harassment, arrest and torture against the Tamil civilians in that area. They are unable to build up their own economy, unable to have proper education, health, purchase of properties etc. Most of the government schemes that have been implemented since independence are not open to the Tamil people, especially people living in the plantation sector. If any of the Tamils work for the rights of the Tamils, or raise voice for the rights of the Tamils, they are considered as betrayers of the country, and treated as terrorists and they invoke the draconian laws such as Prevention of Terrorism Act and Emergency Regulation to harass and put in prison for 18 months without any inquiry. Today, many Tamils, nearly 90% of them are innocent, are suffering in number of prisons and other places of detention centres that have been approved by the Defence Ministry. Even in this so called highly protective centres, Tamils are not safe. This is the sad situation prevailing in Sri Lanka today.

3. Waves of Genocides, Attacks on Tamils Detained in Government Custody.

Sri Lanka has a history of mass massacres in the places of tight security. In those places crimes such as torture, rape, killings and burials take place. This commenced from 1977 onwards and goes on till now without any signs of abatement of such activities. And the people who perpetrate such crimes behind the scene, especially the government officials, even if they are proved to be the culprits, instead of being punishing receive promotions which further encourages their criminal activities. There are so many such incidents that have taken place from 1977 onwards. Here, we will try to examine

Welikada prison massacre in July 1983, Boosa - Mystery behind detainees of 1986, Kalutara prison massacre in 1988 and finally, Bindunuwewa open rehabilitation centre massacre on October 25, 2000.

PRISON MASSACRE AT WELIKADA - 25TH JULY 1983, 27TH JULY 1983

Sri Lanka witnessed many anti-Tamil pogroms in the past. The 1983 pogrom surpassed all the previous ones, in its scale of intensity, viciousness and above all by its sheer barbarism. Marauding gangs of Sinhala racists actively encouraged by cheering sections of the country's security forces had been engaged in a genocidal campaign of carnage, through arson, murder, plunder and rape against the Tamil people. More than 1000 people were killed in this pogrom carried out all island. The worst of all was the calculated and cold-blooded murder of 52 persons held in Welikada jail in two gory instances. Government's version is that they were killed by fellow Sinhala prisoners would have been most amusing if it had not been so naïve. But from very reliable authorities, we assert that they were murdered in the cell by a crowd of 400 including security forces in civilian clothes, jailers and prisoners. These marauders broke into the cells where Tamil prisoners were held, and jailers unlocked the cell doors that had not been broken into and the Tamil prisoners were attacked with knives, crow-bars, axes and iron bars with sharp points and most of the prisoners were clubbed or hacked to death.

The First prison massacre took place on the 25th July at 2.00 pm at which 35 people were massacred. The bodies of those who were massacred were placed in front of the statue of the apostle of peace and non-violence Gauthama Buddha in the yard of Welikade prison; described so aptly

by Minister Athulathmudali, as a 'sacrifice' to appease the blood thirsty cravings of the Sinhala demons.

The second massacre took place on the 27th July at about 2.30 pm. A crowd of 50, majority of whom were prisoners, entered the Youth Ward', armed with axes, swords, crow-bars and iron pipes, broke the lock and first attacked Dr. Rajasundaram who was pleading not to harm the detainees. But they hit him with the iron rod on the head and he fell dead among the crowd. The rest of the Tamil detainees were able to brake the chairs and tables and manage to keep the killers at bay for half an hour. During this time, about 17 people were murdered. Some of them were able to escape since the army threw tear gas bombs on the crowd. The detainees who managed to escape the murderous assaults, were shifted to Batticaloa prison the same day. It may be mentioned that the Government was planning to build a new maximum security prison in haste at Homagama in the Sinhala area. However the shifting of the detainees to Baticaloa prison was a blessing in disguise which enabled them to break the jail and escape. They breaking of jail happened on 23rd September, 1983, and all those escaped were freed from the blood-thirsty of the Sinahla mob. The government, at that time, refused to hold an independent inquiry to investigate the circumstances leading to the cold blooded murder of the detainees and to punish the culprits.

BOOSA - MYSTERY BEHIND THE DETAINESS - 1986

There were about 400 Tamil detainees arrested under PTA and other Sinhala criminals kept in this prison Boosa situated south of Colombo. Due to the unhealthy situation in the camp, the 400 Tamil detainees went on a hunger strike. Among them, 136 detainees were affected by measles. When Amnesty International asked for details

of the fate of the prisoners they were informed that they were missing. Till date no one is able to get information on the fate of some of the detainees in this prison. To all intents and purposes, it is clear that a good number of the detainees had been killed in this prison. The authorities are yet to unfold the mystery of their disappearance.

KALUTARA PRISON MURDERS - 12TH DECEMBER 1997

The Sri Lankan government has instituted an inquiry consequent a demand by Amnesty International to order a full and impartial inquiry into the killing of two Tamil detainees and one Muslim detainee on 12 December at Kalutara prison, situated 25 km south of Colombo.

Muthulingam Dharmalingam and Shammugarajah Sivanesan, from Jaffna, and Sharif Jehan, a displaced person from Mannar, were among 137 Tamil detainees held at Kalutara prison. The three were reportedly hacked to death in front of ward D around 1 p.m. on 12 December by a group of Sinhalese prisoners held for criminal activities in what appears to have been a premeditated attack.

Prison authorities had, in the previous month transferred 223 Tamil detainees from a Colombo prison to Kalutara saying the jail in Colombo could not provide sufficient security. It was alleged that the Sinhalese prisoners had clubbed to death the three victims and injured seven others over a dispute on food distribution at the prison. Following the incident, police said that most of the Sinhalese prisoners were transferred to two separate jails in the southern province and additional guards were also sent to the prison.

The attack drew angry reactions from Tamil political parties and the government ordered a high level investigation into the incident. Following preliminary investigations, Minister of Justice and Constitutional Affairs, G.L. Peiris, recommended to President Chandrika Kumaratunga to appoint a commission of inquiry and ordered a special police unit to be set up at the prison till such time that another detention centre is repaired and renovated for the detainees to be relocated.

In its letter to Professor G.L. Peiris, Amnesty International expressed concern for the safety of other detainees who witnessed the killings and were under guard by prison staff who may have been involved in the act. Amnesty International urged that all necessary steps be taken to protect these witnesses.

AI pointed out that during a magisterial inquiry into the killings, several detainees who reportedly saw the killings refused to give evidence out of fear for their lives. To AI's knowledge, those responsible have not yet been identified.

According to AI sources prison staff and army personnel deployed at the prison appear to have failed to take measures to protect the Tamil detainees at the time and, according to some reports, were even actively involved in the attack which lasted for more than an hour.

According to some sources, prison staff had opened the gate to Ward D around 11 am, and ignored pleas made by several of the Tamil detainees to lock the gate. Reports also indicate that an armed soldier on sentry duty on the southern side of the prison ignored the pleas for protection from the three detainees while they were hacked to death in front of him. AI also said that army personnel and prison staff had failed to take action against a group of civilians who had gathered outside the prison

and were throwing stones and other objects into the prison throughout the attack.

AI noted in its letter that some action was taken by the prison authorities to defuse the situation - such as the swift transfer of most of the Sinhalese convicted prisoners to other prisons. Nevertheless, AI urged the government to initiate a review of measures to safeguard the security of political prisoners held in the same prison with common criminal suspects and convicts, albeit in separate wards.

Fearing for their security, more than 300 Tamils detained at the Kalutara prison began a hunger strike on 13 December demanding that they be transferred from Kalutara to Colombo. Following an assurance from the government of full protection and a speedy processing of their court cases, the detainees ended their hunger strike on 16 December.

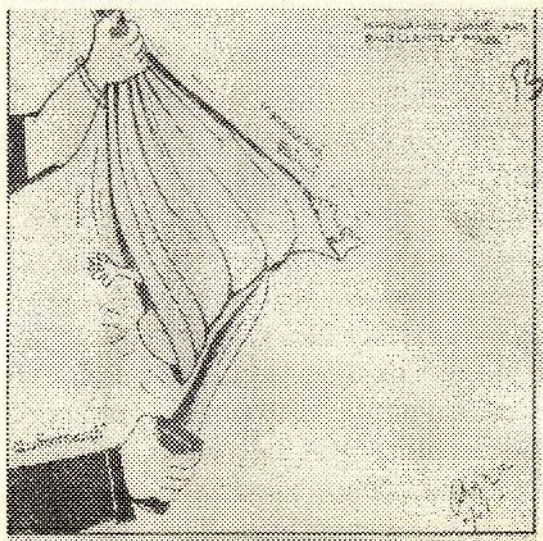
(Courtesy: Tamil Times dated 15 January 1998)

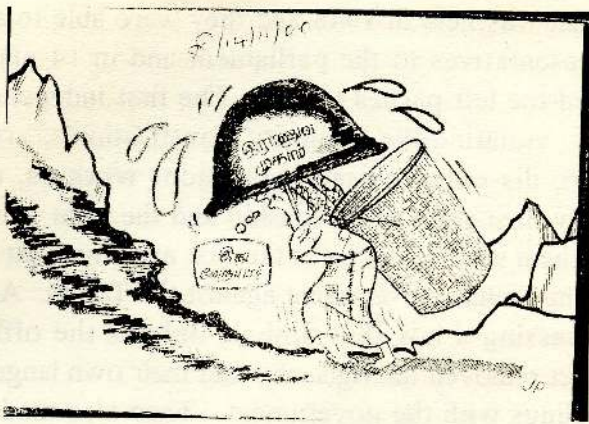
Again in January 2000 in the same prison two prisoners were killed and till date nothing has been officially known as to how this happened and by whom.

All the Sinhala governments that have been in to power, have catered to satisfy the Sinhala racists and are capable at going to any length to harm the Tamils. It was for this purpose that, the Prevention of Terrorism Act was passed in 1979, to crush all democratic of expressions against state terrorism and chauvinist tendencies of the governments. The state of emergency to give effect provisions in the PTA has been in existence since 1982 and passed every month in the Parliament as required by the 1978 constitution. From 1989, onwards, in addition to the prevailing PTA, the country is ruled by the emergency regulations. These two laws are totally against the democratic

norms. As long as these two laws are in operation, the Tamils in Sri Lanka can never hope to protest peacefully to gain their rights. This is clear from the recent incident in Bindunuwewa and in the Hills. From 1979 onwards after the promulgation of the PTA all peaceful terms of protests have been brutally suppressed. If the international governments that are supporting Sri Lankan government, are indeed sincere in bringing about peace in Sri Lanka, they should ask the Sri Lankan government to repeal the draconian laws immediately. If not, the murders and massacres will continue unabated. At present there are more than 13000 prisoners in prisons detention centres. In the available space these can accommodate only a little more than 3000 prisoners. The infrastructure facilities available in all prisons are not at all adequate. In such parlous prison conditions it is sad to note that so many Tamils are suffering within the prison walls without being produced in the courts even after 18 months of incarceration.

4. Worsening ethnic discrimination in Tea, Rubber and Coconut Plantations.





The people in the plantation area are descendents of workers brought in by the British from 1824 onwards to work in the tea, rubber and coconut estates that were opened up by the then colonisers. Since there was a shortage of labour in Sri Lanka and a very small population inhabiting the highland area; the Britishers looked for people outside Sri Lanka to work in these estates. These people who were brought in from 1824 onwards upto 1944 were Tamils from South India. They were not only working in estates, but also in the harbour, in the railways and in all the municipal areas. With the spread of Sinhala Buddhist feelings from the 1920, these people were considered as foreigners. At the first village council election, the Tamil plantation people were not allowed to elect their representatives, even though in election under the British, Donoughmore Commission, all were granted the universal franchise. But they were allowed to vote in the first state council in 1931, thus enjoying the franchise given to all the people in Sri Lanka. From 1920s we see that these people were firmly settled down and their link to India was gradually cut off. At the time of independence, under the Solbury Constitution, they were given equal status and they participated in the first parliamentary

election that was held in 1948 and they were able to send eight representatives to the parliament and in 14 places, they helped the left parties to win. The first independent parliament, violating the Soulbury Constitution's, article number 26, dis-enfranchised plantations workers, thus taking away their right to citizenship and the right to vote and made them stateless. This is the first axe blow that was struck by the Sinhala government against the Tamils. Again in 1956, passing a law that Sinhala only as the official language act removed the right of using their own language for all dealings with the government. They also made an effort to convert Tamil schools into Sinhala schools and wanted all students to study Sinhala. Infact schools in the South coastal belt from Puttalam to Negombo where most of the Tamil schools functioned were converted into Sinhala schools. So much so, the younger generation of Tamils in this region do not know Tamil now. But this they could not achieve in the plantation areas for a number of reasons such as; it is a remote area and they are very low in educational standards considered to the other sectors in Sri Lanka.

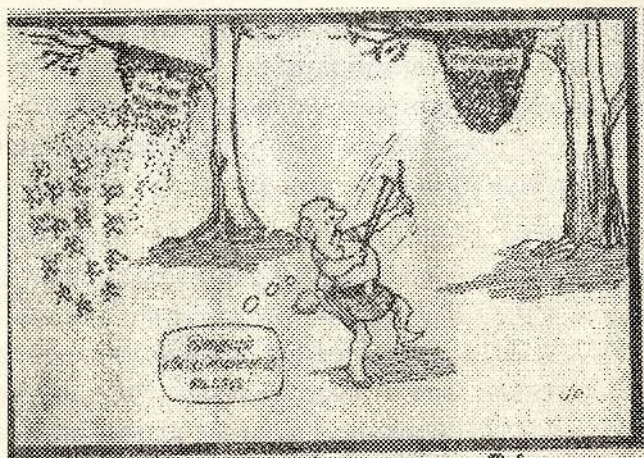
The plantations Tamil people have been living there for the last 175 years. But, up to now, they do not own even one piece of land, there is no social mobility among these groups, they are kept at semi-slavery conditions and for generations are doomed to slave as workers. Their poor educational standard helps the authorities to exploit their ignorance. They are the lowest paid sector in Sri Lanka. The lines room they live, for the last hundred years or more, are not fit for any human habitation. Health-wise, they are the most neglected with the highest numbers of infant mortality, maternal mortality and early deaths (before reaching 60 years). There is no proper transport for the people to move about from their estates

to the neighbouring towns. They have to walk a long distance and in certain areas, even motorable not available. This sector, does not come under the national reckoning at all. Thus the plantation system that was created during the British period is still continuing and for all matters pertaining to their lives they had to depend on the Superintendents of the Estates (from birth to death). But today, after the privatisation of the estates from 1999, the Superintendent is not worried about social security or social welfare of the workers, but only extract maximum profit they can give to their companies.

From 1956 onwards, these people have been experiencing regular ethnic violence and a large number of them have lost their lives, their belongings etc. In 1977, 1981 and 1983, during the three big ethnic pogroms, they suffered immensely and a large number of the worker families were physically removed from the plantation areas and settled down in the NorthEast Province. The ethnic violence in these areas continues sporadically. But after 1994 though there had been no general ethnic violence in the country, instead ethnic violence in pockets continues and these people had to suffer in the hands of the Sinhala people. Among the Sinhala chauvinist groups, there is a strong feeling that these people must be sent out from the hill country, not to the North and East, but to India. Still there are 300,000 people who are stateless. Thus, they are unable to enjoy the rights like other citizens. With the latest incident in Bindunuwewa, we see a well planned move to silence these people and to ensure that do not raise their voices for their rights. These people are living in constant fear. At any time, any place, violence can take place. Now we see security personnel are opening up more camps to support the Sinhala people living in these

areas, and to crush the poor Tamil workers. If this situation is not changed, this area may well become another war-affected area such as North and East.

5. History of the Bindunuwewa Rehabilitation Centre (BRC) and the Mystery Behind the Number of Inmates



This Centre is situated at Bandarawela, 210km (130 mile) east of Colombo. It is a small hill town in the central Tea growing Uva Province. This centre is built in a five acre plot in a village called Bindunuwewa (which means broken tank). From the town, it is situated three kilometers away. From Diyathalawa Army Camp it is six kilometers away. The approach road to the camp is steep and situated on a higher elevation. This centre is surrounded by seven Sinhala villages. On the way to this centre, we have the Teachers Training School, Agriculture Farm and also lately Sinhala Urmaya and Veeravithana organisations have their offices closer to this centre.

This centre was started in 1989 by the Commissioner of Rehabilitation namely Brig. Ananda Virasekara on the advise of the Defence Ministry to rehabilitate JVP youth.

During the second insurrection from 1988 to 1990, the youths who surrendered to the security forces were kept at this centre for rehabilitation. In 1994, all the JVP youth kept here were released, after the 10th parliament elections. After 1994, this centre was used for the drug addicts under a rehabilitation programme. Gradually, the people who were arrested on suspicion and the youths who were begging in the East because of the poverty situation created by the war, too were accommodated in this centre. None of these people, kept in the centre, were produced before the courts, but on the instruction of the Defence Ministry, they were sent here. In 1998, all the Sinhalese youth housed here, were removed and it became a detention centre for the Tamils only.

Management comprising representatives of the Presidential Secretariat, Ministry of Defence and the Ministry of Rehabilitation and Reconstruction administratively runs the BRC. This centre, in 1999, came directly under National Youth Service Council through the Youth Affairs Ministry. The Chairman of the NYSC, Mr. Sunil Jayantha Nagaratna was the Major Commissioner General for Rehabilitation as well. The direct responsibility for the centre was in the hands of Deputy Commissioner Col. M.A. Vipulaguna. This was coordinated by (State) Human Rights Commission. The Director of the Uva Province NYSC was responsible for the financial management of the centre. The OIC Capt. Y.B. Abeyaratna was in charge of management, helped by Ajith Abeyaratna (volunteer army). A police officer and a home guard were in charge of the security of the centre this security was to be provided by the Bandarawela police.

This centre was run with the help of 24 staff members, out of which only one was Tamil. Some of the

staff members were: one reserve police constable; two home guards. All were armed with T56 automatic rifles. Two security helpers armed with ordinary rifles. The inmates who served the meals to the officials too prepared all meals. Since this centre is situated in a hilly area, there was a regular water shortage. Therefore, most of the inmates had to go out to the nearby village for bathing and for all other purposes. The villagers were very supportive to these people since they help the villagers in number of ways, such as cutting roads, helping in the funerals and any needs of the villagers when asked. These inmates goes to the town to purchase items for their meals etc.

This centre consisted of a hall, one office room, and kitchen and dormitory. It was covered by tin roofing sheets. This centre could accommodate about hundred persons. They were supposed to be given vocational training within the camp, but this training was not given by professionals and was not satisfactory. This centre was administered under the Rehabilitation Act passed by the government. They have also facilities for watching TV and to receive letters and also to meet their relations (only blood relations were able see within restricted hours, time and date). Within the centre, they were able to move freely.

The Rehabilitation centre was initially covered under ER Gazetted on 17th June 1993 -No : 771/16. These regulations were repealed by new Gazette order of 1130/8 issued on 3rd May 2000 sections 19,20 and 21(see annexure A3) of the notification covered the procedures to be followed at the BRC. NYSC officials were giving regular publicity that this was the model centre in Sri Lanka. Till the 25th October this centre was a showpiece of government efforts to restore young militants into the mainstream. This centre was commended by international humanitarian organisations like International Committee, Red Cross etc.,

The Activities of the Centre



Daily Chores starts around 5 in the morning. The inmates assemble in the prayer hall for an hour of yoga exercises and then go for the morning parade. They sing the National anthem in Sinhala. After that one of the inmates have to give a talk. All inmates have to take oaths daily. The oath they repeat daily is; "We will be faithful to the centre, we will not speak lies, we accept the camp programmes, we will be sincere to the officials in charge". Then they have to clean the centre and tend the flower garden before breakfast.

When the inmates, come across the any staff they have to greet them with the words: "Shanthi or Buddam saranam" and clap their hands. In the morning they have two hour classes, mainly house wiring classes. But they have no proper instructors nor are the classes conducted regularly. Some of the inmates said it was a joke. According the rehabilitation act they are supposed to be given a certificate after proper training. But hardly any one has received certificate from this centre. In the evening they have two hours of language classes. One Teacher comes from outside to teach English, other languages (Sinhala) they have to learn by themselves.

It had been the responsibility of the management to provide a homely atmosphere to everyone in the centre. But on a number of occasions the inmates have been tortured. Captain Abyaratna had a horse tube filled with sand in his office to torture the inmates. Before the 25th October incident there were a number of agitation's. To cite one incident; in November 1997 the inmates started a fasting campaign asking for the following demands.

- Reduce the period of detention as indicated in the Rehabilitation Act
- Send the children out of the centre.

After this on a number of occasions they had forwarded requests: to give them proper vocational training, to hand over the letters on time, not to keep children and married people, to release those who want to go home and to give at least a normal meal since less cash is given to the purchase food items. After Sinhala inmates left the centre in 1999, the Tamils inmates were threatened by the officials saying: "you should keep quiet in this centre, if you fight, the Sinhalese outside will kill you and you should not reveals yourselves as Tamils".

Mystery Behind the Number of Inmates

In all the statements and briefings issued on this incident there is not any reference as to the accounts figure of this number of inmates, who were residents of the centre at the time of the incident. According to a Tamil papers it was reported that the number of detainees as 84, with 27 death, 31 injured and 16 missing. According to Captain Abyaratna, 40 with 26 killed and 14 injured, a police officer in Bandarawala puts it as 41, according to the Human Rights report (State) puts the number as 46 and on the day of their visit they were able trace another burned body inside the centre. According to

the another report, they put it at 55 with 29 killed and 26 injured. In spite of number of requests made to different authorities to give actual number of inmates, still none has given officially the exact number of inmates in the camp as on the 24.10.2000.

6. Socio-political events that led to the massacre at Bindunuwewa before 25th October.



The first phase of the present government started the first term of office in 1994 with three policies :-Peace - War for peace - War. The second phase of the PA government started first with the brutal murder of a courageous Tamil journalist M.Nimalarajan in Jaffna on 19th October 2000 and much more heinous was a second incident on the 25th October was the massacre of Tamils at BRC.

The eleventh Parliament election was held on the 10th of October 2000. The ruling party wanted to somehow to come back again to power. Also, the main opposition party wanted somehow to catch the power that they lost in 1994. People's Alliance, coalition government made all efforts to remain in power. Immediately after the election date was announced, the President, leader of the coalition, appointed

Mr. Ratnasri Wickramanayake as the Prime Minister in order to silence the chauvinist forces. During her first term of office there were number of Sinhala chauvinist groups were formed Sinhala Urumaya (Sinhaleas heritage), Sinhala Veeravidhana, National Movement against Terrorism, and Movement of the Defence of the Motherland. The Sinhala chauvinist in the ruling and opposition parties formed in to the members of all these chauvinist organisations. In most of these organisations Venerable: Maduluwawe Sobhitha Thero was the president or the main spokesmen. About two years ago, in front of the Buddhist temple on the main road from Bandarawala to Nuwara Elyia a big pillar covering the road with the name Sinhala Veeravidhana was erected. During the last one year, the Sinhala chauvinist organisation recruited more members in an around Bandarawala. The ideology of ethnic hate began to take root. A campaign of agitation for the BRC to be removed began. A few of the home guards hailing from Bidunuwewa were now converts to the Sinhala chauvinist cause. They began taunting and irritating the Tamil detainees. During the election campaign, in all their actions, the chauvinist tendency was clearly seen. During this period, the Prime Minister, who led the ruling PA election campaign, swear to eradicate LTTE through a military solution. Thus, they have brainwashed the masses with this ideology. But, after the elections, it was the armed forces, that were at the receiving end of major LTTE attacks and seem to be on the defensive.

The election results did not give any party absolute majority to form the government. PA coalition got only 107 seats out of 225. So the President, in order to form the government, has to depend on the minority parties such as National Unity Alliance with four seats, Eelam Peoples Democratic Party with four seats, Independent

Group-2 Digamadulla with one seat. The Ceylon Workers Congress, which represented Plantation workers (Tamils) too was taken into the coalition, with the aftering of a portfolio in the cabinet. So the President called the Prime Minister to form the government with this 116 members. To win over these people, she has to give number of important portfolios to the minority parties such as ministerial posts, deputy ministers posts and other higher official posts for these smaller party groups. This made the chauvinist groups to feel more frustrated and accused the President for giving these appointments.

