

A black and white photograph of a hand pressed against a metal prison cell door. The hand is covered in numerous red blood splatters, which also appear on the door and the surrounding background. The image is grainy and has a high-contrast, somber tone.

CONCENTRATION CAMPS OF TAMIL NADU: THE SO-CALLED SPECIAL CAMPS

BY THOLAR BALAN

**Concentration Camps of Tamil
Nadu:
the so-called Special Camps**

By Tholar Balan
Translated from Tamil by Dr. M. S. Thambirajah

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*This book is dedicated to the
Sri Lankan Tamil refugees who have been
jailed in the so-called Special Camps*

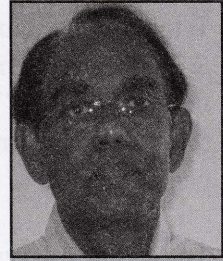
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Forward

That there are several refugee camps for Srilankan Tamils in the state of Tamil Nadu in India is a well-known fact. What is less well known is that there are some "Special Camps" in which several Srilankan Tamil families and individuals have been languishing for several years and are kept in appalling conditions having been denied contact with one another and the outside world. This slim volume written by Tholar Balan, an ex-inmate of



Dr. Thambirajah

such a Special Camp for eight years, sets out to draw attention firstly to the existence of Special Camps that have gone largely unnoticed by the public and media in Tamil Nadu and secondly, to expose the appalling conditions and human rights violations that exist in these camps.

To view this book simply as the experiences of a detainee would be to miss its nuances. This book, although deceptively simple, may be understood at several other levels: an exposure of the operating principles of the Q branch secret police which seems to be a law unto itself, the impotence of the Indian judicial system and foreign policy blunders in relation Srilanka of successive Indian governments.

The term Special Camp is a highly misleading one. These are not refugee camps, although they house mainly refugees; they are not prisons either, because none of the inmates have been convicted by a court. These are really high secure detention units that operate outside the law and hold Srilankan families in appalling conditions. Now that the war in Srilanka had been over for almost a decade, most inmates here want to return to their homeland, but they are held against their wishes. India is said to be a democratic country where the rule of law is held to be paramount. What would one call these 'camps' in Tamil Nadu? The author is not far wrong when he compares them to Guantanamo Bay although these 'refugees' have not been involved in any terrorist activities.

Soon after the attack by Sinhala racists on the Tamils in Srilanka in 1983 and the subsequent Eezham wars hundreds of thousands of Tamils fleeing from the inferno that was Srilanka sought refuge in Tamil Nadu, some as migrants and others as refugees. Tamils of Srilanka are often said to be linked by the umbilical cord to the 70 million Tamils of Tamil Nadu. The first port of call for the Tamils of Srilanka was Tamil Nadu. Many used Tamil Nadu as a launching pad to migrate to Canada and Europe.

The author was one such person who went to Tamil Nadu legally and wanted to join his brother in Canada. Indian intelligence services had other intentions. They wanted him to testify against the then Chief Minister M. Karunanidhy who was out of favour at that time with the central government so that he can be toppled. Author's refusal to cooperate costs him eight years in the hell known as special camps. Here, he gives a candid and sincere account of the operating procedures of the notorious Q branch, the secret police of Tamil Nadu and, most importantly, of the Indian judiciary. He describes the arrest, threats, detention, appeals and further detention. He testifies to the solitary confinement, threats to life (Indian police call this 'encounter'), the humiliation and harassment he was subjected to. He also provides stories of others, some of them Indians, who were brought in and detained for political reasons or for refusing to pay bribes.

Most appalling are the instances of rape and sexual abuse of women in the camp. The mental agony and sheer hopelessness had led many to attempt suicide. Those attempting suicide are then charged because attempted suicide is against the law in India until 2014. There have been recent reports of inmates, mainly women, who have tried to bribe the guards to get sleeping tablets (in India sleeping tablets can be bought over the counter) so that they can kill themselves. Yet, little is done to alleviate the situation. The author is right when he laments that India must be the only country where one is not allowed neither to live nor die.