In Badulla district, PA coalition got only three seats out of eight and the balance went to the United National Party. Within the UNP, in the Bandarawale area, the candidates were frustrated that even within the UNP they were unable to get a seat. PA members were thoroughly disappointed that they have got only three seats. After the elections, there was an unofficial meeting in Bandarawale, with those frustrated candidates and also the members of Sinhala Urumaya Group. At that meeting, it was discussed that the President has sold the country to the minorities and Bandarawale is becoming another Jaffna and that Bindunuwewa camp should be closed. In the same period, in another meeting, the Chief Minister had requested the authorities to close the camp. Among these people, some of them had put up hand written posters in the town. These posters were written backside of the President's election posters. All the posters were written in Sinhala. They are: 1. As Jaffna was given to the Tigers, Bindunuwewa cannot be given to the Tigers; 2. Remove the camp immediately; 3. Tigers should be chased out of Bindunuwewa village; 4. The flesh of Tigers is for our dogs.

Further, at the GS office at Bandarawale, at the monthly meetings held at Bandarawale, Bandarawale Town Council and the Grama Sevaka had requested number of times, that this camp should be closed.

It has become clear, especially after general elections, that the government was unsure of its directions. Nearly three weeks passed after the general elections without government being able to finalise its list of Deputy Ministers. Especially, Deputy Minister for Defence. In the cabinet formed after the election, the former Deputy Defence Minister, General Anurutha Ratwatte was not given a portfolio, in account of the election violence took place in his electorate, at the same time, on the day of the Bindunuwewa incident, news appeared in the daily papers that he was on given back the Deputy Defence Ministry portfolio, which Mr. Ratwatte denied as a rumour, nevertheless, with in five days of the incident, it was confirmed that he was re-appointed as the Deputy Minister of Defence (The President holds the portfolio of Defence Minister). President gave a pre-election promise that she would not appoint those who engaged in election violence as ministers and deputy ministers. After the general elections, chauvinist groups in Bandarawala had a meeting. In this meeting, it was stressed that the present government had sold North to EPDP, plantation to CWC and East to Muslims (RAUF HAKEEM) and no place for the Sinhalese. With this idea, they circulated a handbill, demanding that the Rehabilitation Camp should be closed. Just before this incident, the Missing Soliders Union, was making an attempt to meet the Sinhala soldiers who were in the custody of the LTTE in the North.

The situation in the camp is not the bed of roses and it was quoted by the officials and the mass media that there were lots of major short comings in the camp. Earlier, promises that were given were not materialised. The officials at the centre had promise the inmates at one time that they would all be allowed to go home after three months. When the date lapsed they were assured that they would get their 'freedom after election". On the 24th morning, one of the inmates spoke over the phone to the ICRC officials in Batticaloa saying that their lives were not safe and to take early action, and they wanted to meet the ICRC officials. The ICRC officials from Batticaloa, contacted the Bandarawala police over phone, inquiring about the situation in the camp. But it was reported that the situation is normal and not to worry about. On the 24th morning, Capt. Abeyaratna was not in the camp. He came on the 24th evening. After the parade, Capt. Abeyaratna had a discussion with the inmates. There they expressed their problems. 1. Letters that came to the inmates were not given and inquired why it was torn and put-aside. They wanted it to discuss with the Human Rights Commisisoner regarding the celebrations of the Deepavali festival and also they wanted to speak to the ICRC officials regarding the other problems they are encountering in the camp, especially about their safety. And also they requested to allow them to take telephone calls for emergency purposes.

At this time, there is exchange of words, and the inmates came round closer to OIC, Capt. Abeyratna. The police officer and the home guard were present there. One of the police officer outside, fired on the air. This unwanted move, made the inmates angry. The police officer informed OIC of Bandarawale police. He arrived and tried to talk to the inmates

and could not come to a settlement. Capt. Abeyaratna said that he will talk to the inmates and the police arrived, had to take charge of the crowd, assembled outside, who had arrived after hearing the gun fire. Army too arrived to the scene and the whole situation was brought to normal. The inmates returned to their dormitory. Through the fear that some people may attack during the night, they broke the bulb that was in the dormitory to keep it dark. Since the villagers were surrounding the camp, the army persuaded the villagers to leave the place. After that, everything was quiet on that day. Late night, some people from the College of Education came to the camp and thrown stones at the dormitory and with the help of the officials, put on a flash light in the direction of the dormitory. At that time, army and police were present at the scene. After this, the police requested the trainees to leave the place and at about 1.00 a.m., police requested the army to leave the scene and the inmates went to bed with fear

BLACK DEEPAVALI (FESTIVAL OF LIGHTS), OCTOBER 25TH 2000, AND ITS AFTERMATH

7. Massacre on the eve of festival of lights by a chauvinistic mob with the connivance of the security forces.



On the eve of the Deepavali, the country's most important Hindu festival, Bandarawala was bleeding by the brutal murders that wiped out the rehabilitation camp at Bindunuweva. The sleepy village, situated around two miles from Bandarawala town, on the Badulla road, is now a name synonymous with the horrific massacre. At about 6.15 in the morning, on the 25th, a gang from the town was surveying the area. This was informed to HQL. The inmates, during the tea time, took up the matter for discussion regarding that the letters were not handed over in time, and why the letters were torn and put outside. At the time of the discussion, the police on duty, fired in the air. This was the signal that was given to the gang to come and attack. The murderous gang, came in number of vehicles from the town with blunt instruments such as machine wood-saw, knives, machetes, clubs, stones and other hand objects and engaged in arson at the same time. They entered through the main entrance, went into the dormitory, put the tyres they brought in and poured the petrol over the tyre, while it was burning, they caught three inmates and put them alive into the fire. In another instant, the Tamil youths were stopped and subjected to tortures acts. After that, the mob started attacking all the inmates with whatever they brought. Some of the people who were injured, pretended that they were dead, were able to save their lives. The police too, had fired at the inmates.

According to the statement of the one who was injured, about 50 police shot at us. We were shot while we were trying to escape through the main entrance, from the murderous gang. One of the injured pleaded to protect him but he was thrown into the truck. Some of the

inmates were murdered in front of the police. Captain Abyaratna came only after the incident. Police did not allow the army to take any action. The brutal murder took place between 8.00 am to 9.00 am. After that, they set fire to the dormitory and the gang left the place. **Then only the villagers came to see the incident.**



This was the most gruesome massacre of the detainees since the attack at Welakkadai prison in July 1983. According to the reliable sources, who visited the scene, the victims were bludgeoned to death with blunt instruments, gun shots and thrashing the heads into the walls. At that time, 24 were dead. Out of that, only 13 bodies were identified and other 11 was not identified since the bodies were completely burnt. The injured were taken to the hospital, out of that, five were dead. The injured people were taken to the hospital only after the incident, for security reasons, minor injured people are brought back to Diyathawala Army Hospital and they were chained to the bed. Four who were seriously injured were in Colombo hospital. Two inmates, who were not in that centre at

the time of the incident, since they had gone to a bakery to work at night. Thus they escaped from this brutality. These two inmates were released earlier but for their personal reasons that they could not go home. They were allowed to stay in the centre and to work in the town in a bakery at nights. Immediately after the incident, these two inmates had been sent to St. Bosco's Technical Institute run by the Salesian Fathers in Negombo and they were not allowed to meet anybody from outside without the permission from the Defence Ministry. The injured people too, cannot be visited without obtaining written permission from the Ministry of Defence. Army cadres who know Tamil are guarding the injured detainees. Generally, the permission was refused.

There was no proper post-mortem done on the dead bodies. The dead bodies were taken to Colombo and from there, after identification, they were handed over to the relatives in sealed coffins and relatives are not allowed to open the coffins before the burial. The government undertook the funeral expenses (5000/= to 10,000/=) and pay compensation to the victims. Upto December 2001, funeral compensation was not paid. In this incident, only the dormitory section was burnt, and other sections were intact. The TV, fridge and none other things were damaged. Immediately after the incident, lot of contradictory reports were spread through mass media and also by the officials who were responsible for the management of the camp.

INMATES - MASSACRED AND INJURED

The inmates aged from 12 to 42 were kept in this BRC. Two boys of the age of 12 and 14 were taken

by the police from Ampara since they were begging in the streets because of poverty that was prevailing in that area. These two boys were admitted into the hospital. These two are in the injured list. Sitrambalam Mukunthan from Karavaddy East - Jaffna was arrested when he went to renew his identity card and giving the present new address. His friend gave this information. He too was massacred brutally. Two boys from Trinco were arrested by the Navy in Trinco while they were crossing over to India for safety and kept in Trincomalee police station and later sent to BRC and they were killed. Another boy from France, whose birth -place was Jaffna. His mother, for safety of her son, handed over the boy to ICRC for safe custody. They in turn, handed over to the BRC. In his last letter wrote to the mother, he said that he will be killed very soon. He was killed and the body was given to the mother. Another boy Sandhanam Selvaraj, who was burnt beyond recognition (Ref: to the title Sandhanam Selvaraj)

Antony John, from Batticoola, was an army informer. He has come to this camp earlier too. As he was noted in Batticoola it is not safe for him to move at Batticoola. The army officials after making use of him for different types of works, him to this camp. He came only about two months before the incident, when a he was brutally killed on the 25th. It is his name that was used by the CIDs, police, army and national Human Rights Group that he was a hard-core LTTE and he was responsible for the incident. The same passonal and group confirmed that the all the inmakes of and BRC were the LTTE cadres who surrendered the security forces.

As we are not sure of the actual number of the inmates who were present at the time of the incident, we give below the name we have received from different sources.

Names of the persons killed and identified on the same day:

01. Vrswalingam Wijesundaram, Navatkadu, Batticoloa
02. Kanapathypillai Ravitharan, Singhopuram, Velikanda
03. Sinnadurai Mohan, Anandapuram, Trincomalee
04. Vinayagamoorthy Senthuran, Vantharumoolai, Batticoloa
05. Visvaparan Rubeskumar, Vepankulam, Vavuniya
06. Ramasamy Karunaharan, Santhasolai, Vavuniya
07. Anthony Johns, Kallady, Batticoloa (James)
08. Gunapalan Jeyawardanam, 12th Mile Post, Mannar
09. Marimuthu Balakumar, Pulaweli, Batticoloa
10. Punniyamoorthy Mathiyalakan, Mutur, Trincomalee
11. Selvarajah Thurairajah, Thampanai, Jaffna
12. Sittampalam Muhunthan, Kavaveddy East, Ampara
13. Sivayogarajah Vipulanandarajah, Thirukkovil, Ampara

Names of killed and identified later:

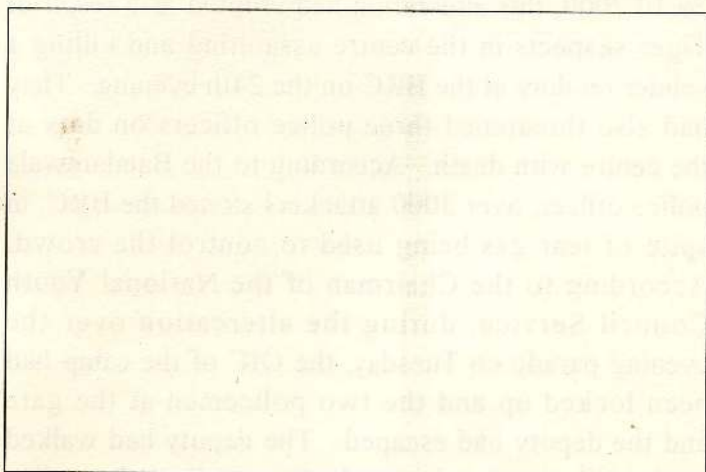
14. Sivagnanasundaram Sivarupan, Elavalai West, Mallagam
 15. Kathirgamathamby Mathiyalagan - Thanamunai Batticoloa
 16. Perinpanayagam Nimalraj, Arayampathy, Batticoloa
 17. Sivan Kubendran, Arayampathy, Batticoloa
 18. Somasundaram Selvaraj, Manmunai, Batticoloa
 19. Kohilamani Sajeewan, Kalladi, Batticoloa
 20. Sundaram Selvarajah, Kotagala Thalawakela
 21. Munusamy Wijekumar, Samimlai, Maskeliya
 22. Thirusitrambalam Mugunthan, Karavaddy, Jaffna
- Upto 29.

Injured:

01. Alahuthurai Pushparajah, Batticoloa (19)
02. Kandasamy Sritharan, Batticoloa(30)
03. Sinnathamby Suthakaran, Mudur Trincomalee(16)
04. Thangarajah Uththamanathan, Vavuniya
05. Nicholas Edwin, Trincomalee
06. Sinnathamby Rajasuthan, Cheddikulam
07. Puvendran Ruban, Ampara(12)
08. Kandasamy Chandrasekaran, Vavuniya
09. Perumal Ganeswaran, Batticoloa
10. Thambipillai Sasikumar, Jaffna
11. Adaikalam Ramachandran, Vavuniya
12. Ganeshamoorthy Asohan, Trincomalee
13. Viekneswaran Jeyakanthan, Ampara
14. Sundralingam Sivasankar, Trincomalee
15. Kanakesium Prabakaran, Trincomalee
16. Thambirajah Thevarajah, Cheddikulam
17. Kathirgamathamby, Batticoloa
18. Amarasingham Amaradeepan, Akkaraipattu
19. Pushparajah Kandeepan, Trincomalee
20. Easwaran, Batticoloa (19)
21. Jaganathan, Vavuniya

The other two, who are unhurt, were not in the camp at the time. All the inmates, except two, are from the North and East. The other two are from the plantation. All these people are Tamils. Not a single Muslim was in this centre. Now we hear that the injured inmates will be shifted to a proposed camp to be opened at Vavuniya under the management of National Youth Council Service.

Immidiata obfuscation of the events by local vested interests, the media and the Government propaganda machine.



On the 25th evening, the police went to the nearby village and arrested one member from each family and taken to the police station and they have taken the statement from 288 people. Hearing this, about 2000 members from these villages, surrounded the police station and demanded all those who were arrested are innocent and to be released. The police released all those who were arrested and put a curfew in Bandara Wela Police Station division.

The first message that was released through state-owned TV and Radio was that the Tigers in the centre had gone to the village and killed 16 villagers and escaped. On the 26th morning, according to the paper news, 3000 villagers entered the centre and killed the inmates. According to the police sources, more than 1000 people had gathered from nearby

villages, had surrounded the centre and set it on fire while assaulting the suspects with blunt instruments. Further, police reported in the *Island* paper 26.10.2000, this altercation had erupted as a result of Tiger suspects in the centre assaulting and killing a soldier on duty at the BRC on the 24th evening. They had also threatened three police officers on duty at the centre with death. According to the Bandarawala police officer, over 3000 attackers stoned the BRC, in spite of tear gas being used to control the crowd. According to the Chairman of the National Youth Council Service, during the altercation over the evening parade on Tuesday, the OIC of the camp had been locked up and the two policemen at the gate and the deputy had escaped. The deputy had walked to the village to make a telephone call to the police station with the shirt bloodied during the tussle. With the intervention of his office department and the police and the army from Diyathalawa, the restless situation at the camp was brought under control on 24th night. The next morning at dawn, huge mob stormed into the unprotected centre and massacred and seriously wounded all the unarmed detainees.

According to the Army Commandant Lt. General Lionel Balagalle, certain outsiders had visited the camp over the past three weeks and had been trying to stir a unrest.

According to the press release issued by the President's Secretariat, states that the President expresses her deep shock and grief over the 25th incident at Bindunuweva detention camp where a group of LTTE detainees had been killed and several others had been injured. The release said several

special programmes were implemented for the rehabilitation of the detainees at the camp. On the direction of the President and under the supervision of the disaster management unit set up under the Presidential Task Force Programme.

On the direction of the President, two special teams comprising high level officials had already been sent to Bindunuweva to investigate the incident and submit a report to the President. The government will take steps necessary to conduct full investigation and bring to book all sectors responsible. Government has drawn up a special security plan to all detainees in the camps in the country to prevent such incidents in the future.

The presidential secretariat press release:- it is clear from the information now received by the authorities that provocation from external forces had led to the situation.

Communication Media Minister Mr. Anura Priyatharsana Jappa in the press conference, put the blame on the LTTE - since they have lost in the war, in order to bring disgrace to the government, they have done this.

According to LTTE, they condemned this act - this is a well-planned act by the government. They had enough proof to show that it has been carried out by the police and the army with the support of the staff in the camp. Further LTTE states that "Bindunuwewa victim savagery are not LTTE members nor are they surrendered "child soldiers". They are innocent Tamil youth arrested on suspicion and detained with out trail under the notorious Prevention of Terrorism Act. These young detainees have been protesting against their unjust arrest and demanding release.

According to the leader of the NSSP, and also Minister of Justice of the present government Mr. Batty Werekoon, the disturbances within the detention camp is seen the hands of the LTTE. The attack was characteristically that of Sinhala racists. It was an organised move and was led by outsiders who had come on the scene in vehicles.

According to the W.N.R.P. Wijepala there were about 400 persons inside the camp, assaulting the detainees and Wijepala had seen several women encouraging the attackers to go on attack the detainees. He also stated that he saw several injured detainees being put into police vehicles and transported to the hospital. Certain army units had also arrived there, had joined the police in chasing away the crowd of attackers. There were several outsiders other than the villagers. Several posters, posted in the vicinity of the camp informing the immediate removal of the camp. He also said that a certain organisation was responsible for the instigating the residents of Bandarawala to create disturbances at the BRC. In his report to the President he states that states that on receipt of a telegram, purported to have been sent by the villagers asking for the removal of the camp at Bindunuweva. He had visited the camp while the trouble was brewing. When he visited the camp, there were about 60 policemen present there, but no one was able to bring the situation under control.

According to the CID investigation, it was a result of a hard core LTTE cadre Antony James, who gained entry to the camp by the surrendering to the government. It was after his arrival, the trouble

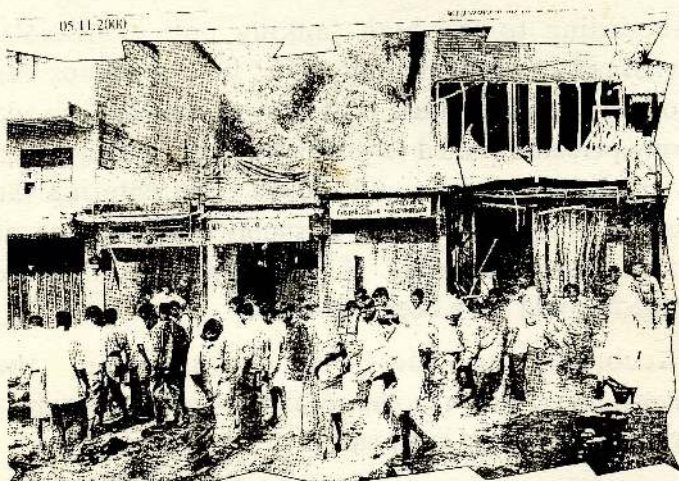
started, which resulted in the assault on the officer in-charge of the camp by the detainees. This was followed by a stone throwing clash with the villagers.

According to the high ranking police officials, involved in the investigation, what bubbles the government authorities, is as to why armed police and army personnel failed to prevent a gang of men armed with clubs, machets and knives from entering the centre. It is a questioning of simply firing into the air to frighten the gang. If they had done this, the tragedy could have been prevented.

According to the CID investigation, the investigators have recovered six 7.62 spent cartridges at the scene of the incident.

According to the Centre for Human Rights Development, one side of the centre had a concrete wall and the other, barbed wire fence, while the main entrance was the only entry point to the centre. One of the members of the CHRD said some of the bodies had gun shot injuries in them although police have denied shooting at any of the inmates. But (State) Human Rights Commission report on the incident denied that police officers had shot the inmates or even shot in the air. According to the CHRD, there was a poster campaign to incites racial violence few days prior to the incident.

Retaliation by security forces against peaceful expression of grief and injustice by instigating widespread violence and murder under cover of curfew.



The massacre of Tamils at Bindunuweva, the day before the Hindu Deepavali festival, created a shock and sorrow in the plantation areas. In all the plantation areas, Deepavali festival was not celebrated instead of all areas were mourning with sorrow and grief. Out of the inmates who were killed in the centre, there were two from the plantation area. In all the plantation areas, people, spontaneously wanted to express their grief by putting up white and black flags. White flag is to express their sorrow and the black to express their protest.

At Thalawakala, on the 27th, people decided to have a protest meeting on the 29th at Thalawakala. On the 28th, the leaders met the other communities and also informed the police regarding the meeting of the 29th. At the initial stage, all welcomed this idea. Unexpectedly, the body of Santhanam Selvaraj, was released from Colombo on 29th morning and brought to Rosita Estate at 9.00

clock in the morning and they allowed two hours for the funeral. This estate was only few kilometres away from the Thalawakala town. The meeting was held immediately after the funeral. This public meeting was addressed by the representatives of the New Left Front, representative of CWC from Thalawakala, Mr. P. Chandrasekaran, leader UPF and also Member of the Parliament.

As a mark of respect and sorrow, the people put up white and black flags in these areas. About 15,000 people participated in the funeral. The meeting was held after the funeral and during this time, local police in this area imposed unlimited curfew. During the meeting, a well-known Sinhala person to the police and the people of the area, entering the meeting place with his motorbike number of times disturbing the meeting and pulling the flags that were put up in the area. The meeting was stopped abruptly and the leaders went to the crowd asking them to be calm and not to react to the unwanted situation created. Police fired in the air, to disburse the crowd. Later, they fired at the crowd. Two died and many injured during the shooting, people got annoyed, throwing stones and set fire to shops without identifying that they were Tamils or Sinhalese. At this time a Sinhala crowd came from the Buddhist temple of the Thalawakale town, with this incident, violence erupted in the central province, mainly in the Nuwaraeliya district. Army was called, day and night curfew was imposed. During the curfew hours, Sinhala gang started looting, destroying, burning with the help of the police and army. The major incident took place at Thalawakala area. The details are given the following pages.

VIOLENCE AT GINIGATHENA

On the 29th, during the curfew hours, about 1000 Sinhalese surrounded the town and removed the flags and burnt 30 shops belonging to the Tamils. The shops were

closer to the police station. They attacked the Tamils who were travelling in buses and cars. 14 Tamils were admitted to the hospital. The Tamils ran amock in fear and took refuge at Wattawala Sri Sivasubramanian Temple. Some went to Nawalapitiya and others to Hatton. Five private buses and two vans were damaged. One foreigner who was travelling in the van was injured. Three people who went to Ginigathena from Haputhala were attacked and admitted to Nawalapitiya hospital. During this time, army arrested number of Tamil people from the nearby estates. The refugees at the temple, were threatened by the PA MP to leave the temple. Number of peoples have lost their houses, the shop owners who were Sinhalese refused to give the shop back to Tamils on rent.

MASKELIYA

People organised a meeting at Laxapana estate near Maskeliya to pay homage to the people who died at Bindunuweva camp. During the meeting, two workers were attacked by the army and the people who were annoyed by this act, marched towards the town. Hearing this march, OIC rushed to the spot and disbursed the Tamil people. After the Tamils left the place, Tamil shops and houses were attacked in this area. In this area people held prayer campaign as a mark of protest.

NAWALAPITIYA

At this place, 15 Muslims were organising to attack Tamils and their properties. This was stopped by the Chairman of the Nawalapitiya town council.

AGRAPATANA

About 1000 people launched a protest campaign and the police were trying to stop it but the people refused, and

later police started attacking the crowd and in process some were injured and some of them were arrested.

RAGALA

Thirty police personnel in civil dress came to the town in a bus and scared the people in the town and threatened them. They also forced the workers to go for work.