Repeated appeals to the courts, politicians and human right organisations have not produced results. Some resort to the last weapon available to a human being held in such conditions and go on hunger strike. Others try to escape and are charged for prison break or are called terrorists. The book is bound to invoke indignation and anger at the 'system' that holds helpless people in detention camps for no rhyme or reason and the state that oversees them. The appeal of the book is powerful.

Readers of will be left in no doubt that the main objective of the book is draw world's attention, especially that of the Tamils living all over the world, to existence of these Special Camps in India where the people, including families, are detained against the law, held against their will and incarcerated for many, many years. Sadly, few in Tamil Nadu know about these detention centres. This book makes public something that has been going on behind the scenes for decades. Both central and state governments have changed over the years, but the special camps seem to have eternal life under the Indian state. "The degree of civilization in a society can be judged by entering its prisons", said Fyodor Dostoyevsky. He was referring to ordinary prisons. One wonders what these Special Camps say about India.

These special camps were opened supposedly for curtailing the movement of members of the Liberation Tigers of Tamil Eezham (LTTE). But most of the detainees are not members of the LTTE. The author provides case examples to show that all sorts of people have been and are being detained here. The case of Indian lawyer and social activist, R. Sivalingham who was detained here for falling out with the District Collector, a Canadian citizen of Indian origin wrongfully and perversely identified as a security risk and families of women who refuse to be sexually exploited are given here show how indiscriminately the special camps are used by the state and interested parties. The book also provides the reader with insight into the way the Indian state works. Arbitrary arrests under the cloak of "security reasons" appear to be the common denominator for the arrest of each the detainees in the Special Camp.

Once the question of 'security' is raised, no one, not even the judges, question the reasons for arrest and everything that happens thereafter is justified on this basis. R. Sivalingham is quoted in this book as saying, "For us, it was injustice and cruelty, for the prison officers it was as if they were guarding dangerous terrorists. Whilst this was the ground reality in the camps, those invisible hands that manipulated the system to get us locked up in the camps were remote and carried on unconcerned".

Any impartial reader of the book would come to realise that the real power rests with the intelligence services. It is not the courts that pass judgements on those entrapped, but the Q branch. The Q branch acts as the prosecutor, judge, and jury and finds ways to keep people detained for many years. They keep them in horrid and oppressive conditions as long as they want, transfer them from one camp to another for no particular reason and prolong their cases as long as they can. If released in a case, they file a different case so that their detention can be continued. In the case of the author, the first charge was that he was a member of the LTTE. This was later changed and he was implicated in a bomb case that happened before he entered India! For all intense and purposes, these individuals have been imprisoned in the special camps and the keys are thrown away. They are forgotten and left to languish there for years.

It appears that once the Q branch makes up its mind to detain a person, the punishment is meted out and continued as long as they want. It is interesting that a Deputy General of Police in charge of the Q branch criticises the lack of guidance provided to the police on this matter, but he does so only after his retirement. He admits to the illegitimacy of the detentions, but ascribes it to the lack of differentiation between refugees and terrorists. The author quotes from his book verbatim. The sense that one gets is that the Q branch is a law unto itself and works largely outside the law; they are feared by the Tamil Nadu politicians and are outside their control. They invoke the issue of security of the state to silence the Chief Minister of the state and hold him/her to ransom. In the book we get a glimpse of how the Q branch ignores, subverts and, most of the time, overrides the ruling of the judiciary.

One major casualty of this slim volume is the Indian judicial system. The book provides ample evidence to show that the judiciary colludes with the Q branch to keep the detainees in prison. Cases are repeatedly postponed, inmates are taken in leg chains to courts and made to travel hundreds of miles by bus (in leg chains) and the judges raise no questions. The judges seem to be insensitive to the suffering inflicted on the detainees and seem to prefer to postpone the case rather than offer justice. In the case of the author, the lame duck behaviour of the judiciary was responsible for his detention for eight years. Yet, no regrets are offered, leave alone compensation. In the few cases where judges have declared otherwise, the Q branch finds ways to keep the inmate detained in violation of the judge's order. And nothing happens! Courts have fined inmates for not presenting themselves for the hearing while the fact was the police was holding them in the camp!