Damaged to State Properties:

On the 29th the Tamils at Watagoda were trying to enter the train to attend the funeral of Sandanam Selvaraj at that time the police had prevented them from boarding the train (Udarata Manika) and the security forces started shooting at the crowd. In that incident 3 were seriously injured and many others got minor injuries. The people were furious over this incident and set fire to the train where four compartments were completely burned. In another incident five compartments of the Mail train was burned by unknown people at Nanu Oya.

BADULLA DISTRICT

BORLANDA

Trouble started within two communities and one estate youth was injured when the police shot at the crowd to control the situation. Later, another youth was also injured and both were admitted to the hospital.

HAPUTALE

The plantation workers of this area, in order to express their grief over the incident, organised silent march in the town. Later, the leaders who organised this march, were arrested after search operations were done by the police and the army on suspicion. At Haldamulla, a group who attended wedding were arrested and produced

to the court, remanded till 9th of November. Altogether, 19 people were arrested in this area.

10. Prevention of customary funeral rites for Sandhanam Selvaraj



He was killed at Bindunuwawe centre on 25th October, 2000. He was from Roshita Estate, Kotagalla, Thalawakelle. He worked as a labourer in the estate. Got married in 1985, he got three children. His wife is a resident worker of the estate. Since the income from the estate was not enough, he went to Colombo to work as a porter at Sreedevi Enterprises at Dam Street. He was working there for the last seven years. He was arrested on 31-07-2000 at Kotagala Station on suspicion, inspite of the fact that he had his identity card and police report, when he was returning to Colombo after visiting his wife and children. After his leaving home in wife fone a call to Colombo, to the place where he was working. At that time, the owner said that he had not reported for work. Then she went and complained to the Patana Police on 2.8.2000 that he was missing. The police sent a note to

her on 3.8.2000 stating that he is in the Nuwara Eliya Police station. When she went to see him at Nuwara Eliya Police station, she too was taken into custody and for 5 hours she was interrogated and released. When she saw her husband, he was very feeble and she felt that he was tortured at the police station.

After that, she went once a week to see her husband. Last day that she met him at the Nuwara Eliya Police station was on 19.10.2000. He said that he won't be able to join them for Deepavali this year and he would join them next year. On the 23rd of October, from Nuwara Eliya Police station, without giving any reason, he has been sent to BRC. This was not informed to his wife. On the 25th morning, in the attack that took place at Bindunuwewa, he was killed.

This information she got only through the Tamil Radio. His body was given in a sealed coffin on the 29th with strict orders from O.I.C., N.E., that the coffin should not be opened. At that time, there were 50 army personnel and police around the lines rooms. They were allowed to keep the body only for two hours and were forced to bury immediately. It was promised through the papers that 10,000/- would be given for the funeral expenses and two lakhs to the next of kin of the deceased. Up to the 30th of December, no money was given and the wife had not received the death certificate as well. Wife's name is Subramaniam Kohila. Children's names - 1) Subas Chandra Bose aged 13; 2. Thanaletchumy aged 11; 3. Ravi Prasad aged 10. All are attending schools. The address is: S. Kohila, Bangalow Quarters, Roshita Estate, Kotagala.

11. Teaching the upcountry plantation Tamils their “place” by killing, arbitrary arrest, imprisonment, incarceration, torture and rape by security forces and chauvinistic mobs.

Talawakela area

- Veloo Balasubramaniam age 34, Talawakele estate, Katukelle Division, Talawakele, married and having three children, shot by army on 30.10.2000 at about 8.00 am morning at field no.1 Body was taken by army and buried at Kandy. His wife name is Jayakavery.
- Anandan (Karalan) was shot by army on 29th October 2000 at 4.00 pm near Sri Kathersan Kovil premises. His permanent residing place is Troup Estate, Troup Division, Talawakele. Body was taken by army and buried at Kandy.
- Perumal age 50, Bearwell Estate, Talawakele, Pensioner, employee Majestic Lake house, Talawakele. Murdered and thrown into the river on 29th October 2000. Buried on 5th November 2000.
- Thangaraj Anton, age 20 years, Logie Estate, Logie Division, Talawakele. Shot by the army on 29th October 2000 at about 11.30 pm (night) at the Estate. Got injured in his leg and getting medical treatment.
- Durairaj Muthukumar, Wattagodda Estate, Lower Division, Watagoda; age 18; shot by army near Watagode Railway Station and got injured and admitted at Base Hospital, Nuwaraeliya. From Nuwaraeliya he was transferred to Base Hospital, Kandy.
- Veeran Jaganathan, age 30; Palmerston Estate, Talawakele, Married; shot by army New Talawakele Sinhlaa School and got injured in his hand on 29th October 2000; admitted at Kandy. Later discharged from hospital.

- Ratnavel Krishnakumar- age 26; Palmeston Estate, Talawakele; married; he was shot by army near Talawakele Sinhala School and got injured in his leg; admitted to Base Hospital, Nawalapitiya. Later discharged from the hospital.
- Mrs. Madathy, W/o Jayaram, age 52; Holyrood Estate, Rath Dvission, Talawakele; shot by the army on 29th October 2000 when she was in her line room and got injured in her leg. Taken for treatment in a private hospital.
- Karuppaiah Selvaraj - age 20; Bearwell Estate, Talawakele. While passing through Talawakele town, shot by army on 29th October 2000 and got injured in his left leg; admitted at Base Hospital, Kandy. Went back to relation's place.
- ON 29th October 2000, Narayanan of Belmoral Estate, (Mahaveli Quarters), Agrapathana, aged 45, when he came from estate boutique with some food stuff items, five army officers assaulted him for no reasons.
- Selliah Muthu Muthiah (Watcher), Madacombara Estate, South Division, Watagoda, aged 65 years; Married; Got cut injuries infected by the nearest villagers on 29th October 2000 and admitted at Base Hospital, Kandy. This was instigated by one Attapathu who is a member of Pradeshiya Sabaha, Kotmale, This incident took place at Ackaramalai Estate Bungalow.
- Anbayaram Sellaiyah Muthu, Madacombara Estate, South Division, Watagoda, killed by 25 villagers on 29th October 2000 at 9.30 pm in his house at Agramalai
- At Talawakele town, 22 shops were burnt and damaged by Sinhalese with the help of army and the things were looted by them on 29th October 2000 at night hours;

- Balakrishnan Mahendran aged 19 years; Bearwell Estate, Talawakele; got shot by Army on 29th October 2000 and injured.
- At Talawakele, two girls were raped and was father killed by unknown persons (Note: The villagers are Sinhalese)

The following were arrested by the police at Talawakele, Lindula, Agrapathana Police stations.

Raman Gobalakrishnan - New Portmore Estate, Aldourie Division, Agrapathana; Agrapathana Police; suspected as damaged the shop

Raslingam -do- -do-

Perumal Murugaperumal -do- -do-

Murugiah's son -do- -do-

Sithambaram Wasikeran - Wattagodde; aged 35; suspect damaged the train

Logeswaran _ Wattagode -do-

Veloo Puniyaraj - Talawakele Estate, Talawakele (Talawakele Po); suspect to damaged the shops, Talawakele town

Veloo Ragoo - -do- -do-

Muthusamy Raja - -do- -do-

Veloo Ravikumar - -do- -do-

Muthulingam Loganathan - Troup Estate, Talawakele, aged 30; suspecte to set fire to the village houses

Palaniyandy Kanapathi - -do- -do-

Muthuveeran Suras - aged 30; Troup Estate; Talawakele -do-

P. Packiyanathan-Ferham Estate, Milton Divison, Talawakele; suspected to looted the things (Lindula police)

Chandrabose R. - -do- -do-

Yogaraj R. - -do- -do-

Nallasamy Ramamorthy - Wattagoda Lower Division,
Wattagode; 24 years; suspect to set fire the train

Thangavel Madasamy - Greatwestern estate, Lousa
Division, Talawakele; Talawakele police; suspect of set
fire the shop at Scalps division

Madasamy Subramaniam - -do- -do-

Ramasamy Neetharaj -do- -do-

Sathasivam (Banda) - Greatwestern Scalps Division,
Talawakele (Suspicion)

Durairaj Muthu - Wattagoda

D. Rajendran - Wattagoda

Kayambooth Sithrakumar, Talawakele

Francis Sagayamaryraj - Talawakele

ARRESTS

On the 25th evening, police went to the villages closer to the Bindunuweva camp and arrested about 500 Sinhala youths and entered the statement of 288 of them. Hearing this incident, all the villagers came to Bandarawale town, to protest against the unwanted arrests. They claimed that they are not responsible for the massacre at Bindunuweva and if they do not release the arrested people, they will create violence in the town. In order to pacify the villagers, the police immediately released the people who were arrested and imposed curfew in the Bandarawale police station area. These villagers were transported from the town back to the village by a politician belonging to UNP.

Mr. P. Chandrasekaran, Member of the Parliament, Nuwerelia district (UNP) was arrested on the 30th by a

special team of CID and was kept at Talawakale police and later brought to Colombo and kept at the 4th floor of the CID headquarters. It was told by Acting Inspector General of Police Anandarajah, that the MP was arrested on the instruction and the complaint made by the Buddhist priest at Talawakale. When he was arrested, no statement was recorded by the police at Talawakale. Under normal circumstances, to arrest a Member of the Parliament, without the approval of the Parliament is illegal. The President, Chandrika Kumaratunga, in her speech addressed to the public, stated that they have also taken action against UNP MP P. Chandrasekaran for the incident that occurred recently in the Nuwereliya district. He was arrested since he was alleged to have led the mob who attacked buildings, vehicles and set fire to the railway station in Talawakale in addition to provoking lawlessness in the area.

Whereas during the time of the incident, Mr. Chandrasekaran cooperated with the police to maintain law and order, when disturbances erupted at certain places.

According to the Mr. T. Anandarajah, Acting Inspector General of the Police, a CID team led by Director Keerthiganayake was dispatched to Bindunuwewa. Following the interrogation, two army officers two police inspectors six sub inspectors, four sergeants, one RSI, two army cadres, three civilian employees in the camp and two villagers were arrested and brought to Colombo for interrogation. Later, three teacher trainees from the nearby government Teacher Training Institute at Bindunuwewa were also arrested.

There were continuous arrests in the plantation area, especially in the Nuwereliya district, the people who organised the meetings, protests and put the white and

black flags, were arrested. In the first few days, 72 people were arrested in the district and another 72 to be arrested with searching for them. These people were arrested under the Emergency Regulation Act. In the Badulla district, in Haputala area, 18 people were arrested on suspicion under the ER. Out of the people who were arrested, some of them were tortured and some of these people were sent to Badulla prison, when they were attacked by the inmates in the prison.

Out of the people whom had been arrested some have been released on bail and Mr. Chandrasekaran was also released after seven days of arrest without any condition or charges made on him. The people who were arrested at Bindunuwewa, are still in the custody of the CID. No cases were filed or released.

LIST OF PERSONS ARRESTED IN THE RECENT DISTURBANCES IN THE NUWARA-ELIYA DISTRICT

NUWARA-ELIYA DIVISION SECRETARIAL DIVISION NUWARA-ELIYA POLICE AREA:-

Police Division Name and Address
present position

Agrapattana	Subramaniam, Bremore Estate,		
Agrapattana	remanded		
	P. Sagadevan, Hutuwille Estate,	-do-	-do-
	K. Mahendran,	-do-	-do-
	K. Mahendran, Holbrook Estate,	-do-	-do-
	K. Morugaperumal, Aldoriya Estate,	-do-	-do-
	R. Kobalakrishnan,	-do-	-do-
	M. Thilageswaran,	-do-	-do-
	A. Kumar, Kaladurai Estate,	-do-	-do-
	M. Illiyas,	-do-	-do-
	M. Sriramar,	-do-	-do-

	A. Janabdeen,	-do-	-do-
	P. Rasalingam,	-do-	-do-
	M. Suppaiah, Mandrasi Estate,	-do-	-do-
	Gobalakrishnan, Androri Estate,	-do-	-do-
	Senthil,	-do-	-do-
Lindulla	Pakkiyanadan, Melton Estate, Lingulla		
	Remanded		
	Yogaraj,	-do-	-do-
	Chandrabosh,	-do-	-do-
	N. Sathasivam, Pradesiya Saba Member,		
	Mousulle U.D., Lindulla	-do-	
	Krihanamoorthy, Eldonhall Estate,		
	Lindulla	-do-	
	Periyathambi,	-do-	-do-
	Subramaniam, Nona Estate, Lindulla	-do-	
	Jagetheeswaran	-do-	-do-
	Namanadan, Ferham Estate, Lindulla	-do-	
	R. Ramalingam,	-do-	-do-
Thalawakella	V. Vijayakumar, Devsiripura,		
	Thalawakella	-do-	
	A. Ragu, Hemachandra MW,		
	Thalawakella	-do-	
	Punniyaraj, Thalawakella Estate,	-do-	
	Ramamoorthy,	-do-	-do-
	Sureshwaran, Troup Estate,	-do-	-do-
	Kanapathy,	-do-	-do-
	Posan (Gulla),	-do-	-do-

November 16th, 2000

**LIST OF PERSONS ARRESTED IN THE RECENT
DISTURBANCES IN THE NUWARA ELIYA DISTRICT
AMBAGAMUWA DIVISIONAL SECRETARIAL DIVISION
AMBAGAMUWA POLICE AREA:**

Police Station	Name and Address No.	date arrested	date case produced in courts
Hatton	Kalimuttu Manoharan No. 2, Line, Wigton Estate, Razella	2.11.2000	2.11.2000
	Suppiah Alias Kandan No.4, Wigton Estate, Razella	2.11.2000	2.11.2000
	Ramalingam Munusamy 191, Colony, Wattawala	30.10.2000	1.11.2000
	Varatharaja Subramaniam 744, Kudagama, Hatton	1.11.2000	2.11.2000 Bail
released police	Isac Maichel, 2, Fruithill, Hatton	2.11.2000	2.11.2000
	Gopal Krishnasamy Dambara Estate, Hatton	2.11.2000	2.11.2000
	Kalaarachichilage Nalaka Roshan 78, Gaminipura Hatton	31.10.2000	Bail out
Ginigathena	Jainudeen Mohamad Nisthar, Delhena, Ginigathene	31.10.2000	31.10.2000
	Hindelena Mudiyanalage Vasantha Saman Kumara		

S. Guy de Fontgalland

	Senavirathna, 207, Deeniyagala, Ginigathene	31.10.2000	31.10.2000
B-694/2000	Mathumage Nissanka Fernando Neelani Sevana, Nawalapitiya -do- Ginigathena Samaraweera Hettige Neelakanda Gunathilake Vedamedura	31.10.2000	31.10.2000
Godatethara,	Kanthusirigama, Ginigathena -do- Balage Kamal Kithsiri Perera, 20, Nawalapitiya Road, Ginigathena -do- Ulipenwidanalage Sevavirathne, Deeniyagala, Ginigathene -do- Deegala Diyanuge Deepal Jayanth, Deeniyagala, Ginigathena -do- Arambawattee Legamlage Chaminda Lolitha Legamge, Deeniyagala, Ginigathena -do- Kappagedara Upali Chandrathne, Deeniyagala, Ginigathena -do- Jangarapitiya Arachchilage Sajeewa Nalaka Angarapitiya Senamuma, Hatton Road, Ginigathena -do-	31.10.2000	31.10.2000
		-do-	-do-
		-do-	-do-
		-do-	-do-
		-do-	-do-
		-do-	-do-
		-do-	-do-
		1.11.2000	2.11.2000

	Don Dharmasiri Pathirana Millagamulla, Pitawala	4.11.2000	5.11.2000
	-do-		
	Vasanda Disanayaka Abagamuva Gama, Amagamuva	4.11.2000	5.11.2000
	-do-		
Maskeliya	Palanisa My Hahendran, Gauravila Colony, Upcot	30.11.2000	31.10.2000
	Subramanian Dhanapalan, Fairlawn, Upcot	-do-	-do-
	Periyasamy Balasubramaniam, 23, Main Street, Upcot	-do-	-do-
	Thangavel Jesaih, Gauravilla Colony, Upcot	4.11.2000	4.11.2000
	Suppaih Sundararaj, Gauravilla Colony, Upcot	-do-	-do-
	Selladurai Francis, Gauravilla Colony, Upcot	-do-	-do-
	Rajan Patrik Rosary, Gauravilla Colony, Upcot	-do-	-do-
	Devaraj Dayanandan, Deeside Estate, Upcot	-do-	-do-
	Devaraj Sadanandan, Deeside Estate, Upcot	-do-	-do-
	Anthony Alphonse, Nilawatte, Upcot	-do-	-do-
	Subramanian Selvaratnam, Alton Estate, Upcot	5.11.2000	6.11.2000
	Selladurai Chandulse, Alten Estate, Upcot	8.11.2000	9.11.2000

**LIST OF PERSONS TO BE ARRESTED IN THE RECENT
DISTURBANCES IN THE NUWARA ELIYA DISTRICT**

**NUWARA ELIYA DIVISIONAL SECRETARIAL DIVISION
NUWARA ELIYA POLICE AREA:**

Police Station Charges	Name and Address
Lindulla	Arumugam Najendran, Eldon Hall Estate, Lindulla
	Dambaiah K.G. Son Jeyaraj, -do-
	Lasaras Raj, -do-
	Sellaperumal, Rahawatte Estate, -do-
	Solamuthuson, Rahanwatte Estate -do-
	Perumal Elaiyawar, Nona Estate -do-
	Mungi, Eldon Hall Estate, -do-
	Sana, Bambarakela Estate, -do-
Agrapattana	Sivanu-Thunbu, Kalmadura Estate, Agrapattana
	Ramanathan, Torinton Estate, -do-
Alawakela	Sundaram, Looza Estate, Great Wetern, Thalawakela
	Kanagaraj, -do-
	Savarimuthu, Skalpa Estate, -do-
	Pachchiyamma Son, Mali Estate, -do-
	Sundaram, Troup Estate, -do-
	Singith, -do-
	Raja, -do-
	Kalimuthu, -do-
	Raman, -do-
	Raman, -do-
	Siva, -do-

**LIST OF PERSONS TO BE ARRESTED IN THE RECENT
DISTURBANCES IN THE NUWARA-ELIYA DISTRICT**

**AMBAGAMUWA DIVISIONAL SECRETARIAL DIVISION
AMBAGAMUWA POLICE AREA**

Police Station	Name and Address	Charges
Maskeliya	Ramachandran Kamal alias Asary	Burnt the lorry & damage to assets
	Kamal, Gouravilla Estate, Upcot	-do-
	Jayakumar Sudakar alias Asary Sudakar	-do-
	Gouravilla Estate, Upcot	
	Subramaniam, Alton Estate, Upcot	-do-
	V. Pugalendran, Punchi Solanwatte, Upcot	-do-
	Vijeyaratnam Thalaivar,	-do-
	Gouravilla Estate, Upcot	
forwood	Anandan alias Raja, Alton Estate, Upcot	-do-
	Kulandaivel Yoganathan, Blinkbonni Estate,	
	Miner Assault Dickoya	
Hatton	Suda alias Miniandy, Poyston Estate,	-do-
	Dickoya	
Hatton	Vengadasalam, Fruithill Estate, Hatton	Illegal assembly & threatening
	Ponnaiah,	-do- -do-
Bogawanthalawa	Muthulingam Son, Tientsin Estate,	Frightening damage
	Bogawanthalawa	between Rs.500 and 1000/-
	Kaliappan Son, Bogawanthalawa Estate	-do-
Bogawanthalawa	Sivaraja Son Sanith, Tienstin Estate,	-do-
Bogawanthalawa	Rasappan Son,	-do- -do-
	Vythiah, S/o Muthu,	-do- -do-

S. Guy de Fontgalland

S/o. Rasaiah,	-do-	-do-
Jega, S/o. Sikku,	-do-	-do-
Two brothers of John Rasaiah,	-do-	-do-
Two sons of Kanagaraja,	-do-	-do-
Brothers of Kalai and Logu,	-do-	-do-
Two sons of Sathiyathan,	-do-	-do-
Two sons of Bala Bass,	-do-	-do-
Sathiyasiva S/o. Arumugam	-do-	-do-
Umachandran, Bogawanthalawa town,	-do-	
Bogawanthalawa		
Pettikade Sasari,	-do-	-do-
Kanagaraja Master	-do-	28/2594 - Loss
Pettikade Elder Son, Bredwell Estate,	-do-	
Two sons of Kaliappan, Bogawanthalawa Town		-do-
226/2561-Driver Rajah,	-do-	-do-
S.P.C. Kamal,	-do-	-do-
Rasi,	-do-	-do-
Mohamad Hussain,	-do-	-do-
Naganathan, Eltofts Estate,	-do-	
Sridaran, Sooriyan F.M. Reporter	-do-	
Ratnaraj Master,	-do-	-do-
Arulappan, Pradeciyasaba Mamber,		-do-
Tientin Estate, Bogawanthalawa		
Bar - Ganesh, Bogawanthalawa Estate		-do-

Chart 1. Statistics

Badulla district

Number of Tamils killed -	29
Number of Tamils injured	15
Number of Tamils arrested	48
Released on bail	29
Number of Sinhalese arrested	24 (Bindunuwewa)

Nuwara-Eliya District	
Number of Tamils Killed	17
Number of Tamils injured	80
Number of Tamils Women raped	06 (recorded only)
Number of Tamils arrested	72+
Number of Tamils to be arrested	80
Number of Tamils released on bail	50
Number of People admitted to the hospital	56

OUR OBSERVATION

The Bindunuweva incident definitely created a tension in the plantation area. Next to North and East, more concentration of Tamils is in Nuweraeliya district (52 percent) and then in Badulla district (35 percent). All the inmates in the Bindunuweva camp, were Tamils from North and East and from the Nuwereliya districts. They were massacred for no other reason that they were Tamils. The Tamil people in the North and East expressed their sorrow by putting up white and black flags and by organising protest meetings, public processions etc. Tamils in the plantation area, too, wanted to express their sorrow and protest, by putting up white and black flags and organising meetings and protest marches. But this non-violent protest was hindered by the police and the chauvinist group and this was considered as Tamil Racism. The cause of the violence was the plantation Tamils were not allowed to express their grief and sorrow and further, they became the victims in the hands of the security forces and the mob. From this, it is clear, that outside the North and East, Tamils are not free to express their feelings. Further, about 14 Tamils in the plantation areas were killed and some of the bodies were not given to the relatives for the burial. Several others were injured. Some are tortured and about hundred of them were

arrested under the draconian Emergency Regulations. Even before the incident, there are about 300 people from the plantation area, were arrested under the PTA and ER and held in other detention centres without being produced to the courts. The reaction to put up the white and black flags, has become an issue only in the town areas of the plantation district. Within the estates, Tamils were bold enough to put up white and black flags, banners. Even here, some outsiders wanted to enter and create violence within the estate. But people in the estates were ready to drive them out. The people who are injured, were given step motherly treatment in the hospital since 99 percent of the hospital staff belongs to the Sinhala sector. When the people went to the police to report about the things lost or burnt or looted, in most of the police stations, they were refused to record the full statement given by the Tamil people especially lost valuable items, building etc. They only entered one third of the value, given by the people. In one police station, four people went to make a complaint were arrested and tortured. These are due to the fact that 99 percent of the police forces belongs to Sinhala and Muslim Sections. All the complaints given by the Tamil workers were written in Sinhala and the people are unable to read the statement but have to sign it, saying that it is a true statement. To prevent such incidents in the future, not only the violence, but the violation of human rights in this area, the President must make a constitutional enactment, guaranteeing that the Tamils in the plantation areas have equal rights to do their day to day activities both in the public and the private sector in their own language.

Tamil personal must be appointed in all state departments, so that such things can be prevented in future.

12. Systematic destruction of the Tamil's economic base by looting their gold and other valuable assets and by burning down their dwelling and shops.



Oddington Estate:

This estate is situated in Lindula AGA's division, Nagaseva G.S. Division. It is a private estate of 50 acres owned by Mr. K.P. Pragash, looked after by a Tamil Supervisor. There is a colony opened during the period of nationalisation. In this colony, there are ten Sinhala families and three Tamil families who are not resident workers in the estate. This land was taken over by the government and given over to Sinhala families who were brought from outside. Rest of the areas are managed by the Company called Lindula Plantation Private Limited. There are about 17 families working in this private estate. Some of the girls have gone to Middle East from these families as house maids, since there is not work in the estate. After the Bindunuwewa incident on 25th of October, 2000, the body of one of the persons who was killed in the camp, was sent to Talawakalle

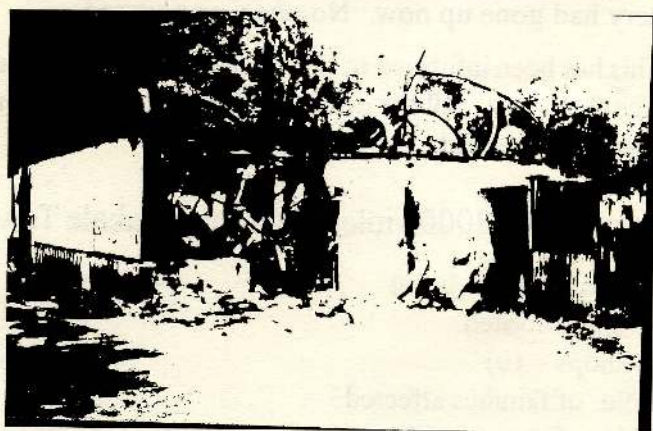
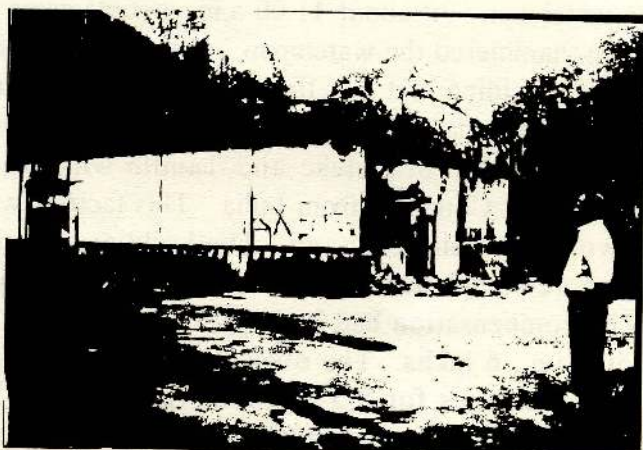
area on the 29th. The Tamil people wanted to express their sorrow and protest by hoisting white and black flags. This was resulted in riot situation by a few Sinhala people. To control this situation, the army was called in. Some people in the colony instigated the Security Forces to attack the lines rooms. The people in the lines rooms were attacked on the 30th at 11.00 a.m. Fearing that the army was coming most of the people in the lines rooms ran away to the forests. At the time of the attack, an old man and his son were hiding near the line room while all others fled away.

The army numbering about 50, broke in to the lines rooms, shooting at all the items in the lines rooms especially the TVs and taking all the valuable items and burning and destroying all in the lines rooms. Most of the houses had TVs and other items as their daughters are working in the Middle East. They had decks, almirahs, beds etc., and they were burnt, or half burnt and destroyed.

Up to the time of our visit i.e., 30th of November, the inmates had left the lines rooms intact as they were at the time of attack so that everybody could see the damages caused. The inmates went to complain to the police about the damages only to be threatened by the latter. Even some were assaulted. They refused to record the full damages and recorded only quarter of the damages.

So far the A.S. of the area had not visited. They are still waiting for the government's compensation. Still the tension prevails between the colony people and the estate people. They also made a complaint to Mr. Arumugam Thondaman (Ceylon Workers Congress) and also to Mr. P. Chandrasekaran, M.P. (M.M.M.).

Burning of R.D.M. Tyre Rebuilding Factory



The building is situated at Nagasena, Lindula. The people from the colony we mentioned earlier, are also having shops in the town. The owner of the shop is Mr. Thuraisamy Maheswaran. He has invested Rs.8 million. The building belongs to the Horona Aluchen Private Limited. The machines were imported from India. This was the only place where retreating of tyres take place in the plantation area. The technical advises were given by the Indian company. 30th October was a Curfew day in

the area. Therefore, this factory was closed and there was only one watchman. At about 11.00 a.m., people came in a white van, hammered the watchman, chased him out and set fire to the building. At that time, there were army and police in the vicinity. The owner was informed over phone. There were Sinhalese and Tamils who were trained by E.C.G. Company from India. This factory was started two and a half years ago. The building and the machines were completely burnt with nearly 1000 rebuilt tyres. The compensation had been paid to the owner of the building i.e., 6 lakhs. The owner of the factory had insured the machines for 5.5 million. He says that he needs at least 8 million to restart the factory as the cost of machinery had gone up now. No one was arrested.

This has been informed to the Minister Mr. Thondaman and to the President. All the other Sinhala shops around this factory were untouched.

Victims of 29.10.2000 violence at Thalawakale Town

* No. of shops totally burnt	-	16
* No. of shops looted (Sinhala shops - 10)	-	47
* Total No. of families affected	-	115
* Total No. of persons affected	-	451
* Total No. of school going boys and girls affected	-	59
* Total No. of children affected	-	16
* Total No. of shops torched, looted	-	63
* No. of roadside traders, small craftsmen	-	22

(Thalawakale temple telephone No.052 - 58419)

Details of loss of property to the shops totally burnt (torched) due to 29.10.2000 violence:

No.	Name and Address value Total No. of affected people	material lost
1.	Sivalingam Sreekanth, Nirthiya Kalyani Jewellers, 05(12), Hutton VeedhiGold, Silver	85,00,000.0010
2.	Abdul Khader Mohamed Nizar, Modern Stores, 10, Hutton VeedhiElectrical goods	55,15,000.0005
3.	Seethalakshmi Balakrishnan, Panchalingam Stores, 06, Hutton VeedhiSarees, Pawn Broking	15,00,000.0009
4.	Ka. Naa. Panneerselvam, Mahalatchumi Café, Nuverelia VeedhiHotel goods	48,98,749.0017
5.	K.P. Govindarajah, Umayal Complex, 36, 36/1, Kothamalai VeedhiShop building	45,00,000.0005
6.	M. Sivakumar, Siva Hardwares, Kothamalai Veedhilron, Electrical goods	36,00,000.0004
7.	Kumaranayagam, Holbrook Bar, Kothamalai VeediWine	8,60,000.0005
8.	Su. Adhimani, Sayee Enterprises, Kothamalai VeediCommuni- cation goods	21,41,000.0005
9.	Sundarraaj, Yogams, Kothamalai VeedhiTea, Coffee	2,00,000.0005
10.	M. Sivakumar, Sivas Grocery Shop, Kothamalai VeedhiRetail Shop	11,00,000.0005
11.	Rajendran, Raja Stores, Kothamalai VeedhiRetail Shop	3,95,000.0007
12.	S. Velayudham, Jayakumar Stores, Kothamalai VeedhiRetail Shop	10,36,000.0010
13.	Vee. Padmanathan, Abirami Stores, Kothamalai VeedhiRetail Shop	7,50,000.0002
14.	S. Sivanandha Rajah, Radio Repair Shop, Kothamalai VeedhiRadio, TV Repair	4,75,000.0004

15.	Pe. Jayabalan, Sivas Saloon, 6/1, Hutton VeedhiHair Dressing implements	10,900.0005
16.	M. Kandasamy, New Laundry, 6/1, Hutton VeedhiClothe Washing, Ironing	45,000.0005
17.	M. Sivakumar, Sivas1210 TATA lorry	11,00,000.00
18.	Le. Bharathi Dasan, East WestDolphin Van 57-1722	8,00,000.00
	Total	3,74,26,649.00
		103 persons
	Total No. of shops burnt	- 18
	Total value of the shops	- 3,74,26,649.00
	Total No. of affected persons	- 103

**Details of loss of property to the shops looted due to
29.10.2000 violence:**

Sl. No affected	Name and Address Value	Goods No. of persons affected
01.	V.A. Dharmaraj, Vasantha Gold House, Nuwerelia Veedhi Gold Jewellery, Pawn Broker	21,25,000.0010
02.	Sinnathambi Sargunanandan, Guhan Stores, No.38, Nuwerelia VeedhiCigar, Betelnut	5,00,000.0020
03.	S.P.R. Rajasckar, Jayalanka Stores, Nuwerelia VeedhiFancy goods, telephone	20,72,000.0009
04.	Raasu. Amirthalingam, Lingam Stores, No.64, Nuwerelia VeedhiGrocery, Gold jewellery	11,99,000.0006
05.	Era. Gopalakrishnan, No.54, Nuwerelia VeedhiVegetables	1,08,000.0005
06.	Muthuthambi ivapatham, Renusaaruka Stores, No. 58, Nuwerelia VeedhiBetelnut, Grocery	98,660.0007
07.	S.M. Raasu, Yogaletchumi Stores, No. 53, Nuwerelia VeedhiVegetable Wholesale	72,000.0007
08.	Pe. Vamadevan, Sandira Stores, No.58A, Nuwerelia VeedhiFancy goods	10,00,000.0007

09.	Kandasamy Dayalakumaran, Vinayagam Grinding Mill, No.72, Nuwerelia VeedhiMachinery sales	1,90,998.0005
10.	Sellaiah Selvanayagam, New Building, Nuwerelia VeedhiShowroom	75,000.0002
11.	Rasaiah Ravi, Ravi Frame Shop, Nuwerelia VeedhiFancy goods, Framing	2,00,000.0004
12.	Sinniah Marimuthu, Santhi Café End Lucky Centre, 88, Nuwerelia VeedhiHotel goods	2,50,000.0004
13.	Vee. Devendran, Sudarshan Satyavani Hotel, 87, Nuwerelia VeedhiHotel goods	3,00,000.0006
14.	Thu. Mageswaran, R.D.M. Stores, 39, Nuwerelia VeedhiSeeds, Insecticides	1,41,000.0007
15.	Le. Bharathidasan, East West Restaurant, No. 14, Nuwerelia VeedhiHotel goods	6,01,400.0021
16.	V.R. Ramachandran, NC Farm, Nuwerelia VeedhiPoultry feed, pesticide sales	22,00,000.0007
17.	R. Pusparajah, Sathees Grinding Mill, No.155A, Nuwerelia VeedhiMachinery, Chilly varieties	55,000.0004
18.	R. Manogaran, Royal Wine Stores, No.155, Nuwerelia Veedhidrink varieties	9,55,000.0005
19.	S. Velayudhampillai, (Sanjeeva Stores) Nuwerelia VeedhiBetelnut	23,000.0002
20.	Sinnaiah Ramamurthy, Santhi Studio, No.53A, Nuwerelia VeedhiCamera, Film	2,37,000.0004
21.	S. Kanagalingam, Durga VideoVision, No.15/2, Kothamalai VeedhiCD, Deck, TV, Film cassettes	2,80,000.0002
22.	Velu Balakrishnan, Umayal Printers, No. 22, Kothamalai VeedhiPrinting Machine, Paper	30,00,000.0009
23.	Sudalai Kannu Sasidaran, Modern Stores, No.47, Kothamalai VeedhiHardware	75,000.0002
24.	P. Arumugam, Sivam Stores, No.47D, Kothamalai VeedhiGrocery goods	2,50,000.0002

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25.	E. Balakrishnan, Deepa Stores, End Saloon, No.50, Kothamalai VeedhiSaloon	3,50,000.0010
26.	K. Kalidasan, Kavitha Stores, No.40, Kothamalai VeedhiGrocery goods	3,33,000.0011
27.	S. Thangaiahpillai, Ananda Bhavan Hotel, No.38, Kothamalai VeedhiHotel	3,50,000.0006
28.	Saroja Balakrishnan, New Fashion Saloon, No.36, Kothamalai VeedhiSaloon	1,00,000.0003
29.	M. Karunamurthy, Puspa Hardware, No.19, Kothamalai VeedhiMirror Showroom	50,000.0006
30.	R. Ravi, Ranjani Saloon, No.11, Hutton VeedhiSaloon	75,000.0007
31.	Kumaranayagam, Thalawakale Wine Stores, Linduladrink varieties	9,40,000.0005
32.	R. Vigneswaran, Sri Murugan Stores, No.14, Hutton VeedhiBetel Nut, Grocery	1,06,695.0015
33.	Ka. Namasivayampillai, Aruna Stores, No.16, Hutton VeedhiGold, Silver Jewellery	13,40,000.0006
34.	N. Balakrishnan, New Kumaran Stores, No.30, Hutton VeedhiMess	1,25,000.0005
35.	Thirumathi Balakrishnan, Anandha Grinding Mill, No.32, Hutton VeedhiSales goods	9,100.0004
36.	M.S. Viswanathan, Shaan Video Vision, No.18, Hutton VeedhiCD deck, TV, Video tapes	3,22,000.0003
37.	Vcc. Saravanabhavan, Saravana Tailors, No.28, New MarketClothes, cash	45,900.0007
	Total amount	2,00,56,013.00237
	Total No. of shops affected:	37
	Total No. of persons affected:	237
	Total value of goods affected:	2,00,56,013

Details of loss of property to the shops affected due to 29.10.2000 violence:

Sl. No.	Name and Address Goods affected	Value	No. of persons affected
01.	M.Y.H. Hemachandra, Main Road, Thalawakale TV, Mirror	9,00,000.00	
02.	U.K. Buddhadasa, U.K.D. D'Silva & Sons, Main Road Show case	1,80,000.00	
03.	Saman Jayawardane, L.B.J. Traders, Hutton Veedhi Clothes, goods	4,00,000.00	
04.	Amal Jayawardane, Victory Hotels, Hutton Veedhi Hotel goods	45,000.00	
05.	R. Ramanayake P.K. Karunasena, Saranga Hotel, Hutton Veedhi Hotel goods	4,00,000.00	
06.	U.K. Sasanthanga Silva, Lion Press, No.23, Hutton Veedhi Printing machinery, goods	17,01,000.00	
07.	M.A. Albert Voch Vex, No.25, Hutton Veedhi Clock varieties	14,00,000.00	
08.	M.A. Dickson, No.6/7, Hutton Veedhi Vegetables, Fruits	10,000.00	
09.	A.W. Abeyratne, No.6A, Hutton Veedhi		
10.	A.V. Inihappuhamini, No.14, Nuwerelia Veedhi Show case	95,000.00	
	Total Value	61,31,000.00	



Details of loss of property to the roadside shops affected due to 29.10.2000 violence:

Sl. No.	Name and Address	Goods affected	Value	No. of persons affected
01.	Sarasuwathiammal Dharmalingam, 6/19, Bandaranayake Square	Decorative goods	1, 10,000.0002	
02.	R.K. Ambigapathy, 39/1, Workers Quarters	Glass, Silver goods	80,000.0004	
03.	The. Sivagnanam (Karuppaiah), 39, Nuwerelia Veedhi	Vegetable, goods	30,990.0006	
04.	M. Ramachandran (Santhi Caf�), 88, Nuwerelia Veedhi	Betelnut, Vegetables	25,400.0006	
05.	P. Kanagalingam, 71, Nuwerelia Veedhi	Vegetables, variety goods	24,400.0004	
06.	Pa. Sivalingam, 30, Hutton Veedhi	Sarees	15,125.0001	
07.	Si. Padmanathan, 63/1, Thevisinipura	Egg, Coconut		
08.	M. Magalingam			
09.	A. Thanabalan, Kilanamora Gardens	Betelnut, Vegetables	20,000.0005	

10.A.	Thirunavukkarasu (KMS), 7/14, Main RoadCoconut, Vegetables	19,800.0008
11.	Era. Kanagaraj (Ajantha), 54, Nuwerelia VeedhiVegetables	31,500.00
12.	S. Jelasteen, 89, Nuwerelia VeedhiVegetables, goods	12,000.0006
13.	M. Karunagaran, UC House, OlirootSaree, clothe goods	24,350.0009
14.	K. Balakrishnan, 72, Vinayagar Grinding MillRadio, Clock, Electrical goods	90,000.0004
15.	R. Muthiah, 200/8, Oliroot UC HouseBetelnut, Tobacco	7,000.0007
16.	A. Subbiramaniyam, 200/15, Oliroot UC House Silver goods	10,000.0004
		5,00,565.0066

Details of loss of property to small craftsmen affected due to 29.10.2000 violence:

Sl. No.	Name and Address	Affected craft	No. of persons affected
01.	R. Vadivel Asaary, Nuwerelia Veedhi, ThalavakaleSmith Shop		05
02.	S.M. Jayaprakash Asaary, No.17, Kovil Veedhi-do-		03
03.	S.M. Chandrasekaran Asaary, No.17, Kovil Veedhi-do-		02
04.	S. Ganesan Asaary, No. 17, Kovil Veedhi-do-		07
05.	S.K. Sadasivan Asaary, Sub-lane, Kothamalai Veedhi-do-		02
06.	M. Govindasamy Asaary, No. 17, Kovil Veedhi-do-		04
07.	M. Jothylingam Asaary, Koomwood Veedhi-do-		05

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08.	M. Sathyaraj Asaary, No.17, Kovil Veedhi-do-	04
09.	Vignes, No. 17, Kovil Veedhi-do-	04
10.	R.V. Ravichandran Asaary, No. 17, Kovil Veedhi-do-	03
11.	Satyakumari Thyagarajah, Jayanthi Mavathai Eatable preparation	04
12.	Pusparani, Jayanathi Mavathai Paper Bags	03
13.	Thirumathi Subramaniam, Kumaragada Left Garlands, Decorative goods	04
14.	Mani Asaary, No. 17, Kovil Veedhi Smith shed	03
15.	Periasamy Palaniyamma, No.100, Thevisiripura Eatable preparation	04
16.	Chandrika Selvarjah, No.18, Hutton Veedhi Tailoring (residential)	02
17.	V. Vijayakumar, Thevisiripura Bag stitching, pasting	07
	Total	66
	Total No. of craftsmen affected:	17
	No. of dependents	66

Details of affected shop workers due to 29.10.2000 violence:

Sl. No.	Name of the Shop	Address	Name of the Worker	Salary
01.	Modern Traders Limited	10, Hutton Veedhi	Abdul Hameed Mohamed Niyas	5,000.00 3,500.00
02.	Nithiya Kalyani Jewellers	05 (12), Hutton Veedhi	Subbaiah Rajkumar	3,500.00
03.	Sivas Hardware	Kothamalai Veedhi	Navaratnam	5,000.00
04.	Sivas Grocery Shop	Kothamalai Veedhi	Antony 2. Muthu Sivakumar 3. Sures 4. R. Niranjani	1,500.00 2,000.00 1,500.00 5,000.00
05.	Abirami Stores	49, Kothamalai Veedhi	Kumar	

06. Rajah StoresKothamalai VeedhiDeenadayalan, Gurunathan
07. Sivam Stores (General)47, Kothamalai VeedhiLawrence
08. M.Y.H. HemachandraMain RoadSubramanian
09. East West14, Nuwerelia VeedhiI.

P.Ramamurthy 2. L. Karnan 3. P.R.Nagalingam 4. Mahavisnu 5. Ramasamy 6. Prem Thangaraj 7. Padmaraj 8. Manmada raj 9. Yogendra kumar 10. Thangaraj
 4,000.00 4,000.00 4,000.00 6,000.00 3,000.00 2,500.00 4,500.00 3,000.00
 2,500.00 3,000.00

10. Gugan Stores38, Nuwerelia VeedhiE. Ravichandran,
D. Ravichandran, Balasubramaniam, Subraj, Rajoo, Muthulingam
11. Vasantha Gold HouseNuwerelia VeedhiPa. Buvaneswaran R. Raja
Sivakumar M. Namanathan 5,000.00 4,000.00 2,500.00
12. Lucky Centre88, Nuwerelia VeedhiS. Muthiah
K. Periyannan3,500.00 3,500.00
13. R.D.M. Borej Stores39, Nuwerelia VeedhiR. Srinivasan,
M. Mahalingam, S. Navaratnam
14. Yogalatchumi53, Nuwerelia VeedhiS. Ramamurthy 4,000.00
15. Sudarshan Satyavani87, Nuwerelia VeedhiV.Magendran, L. Deivanayagam
16. Umayal Printing Press22A, Kothamalai VeedhiKrisna Gopal,
Malar Mani, Bhavani
17. Sai Enterprises36, Kothamalai VeedhiS. Kohila,
18. Durga Video Vision15/2, Kothamalai VeedhiS. Sivagnanam
19. Jayalanka StoresNuwereia VeedhiS. Ravichandran, L. Udayakumar,
M.Gnanasundaram, S. Uthaya chandran
20. Jayakumar StoresKothamalai VeedhiMuthammal, Raju

Details of School Children affected due to 29.10.2000 violence:

(This has not been done by me (gorah) as the detail of the school name is unfamiliar to self. Any volunteer of OfERR can fill in these columns, I hope)

Details of Children below 5 years affected due to 29.10.2000 violence:

No.	Name	Age
01.	Sivakumar Iroshini	05
02.	Thiyagaraj Saranya	04
03.	Ka. Sathees Kumar	18 months
04.	R. Sai Sarangan	10 months
05.	V. Sindhujah Kannah	06 months
06.	S. Vikashaana	18 months
07.	V. Dhavani	18 months
08.	Si. Dalmiyakas	10 months
09.	A. Anusikka	06 months
10.	Ko. Ushanandhini	03 months
11.	R. Lavanya	03
12.	Ra. Monica	03
13.	Ra. Ukashini	04
14.	Ra. Dilip	02
15.	Ma. Mayujana	04
16.	Ma. Harismohan	02
17.	M. Keerthika	04
18.	Ra. Sajithra	03

Details of affected: both infants and children:

AgeBoysGirls03 months 06 months 10 months 18 months 02 years 03
 04 05 06 07 08 09 11 12 13 14 15 16 17— — 01 01 02 — 03 05 07 02
 04 03 01 01 — 04 — 01 — 01 02 01 02 — 03 04 04 07 05 01 04 01 03
 01 01 01 — — 3542

Talawakela

Shops completely burned 18 - value 3, 74,26,449.00 people affected 103.

Shops looted - 47 - value 2, 00,56,013.00 people affected 207.

Number of Sinhala shop looted 10 value 61, 31, 000.00

Number of Tamil family displaced 115

Number of Tamil payment shop holders 16 value 5,00,565.00

Number of small industries destroyed 17

Total number of small industries and shop holders affected - 140

Ginethane

Shops looted and burned - 30 (Tamils shop)

Lindula

Tyre rebuilt factory completely burned value 10 million (Tamil owner)

13.Subsequent clarifications, protests and condemnation by national and international agencies.

PROTEST AND CONDEMNATION

The massacre at Bindunuwewa was not something that top leadership of the government anticipated or wanted. President immediately condemned the crime, ordered the police to investigate and promised to take care of the funeral arrangements. Hearing this barbaric act, lot of people, politicians, religious groups, civil rights movements, human rights groups, political parties, individuals condemned this incident. But if we were to see all those who condemned this act, many of them are from the Tamil groups. Very few, from the Sinhala groups condemned this act.

Condemnation By International Organisation:

UN Secretary General,

Mr.Kofi Annan General Secretary of UN, said that on the 27.10.2000 killers of inmates in Sri Lanka should be brought to justice. In a statement, through his spokesman, he said he was profoundly distressed at the slaughter which took place, Wednesday at the Bindunuwewa Rehabilitation camp.

AMNESTY URGES FULL JUDICIAL INQUIRY



The London-based Amnesty International in a letter dated 27 October sent to the Sri Lankan President said, "Amnesty International is calling for a full and impartial inquiry into the killing of at least 26 inmates of the Bindunuwewa rehabilitation camp near Bandarawela on 25 October 2000. We also urge you to institute a thorough review of the detention regime affecting people held under the Prevention of Terrorism Act (PTA) and emergency regulations (ERs) to prevent the recurrence of such incidents. Such a review should include a thorough examination of the detention provisions under the ERS, including those for rehabilitation and surrender which we believe were key contributing factors for this latest gruesome incident.