In many ways the illegal detention in Special Camps of Srilankan Tamil refugees is the direct outcome of India's failed foreign policy vis-à-vis Srilanka. Following the Black July racial attacks against the Srilankan Tamils and the war between the state and Tamil groups, India came to the rescue of the Tamils by offering sanctuary for the refugees as well as military training to the Tamil militant groups. It was fashioned on the intervention model employed by India in East Pakistan (now Bangla Desh). India had been miffed by the Srilankan government's slant towards China. India's support to the Tamil militants was given with the ulterior motive of using them to destabilize Sri Lanka and help bring about India's hegemony in Sri Lanka.

Most Tamil militant groups agreed to collaborate with the Indian intelligence service, the RAW. The only group that defied the RAW and the Indian government was the LTTE. India had its good guys and bad guys. ENDLF, EPRLF, TELO and the likes were the good guys, nourished and trained by RAW. LTTE was the thorn for India. To subdue the LTTE, India used every dirty trick in the book, and failed. The intervention by the so-called Indian Peace keeping Force (IPK) was a foreign policy disaster for India (and a worse disaster for the Sri lankan Tamils at the receiving end of it). Next, India changed sides. If you cannot achieve what you wanted through the Tamils militants, there was always the Srilankan government that could be won over.

To this end, India set about offering political, military and economic support of the Srilankan government headed by Mahinda Rajapakse. The part played by India in Eezham War 4 is yet to be written. The military and intelligence assistance it offered with blessing of the West were pivotal in the defeat of the LTTE. That hundreds of thousands of Tamil civilian died in the process was of little concern to India as long as its strategic aim was met.

Genocide was happening at India's door steps and India pretended to know nothing about it. Indian media, as usual, slavishly followed suit. It was left to far way Channel 4 to draw the attention of the world towards what had been going on 20 km from the shores of India. Almost ten years after the end of the war, Indian media have been loathe to even mention it.

In spite of its massive military, political and financial support for Mahinda Rajapakse, he proved to be less compliant than India expected. He had to be got rid of. India managed to put to gather a coalition to defeat Mahinda Rajapakse. The story of how India managed to put together the disparate Srilankan political groups and leaders is yet to be written, but the outline it is already in the public domain. India has finally achieved hegemony in Sri Lanka, this time through the Sinhala leadership. For India, Srilankan Tamils have become expendable. It is in this backdrop that the Special Camps in India should be viewed. For India, Srilankan Tamils have lost their strategic importance and releasing them from Special Camps is not a priority. The author is right to pin his hopes on the people of Tamil Nadu to get the camps closed rather than on the Tamil Nadu state government or Indian central government.

Beyond the specifics of India and Srilanka, in the ultimate analysis the main offender here is the state, whichever that be. The cogs and wheels of the state apparatus, the police, army and intelligence services, are set in motion to ruthlessly suppress and oppress those with little or no power, i.e., the ordinary man and woman who stands on the way of the state's wish. One may feel that this is an over-generalisation. But, the key questions are who has the power; on whose behalf they are being exercised and are they accountable.

One cannot subscribe to "cock up" theory of the state where, the state is said to err because of its incompetence. Rather the opposite. The state is an instrument of a ruling class to maintain its control over the exploited classes. Anyone and everyone who stands on the way of the power of the state gets crushed, by lawful means or illegal means. The strong arm of the state may be invisible when things go its way, but at the slightest challenge by the people to the ruling classes and their interests, it bears its fangs, drop its cloak of 'rule of law' and use its full force to oppress and subdue the under classes. Special Camps are but a minor manifestation of this attempt to subjugate the oppressed.

As for the immediate goal of the book, this is one of the few books that have the potential to change ground realities. As the author says, only the people can put an end to it. The book is a clarion call to the people of Tamil Nadu to rise against the injustice perpetrated on Srilankan Tamils. This book has already brought together various groups of people in Canada and Tamil Nadu and acted as the pivot for organising the campaign to get these camps closed. I hope the campaign for the release detainees and closure of the camps will gather momentum and bring about an end to camps sooner than later. For the helpless detainee every day is an eternity.