"According to information received, at least 26 inmates, all young Tamil men aged between 14 and 23 undergoing rehabilitation after they were arrested or surrendered as suspected members of the Liberation Tigers of Tamil Eelam (LTTE), died as a result of injuries sustained in a vicious attack by a mob of hundreds of people from nearby villages. The villagers, all of whom were armed with clubs, machetes and other such implements.

“Apparently, the clash took place in the context of the inmates’ agitation for their early release and unrest in the area after posters had appeared a couple of days earlier urging for the closure of the rehabilitation camp. We understand that on the previous day a guard had temporarily been taken hostage by the inmates and that there had been tension in the rehabilitation camp as a result. According to reports received when the mob arrived at the centre, the police officers in charge ran away, allegedly to call for assistance from the Diyatalawa army camp. They failed in their duty to protect the inmates.

We have noted that according to the government, “external forces” incited the violence. However, it is clear that police personnel deployed at the rehabilitation camp were at the very least negligent in their duty to protect the inmates. It is also of concern that there are allegations that some of these police officers may have been involved in inciting the villagers or may have assisted them in entering the camp.

“We welcome your condemnation of the attack and the swift action taken by sending two police teams to investigate this incident. However, in our view, there is a further need for a full and impartial investigation to ensure that those found to be responsible are brought to justice and that compensation is paid to the victims and the relatives of those who were killed.

“We also see an urgent need for a comprehensive review of the detention regime affecting people detained under the PTA and Ers, including the provisions for rehabilitation of prisoners(ER20) permit a person to be detained indefinitely for the purpose of rehabilitation, on the basis of a Rehabilitation Order issued by the Defence Secretary. ER20A(1) provides that prisoners held in preventive detention or for investigation under the emergency

regulations, or who are detained under Section 9 of the PTA, can be the subject of such orders, which are issued 'in the interest of the welfare of such person'. While the Rehabilitation Order must contain a time period, there is no maximum time limit for the period of rehabilitation specified in ER20A. It appears possible, therefore, for people who were originally detained for preventive or investigative reasons to find themselves subject to lengthy detention under Rehabilitation Orders. Reports of agitation among the inmates of the Bindunuwewa rehabilitation centre about delays in their release, despite the time periods of the Rehabilitation Orders having expired, confirm this.

Under ER20, people who surrender to the police or armed forces in connection with a range of offences should be handed over within ten days of the surrender to the care of the Commissioner General of Rehabilitation. They should be assigned to a 'Protective Accommodation and Rehabilitation Centre' and given appropriate training. Such people can be held for rehabilitation for up to two years. People who "surrender" because they fear they will be attacked by terrorists, may also be detained for rehabilitation themselves.

"Article 9(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Sri Lanka is a party, requires that all people arrested shall be promptly notified of the reasons for their arrest and promptly informed of any charges against them. Article 9(3) of the ICCPR specifies that 'anyone arrested or detained on a criminal charge shall be promptly brought before a judge... and shall be entitled to trial within a reasonable time or to release'. The provisions for rehabilitation and surrender as set out in ER20 are clearly in violation of both standards.

“In December 1997 and January 2000 we appealed to the then Minister of Justice for a full and impartial inquiry after respectively three and two detainees had been killed at Kalutara prison. We were pleased to hear that a presidential commission of inquiry under High Court Justice A.Raja Nihal Fernando was appointed after the killing in December 1997 with a mandate to investigate the killings and the conduct of prison guards and others involved in the first incident. The commission was also mandated to make recommendations for measures to prevent the recurrence of such incidents and any remedial measures to be taken. It reportedly concluded its investigations on 23 April 1998. To date, however, to our knowledge, the findings of the commission have not been made public, nor is it known what its recommendations were and whether they have been or are being implemented.

“We also learned that the investigations into the killings at Kalutara prison in January 2000 have stalled after the police in April sent the dossier to the Attorney General’s department for procedural advice in relation to the holding of an identification parade of the alleged perpetrators.

“This apparent lack of decisive action to bring to justice those responsible for the killings and generally remedy the situation of detainees may have been factors contributing to the recent killings.

“We request that you give these issues your urgent consideration”.

HUMAN RIGHTS WATCH

Said today that ethnic violence in Sri Lanka would continue to escalate without decisive government action

against those responsible for a prison massacre last week, said Sydney Jones, Asia Director of Human Rights Watch.

The US Congressmen condemn Prison Massacre: Congressmen Benjamin Gilman, Sherrod Brown and Brad Shermen, in a letter addressed to the Secretary of State, Madeline Albright, urged her to register her concern with the government of Sri Lanka regarding the brutal murder of 24 Tamil prisoners and to support an independent and international inquiry. They further asked the secretary to urge the Sri Lankan government to release all Tamil prisoners who are being held in custody without being charged with a crime.

PROTEST IN THE PLANTATION AREAS:

In the plantation areas, especially at Bandarawale, there were no protests whatsoever. The Tamil people in the Bandarawala town, decided not to put the white and black flags because of the fear of repercussions. In other town areas, in the Badulla districts, there were reactions by the Sinhala mob, police and army, not to put the white and black flags. In all the estates, people spontaneously put the white and black flags and banners to express their grief and sorrow and did not go for work. At Haputala, there was a silent procession organised by the people. But only very few attended because of fear. In Bandarawale, one Sinhala resident of the hill resort town said it is a black mark on Bandarawala and whole community. The Chief Minister of Uva Province, on the 31st condemned the act, appeared in the Tamil papers only. But he is the one who said, earlier, in a numbers of meetings, that this camp should be removed. In the Bandarawale, there was a protest meeting organised by the group call Concerned Citizens for Human Rights on the 25th of October, under the patronage of Mr.

Vasudeva Nanayakkara On the 11th of December, a public seminar was held at Banadawale town hall on the violation of human rights in the plantation areas, where all the speakers condemn the massacre the Bindunuwewa.

In the Nuwera Eliya district, the protest march, meetings and putting of white and black flags were turned into another violence by the Sinhala mob and security forces. The people who were involved in the non-violent protests, were arrested. Some of the estate people showed their protest and anger by damaging state properties such as railway stations, railway wagons and also blockade of railway lines.

PROTESTS IN THE NORTH AND EAST

Severe condemnation by several Tamil parties was expressed specially as it increasingly seemed that the authorities concerned did little to prevent the attack. In Batticaloa, there was a very strong protest march organised by Federation of Public Organisations in which about 5000 people participated. The demonstrators were carrying slogans such as 'once upon a time, Welikkade; in between Kalutura and now Bindunuwewa'; 'Whether rehabilitation of Tamils, a burial ground?; 'awake International Organisations'. The demonstrators handed over a memorandum to UN Secretary, ICRC, UNHCR requesting to stop the state-sponsored massacre of Tamil people. In other places too, the protest marches were carried out. In Trincomalee, there were lot of protest marches and demonstrations. A memorandum signed by 25,000 people was handed over to UN Secretary General Kofi Annan and Trinco UNHCR representative, condemning the act and calling for immediate, impartial investigations.

Condemnation by TULF

A statement issued by the Tamil United Liberation Front(TULF), sums up the situation aptly: "The TULF severely condemns the brutal attack on Tamil detainees at the rehabilitation camp at Bindunuwewa, Bandarawela, in which 25 detainees have been killed and many others grievously injured persons is set to be serious. The manner in which the attack has been carried out is clearly suggestive of collaboration between officials at the camp and persons outside the camp who have planned and prepared to carry out the attack.

"Eventually a mob armed with dangerous weapons has carried out the attack. No efforts have been made to resist the attack, and to provide protection to the detainees. This strongly supports the view that there was collaboration between officials at the camp and the outsiders who planned the attack. The security forces arrived at the camp only after the attackers had left.

"One needs to know why the security forces could not arrive at the camp earlier and repulse the attackers. It is a severe indictment on the country's capacity to provide protection to all her citizens, that Tamil detainees held under government custody for the purpose of rehabilitation should be massacred in this manner. The least that can be done is to conduct a thorough impartial investigation into all the circumstances relating to this inhuman attack and to bring the offenders before the law.

"Sadly our experience is that while condemnation and assurances of impartial investigation are easily forthcoming, the end result is that no tangible action is taken and the offenders carry on with a sense of impunity. The TULF also strongly urges that substantial

compensation be paid by government to the families of those who have been injured while in government custody.

Protest in the South

In the South, in Colombo, near the Fort Railway Station, new left front, human rights task force and some public organisations had a protest meeting. Their demands were: People who were responsible for the murder should be arrested; immediate impartial investigation; release Mr. Chandrasekaran; etc.

JVP: Put up posters whole of the island in three languages. They too had a public meeting at Colombo Lipton Junction. About 1000 people participated. Their main slogans were: Sinhala, Tamil, Muslim people - do not become victims of racism; join hands for national unity; punish all the authorities involved in the Bindunuwewa camp; let us put an end to the racial violence instigated by the government against the Sinhalese and Tamils; etc.

The Civil Rights Movement's Strong Protest

Once again persons held in a place of detention authorised by the state have been brutally put to death. The victims are some 28 inmates of the Youth Rehabilitation Centre at Bindunuwewa. The Civil Rights Movement (CRM) expresses its shock and deep concern at this appalling event. It urges the government to ensure that the facts will be properly ascertained and revealed to the public and that all those responsible are identified and brought to book. At the present state many aspects are unclear. CRM nevertheless makes the following observations.

It is clear that the victims were held in the custody of the state and therefore entitled to its special protection.

An immediate priority must be ensuring the safety of the survivors, reportedly 13 in number who are injured

and in hospital. There is reason to believe that the second massacre at the Welikade jail (on 27 July 1983) was an attempt to destroy the survivors of the first massacre (on 25th July 1983) thus eliminating crucial eyewitnesses.

It is a shocking fact that in 1983 not only were Tamil political prisoners butchered in quick succession on two separate occasions in the same jail, but also that not a single prosecution was instituted against anyone in this connection, nor was a public inquiry held. (The inquests brought in a verdict of homicide and the police were ordered to make further investigations.) Subsequently there have been other attacks on prisoners at Welikade, at Mahara, at Kalutara. A relevant factor to be considered in examining the horrific events at Bindunuwewa must be the impunity enjoyed by the perpetrators of custodial killings in particular, and the general climate of impunity that has characterised human rights violations in Sri Lanka.

In the present instance the victims were being held in a camp established by the Commissioner General of Rehabilitation and inquests were held under the normal law. If, however, they had been in police or military custody, then the normal law would be by-passed and a much less satisfactory inquiry held. This is due to a change in the emergency regulations in May this year. It is essential that the normal law relating to inquests be restored in respect of all deaths that occur while in the custody of the state or its agencies.

The Bindunuwewa Centre in Bandarawela is one of the Centres established under emergency regulations. These regulations provide for rehabilitation of detainees and persons who surrender. Most if not all persons under rehabilitation are neither convicted nor

under trial for any offence. Some may not be even suspected. For this reason being held in such a centre constitutes a form of detention without trial. These emergency regulations, which have several other unsatisfactory features, need to be reviewed and amended in the light of international human rights standards as a matter of urgency.

It is essential that this crime be inquired into thoroughly and efficiently by an independent body. Justice must not only be done but must manifestly be seen to be done. In this regard, it is crucial that the investigation be such as to command the confidence of the public, with special consideration to the ethnic dimensions involved.

The National Peace Council said in a statement that the attack was the result of the war hysteria built up during the election campaign. "The incident at Bandarawalla demonstrates that war mentality cannot be limited to the North-East theatre of operations. Unless the government speedily emphasis constitutional reforms and a political solution. We fear that the larger society it self will be brutalised beyond repair.

PRESIDENT APPEALS FOR RESTRAINT:

President Chandrika Bandaranaike Kumaratunga, in an address to the nation on national television and radio on Tuesday night (October 31st 2000) - appealed to the people to act with restraint and asked the Tamil and Muslim communities not to be deceived by the acts of violence which are committed by groups acting in collaboration with the LTTE.

"We exhort all people of this country not to get agitated or provoked by the malicious efforts of or

opportunistic individuals. Despite the killing of the Chief Incumbent of the Dimbulagala Raja Maha Viharayah, bombing of the Sri Dalada Maligawa in Kandy, there were various malevolent elements who attempted to incite the people in connivance with opposition politicians and we were able to successfully avert a possible crisis following the people acting with wisdom and restraint," the President said.

"The reason why we were able to prevent a major situation such as this because you realised this, devoid of your ethnicity. It is because you paid heed to us. It is our firm belief that all sections of the community inclusive of public servants and trade unions will rally round us. We appeal to you to be enthusiastic in ensuring the safety of our country and our children," she added. "Those who spread narrow racist ideals are the very people who become traitors to the Sinhala people of our country. It is Sinhala racism that becomes the greatest strength of the Tamil racism of Prabhakaran. The best foundation for Prabharakan's terrorism is thuggery against the Tamil people."

She said: "The government expresses its deepest sorrow on the incidents that occurred at the Bindunuwewa Rehabilitation Camp in Bandarawela on October 25.

I also express my personal sorrow about this incident. Our government had taken all necessary steps to bring the situation under control. While expressing our deepest sympathy to all the relations and the families of the deceased, we have also made all arrangements to pay them due compensation. From the investigation carried out so far, it is evident that there is a certain group of persons behind these incidents. Accordingly, we are taking steps to take legal action against all those responsible for this incident without any hesitation whatsoever. Investigations are also being carried out to

see whether officials employed at the Camp have acted irresponsibly and to also see whether there has been any conspiracy behind this. We have also taken action against UNP MP P. Chandrasekaran for the incidents that occurred recently in the Nuwara Eliya District.

Whatever challenges we may have to face, we are acting with responsibility to ensure that a similar situation does not arise in the future.

Unlike the former rulers of this country, we consider that it is our responsibility to ensure the security of every citizen of this country. Hitherto whenever attempts were made to create trouble, we have acted irrespective of race or religion to ensure the security of persons and property.

When the LTTE tried to create religious strife by attacking the revered Dalada Maligawa with bombs and by this tried to re-enact another black July, we were able to avert this situation. We who have been given power by the people through their vote, will always do our best to ensure the security of the people. It is now clear that the LTTE and certain ultra-nationalist groups are conspiring against the government in Bindunuwewa, in Nuwara Eliya and in Colombo. We have taken all steps to prevent this situation. We are also moving to expose all groups that are behind these incidents. We have a very clear vision on the ethnic problem in our country. Although we are unable to solve the ethnic question as fast as we expected to, we address LTTE terrorism and the rights of the Tamil community as two separate issues. Therefore, we are dedicated to protect the just rights of the Tamil people.

We have made arrangements to give a political solution to the ethnic problem preventing the terrorism of Prabhakaran. We have not forgotten the problem of the Tamil people. Through the ethnic and national integration

ministry, we have taken action to solve certain problems. We have clarified this message through the Sundunelum Movement to all sections of our people. We have drafted a new constitution according to the law, so that the majority Sinhalese people as well as the minority communities could solve their problems through the Constitution.

We have never forgotten that the majority in this country are Sinhala Buddhist. A majority in this country are facing disaster due to the ongoing war.

As a consequence of the war, our economy has been badly affected. It is our Sinhalese nation that have lost most number of lives. By every bomb that is blasted, it is the lives of the Sinhala people that are lost the most. Looking at the overall picture, due to the short-sightedness of the previous government, a civil war had been caused.

It is only in the background of peace that the economic and social security of any nation is ensured. During the last six years, our government has laid the foundation for a strong social and economic base to ensure the welfare of our people. We have laid the plans for resuscitating our economy while fighting a war. We have also laid plans to spread out the privileges enjoyed by a handful of persons. However, due to the ongoing war, all the people are unable to enjoy these privileges. Due to this war, we become deprived of several lives and large quantum of money. Therefore, by ending this war, it is the Sinhala people that would gain the most.

With a view to end this war which is based on narrow racism and to enable our people to live in peace and harmony, we have created a Ministry of Ethnic and National Integration and a new Constitution.

Those who spread narrow racist ideals are the very people who become traitors to the Sinhala people of our country. It is Sinhala racism that become the greatest strength of the Tamil racism of Prabhakaran. The best foundation for Prabhakaran's terrorism is the thuggery against the Tamil people.

We should not forget 1983 where innocent Tamils were harassed, assaulted and killed. That was Black July 83. It is the myopic policies of the UNP which brought the LTTE to what it is today. A majority of the Tamils who are supporting the LTTE are doing so because their mentality has been aggravated to the point that they feel there is no alternative solution to their grievances. On the other hand, it was the catastrophe of July 1983 which enabled the LTTE to win sympathy from the international community. It was also consequent to that a majority of the countries started supporting the LTTE.

We have proved to the international community that we are running the government without resorting to terrorism by successfully forming a government with the Sinhala Buddhist majority in collaboration with the Tamil and Muslim minority. Consequent to this, it has come to the point that the international community is in the process of rejecting the LTTE. If there is a relapse of Sinhala-Tamil communalism, all our past efforts to usher in peace will be in vain. The international community did not assist us in 1993/94 during that time they recognised us as a barbarous community. We will ensure that there is no relapse. A majority of the population has approved our policies and work programme as evidence in ten elections during the last six years. It is now clear that certain groups are acting in an opportunist manner to ride to power. We explained the facts to the people in the

presence of those malicious elements. It is our objective to create to gather all ethnic communities within a strong economy where every citizen could co-exist peacefully.

We exhort all people of this country not to get agitated or provoked by the malicious efforts of opportunistic individuals. With the killing of the Chief Incumbent of the Dimbulagala Raja Maha Viharaya, bombing of the Sri Dalada Maligawa in Kandy, there were various malevolent elements who attempted to incite the people in connivance with opposition politicians and we were able to successfully avert a possible crisis following the people acting with wisdom and restraint.

Therefore, we are appealing to this country to act with restraint. We also appeal to the Tamil and Muslim communities not to be deceived by the acts of violence which are committed by groups who are acting in collaboration with the LTTE.

The reason why we were able to circumvent a major situation such as this because you realised this, devoid of your ethnicity. It is because you paid heed to us. It is our firm belief that all sections of the community, inclusive of public servants and trade unions will rally round us. We appeal to you to be enthusiastic in ensuring the safety of our country and our children.

At no stage our government sought political revenge or any other revenge. We have not been malicious. I am making a special appeal to you to cooperate with me to create a prosperous nation by changing the present constitution, which has become the bane of our country. We envisaged to implement this program by obtaining the cooperation of some people who were originally opposed to this.

In it also due to the LTTE's murder and mayhem that the economic progress of the Sinhala community has been inhibited and for a majority of Sinhalese has been killed. The LTTE is trying its utmost to spread this malaise to the upcountry areas as well by this method. We also appeal to the members of the armed forces and the police to be extremely cautious and vigilant and to ensure that innocent civilians are not unnecessarily provoked at a decisive time like this. We also appeal to them that it is only through that strategy that you could ensure that your colleagues in the battle-front in the North and East would be able to succeed in their endeavours.

I also call upon the Maha Sangha and all other religious dignitaries and leaders to cooperate with the government efforts. I specially appeal to all of you, in particular, Maha Sangha and other religious dignitaries to provide the leadership to bring the situation under control."

OUR COMMENTS

The analysing at the talk given by President Chandrika Kumaratunga on national television and radio, reveals number of points for our consideration. In the days of Mrs. Indira Gandhi, as Prime Minister of India, whenever there were troubles about which she could do little, she put it all on a foreign hand. In Sri Lanka, President, authorities and mass media put it on LTTE or unseen hand or on Ultra-Nationalist. Blaming the victim-syndrome, the upcountry Tamils and the LTTE were blamed for the violence.

In the first para, asking the Tamils not to collaborate with the LTTE. In the second para, she is taking only one side attack forgetting all the atrocities inflicted by the

security forces in the North and East and also what has happened in Kalutura, Ratnapura and Passara. Putting the blame on the opposition politicians, she has forgotten the damage to the Hindu temple and the houses in Kandy immediately after Sri Dalada Maligawa incident.

Para number three, speaks of Sinhala racism giving strength to Tamil racism of Prabhakaran. But she had forgotten that Sinhala racism spread from 1920 onwards, is a cause of present crisis, when Prabhakaran was not even born.

Para number four expresses deepest sorrow... She as the Minister of Defence, directly responsible for the camp not willing to give actual number of inmates and also funeral expenses and compensation to the kith and kin of victims not released that was promised by her. Even-though the Parliament has accepted the International Independent Body, she has not made any attempt to form this body.

Para number five: like the first president of Sri Lanka, she was proud to say that she has arrested Mr. Chandransekaran, UNP MP., blaming the victim-syndrome. She is promising that such incidents in future, will not take place. Even the present inmates who were injured were put in chains in the army hospital. And also, the Tamils who were arrested were tortured not only by the security forces, but also by the prisoners in the Badula prison.

Para number seven: she has ensured the security of persons and property. This may be true for the Sinhalese people and 75 per cent of the compensations denied to the Tamils.

Para number eight: She has blamed again LTTE and ultra-national groups forgetting that her own party members are in these groups. She speaks of LTTE terrorism and rights of the Tamil community as two

different things. What is the right of the Tamil community, she has given so far? How many Tamils were air-bombed during her period of tenure and properties destroyed?

Para number nine: What actions has she taken to solve the ethnic problem through the Ethnic and National Integration Ministry? Or Sudunelun Movement / these two were started with the foreign fund to catch the votes of the people; not for a political solution. Her new constitution not even accepted by the people who represent the rights of the Tamil community, leave alone the LTTE.

Para number ten says that the Sinhalese that have lost most number of lives. Can she substantiate this with official statistics?

Para number twelve speaks of social and economic security. She has sold the whole economy base through the multi-national companies under the privatisation scheme. Today, more than 50 per cent of the population are living below the poverty line. The worst affected group is the plantation workers due to the 300% increased in the Cost of Living Index after year 1994.

Para number fifteen: When so many organisations wanted full inquiry of the July 1983 incident, upto now, she has not made any such attempt. She had openly accepted that majority of the Tamils are supporting the LTTE.

In the para before the last, she is blaming the LTTE is trying to create violence in the upcountry. This is justified to open up army camps in the upcountry and to crush the workers who are fighting for their just demands and their human rights.

Finally, her appeal does not give any hope of solving the crisis in Sri Lanka, especially ethnic crisis that is taking place in the plantation area. The arrests, detention,

torture in the plantation areas are already on the increase, compared to the seventeen years of UNP period. More than 500 innocent Tamils had been arrested, detained and tortured under the PTA and ER will create further tension in the plantation area and she will be responsible for creating another North and East in the beautiful hills of Sri Lanka.

“Sadly our experience is that while condemnations and assurances of impartial investigation are easily forthcoming, the end result is that no tangible action is taken and the offenders carry on with a sense of impunity” said Secretary General of TULF Mr.R.Sampantham.

14. The Silver linings in Government action

Immediately after the 25th incident the President CKB expressed her deep shock and grief over the incident at Bindunuwewa detention camp where a group of LTTE detainees had been killed and several others had been injured. On her direction special teams comprising high level officials were sent to Bindunuwewa to investigate the incident and submit report to the President. The government will take steps necessary to conduct full investigation and bring to book all sectors responsible. The government has also drawn up a special security plan to all detainees in the camp in the country to prevent such incident in the future. After few days of the incidents she said that she has received some information that the provocation from “outside forces” has led to this crisis. She also appointed the Human Rights Commission (State) to investigate the incident at Bindunuwewa centre.

Priminister Ratnasri Wickremanayake told parliament on the 23rd of November that the government would make more arrests in connection with last months

massacre of Tamil detainee at the BRC. He said, "our investigation shows that around 30 more suspects in the massacre are still at large and need to be arrested. They include soldiers policemen and people who belong to neither of those forces". He further said that the government had nothing to hide, promising full fair and impartial inquiry.

The CID team who investigated the incident has arrested 24 people to further questioning and taken them to Colombo CID head quarters 4th floor. They are 2 army officers, 2 police inspectors, 6 sub-inspectors, 4 sergeants, 1 RIS, 2 army cadres and 3 civilian employees in the camp and later two villagers and 3 teacher trainees from the near by Government teacher training institute. According to the CID investigation the investigators have recovered six 7.62 spent cartridges at the scene of the incident.

The only silver line in this continuous detention process is the limited relief afforded by the Judiciary. 50 Tamil prisoners were discharged by courts upon discovering that the detention orders were not issued by the appropriate or competent authority and therefore invalid. 16 of these were at the Nuwera Eliya Courts and 34 at the Hatton courts. 29 out of the 48 produced at the Badulla courts were released on bail.

ANALYSIS, RECOMMENDATIONS AND CONCLUSIONS

Extending military rule as in the North-East in the plantation after Bindunuwewa genocide.

The PA Government led by Chandrika Kumaratunga Bandaranayake (CKB) is repeating the same mistake again in case of the plantation Tamils living in the hills, covering

14 districts in Sri Lanka by unleashing the armed might of the "Sinhala" state against the plantation Tamils in a fanatic bid to crush nascent militancy. This regime has not only opened up a "third" military front but also fomenting unrest through partisan oppressive measures that may very well cause a tremendous political upheaval in the plantation areas.

A blatant fact is that the history of Sri Lanka has been glossed over is the reality that the bulk of anti-Tamil violence was perpetrated while the curfew was in force. Most Tamil businesses were smashed up, gutted and looted under the very noses of the security forces. State propaganda particularly the security forces have been conveying a distorted version of the upcountry events to the world at large in a slightly different example of the blaming "the victim syndrome", the up country Tamils were blamed solely for the violence.

The arrests in the plantation is an ongoing enterprise. Tamil people are being regularly rounded up and detained. The people from the North-East now residing in the up country are viewed with particular suspicion, many North-East people have been brutally tortured. The rationale for arrested is of two fold, on the one hand Tamils have been arrested for alleged involvement in anti-state, and anti-sinhala violence. On the other they are arrested as suspected Tigers. During the recent arrest human tortures inflicted upon a number of people arrested at the Nuware Eliya police Head quarters. Many who are remanded were have been brutally assaulted by prison officers and Sinhala prisoners in Kandy and Badulla. A horrible incident was when about 20 prison guards and prisoners at Badulla assaulted a batch of detainees mercilessly accusing them of murdering a Buddhist priest and raping Sinhala school girls.

N.B:

A young Buddhist priest was murdered at Dowa Buddhist temple close to the Bindunuwewa camp one week after the incident. It was reported by some that this Buddhist monk had known the gang behind the Bindunuwewa massacre. The plan to create ethnic violence in Bandarawala was initiated at the Dowa temple. This Buddhist monk wanted to go to the Bandarawala police station to report the gang behind the incident. It is after that only he was murdered at the temple by the inmates. There was no incident of raping sinhala schoolgirls reported anywhere.

Six incidents of sexual violence against Tamil women were recorded. The most serious one being against the three daughters of a sixty nine year old Tamil, estate bungalow watcher Muthaiah Chellaiah at Watagoda. Given prevailing social taboos and the explosive nature of the situation, it is presumed that many other sexual assaults have gone unrecorded. A grave charge is the alleged mass rape of Tamil women forcibly abducted in state owned buses. The alleged mastermind behind this heinous crime is a person called Amara Nishantha attached to the Hatton Depo.

The state that claims that Tamils are safe in the South is conspicuously inactive when it comes to Sinhala perpetrators of anti-Tamil violence. Also a handful of Sinhalese arrested have been produced in courts under normal law and swiftly released on bail. Police recording complaints by the affected Tamils have deliberately omitted the identities of those responsible for the crimes as alleged by the complainants and recorded as unknowns persons and this statement is returned in Sinhala and Tamil has to sign as true statement.

A clear discrimination in matters of compensation where the Government is not affording compensation formally on a collective humanitarian basis. Sinhala victims by S.B.Dissanayaka's Ministry and Tamil victims from Arumugam Thondaman's ministry. For example a Tamil victim was given 50,000 while a Sinhala victim was given Rs. 350,000 where damages for the Tamil victim were ten times more than the Sinhala victim.

The Defence Minister C.K.B seems to have given a free hand to police and the armed forces. It rashly inducted troops into the plantation areas to crack down on the Tamil people through arbitrary arrests and also militarising the estate sector by establishing a number of army camps in the plantation areas with the Head quarters for the up country security system in Talawakela Hatton road on a 100 acre tract of a productive estate land.

The military presences it likely to be located in a way that would carve up and contain the Tamil dwellings into control sectors. Seeking to protect factories, railway lines, power installation, dams and other government infrastructure, it was to deploy the army. The main reason about these camps is to protect and foster the Sinhala settlements in the estate areas thus gradually diminishing the Tamil position in the hills.

In the middle of the year 2000 the government authorities in Kandy initiated another discrimination in a decision to issue special identity cards to all plantations Tamils. This measure was suspended temporally because of the protest from the estate sector.

After the ethnic carnage in the Hills on the advice of the agriculture Minister D.M.Jeyaratna the police commenced a "family Photo" system in the fiefdom of "dimoo". The police division of Gampola, Pussellawa and

Galaha are now forcibly photographing all plantation Tamil family members. One copy will be with a police and one with the estate management and the third is to be framed and hung in each humble line room. The cost of these photos are deducted from the worker's wages. This measure is arousing resentment and perhaps a fore runner of the security net that is likely to envelop the up country Tamil sector. C.K.B regime continues with its militarisation but militarisation is not a answer to curb nascent militancy.

16. A Critical analysis of the circumstances surrounding the genocide and related atrocities

The Sri Lankan Foreign ministry has published a colourful booklet titled "Impact of Armed Conflict on Children: The Sri Lankan case". This booklet was distributed in large numbers to delegates attending the International Conference on war affected children at Winnipeg, Canada from September 10 -17, this year. An excerpt from it states: "The government of Sri Lanka has paid considerable attention to the aspect of rehabilitating and meeting the needs of LTTE child soldiers/youths who surrender. This process which has been in operation since 1996 was initially supervised under a special Presidential Committee on 'Safety and Welfare of LTTE Child Soldiers' which was part of the Presidential Task Force on Human Disaster Management. Two rehabilitation centres had been set up for this purpose. One for male children in Bindunuwewa, Bandarawela and another for female children, named 'Methsevana' in Gangodawila, Boralasgamuwa.

The booklet also says that "In order to carry out a more comprehensive rehabilitation programme, with the aim of reintegrating these children into society, a multi-sectional steering committee chaired by Foreign Minister

Lakshman Kadirgamar was constituted by President Chandrika Kumaratunga in November 1999.” It further notes that a Four pronged action plan was drawn up to rehabilitate child surrenders, encourage other youngsters to surrender through assurances of proper rehabilitation and care, build an international coalition against the recruitment of children by the LTTE and prevent recruitment of children and youth by the LTTE.

Stepping stone to society

According to the booklet an appeal for international assistance in this regard by Kadirgamar to the diplomatic corps and UN representatives in Sri Lanka had been well received and assistance had begun coming in. As a result facilities at the Bindunuwewa centre had been undertaken at the Don Bosco Technical Centre in Negombo to enhance its capacity so as to absorb and provide technical skills to those coming from these rehabilitation centres as a ‘stepping stone to their reintegration into society.’

Its is quite evident therefore that the rehabilitation centre at Bindunuwewa was an important aspect in the government’s military effort against the LTTE. It was a project that received maximum attention and support of President Kumaratunga and Foreign Minister Kadirgamar. It seems however that despite the laudable intentions professed by the government they were designed more for international consumption and propaganda rather than for actual positive results on ground.

According to the government version they were giving protection to the child soldiers. But according to the International convention on child rights everyone below the age 18 considered as children and they must to be protected by the state and the society. But BRC is a

grievous violation of the childrens rights. This centre was made use of to collect fund from the International Humanitarian agencies. But in actual fact leave alone other facilities they were not even provided with proper meals. Most of the NGOs and the International Humanitarian Organisation in Sri Lanka that are manned by the Sinhalese for the Humanitarian assistance to the Tamils not even 25% of the financial and other resource allocations goes to the beneficiaries. The bilateral development programmes do not go to the reach of poor Tamil society even though the finances were given their benefit. Same thing happens at BRC funds. It has gone to the hands of the managerial sector (about 75%). This is the important aspect that the International Humanitarian Agencies have to take serious note of.

According to this book this centre is for the LTTE "childs soldiers" that is a reason they brought in two children between the age of 12 and 14 who were in the streets of Ambara in the east. They did not want these two children to be released even after number of request made by the inmates. In the rehabilitation act nothing was about the children. One wonder whether Don Bosco Technical centre provides any technical course in Tamil. The inmates are forced to sing the National Athem in Sinhala and 99% of the officials were Sinhalese, so to which society there are going to reintegrate these people?. Just by having 4 children under the age of 18 were they able to reduce the child soldiers?. One wonder what is taking place at the female children centre at Boralasgamuwa.

Black July 1983 murders, ethnic carnage, the ugly inhuman terror and counter terrorism gave baptism to unprecedented violence. This has turned into a totally fateful destiny of our current socio-political culture. Most

of us thought that we had entered into a new era of political culture since 1994. At the initial stage, the Tamils had hopes of their safety and well-being. During the past seven years of PA rule, even though there is no island-wide ethnic carnage like the July 1983, the mass-scale violence, but the violence and murder that has taken place in different areas in different times under the PTA and ER has amounted to have taken more lives, more destruction and heavy financial burden than the seventeen years of UNP rule. Thus the continuing socio-political culture of poverty and lawlessness in the country continue unabated.

Today, average Southern Sinhala citizen, has not changed his understanding of the Tamil community and their legitimate rights for equal status in Sri Lanka. The inner dark corners of the dominant Sinhala psyche, still seems to harbour a nationalism where Tamils have no place. The security forces and the officers seem to foster racism. Now the a question is are the Tamils safe in the South?

The recent violence and destruction in the hill country is perhaps of a result of governing without principles - prevailing in our country. Governing without principles has become specifically clear after the recent general elections. Nearly everyone violated election laws, one of the biggest violators was Minister of Justice who was an academic held in high esteem by the public. People thus see the huge gap between words and deeds.

The President was so distressed by the unlawful activities of some of her party stalwarts that she gave a free and fair election promise that she would not nominate those who engage in election violence for candidature with Party. But, what does the public see now? She has gone back on the promise and appointed (Ministers and Deputy Ministers the chief perpetrators of these crimes)

as Ministers, Deputy Ministers and some of the highest positions in the new government. This had eroded the credibility of the president as well as the government.

A very serious outcome of governing without principle is harm done to the police officers responsible for maintaining law and order. When police officers of all ranks are reduced to pawns in the hands of dirty politicians and the under-ground mafia, the policemen have bound to change their attitude to their duties. If they refuse to carry out illegal orders given by the politicians or their henchmen, they are punished again. If the majority of the Sinhala society, allows section of them to over-rule the efforts of democracy by a racist and murder politics, it will take another 53 years of so called independence and the 21st century will wait to witness the practical politics in only Theravada Buddhist country in the world.

At the recent incident, at Bindunuwewa, even the Magistrate has confirmed that the crime has occurred, the public refused to give evidence when they were called. Another shameful and damning episode in Sri Lanka's political history has come to pass. A number of racist parties were formed with in PA during election period and the PA as well as other political leaders were emitting fires of racism; but they were never termed.

The another stange pheonomen observed is word used. It is centre or "camp". According to the rehabilitation act such places to be called as centres and the Human Rights Commission (State) use the word centre, but the mass media and the public mostly use the word camp or open prison. From all but we here about this BRC is reflects the tendency of a torture camp. But for all international consumption the word centres is used.

Human Rights Commission (State) is a state sponsored organisation appointed by the President and in this commission in Badulla district not a single Tamil was appointed. The chairman of human rights commission is Muslim Mr. Faijz Mustapta (retired judge). In their interim report (see Annexure-3) does not give true picture of the incident. In spite of the fact they had all the access for this investigation. This was the reason why many people asking for the independent inquiry to be composed from the society of the victims. This commissioner of inquiry to be appointed with very wide terms of reference to inquire in to the matter both in Badulla district and Nuwera Eliya districts.

There is no doubt the responsibility for the black deepavali in the hills, be borne by the present government as it was police and army personnel that fail to prevent this incident even though it was pre-planned by the outside forces. Further it was these same authorities who had the responsibility for maintaining law and order that were responsible for inciting and involving in this genocide.

Another important thing regarding the BRC is about the nature of the inmates. The President, Ministers and the Human Rights Commission (state) said that the inmates were LTTE surrenders and the tension in the camp was created by a card core LTTE surrender from our observation it is clear that the inmates were Tamils including the child of 12 years. Putting the blame on the LTTE is to avoid the actual perpetrators.

The Civil Rights Movement states that the Bindunuwewa centre at Bandarawala is one of the centres established under emergency regulations. These regulations provide rehabilitation of detainees and persons who surrender. Most, if not all, persons under rehabilitation are neither convicted nor under-trial for any offence. Some

may not even be suspected. For this reason, being held in such a centre, constitutes a form of detention without trial. These emergency regulations which have several other unsatisfactory features, need to be reviewed and amended in the light of international human rights standard as a matter of urgency.

It is essential that this crime be inquired into thoroughly and efficiently by an independent body. Justice must not only be done but must manifestly be seen to be done. In this regard, it is crucial that the investigation be such as to command the confidence of the public with a special consideration to the ethnic dimensions involved.

The chauvinist group in Bandarawale is a mixture of a number of parties. Some of the members of the PA and UNP are also members in the Vira Vidana and Sihala Urumaya. Out of this, one of the racist party candidates was also among the attackers.

All those injured were Tamils. And also those who took part in the killing were Sinhala and Muslims. These two communities too, must take some responsibility for actively or by their silence, allowing the spread of ethnic chauvinism that leads to massacres of this nature. How many of the Sinhala-Muslim mobs, spared their thought for equally vulnerable soldiers taken as prisoners by or surrendered to LTTE.

Some Sinhalese demanded that the camps of detention should not be situated in the vicinity of Sinhala areas. In the same way, one can say that Tamils should not live in the vicinity of Sinhala area. If so, are the Tamils in the South safe?

Our experience in the past is that while condemnation and assurances of impartial investigation are easily

forthcoming, the end result is that no tangible action is taken and the offenders carry on with a sense of impunity. More than five political prisoners were massacred at the high security prison in Kalutara (1997). A commission of inquiry mandated to make recommendations for measures to prevent the recurrence of such incidents and any remedial measures to be taken concluded its investigation on the 23rd April, 1998. Upto today, to our knowledge, the findings of the commission had not been made public nor is it known what its recommendations were and whether they have been implemented.

Yet another similar incident took place at Kalutara prison on January 2000. An investigation to those killings have stalled after the police in April, sent the dossiers to the Attorney General's department for procedural advice in relation to the holding of an identification parade of the alleged perpetrators. Immediately after the incident at Bindunuwewa, president herself sent two high-level teams (police and the (national) human rights group) to investigate matters at the camp. But nothing tangible has come so far. Such action was only for international consumption. The credibility of the investigation is questionable. From what we have gathered from various sources and also after reading the human rights report. If the security forces were actually interested in arresting the culprits, they could have arrested leaders who were leading the mob on the spot. There were enough evidences immediately after the general elections. There was poster campaign to incite racial violence few days prior to the incident. This was just a catalyst to provoke the people.

The Sinhalese chauvinist tendency was clearly manufactured in the way the injured the treated. At first the medical staff in Badulla district and Nuwara Eliya

district refuse to attend to the "kotis" (Tiggers), and the innocent injured people were chained to the hospital bed. Some of the injured in Nuwera Eliya district was arrested and because of this most of the injured did not take treatment in the government hospital. The estate management did not come to rescue to the Tamil workers. Only after the out siders intervention the attention was given to the injured.

People become mob in a climate of impunity. The devastation on communal clashes in the centre hills may be a consequence of long festering ethnic discontent. There is now a profound distress within the Sinhalese and the Tamils of the hills and the fact that there is alarmingly high unemployment rate among the plantation youth is equally frightening.

North and East war cannot be confined to the North and East. The frontlines are stretching everywhere. The war mentality created by war has to spill over into the rest of the country. After a month of this incident, the country has returned to some semblance of "normalcy". But at what cost and what erosion of trust in both the government as well among the Tamil and Sinhala communities? At present, they are planning to shift the rehabilitation camp to Vavuniya under the management of NYCS. The government is also planning to start army camps in the hill country to give protection to the Sinhala people and to crush the Tamils like in the East. The present government needs to make its stand clear on the ethnic conflict, instead of communicating to the public in a dual manner. This can reduce political uncertainty regarding the political process in which the forces of violence thrive. This is the last chance for the government to take the peace initiatives strongly taken by the Norwegian government and act

quickly to bring about lasting just political solution so that the minorities can co-exist with equal rights in Sri Lanka.

17. Recommendations for action

Impartial inquiry by the international commission of jurists or amnesty international with the support of the local people belonging to the Tamil community. Since, in the past, earlier investigations by the Scotland Yard on Premadasa's murder are not at all satisfactory.

All the rehabilitation centres for the Tamils should be closed and they should be released immediately since Sri Lankan government cannot provide a true rehabilitation programme for the Tamils. For hundred percent Tamil inmates, 99 per cent staff are Sinhalese. They were not even able to understand the language of Tamils. It looks like the NYCS, run mainly by the 99 percent Sinhalese, is interested into getting for foreign funds in the name of helping the Tamil detainees.

If there are Tamils, who are not safe in that area or at home, they should be handed over to the Humanitarian Organisation in the North and East and no Sinhala security personnel or staff should be allowed to manage.

Sri Lanka had been ruined since independence due to PTA and ER regulations. These two laws must be repealed and the normal laws must come into operation since these two laws will not solve the problem but will be detrimental to a solution. They are the source of violation of human rights.

After the incident, various reports and statements and among the public in Bindunuwewa and Thalawakalle, there is a silver line appearing as to who was responsible for this incident? Those main agents in the camp and outside the camp must be arrested and duly punished.

All victims, both dead and injured must be given due compensation. Not only the people at Bindunuwewa, but also the people in Nuwera Eliya District. An independent committee must be appointed to go into the value of destruction and proper compensation must be paid through this independent body, with good percentage of Tamils. Tamils from the affected areas should find a place in this body.

To reduce ethnic tension in the hills, stop opening of Rehabilitation Centres in the hills. Give proper status for the Tamil language in all the departments and treat the Tamils as equals. Employ the Tamils in all the state departments to go into the needs of the Tamils.

Release the full details of the actual number of inmates who were in the camp as on 24.10.2000

There are more than 10,000 people in different prisons and detention centres. Release all those who have no cases against them so far and send all the Tamil detainees to the North and East and shift all their cases to the North and East if the government is serious in giving protection to the Tamils. There is no guarantee that detainees are safe in the South.

We call upon all who work for human rights, other progressive international organisations to bring about pressure to the Sri Lankan government first to conduct independent inquiry on the incident and second to find a lasting solution to the present ethnic crisis in Sri Lanka.

18. Conclusions

According to International Humanitarian law “prisoners must at all time be protected against acts of public curiosity”

Annexures

A1 - World Socialist Web Site (www.wsws.org)

WSWS : News & Analysis : Asia : Sri Lanka

On-the-spot-report

TAMIL DETAINEES HACKED TO DEATH IN SRI LANKA BY ORGANISED RACIST MOB

By our correspondents

27 October 2000

Back to screen version:

On Wednesday morning, an organised mob of Sinhala racists burst into a detention centre for suspected members of the Liberation Tigers of Tamil Eelam (LTTE) at Bindunuwewa and attempted to hack to death all 41 young Tamil detainees. So far 28 are dead - 24 were killed on the spot and another four have died of injuries. Most of the remaining internees are in hospital in a critical condition under tight police guard. A few have been reported as missing. Bindunuwewa is near the town of Bandarawale, 270 kilometers from Colombo in the central hill region of the island.

According to the local villagers, several hundred thugs were armed with knives, swords, sticks and stones had arrived by vehicle at the camp. They not only killed the detainees but set fire to their bodies and to the buildings. We saw some of the gruesome results at the hospital in Bandarawale - severely burnt bodies and bodies with deep cuts to the head and neck. A hospital employee said he had seen headless bodies.

The Sinhala chauvinist press in Colombo have been quick to blame a protest by the Tamil detainees themselves for provoking local villagers into a spontaneous orgy of

violence. Yesterday's lead story in the daily Divaina, entitled "Bindunuwewa villager and Tigers (LTTE members) clash and 24 Tigers face death", alleged that the detainees had assaulted the chief officer and police officers, set fire to their uniforms and documents, grabbed their weapons and behaved in a riotous manner.

But the facts point in another direction. The brutal massacre has all the hallmarks of an organised operation involving Sinhala chauvinist groups acting with the active or at least tacit support of the Sri Lankan Security Services.

All of the detainees had been held as "LTTE suspects" for lengthy periods without trial under the country's draconian security laws. Most were from the war-torn north and east of the country; two were from central plantation districts.

At about 10 p.m. on the previous night, a dispute broke between the inmates and the officer in charge, Capt. Abeyratne, over delays in their release. Mr. Abeyratne said on Sirasa TV that police officers on guard in the centre had fired into the air because the inmates had kept encircling him in "a threatening manner".

Following the protest, camp authorities called in police reinforcements from Bandarawale and soldiers from the nearby Diyatalawa army camp. There are conflicting reports as to whether the additional guards remained or were pulled out of the area at midnight. But whichever is the case, the ability of the mob to get into the detention centre with little or no resistance points to the connivance of the guards and possibly those in charge.

Local villagers, who had seen and heard the rampage, strongly denied attempts by the police and media to blame them for the massacre. "We villagers are

farmers. We do not have vehicles. Those attackers had come in several vehicles,” one villager told us. Another directly accused the police saying: “Now the police are trying to frame up innocent people, pretending that they themselves have no idea about the incident. The police could have prevented it.”

Others expressed sympathy for the victims. A retired school vice principal said: “They were very good boys. I gave several lectures to them [in the camp]. They were helping the village by participating in Shramadanas (volunteer mass works) such as drawing water from tube wells for the villagers, etc.” An old farmer added: “These youth were not harming anybody in the village. So, I do not think that our villagers attacked them. I cannot believe it.” A woman said: “These youth were innocent. They were doing good service for the village. We have not experienced any trouble from them even though the camp has been there for 15 years.”

Another indication of the involvement of Sinhala extremist groups was the presence of racist anti-Tamil posters in both Bindunuwewa and Bandarawale specifically targeting the detainees. The slogans included: “Rehabilitation Tiger is a germ in the village, chase them away”, “Good water for the Tiger and muddy water for us” and “Panathipatha (the Buddhist precept of refraining from killing) a farewell to you”.

There are eight villages near the camp: Aluthgama, Hapugasulpatha, Guru Viduhala, Maduvalpathana, Kandakumbura, Bindunuwewa, and Dickulpathmulla. In the early hours of Thursday, police turned up, searched houses and ordered the villagers to report to the Bandarawale police station to make statements.

About 400 people, including women and children, who turned up at the police station were taken by bus to the army camp at Diyatalawa, a few kilometres away, then brought back to the station and kept waiting in the open without food for hours. The police insisted that about 50 of the villagers should voluntarily confess to being involved in the murders. But they angrily denied any involvement. The villagers were finally released just prior to 5 pm to 5 am police curfew that had been clamped on the Bandarawale area.

The deputy chairman of Bandarawale town council, Raghupathy, visited the camp and said that it looked like "a battlefield". This was not a spontaneous attack, it was well orchestrated, he commented. A number of Tamil parties, including the Tamil United Liberation Front (TULF) and the Tamil Eelam Liberation Organisation (TELO) have condemned the murders.

President Chandrika Kumaratunga issued a statement saying that she was "deeply grieved" over the deaths and injuries and "unreservedly condemned this unfortunate incident". She stated that "provocation's from external forces had led to this situation" and added: "At no time were there any incidents among the detainees and the management. There were no incidents with the neighbours either".