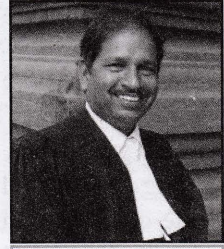
Dr. M. S. Thambirajah

U.K.

01.02.2016

Forward

Thousands of Srilankan Tamils fled their country to escape from the genocide. Many thousands of them who sought refuge in Tamil Nadu have been placed in the 110 refugee camps over the last 30 years. In addition to these 'ordinary' camps, at various times special camps were opened to 'accommodate' thousands of them. The conditions in these Special Camps are cruel, brutal and repressive. The number of Special Camps and their inmates keep changing. Some special camps get closed and new ones are opened, some old inmates are released and new asylum seekers are incarcerated. Thus, Special Camps have become a permanent sore in the face of Tamil Nadu.



Lawyer
P. Pugazhenthir

Thus far no books have been written about the dreadful conditions of these camps or about the terror and brutality that inmates experience within the walls of the Special Camps. This book reveals for the first time the suffering and anguish that Srilankan Tamils have been experiencing in these Special Camps. That too in a country where eight crores Tamils live. The account given in this book is but the tip of the iceberg. The sad fact is that life for each and every one locked up in these camps has been one of agony, torment and torture.

I have been practicing law since 2001. I have been to all central jails in Tamil Nadu. I have never been kept waiting for more than half an hour to see any of the prisoners. I came to know about the Special Camps only in 2006. I went to see an inmate of the Chenkalpattu Special Camp in the morning. I was asked to get permission from the Tahsildar. I spent the entire morning at his office. When I took the letter to the camp, I was asked by the Special Camp authorities to show it to local police station and obtain a letter from them. I went to the police station and had to wait for the Q branch officers to grant me authorization. I did this and it was 4.00 pm by the time I got to the Special Camp. I was not permitted to go into the camp; instead I had to talk to my clients in the camp's office in the presence of the prison authorities. In 2010 and later in 2014, I was completely denied permission to enter any special camp. I had to appeal to the high courts for permission. Now courts have granted me permission to visit the Special Camps.

Those in Special Camps have been detained under, The Foreigner's Act. This law only stipulates that the movements of the inmates be restricted and that they should not leave their "place of residence" (i.e., the camp) without permission. How can changing the name of a prison to that of a camp, locking its doors and surrounding it with armed police be called "a place of residence"? Although it is said to be an asylum, the people there have no choice in getting their family to be with them. How could this be called a "place of residence"?

Despite the fact that Tamil Nadu has been ruled by the two Dravidian parties said to be supportive of Tamil nationalism, the cruelties perpetrated on the Tamils in the Special Camps were initiated by them and had continued unabated. Initially it was said that the camps were designed for members of the LTTE. Later those who came into the country without a passport and those who came to get medical treatment and essential drugs were incarcerated in them. At present, most of the inmates in the Special Camps are those who have come to India with the intention of going to countries like Australia and Canada. Many of them have, in fact, been released on bail and some have been acquitted by the courts. In the case of others, their cases are held up in courts.

When foreigners are arrested and jailed, officials from the high commission of their countries come to the jail to meet them, provide them with basic necessities and offer them legal assistance. Since Srilankan Tamils are considered stateless, no officials visit them in prison or in the camp. Inmates in the camp have been separated from their families for long periods of time and have suffered immensely at the hands of camp officials which had caused mental health problems for many.

Most refugees from other countries freely move around in India and are allowed even to work. They have not been locked up in special camps. Those who have been arrested for dealing in drug and counterfeit notes have been allowed bail and move about freely in India. But, Srilankan Tamils who have been released on bail and those who have no cases against them have been locked up in Special Camps.

As the author of this book mentions, Srilankans of Indian origin who have now returned to the country to live with their relatives too have been locked up in Special Camps under the Foreigner's Act!

For more than 30 years those in Special Camps have been segregated, oppressed and treated like criminals. It is common for camp authorities and the Q branch to transfer them from one camp to another distant camp for no rhyme or reason. This is done deliberately with the aim of inflicting pain and suffering to the inmates. Many in the camps would like to flee to foreign countries to get away from these cruel camps. Most do not have enough money for such perilous journeys. Some manage to collect sufficient money to buy their way out. A few get caught and are punished. No one in authority seems to pause to think why they would want to take the risk of escaping from the camps.

In most foreign countries, refugees get the right to citizenship after a specified period of time and can, thereafter, work, study or start a business like any other citizen. But, in India a refugee who had been living here cannot buy even a two-wheeler. Refugees here have no right to education or employment. They remain refugees all along. They cannot move out of the camp without permission from authorities. They do not even have the right to protest for basic amenities.

The inmates of Special Camps have been agitating for years to get their cases heard quickly. They have fought for their release or to get transferred to ordinary refugee camps. At various times they have gone on hunger strikes in order to highlight their plight. In February 2010 the police baton charged and opened fire on those who were on a hunger strike in the Chengalpattu Special Camp. Fifteen inhabitants of the camp were seriously injured. The injured were charged for breach of peace and, later, given prison sentences. Police have also filed action against those who went on hunger strike and charged them with having attempted suicide!

In the case of *Premavathy and others vs. Tamil Nadu*, the High Courts ruled on 14.11. 2003 that those in Special Camps should be treated humanely, be provided with appropriate medical care, be given suitable work and be paid a reasonable wage. It also recommended that library facilities and indoor and outdoor games and yoga be made available to them. To date none of these have been offered.

At present there are two Special Camps in Tamil Nadu, one in Trichy and the other in Seyaaru, both under the jurisdiction of the Chief Minister of Tamil Nadu. The living conditions in these two camps are comparatively worse than those in Srilankan jails for LTTE detainees.

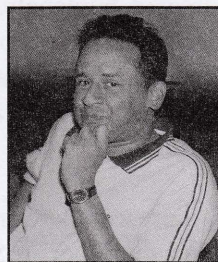
The author of this book, Tholar Balan, has been in Special Camps for more than eight years and has witnessed and experienced the cruelty and human rights abuses that are widely prevalent in these camps. I hope this book will expose to the world the conditions that exist in these Special Camps and provide the necessary momentum to the campaign to close them down.

Lawyer. P. Pugazhenth
President

Tamil Nadu National Peoples Party
Chennai
12.08.2015

Preface

After having been incarcerated in Tamil Nadu Special Camps for eight years I was released on 03. 04. 1998. When I bid farewell to my fellow detainees, an eight year old girl who had been in the camp for many years held my hand and said, "I know you are not one of those who at thier time of release pledges to help us get out of this place and later forget about it. Although you never made a promise of that sort, I am sure you will help us as best as you possibly can".



Tholar Balan

These words have kept echoing in my ears ever since. Even though the girl has been now released, I have tried my best to be worthy of the trust the little girl bestowed on me and campaigned relentlessly for the closure of these monstrous Special Camps.

During the time I was locked up in Special Camps (1991-1998), my friends/comrades such as Pozhilan, Mukilan, and Sukumar campaigned for my release. They were also instrumental in getting politicians like Ramados, and Thirumavalavan to demand for my release. Moreover, revolutionary journals such as Kedayam, Puthiya Jananayakam, and Munnody had agitated against the atrocities in the Special Camps.

These Special Camps inaugurated by Mr. M. Karunanidhi in 1990 have not yet been closed nor the inmates released. I had written a series of articles in Tamil Nadu National People's Party's organ "*Tamizhtheesa Viduthalai Aram*". Some readers were keen for me to compile the articles into a book.

I am not sure as to how helpful a document this book will turn out to be. I will be very happy even if it helps a wee bit towards getting the detainees in these camps released.

My sincere thanks goes to everyone who helped in the publication of the book.