Which "external forces" the government is moving to blame is not clear from other official statements. Information and Media Minister Anura Yapa issued a media release announcing an official inquiry and speculating that the murders had been "maliciously planned" to embarrass the new Peoples Alliance government. He perversely claimed that "it is also natural that suspicions exist that the LTTE has been behind this".

Army Commander General Lionel Balagalle was even more explicit in comments to the Reuters news agency. "We are certain that interested parties were behind the incident". He said, pointing the finger at "certain outsiders", who had visited the camp over the past three weeks to set up trouble. Balagalle's comments are a crude attempt to blame the victims and those who defended him, implying that they deserved their fate for protesting over their lengthy detention.

Little mention has been made of the most likely organisers of the massacre - Sinhala extremist groups that have been responsible for anti-Tamil attacks in the past. In the recent Sri Lankan election, both the ruling Peoples Alliance and the opposition United National Party tailored their campaigns to appeal to those chauvinist layers. Like other official investigations, the inquiry into the latest massacre will be nothing more than a whitewash aimed at exonerating the government and the security forces.

The latest massacre is reminiscent of the killing of 53 Tamil political prisoners at Welikada jail in Colombo city in July, 1983 in the midst of the anti-Tamil riots that resulted in hundreds of deaths and set the country on the road to civil war. In December 1997, Sinhala prisoners egged on by jail guards and soldiers set upon political detainees at the Kalutara prison, 30 kms south of Colombo, killing four and seriously wounding others.

Hundreds of Tamils have been arrested, tortured and detained without trial for months and years in detention centres and prisons as part of the systematic harassment and intimidation of the Tamil minority by security forces.

Bindunuwewa Rehabilitation Centre is just one of a number of government camps in which "LTTE suspects"

are held and subject to compulsory brainwashing. Many of the “suspects” have no connection at all with the LTTE. Socialist Equality Party member Selliah Rajkumar was held for months at Bindunuwewa, denied access to party members and finally released after an extensive international campaign by the International Committee of the Fourth International.

A2 - Report of the Human Rights Commission

Interim Report on the incidents at the Bindunuwewa Rehabilitation Centre, Bandarawela - 24 & 25 October 2000

Introduction:

On the 25th of October, 2000, Mr. Senaka Dissanayake, the Regional Coordinator of the Human Rights Commission assigned to the Badulla District, brought to the notice of the Commission, that in the early hours of that day there had been an incident at the Bindunuwewa Rehabilitation Centre, in the course of which several inmates had been killed and several others seriously injured. In response to this information, the Commission decided to inquire into the matter and accordingly having informed Mr. T.E. Anandarajah, Acting Inspector General of Police and General Rohan Daluwatte, Chief of Defence Staff of the Joint Operations Bureau, Sri Lankan Army, the Commission visited Bandarawela on the 27th of October, 2000.

We interviewed Mr. B.M. Premaratne, Senior Superintendent of Police, Bandarawela, Mr. Laxhman Seneviratne, Senior Superintendent of Police, Badulla, ASP Mr. Dayaratne and Brig. C. Gunasinghe, the Commanding Officer of the Diyatalawa Army Camp. On the material date, Mr. B.M. Premaratne, SSP Bandarawela

had been in the Division and A.S.P. Mr. Dayaratne had been acting for him.

The three Police Officers concerned stated that they had no personal knowledge of any of the incidents and furnished us with such information as they said that they had been able to obtain in the course of their investigation. We thereafter, visited the Bindunuwewa Rehabilitation Centre and made our observations. We also visited the Diyatalawa Army Hospital and interviewed ten detainees who had sustained injuries. We recorded statements from nine of them as the other was not in a fit condition to make a statement. We also had the assistance of our Regional Coordinator.

As at the 24th of October, 2000, this Centre came under the administrative control of the National Youth Services Council (NTSC) which now functions under the Ministry of Youth Affairs. The Officer in Charge of this Centre was Captain Y.P. Abeyratne who is a Volunteer Officer in the Cadet Corp. of the Sri Lankan Army. He had been employed in this capacity by the NYSC and had been in charge of the centre for about six years. He is reported to have maintained a satisfactory working relationship with the inmates. He was assisted by another Volunteer Officer namely Lieutenant P. Abeyratne who had been assigned to the Centre about two months back.

There were four other civilian officers attached to the Centre. There was a Police Post within the Centre manned by a Reserve Police Constable, a Grama Arakshaka and two Security Assistants, all of whom were from the Bandarawela Police. Three of these officers carried weapon namely two T56 firearms and a shotgun.

We have not yet been furnished with a record of the number of detainees as maintained by the officials attached to the Centre. According to the records maintained at the Regional Office of the Human Rights Commission, there were 46 detainees at the Centre as on the 15th of October 2000. At this point, it is pertinent to note that one of the functions of the HRC is "to monitor the welfare of persons detained by a judicial order or otherwise". Accordingly, Mr. Dissanayake, the Commission's Regional Coordinator in Badulla had regularly visited the Centre and inspected the conditions of detention. The Coordinator also received and recorded all information pertaining to new admissions to the Centre as well as releases from the Centre on the termination of rehabilitation. The detainees at the Centre consisted of young Tamil men who had been arrested or had surrendered as suspected members of the LTTE. They were undergoing rehabilitation and had been detained at the Centre for periods ranging from one to fifteen months, according to the information furnished to us from records available at the regional office of HRC.

According to the figures furnished to us by the police officers we questioned, there had been 41 detainees at the time of the incident. Mr. Jayantha Seneviratne, HQI Bandarawela Police had furnished to our Regional Coordinator, a list containing the names of 27 detainees who were fatally injured. The police had informed the Coordinator that 14 other detainees had sustained injuries. Of the injured, one had succumbed to his injuries yesterday. According to these figures given by the police, the detainees accounted for as dead and injured aggregate to 41. However, there is a discrepancy in regard to the precise number of detainees who would have been in the

centre on the day of the incident, when this figure is considered in the light of record maintained at the Regional Office of the Commission. Our Regional Coordinator is investigating this discrepancy.

The version given by the Senior Superintendent of Police:

According to the information furnished by the Superintendents of Police, the OIC of the Centre had held the usual meeting with inmates in the evening at about 6.00 p.m. of the 24th of October. At this meeting, some inmates had protested against what they alleged was the undue delay in releasing them from the Centre and had demanded their immediate release. In the course of the argument that ensued the OIC had been surrounded by some of the detainees. One of the police officers on duty had fired in the air and thereafter the detainees had turned violent. They had forcibly entered the storeroom, armed themselves with iron rods, poles and implements and had caused damage to the building. They had also set fire to some documents said to have been maintained at the police post and had destroyed the florescent lights, and caused damage to the furniture and the police post. They had also taken a gas cylinder and attempted to set fire to it but had failed. The police officers and the Assistant to the OIC had deserted the Centre as they feared that they were in danger of physical injury. Lieutenant Abeyratne, the Assistant to the OIC is said to have been attacked by one of the inmates and sustained a bleeding injury in his chest. He is said to have gone to a house in the neighbourhood to change his shirt which was allegedly blood stained and had telephoned the Bandarawela Police to inform them of the disturbances at Bindunuwewa. In the account given to us by the police officers, there was no suggestion that

the inmates had taken any of the officers on duty at the Centre as hostage and were holding them.

We were unable to interview either the OIC or his Assistant as they were said to be at the office of the CID in Colombo.

On receiving a telephone message at the station to the effect that there was unrest at the Centre and that an attempt had been made to snatch the weapons of the police officers on duty, Mr. Jayantha Seneviratne, HQI Bandarawela police had set out at about 7.45 p.m., with a contingent of about ten officers, all armed with T56 weapons and had arrived at the Rehabilitation Centre at about 8.00 p.m. I.P. Karunasena, OIC Crimes, is said to have set out shortly thereafter along with another contingent of police officers of all whom were also armed and arrived at the Centre.

According to S.S.P. Premaratne, there had been about 30 police officers led by the HQI and all carrying T56 weapons present in the vicinity of the Centre by about 8.00 p.m. The inmates had objected to the police entering the centre and the HQI had persuaded the detainees to permit him to enter the centre without the other officers. They had agreed to allow him to do so provided he came in unarmed. The HQI thereupon entered the Centre by himself, unarmed, and spoke to the inmates and the OIC Capt. Abeyratne. The inmates protested against the action of the police officer firing a shot. The HQI had adopted a conciliatory tone and accepted the position that this had been an error and suggested to Capt. Abeyratne that the police should withdraw to avoid further unrest. Capt. Abeyratne had welcomed this suggestion and stated that he would be able to maintain order within the centre. By this time, a

contingent of soldiers from the Diyatalawa Army Camp had also arrived and were present in the vicinity of the centre.

Meanwhile, about 200 to 300 persons who were said to be villagers had gathered in the vicinity and were shouting. Upon observing their presence, the HQI had inquired from Capt. Abeyratne as to what action should be taken. Capt. Abeyratne had informed him that he would look after affairs within the centre and that the police should prevent any outsiders from entering the centre.

Thereupon, the police and army persuaded the crowd to withdraw and the HQI left at about 10.30 p.m. leaving the rest of the police personnel in the charge of IP Karunasena and IP Jayaratne who remained along with the contingent of soldiers under the command of Capt. Balasuriya. By about 11.30 p.m., the situation appeared to have returned to normal. In those circumstances, the Commanding Officer informed us that the army contingent withdrew at 1.15 a.m. having informed IP Karunasena. The police personnel remained at the scene. Upon his return to the station, the HQI had directed that police personnel from other stations in the division who had been instructed by the ASP to report to the police station at Bandarawela be ordered to proceed to the centre. He had also received an inquiry from the ICRC, Batticaloa over telephone as to whether there had been any unrest at the centre and the HQI had informed the ICRC that the situation was under control. According to the HQI, several police officers had left for the centre in pursuance of the directive and there had been 69 police officers armed with T56 weapons gathered at the scene. However, there were no records by way of any official entries to substantiate this claim.

entries to substantiate this claim.

At about 6.45 a.m., (i.e. on 25th), the HQI had received a message over the radio telephone from IP Jayaratne that persons were gathering in the vicinity of the centre and that the army had withdrawn. The HQI informed ASP Dayaratne of this development. He thereafter, received a further message over the radio telephone from IP Jayaratne at about 8.15 a.m. stating that a crowd had entered the centre and that the centre was on fire. He had asked for reinforcements. The HQI had rushed to the scene and found that several persons had entered the centre, the police were also within the centre and found several detainees dead and injured and the buildings on fire.

SSP Premaratne stated that according to the information he had been given, in the early hours of the morning of the 25th, the detainees had behaved in an unruly manner and damaged the buildings. Some of the detainees had indecently exposed their persons to passers-by and had pelted stones. By this time, a large number of villagers had gathered from all sides of the Camp and had started pelting stones towards the direction of the detainees. Thereafter, the crowd had entered the camp and attacked the detainees with clubs, iron rods, knives, matchets etc. They had damaged the building and set fire to it. Detainees were murdered, maimed, badly wounded and injured. All this was done very swiftly and was over within 10-15 minutes. The crowd left the place thereafter. The SSPP stated that the police officers on duty had not fired at the mob nor tried to prevent them from entering the camp even by firing shots in the air. The wounded were transported to the hospital by the police later on. Both SSPs admitted that the inaction of the police officers

The SSPP also observed that the soldiers should not have left the scene and even if they were leaving they should have informed the police. They also complained that the army came very late when they were informed of the unrest in the morning of 25th. This was emphatically refuted by the Commanding Officer, who said that his men withdrew at 1.15 a.m. on the 25th. They had gone to assist the police and had left only after they had accomplished the task given by persuading the villagers to leave the place. With regard to the incidents of the following day, the Commanding Officer said that it was he who received the telephone call from the police and that it came to him at around 08.45 on the 25th. He immediately sent a platoon which reached the scene of the crime around 09.15 a.m. By that time, everything was over and mob had left the place.

The SSP also reported on other connected matters. According to them, there had been opposition by the villagers to the camp being located in that site. SSP Mr. Premaratne stated that he had written to the higher authorities recommending that the camp be shifted to some other location. However, no action had been taken to implement the recommendation. They also mentioned that an inmate by the name of Anthony James who had been admitted to the centre recently had been agitating and attempting to incite the other inmates. However, when we inquired from the officers whether they had received any specific complaints against James, they replied that there had been no such specific complaints.

We questioned the SSPs on two other matters. We inquired about the action that had been taken immediately after the incidents of the 25th to investigate and arrest those who were responsible for the violence and killings.

We also wished to know what action they were taking regarding the posters that had appeared in Bandarawela town inciting people to violence against the inmates of the Binuduwewa centre. Both SSPs stated that the attempts made by the HQI to arrest suspects was ineffective as large numbers had been taken into custody for questioning indiscriminately. They expressed the view that the arrests seemed to have been made in a manner that had rendered the entire exercise meaningless and had the effect of thwarting proper investigations. In regard to the posters, the SSPs denied any knowledge of the posters and stated that they were unaware that several posters had appeared in Bandarawela as stated by us. The Regional Coordinator who had seen the posters stated that they were still to be seen in the Bandarawela town.

Description of the Scene:

Thereafter, the HRC visited the Bandunuwewa centre accompanied by the SSPs. On our way, we observed, a large number of posters that were displayed prominently in Bandarawela. The content of the posters which incited people to act in order to remove the camp and deal with the inmates indicated that most of them had appeared before the incidents of the 25th. As alleged, they could have appeared on the 24th night.

At Bindunuwewa, we inspected all the buildings in the centre. We were shown the damage inflicted by the inmates on the 24th. The store did not show any signs of forced entry; the doors were intact and did not have any visible signs of damage. The glass panes of some of the windows in the office and officers' quarters had been broken. There were a few charred pieces of paper and a small quantity of in the office that indicated that a few

broken. There were a few charred pieces of paper and a small quantity of in the office that indicated that a few papers had been burnt. At the same time, we noted that articles such as the television, radio, refrigerator had been damaged by the inmates. It was evident that some damage had been caused by the inmates. But the account we had received had suggested that the inmates had gone round smashing up the buildings and causing extensive damage. What we observed of the damage caused by the inmates did not lend credence to that account.

We had examined the premises for any signs that would suggest that a very large crowd had converged from all directions, and forcibly entered the premises. We did not find any visible signs of areas that had been heavily trampled by a large crowd. There was a footpath leading to the playground of the training school adjoining the centre; this section was not protected by a fence. We were informed that part of the crowd came from this direction.

We found that halls which accommodated the detainees completely damaged and pulled down. There was a dead body found in the debris during our visit. This body had not been identified earlier. Even the equipment used for vocational training had been heavily damaged. The condition of the buildings clearly indicate that those who caused the damage, made sure that the buildings were damaged beyond repair and would not be available for use.

The Survivors' Version:

In the afternoon, the Commission visited the Diyatalawa Army camp and spoke to nine of the ten inmates who had been hospitalised in the army hospital.

and other 12 years. There were three others who were below the age of 18 years. While we were interviewing the survivors, we observed that a team of CID officers had arrived and were conducting investigations.

According to the nine survivors who gave their account of the events of the 24th and 25th, the detainees had raised issues with OIC of the Camp on the 24th with regard to the following matters: letters received for the detainees were not delivered to them; telephone calls/messages received for them were not transmitted to them; they were being detained for unduly long periods such as one year or more when they should be held for shorter periods of three to nine months. It also transpired that when the OIC explained that it was not within his power to release them early as orders have to come from the authorities who dealt with such matters, they agitated and surrounded the OIC demanding that he should take immediate action to expedite their release. Observing this melee, one of the police officers had fired his gun in the air. This had caused further agitation among the detainees who caused damage to fluorescent lights, the police post etc. The accounts given by the survivors also mention that they objected to the police party entering the centre. However, after some time, they allowed the HQI to come in without any arms. They also mentioned that some villagers gathered near the centre and threw stones at the inmates. The detainees requested the OIC of the centre to tell the villagers that the detainees had no problem with them, and that they should not do any harm to them. Their problems were with the administration. During the discussions, the detainees had stated that they will not follow the vocational training classes till the OIC expedites the release of the detainees who were in the

follow the vocational training classes till the OIC expedites the release of the detainees who were in the centre for longer periods. Thereafter, conditions had returned to normal and the detainees had retired to their halls and gone to sleep. According to them, the police personnel and the others who came to the camp had left the place by about 11.30 p.m.

On the morning of 25th, when the detainees got up in the morning, they saw a large number of civilians surrounding the camp and number of police officers standing by. The crowd started to pelt stones and came into the centre and attacked the inmates with knives, machetes, clubs, iron rods etc. They stated that the crowd consisted of both men and women. According to these survivors, they were attacked when they were in the halls of residence. The halls of residence were set on fire by the mob and two or three inmates were thrown into the fire. Many were clubbed to death. They said that the police officers did nothing to stop the crowd. When some of the detainees tried to run for safety, one of them was shot down by the police officers. We observed that one of the survivors to whom we spoke had lost two fingers in one of his hands as a result of gunshot injuries. According to statements made by some of the survivors, when they had tried to hide in the police truck, the mob came in and attacked them. Two police officers were watching while they were being assaulted and did nothing to stop the assault. One of the injured, however, stated that the police were helpless as they were a large crowd and they failed to control the crowd even though they made some attempts. The survivors whom we interviewed did not speak of any disturbance caused by the inmates on the 25th morning prior to the attack on the centre by the

had then entered the centre and started attacking the inmates soon thereafter. According to this account, there was no time for the inmates to engage in protests and disturbances on the 25th morning.

Summary of Findings and Recommendations:

We give below a summary of our main findings and recommendations:

The events of the 25th morning -

From all the information that we received in the course of our inquiry, it is clear that the police officers, approximately 60 in number, have been guilty of a grave dereliction of duty in not taking any effective action to prevent the acts of violence that resulted in the deaths of 26 inmates and injury to several other inmates of the Bindunuwewa camp. There are various estimates of the crowd that entered the camp that morning ranging from a few hundred to several thousands. From what we could gather from the evidence available to us, we felt that the large estimates of 2000-3000 exaggerated the size of the crowd. These estimates must be received with caution as they appear to be calculated to mitigate the inaction of the police. In any event, the crowd that collected had not possessed any firearms and were armed only with knives, poles and implements. The police, on the other hand, were fully armed and could have easily brought the crowd under control and dispersed it at least some of the persons who were leading the crowd could have been arrested.

The situation preceding the Events of the 25th

All the accounts of the incidents that occurred on the 24th agree that the inmates had agitated for their release and had acted in an unruly manner. The accounts, however, differ in regard to the nature and seriousness of

release and had acted in an unruly manner. The accounts, however, differ in regard to the nature and seriousness of the disturbance that had been caused. A small crowd of 'villagers' had collected and the inmates and the crowd had thrown stones at each other. What is however clear, is that by about 11.30 p.m., the situation had returned to normal. The army which had arrived on a message from the police had left at around that time. According to the information supplied to us by the police, about 30 police officers had been left behind to guard the camp. At this stage, both the police and the army had apparently assumed that there was no serious threat to the security of the inmates.

We also made inquiries concerning the relations between the camp inmates and the residents in the neighbourhood. The SSPs stated that the residents had complained against the continuance of the rehabilitation camp in Bindunuwewa. In 1998, there had been an exchange of correspondence between the SSP Bandarawela police division and the OIC of the centre in which issues regarding the security of the centre had been raised. The SSP had stated that he was not in a position to provide additional security to the camp owing to shortage of police cadres and had recommended that the centre be relocated. There is, however, no evidence of any overt agitation or collective protest against the camp or its inmates by the residents. Our Regional Coordinator who had regularly visited the camp has reported that the relations between camp inmates and residents had not given cause for any concern prior to these incidents.

However, the incidents of the 24th suggest that the inmates were raising new demands and articulating them more aggressively. We have not been able to investigate

the centre with some ulterior motives. The name of Anton James was mentioned to us as one of the agitators. The survivors whom we questioned were not able to speak with any certainty about James and the role he played in the disturbances of the 24th. But this is an aspect of the Bindunuwewa tragedy that should be fully investigated.

Action after the 25th

The action taken by the local police to arrest the persons who were responsible for the violence and the killings seems to have been totally ineffective. Mr. Premaratne, the SSP Bandarawela, commenting on the action taken, admitted that the manner in which large numbers of villagers resident in the neighbourhood of the camp had been arrested only had the effect of thwarting any purposeful process of investigation. The timely action taken to send special investigating teams from Colombo would have, hopefully to prevent any cover-up by all those who are accountable for the police inaction that led to the tragedy.

We strongly recommend that there be a fair, impartial and effective investigation into the events that occurred and that appropriate and deterrent disciplinary action be taken against the errant officers irrespective of rank and the full rigour of the law be visited on all offenders who should be prosecuted swiftly and brought to justice.

We welcome the decision by the government to pay compensation to the families of the deceased and to the injured.

injured.

Posters:

When we interviewed the two SSPs, we found that they were unaware that a large number of posters had appeared in Bandarawela town, allegedly on the night of the 24th, inciting people to violence against the inmates and the rehabilitation camp. The posters provide a line of investigation which may lead to persons or organisations which may have planned and led the attack on the camp. We learn that a statement made by one of the suspects who has been arrested had identified and named some of the persons who were responsible for the posters.

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[page 17]

Safety of the Survivors:

A matter which engaged our urgent attention was the security of the survivors who were hospitalised. We made some interim arrangements with the Commanding Officer of the Diyatalawa camp who readily agreed to be responsible for their safety until they were discharged. The detainees expressed concern for their safety and requested that they be relocated in a safer area. The security and welfare of these survivors is a matter that should be given immediate attention by the authorities.

Initiatives to promote ethnic harmony and reconciliation:

One of the disturbing conclusions emerging from the

Bindunuwewa incidents is that our society is still not free from racial violence and that it can express itself in very brutal forms. The Bindunuwewa tragedy needs to be inquired into fully and all the underlying causes that led to the atrocity uncovered. The disturbances and unrest within the centre, the unusual speed with which a groups mounted a poster campaign, the violence in the plantation areas that followed the incidents (which included the killing of two detainees from the plantation areas), the inaction of the police, the participation of local resident people regardless of the numbers involved, role and possible involvement of outsiders, all point in different directions and open different lines of investigation. No doubt, investigations have to be pursued on all these lines and everyone responsible for the incidents of the 25th and who has any complicity in them need to be brought to justice speedily. At the same time, it would be necessary to strengthen all the initiatives that have been taken in the recent past to promote ethnic harmony and reconciliation and involve the local communities more effectively in those efforts.

On our return to Colombo and learning of the disturbing developments in the plantation areas, we contacted the Secretary of the Ministry of National Integration and Ethnic Affairs and stressed the need for immediate action such as the formation of peace committees at the local level with the support of religious leaders and civil society organisations. There is also need for launching a medium and long term programme of national integration and ethnic harmony drawing lessons from the Bindunuwewa case.

A3 - Procedures to be followed at the Rehabilitation Centre - new Gazette order of 1130/8 issue on 3rd May 2000

(1). The provisions of sections 36,37 and 38 of the

Provided that where any person has been arrested and detained under the provisions of regulation 18 of these regulations, such person shall be produced before any Magistrate within a reasonable time, having regard to the circumstances of each case, and in any event, not later than thirty days after such arrest. The production of any person in conformity with the provisions of these regulations shall not affect the detention of such person under paragraph(2)

(2). Any person detained in pursuance of provisions of regulation 18 in a place authorised by the Inspector-General of Police may be so detained for a period not exceeding ninety days reckoned from the date of his arrest under that regulation, and shall at the end of that period be released by the officer in charge of that place unless such person has been produced by such officer before the expiry of that period before a court of competent jurisdiction and where such person is so detained in a prison established under the Prisons Ordinance:-

all the provisions of that Ordinance other than the provisions of Part IX of that Ordinance, and

all the rules made under that Ordinance other than the rules which relate to visits and the correspondence of prisoners.

Shall apply to such person as though he was a civil prisoner within the meaning of that Ordinance:

Provided, however, that the Inspector-General of Police may, where he considers it expedient so to do-

by order direct that any provisions of the said Ordinance or any rules made thereunder which under the preceding provisions of this paragraph apply to such person, shall not apply or shall apply subject to

Ordinance or any rules made thereunder which under the preceding provisions of this paragraph apply to such person, shall not apply or shall apply subject to such amendments or modifications as may be specified in such order, and

permit visit to and correspondence of such person in such manner and at such time and place, as the Inspector-General of Police may from time to time direct.

(3). Where a person who has been arrested and detained in pursuance of the provisions of regulation 18 is produced by the officer referred to in paragraph(2) before a court of competent jurisdiction, such court shall order that such person be detained in the custody of the Fiscal in a prison established under the Prisons Ordinance.

(4). In this regulation Inspector-General of Police includes any Deputy Inspector-General of Police, or any Superintendent of Police or any Assistant Superintendent of Police.

20A (1). The Minister incharge of the subject of Defence as the Secretary may make a Rehabilitation Order to the effect that any person who has been detained under the provisions of regulation 17 or 19 of these regulations, or under the provisions of section 9 of Prevention of Terrorism(Temporary Provisions) Act, No 48 of 1979, as the case may be, in the interest of the welfare of such persons, be subject of rehabilitation for such period as is specified in the Order under the supervision of the Commissioner-General of Rehabilitation appointed under regulation 21 of these regulations:

(2) A person subject to rehabilitation as aforesaid shall be released from the custody of the Commissioner-

(3) The Minister or the Secretary may prior to making an Order under paragraph(1), or Paragraph(2) consult the Advisory Board appointed under section 12 of the Prevention of Terrorism (Temporary Provisions) Act, No.48 of 1979 or the Advisory Committee appointed under regulation 17 (4) of these regulations, as the case may be, or any other Administrative Board appointed by the Minister or Secretary for this purpose.

20B, (1). The President may by order appoint by name or by officer any person, to be the Commissioner-General of Rehabilitation for any area or area in Sri Lanka in respect of which a Proclamations under section 2 of the Public Security Ordinance is applicable. It shall be the duty of the Commissioner - General of Rehabilitation to execute and co-ordinate all activities relating to rehabilitation.

(2). The Commissioner -General of Rehabilitation, shall subject to the direction and control of the Committee of Secretaries appointed for the purpose of monitoring rehabilitation programmes, exercise, perform and discharge all or any of the following powers, duties and functions in order to:-

establish and maintain, Youth Development and Training Centres for the rehabilitation of Youth assigned to such Centres;

provide vocational, technical and other training to youth at such Youth Development and Training Centres;

certify the levels of training received by youth at such. Youth Development and Training centres;

make recommendations, in consultation with the Secretary to the Ministry of the Minister in charge of the subject of Youth Affairs and Sports, to the

make recommendations, in consultation with the Secretary to the Ministry of the Minister in charge of the subject of Youth Affairs and Sports, to the Secretary regarding the release of youth who have completed their training;

arrange financial assistance for youth who have completed their training at such Youth Development and Training Centres, so as to enable them to commence business enterprises, utilising the training they have received and

provide sports and recreational facilities and cultural programmes for the benefit of the youth at the Youth Development and Training Centres.

(3) The Commissioner -General of Rehabilitation may appoint by name or by office any person to be Deputy Commissioner, or Assistant Commissioner as may be necessary for the performance of his duties under these regulations in consultation with the Minister incharge of the subject of Youth Affairs and Sports.

(4) The Commissioner - General of Rehabilitation may delegate to any Deputy Commissioner, or Assistant Commissioner appointed under paragraph(3) any power, duty or function conferred or imposed, on or assigned to such Commissioner-General, by or under these regulations.

20C (1) Any person who surrenders (hereinafter referred to as the "surrendee) to any police officer, or any member of the armed forces, or to any public officer or any other person or body of persons authorised by the President by order, in connection with any offence under the Explosives Act, the Offensive Weapons Act, No.18 of 1966, the Firearms, Ordinance, the Prevention of Terrorism(Temporary Provisions)Act;No.48 of 1979 or

written statement to the officer or person authorised in that behalf to the effect that he is surrendering voluntarily.

(2). There shall be approved from time to time by the Secretary to the Ministry of the Minister in-charge of the subject of Defence, Centres to be known as "Protective Accommodation and Rehabilitation Centre" (hereinafter referred to as "the Centre") for the purpose of receiving and keeping surrendeeds.

(3). The officer or person to whom a person surrenders in terms of paragraph (1) shall within ten days of such surrender take steps to hand over the surrendee to the Commissioner - General of Rehabilitation who shall assign such surrendee to a Centre.

(4). The officer or any other person to whom a person surrenders in terms of paragraph (1) shall inform the Secretary to the Ministry of the Minister-in-Charge of the subject of Defence, within a period of ten days of the surrender and handing over of the surrendee to the Commissioner-General of Rehabilitation, that a voluntary surrender had been made and such person was handed over as required in paragraph(3) above.

(5). On being assigned to a Centre the Commissioner-General of Rehabilitation shall endeavour to provide the surrendee with an appropriate vocational, technical or other training during his stay at the centre. He shall within a period of two months from the date of taking over of such surrendee report to the Secretary to the Ministry of the Minister in-charge of the subject of Defence indicating the nature of the rehabilitation being carried out in respect of the surrendee.

(6). When the Secretary to the Minister in-charge of the subject of Defence receives the report from the officer

Defence indicating the nature of the rehabilitation being carried out in respect of the surrendee.

(6). When the Secretary to the Minister in-charge of the subject of Defence receives the report from the officer or person to whom a person surrenders in terms of paragraph (4), he shall make an order authorising the Commissioner-General of Rehabilitation to keep such surrendee in a Centre and to rehabilitate him for a period not exceeding twelve months in the first instance. Such period shall be computed from the date of handing over of such surrendee by the officer or person as the case may be, to the Commissioner-General of Rehabilitation.

(7). A surrendee assigned to a centre may with the permission of the officer in-charge of the Centre be entitled to meet his parents, or relations or guardian as the case may be, once in every two weeks.

(8). The Commissioner-General of Rehabilitation shall prior to the expiration of the period of rehabilitation report to the Secretary to the Ministry of the Minister in-charge of the subject of Defence on the suitability of releasing the surrendee or whether he need be rehabilitated for a further period.

(9). At the end of the period of twelve months the Secretary to the Ministry of the Minister incharge of the subject of Defence, after perusal of the report submitted by the Commissioner-General of Rehabilitation, may:-

order the release of such person :or

Extend the period of rehabilitation for periods of three months at a time, so however that the aggregate period of such extensions shall not exceed twelve months. Such extensions shall be made on the recommendation of the Commissioner-General of Rehabilitation and the

(10) At the end of the extended period of rehabilitation the surrendee shall be released.

(11) The Superintendent of Police of the Division in-charge of the place where the person surrendered may, after the expiration of three months from the date of his being handed over to the Centre, with prior written approval of The Secretary to the Ministry of the Minister in-charge of the subject of Defence, investigate the involvement of any surrendee who is suspected of being connected with, or concerned in the, commission of an offence set out in paragraph(1).

(12). a) Where at the end of any trial a surrendee is found guilty of the offence in connection with which he is charged or indicted, the Court may in determining the sentence to be imposed on him take into consideration the fact of his surrender.

b).The Court may where appropriate, order that the accused be rehabilitated for a further period as may be determined by Court, at a Centre.

(13) A surrendee subject to rehabilitation by order of court may, if he acts in a manner prejudicial to, his rehabilitation programme or the interest of other surrendeeds at the Centre on production by the Commissioner-General of Rehabilitation before the court which sentenced him, be sentenced to imprisonment in lieu of such further rehabilitation, after such summary inquiry as the court thinks it.

21A. Every householder within any area shall furnish the Officer -in-charge of the Police station of his area when required so to do by a Police Officer not below the rank of Assistant Superintendent of Police, with a list of all the inmates of his house, distinguishing the members of

his family from the servants or other residents therein; and he shall also if it shall be so directed in the order of the aforesaid Police Officer, report any increase or diminution or change in the same; and he shall not, having received such notice under such order, harbour a stranger without giving such notice thereof to the Officer-in-Charge of the Police Station of his area, and every person failing in any duty imposed upon him by this regulation shall be guilty of an offence.

22. Every member of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force, who is for the time being engaged in escorting any prisoner or in guarding any prison or other place where prisoners are confined or are employed in work, or in assisting in the quelling of any disturbance or violence on the part of any lawful order, shall be deemed to have all the powers and rights vested in a police officer by virtue of section 77(5) of the Prisons Ordinance and the rules relating thereto made under that Ordinance.

A4 - Individual Interview - 1

Interview - 1,

Bindunuwewa Massacre (Interview 1)

The Camp and Inmates:

The camp was started in 1991 for JVP suspects, and later for the Rehabilitation of the drug addicts.

- The inmates are not those contempt by the Court. They are innocent youths, some of them surrendered themselves. Some of them were picked up as beggars and straying children in the Eastern Province due to acute poverty and because of war situation that prevailed there.

themselves. Some of them were picked up as beggars and straying children in the Eastern Province due to acute poverty and because of war situation that prevailed there.

- They were using village well and water hole (Peeli) closer to the main road for bathing.
- They were taking part in the Youth Service Council Programmes. Engaged in village services and Shramadana work. During the time of Village Drama Festivals and functions they helped to put the stages.
- They had a certain amount of liberty to move out of the camp but not the legal liberty.

On the incident:

- Inmates had urged their early release during the daily parade on 24th evening.
- There were exchange of words between the officers and the inmates.
- During that time a shot was fired in the air.
- It was after the shot the village people started gathering around the camp. To me it sounds like the signal by the police to summon the village people, who were the receivers of the signal to organise the villagers.
- The crowd was dispersed by the army around 8.30p.m.

The attack:

- Out of those who died, 16 dead bodies were found under the beds. They apparently got feared and were hiding under the beds.

- It is very disgusting to know that the youths, peasants and women were involved in one way or the other in the attack.

The background information on village and attack:

- The villagers were not aware of the nature of the inmates. They were of the idea that they were LTTE members.
- The village youths were jealous of the facilities provided to the inmates.
- The communal slogans used by the political parties and the candidates during the election campaign may have increased the animosity towards the inmates.
- Bindunuwewa has a strong communal feeling historically. Bindunuwewa was the political base of Cyril Mathew in the 1960s.
- It was one of the strong hold of K.M.P. Rajaratna as well.
- The offices of the Sinhala Veera Vithana and Sihala Urumaya are at close proximity to the camp.
- Now the Mayor's name - Nalin is also involved..
- The most important and immediate cause appeared to be a funeral of an army officer killed in North. This took place around the 20th October 2000 between Dowa and Kumbalwela. The body was on display for nearly three days.
- The camp officers showed very tough attitude towards the inmates after attending this funeral.
- There are army deserters as well as families of dead soldiers at Bindunuwewa.

- The camp officers showed very tough attitude towards the inmates after attending this funeral.
- There are army deserters as well as families of dead soldiers at Bindunuwewa.

The Mode of Operation:

- There was a systematic agitation particularly started - during the time of recent elections.
- A gang consisting of elements from the village and Bandarawela Town was the main force in articulating and carrying out the attack.
- On the 25th morning, the members of the gang had gone to the Agricultural Training Centre and Teachers Training Centre at Bindunuwewa and demanded to close the Centre and to participate in the attack.
- Same gang members had stopped people going for their jobs and requested them to join in the attack.

This had been carried out:

- With the blessings of the political elements belonging to the P.A., UNP and Veeravidana.
- Effectively implemented with the blessings of the police.
- Had the police acted wisely on 24th night and 25th morning, this unfortunate incident would not have happened.

The Role of the Media:

- The Sinhala Newspapers had played the usual LTTE stance.
- Only Silumina gave the true pictures and the adverse

General Comments:

- This is one of the bi-product of Civil War.
- The human values among the Sinhala Buddhists is under question now.
- This, once again, reveals the mutual suspicion and fear and the quality of political, social and religious leadership of the community.
- The residents in Bandarawela lives in a fear of a retaliation by the LTTE.
- We need to establish vigilant committees.

A4 - INDIVIDUALLY INTERVIEW 2

The persons interviewed were:

Mr. P.K. Premasingha, Chairman, Nelum Organisation - Tax Consultant

Mrs. A.C. Premasingha, President, Sri Lanka House Wive's Association

The facts gathered:

We used to visit the Bindunuwewa Rehabilitation Camp and meet the inmates. Visited on the 25th of October 2000, the day of the incident and was able to collect the following information:

- There were 40 inmates who had been registered for Rehabilitation Programme. In addition, there were two boys who had been released after the Rehabilitation period but they continued to stay there and go outside to work.
- There was an officer-in-charge, Captain Abeyratne, a Police Officer and a Home Guard.
- On the 24th of October 2000, around 7.00 p.m., the usual daily parade was summoned. After the

- There was an officer-in-charge, Captain Abeyratne, a Police Officer and a Home Guard.
- On the 24th of October 2000, around 7.00 p.m., the usual daily parade was summoned. After the National Anthem and the usual programmes, the inmates made some requests. One was that they wanted to be released. The other one was that they wanted to visit their family members for the Deepavali Festival that fell on 26th October 2000.
- There were some exchange of words. The inmates surrounded the OIC. The Police Officer then informed the OIC Bandarawala. He arrived and tried to talk to the inmates but could not come to a settlement.
- The OIC police went back to bring the ASP into the scene. Before the OIC and the ASP returned to the camp, the villagers had surrounded the camp. There were arguments between the villagers and the inmates.
- The OIC and the ASP were able to talk to the inmates who had calmed down and returned to their pillets. Since the villagers were still surrounding the camps, the army was summoned and the villagers persuaded to leave the place.
- By 25th morning, the army had already left the place. Only thereafter, the attack on the inmates had started.
- Evidently it was clear that there was a gang that led the attack. The same gang prior to the attack agitated the villagers to take part in the attack.
- The gang consisted of three wheel drivers and others from the Bandarawale town. Some had seen some

There was a motor cycle in front of the gang. Two swords were seen placed on the on the handle bars of the motor cycle.

The two users of the motor cycle were having two swords inserted into the back of their shirts, leaving the handles of the swords to be seen just above the collars of their shirts. The driver said that they looked like the 'Ninjas' without masks.

The attack was well and pre-planned. The villagers were agitated by the gang that had planned and carried out the massacre.

- Certain political elements were involved. The name in circulation generally among the Sinhala Community was Natin, the Chairman of Bandarawale as the chief person who master minded the attack.
- The inmates of the camp were not of violent nature. If they meet any outsiders or visitors, they greet them with the words "Shanti, Shanti" first and then start the conversation. In any case, they would not have behaved in a rude manner to agitate the villagers to the extent of initiating the attack with such a ferocious nature.
- Those attached to the Agriculture Centre and the Teachers College both situated at Bindunuwewa should know more on the incidents as well the inmates.

A5 - INDIVIDUAL INTERVIEW 3

Interview with Mr. P.D. Nimal Dharmasiri - Assistant Director, Youth Services Council, Uva Province

The involvement of the Youth Services Council commenced in 1999. The Chairman of the Youth Services

A5 - INDIVIDUAL INTERVIEW 3

Interview with Mr. P.D. Nimal Dharmasiri - Assistant Director, Youth Services Council, Uva Province

The involvement of the Youth Services Council commenced in 1999. The Chairman of the Youth Services Council, Mr. Sunil Jayantha Navaratne was also appointed as Commissioner General of Rehabilitation.

The views of Mr. P.D. Nimal Dharmasiri:

- The Rehabilitation Programmes were not satisfactory.
- The safety provided to the camp too was not up to the requirement
- The inmates had been sent by the Ministry of Defence and had been released from time to time.
- An outside group had worked on the plot and staged it with the help of those in charge of Security.
- The story of Anton James, in fact, first originated from Mr. Sunil Jayantha Navaratne, the Commissioner of Rehabilitation. But there is no truth in it. Anton James had already spent nearly one year in the camp and was released after rehabilitation. He was not new to the camp. He came back because there was no safer place for him to stay. I met him on the 24th. He was a calm person. If he had been engaged in any kind of agitation, the matter would have been brought to our notice.

(At this instance, Mr. Dharmasiri had contacted Youth Services Council at Batticaloa where Anton James had been reported after release. They too confirmed that there was no possibility that Anton James would have turned into a LTTE agent between his release and return to the camp)

- The Commissioner and the Deputy Commissioner of Rehabilitation Col. M.A. Vipulguna, who was directly in charge of the camp did not pay much attention to the programmes and safety of the camp.
- Between 21st and 23rd, during their visit to Badulla Riverside Hotel for a programme, we brought to the notice about the request made by the Chief Minister of Uva Province to remove the camp. We also requested Col. Vipulguna to visit the camp on their return journey to Colombo. They did not do so. They visited on the 25th July, after the incident.

Those responsible:

The following should be held responsible over this tragedy:

The Police on Guard

The Commissioner of Rehabilitation, Mr. Sunil Jayantha Navaratna and the Deputy Commissioner for Rehabilitation Col. M.A. Vipulguna

A6 - INDIVIDUAL INTERVIEW 4

The Officer we interviewed is Mr. Seneka Dissanayake, Chief Officer for Human Rights Commission for Uva Province. He said:

The Bindunuwewa Rehabilitation Camp was first established to rehabilitate the Janatha Vimukthi Peramuna (JVP) suspects. At that time, the Sri Lanka was supposed to carry out the rehabilitation tasks. Brigadier Ananda Abeyasekara was the Chairman of the Rehabilitation Authority. Later, the cadet co-officers were in charge of the security and administration of the Rehabilitation Camp.

covered under Emergency Regulations, gazetted on 17th June, 1993 - No.771/16. These regulations were repealed by a new Gazette order of 1130/8 issued on 3rd May, 2000; Sections 19, 20 and 21 of the notification covers the procedures to be followed at the Rehabilitation Camps. Whether these regulations were followed at Bindunuwewa Camp is doubtful.

The inmates at the time of the incident:

The magistrate had identified 26 dead bodies in the camp. There were 15 excopees. So the total was 41 inmates. They were divided into functional groups including kitchen, pantry etc., and the disposal of duties was in rotation. They used to move out of the camp to do voluntary service to the village people viz:

- the Buddhist temple premises used to be cleaned by them
- They did shramadana work to reconstruct the village road
- They offered their services at funeral houses. They lent their mattresses and cooking utensils on such occasions
- There is a tube well at close proximity to the camp. When old people came to collect water, they happily volunteered to pump out water for them.

The rumours circulated over - The cause of the attack:

One Anton James had surrendered and entered the camp. He roused up the inmates of the Rehabilitation Camp to have an attack on the camp.

The inmates held the army personnel and the police officers as hostages, cut off the electricity and brought the camp under their control.

When the villagers gathered, the inmates had shown their naked bodies and started to throw stones at

officers as hostages, cut off the electricity and brought the camp under their control.

When the villagers gathered, the inmates had shown their naked bodies and started to throw stones at them. They also challenged the villagers to come inside the camp for a physical fight.

The villagers made a lot of complaints to the police that the camp and the inmates were intolerable and they should be removed immediately from the village.

Note: According to Mr. Seneka, all these allegations are false and cooked up stories to cover and safeguard the officers and the elements involved in the incident and to justify the attack. These rumours were spread systematically by a group of persons.

The incidents on 24th and 25th October 2000:

On the 24th October 2000, there were 41 inmates within the camp. They had the parade every day around 6.00 or 6.30 pm. On the 24th, the Officer-in-charge (OIC) Captain Abeyaratna arrived after being on leave for three days.

The parade was summoned on 24th after 6.30 pm. Along with the 41 inmates, the following were present: four police officers; five to six staff members; Lt. Abeyaratna (Cadet Officer) and the OIC of the Camp Captain Abeyaratna.

- first, they sang the national anthem
- the usual undertakings by them were repeated
- prayers were conducted
- dialogue with Captain and others
- At the end, the Captain Abeyaratna addressed the inmates and inquired whether they had anything to

person concerned. Why the letter was kept by the camp officers for such a long period?

Why can't they take steps for their release?

- at this instance, Captain Abeyaratna had told the inmates that he had no power to release them and asked them to forward their request so that he would forward it to the department for their decision.
- A few who were not satisfied with the answer, left the assembly and went to their rooms (pilletts). On the way, they had collected one or two iron bars which had been kept to support the flower plants. They were tapping the walls of the rooms with those iron bars and shouted out their requests, for release.
- At that moment, one of the police officers had fired the gun into the air. The inmates then asked the Captain and others. "We have not come here for raping women or for drug addiction. After all, we came to you with our arms raised over our heads, ready to surrender. Why are you trying to shoot at us." (This was stated by the survivors getting treatment at the hospital to Mr. Senake)
- The Lt. Abeyaratna and other police officers ran out of the camp to inform the Bandarawala police. The OIC of the Bandarawala police station came with police constables. The inmates requested the OIC police to come inside the camp to discuss the matter, minus arms. The OIC police had a discussion with the inmates who had been calmed down by that time. Before the police team arrived, the villagers had gathered around the camp. The army too arrived at the scene. The crowd was persuaded to disperse. Captain Abeyaratna had told that he would look after

the inmates who had been calmed down by that time. Before the police team arrived, the villagers had gathered around the camp. The army too arrived at the scene. The crowd was persuaded to disperse. Captain Abeyaratna had told that he would look after the inside of the camp and requested the police and army to safeguard the outside area. The inmates went to sleep around 11.30 p.m.

- They did not cut off the electricity or electrified barbed wires around the camp as contradictorily claimed. They would have broken one or two tube lights to keep the area they sleep in dark.

ON the 25th October 2000:

According to the police, the army had left around 1.30 a.m. since the police had assured for the safety of the camp. There were 69 police officers on guard on the 25th morning. Around 8.00 a.m., about 3000 people came armed with knives, mamotties and iron rods and entered the camp and started the attack. 25 dead and 16 others were injured.

According to Mr. Seneka:

Out of the 26 dead bodies, 13 could not be identified. Six bodies were burnt beyond identification and seven did not have relations to identify.

Some survivors are as young as eleven and fourteen years old

There were bullets seen inside and outside the camp. Not a single villager or outsider or police officer or camp officer got injured

Posters were made out on the 24th night and pasted overnight and 25th early morning. Some of the posters read as follows:

- “Tigers” flesh for our dogs (Kottinge muss appe Ballanta)
- “death for pupils on the birthday of the leader” (Nayakayange uppen Dinayata Golayange maranaga)
- ‘remove the Bindunuwewa camp” (Bindunuwewa Kandoruwa Evath Karanna)

On the 25th, the police informed the army to summon them only around 8.45 am, by which time, the attack was over.

- The inmates could not have started the attack first as claimed. Most of the bodies lay within a small area mostly within the pillets. 16 bodies were found under the beds. That shows that some of them would have been under the bed sleeping at the time of the attack and few might have been hiding under the bed when the attack took place.
- Nobody had taken treatment or admitted to hospital on account of the attack by the inmates or sustained injuries while being stopped by the police
- The number 3000 stated by the police was an exaggeration. How can 3000 people engage in an attack at such a small circular area and mostly inside the pillets
- When interviewed the survivors at the Diyatalawa hospital about Anton James, they were asking who he was
- Two inmates who escaped at the time of the incident, were caught and handed over to St. Bosco’s Centre, Negambo.

the pillets

- When interviewed the survivors at the Diyatalawa hospital about Anton James, they were asking who he was
- Two inmates who escaped at the time of the incident, were caught and handed over to St. Bosco's Centre, Negambo.

About the attackers:

- Not by one political party. At least, one three wheeler driver had been identified. A hiring van driver from the village was the chief organiser. His cousin brother who is an army deserter too was present at the scene.
- The police was reluctant to shoot at the crowd or prevent them from attacking.
- The gossip is that Mr. Nalin is in the background of the incident.