Tholar Balan
London
12. 08. 2015

Chapter 1 - Some facts about Special Camps

The world is well aware of Hitler's Concentration Camps and America's Guantanamo Bay. But the fact that there exist similar camps in the state of Tamil Nadu in India is little known to the outside world. These have been called 'Special Camps', a masterly understatement that hides the hideous nature of these 'detention centres' that are no less than torture chambers and Concentration Camps. The sad fact is that even the people of Tamil Nadu are largely unaware of the extent and nature of the cruelty and suffering that the refugees in these Special Camps are subjected to. Whilst the American President Barak Obama has had the decency to acknowledge the brutality and torture that prisoners in Guantanamo Bay had been subjected to and has pledged to close them down, those in power in India, and more specifically those in authority in Tamil Nadu, have never acknowledged, nor admitted that such camps exist.



A Refugee jailed in Trichy Special Camp

What are Special Camps?

These Special Camps came into existence in 1990 and at that time the aim was to control the movements of the SriLankan Tamil asylum seekers in Tamil Nadu. The authority to establish these camps is based on *The Foreigner's Act 3(2) E* of 1946. Although legally the Special Camps come under the jurisdiction of the District Collector, real power has been placed illegally in the hands of the notorious Q branch of the Indian police force.

When and by whom were the 'Special Camps' set up?

The first Special Camps were set up in 1990 by Mr. M. Karunanidhi, the then first minister of Tamil Nadu, to lock up the Srilankan Tamils who came to Tamil Nadu as refugees. Mr. M. Karunanidhi, also called Kalaingnar, who takes great pride in calling himself the leader of World Tamils, was at that time under attack by the central government for failing to control the movement called The Tamil Tigers of Tamil Eezham (LTTE). In order to appease the central government, he launched the first Special Camp in Tipu Mahal in the Vellore fort.

Who were the first detainees on Special Camps?

Although Mr. M. Karunanidhi claimed that the Special Camps were created to control the activities of the LTTE, most of the detainees were not militants. Rather, the vast majority of them were innocent Tamils who were living in ordinary refugee camps in Tamil Nadu. Many were promised employment and education but were locked up in these Special Camps. It is only after being detained there did they realize that the Tamil Nadu government had hoodwinked them.

Shooting in Vellore Special Camp

When the detainees realized that they had been tricked, understandably they were angry and furious. They demanded that they be released and started to agitate. When this produced no response, they went on hunger strike. Despite the hunger strike, no one from the prison or police went to meet them to hear their grievances. Infuriated by the blatant indifference shown by those in power, the refugees set fire to the front door of the prison and when the police arrived under the command of Police Commissioner Thevaram they threw stones at them. Detainees were physically attacked and police opened fire. Two youth were killed, and eventually, 130 youth were detained under the National Security Act, in the Lower Vellore jail.

This episode in which police opened fire at unarmed refugees will go down in history as one of the most shameful and atrocious acts of the Tamil Nadu police force. Moreover, locking up refugees under the National Security Act is a deed that has no precedent except in countries under totalitarian regimes. Here too, Mr. M. Karunanidhi is culpable for misusing the Act. For their part, the newspapers did their bit by reporting that the refugees protested because they "wanted biriyani"!

What did Mr. M. Karunanidhi say about Special Camps when he was the leader of the opposition?

Although the chief minister M. Karunanidhi had set up the Special Camps to please the central government, he could not escape its wrath and his state government was dissolved by the centre. Thereafter, Madam Jayalalitha became the chief minister.

During her period in office some of the detainees in Vellore Special Camp escaped by tunneling their way out. Mr. Karunanidhi who was the leader of the opposition at this time cunningly declared that he was hoping to close the Special Camps in a few months, had his government not been dismissed! Mr. Karunanidhi has been in power twice since. But he never took any action to close the Special Camps. No wonder those detainees who had believed his statement feel betrayed by him.

What action did Madam Jayalalitha take after coming to power?

Historically, Madam Jayalalitha has the reputation of vengefully acting against Mr. Karunanidhi's programs and actions. The detainees hoped that she would at least begin to close down the Special Camps. But, for her part, she set up several new Special Camps in Chengalputtu, Poondamali, Meelur, Thuraiyoor, Thruvaiyaaru and Pazhani. Several innocent refugees were incarcerated in these Special Camps. The reason given for this was the murder of Rajeev Gandhi.

Perhaps, the only issue on which Karunanidhi and Jeyalalitha have acted in agreement, was in locking up refugees in Special Camps. Thus they proved to everyone that one was not any better than the other when it came to imprisoning refugees.

Why are Special Camps considered worse than prisons?

Everyone knows that many cruel things happen in prisons. This is especially so in prisons in India. Several ex-prisoners have written about what horrendous and gruesome places they are. But the Special Camps are worse. The fact is that Special Camp detainees are denied rights that prisoners are entitled to and even the few minor concessions available to ordinary prisoners are not available to inmates of the Special Camps.

There are rules and regulations for prisons as to the way prisoners should be treated, looked after and managed. In addition there are regulations and guidelines to ensure the rights of prisoners. But, in Special Camps there are no such regulations. This specific issue was raised in a case, WP 15044/91 in Chennai high courts.

High court judges Hon. Arunachalam and Hon. Pradhap Singh ruled on this matter as follows:

- ★ An assistant Thasildar should be appointed to the Special Camp in order to manage and ensure food supplies.
- ★ For those refugees detained in Special Camps, only their movements have been restricted and, apart from that, no other rights have been denied.
- ★ If those in Special Camps wish to have their family members with them, it should be permitted and the state should bear their expenses.
- ★ Refugees should not be locked up in cells and should be allowed to move freely within the camp's premises
- ★ Visitors should be allowed to meet the detainees without any time restriction; visitors are permitted to give detainees materials for their personal use.

- ★ Policemen are only for the purpose of guarding the place and should be placed outside the Special Camp. All other aspects of the camp management should be in the hands of the thasildar.
- ★ Those detainees who wish to return to their homeland should be allowed to do so. The expenses for this may be borne by the state, if necessary.

The judges pointed out that the above decrees were made on the basis of statements made to courts by Tamil Nadu state government. But the truth of the matter is that none of the detainee rights mentioned in the high court judgment was ever granted. On the contrary, the Tamil Nadu state and the authorities continue to detain refugees unlawfully, violate their human rights and mete out inhuman treatment.

Does Tamil Nadu police ill treat the refugees?

It is a fact that those locked up in Special Camps are regularly beaten and subjected to brutal treatment; women refugees have been sexually abused. These crimes and human rights violations have been brought to the attention of the state government a number of times.

These offences have also been reported to the human rights commission and other bodies as well. They have also been highlighted in various witness statements to courts in several cases.

For example, a refugee named Siva who was an inmate of Thuraiyoor Special Camp made a statement about his ill treatment to the Karoor courts on 17.10.94. Excerpts from his statement are as follows:

"On 21. 3. 93 we were savagely beaten up by a group of policemen under the command of sub-inspector Anpazhagan. Many others and I were beaten and tortured that day. I suffered fracture of the leg on account of the attack. I cringe to tell courts how I was tortured. We were humiliated and demeaned. Although I was in pain and was unable to walk, I was not given any medical attention or taken to hospital.

"In this Special Camp children have been separated from their parents. They are not allowed to talk to each other. They use their authority to subject women in this camp to sexual violence. They are sometimes taken out of the camp on the pretext of being taken to hospital and sexually abused. We have reported this to the authorities several times and petitioned as well. But no action has been taken. I believe that this happens with the knowledge of higher authorities and is condoned by them.

"The children in this camp are denied education. The authorities seem unconcerned about the harm this does to their future life chances. They have not been allowed to have schoolbooks or notebooks. This had been so even when others had volunteered to buy it for them".

This sworn statement by Siva is testimony to the fact that the refugees are beaten and the women are sexually abused in the Special Camps. But neither the Karoor courts, where this statement was made, nor Tamil Nadu police who are responsible for these deeds, have taken any action to rectify them.

One justice for Madam Jeya and another for Special Camp refugees. How can this be fair?

India is said to be a democratic country and all are held to be equal before the law. But the justice meted out to Madame Jeya is different to that which the Special Camp refugees receive.

Madame Jeya and her companion were sentenced to four years of imprisonment for swindling Rs. 660 million. But the high court granted them bail within 21 days. Compare this with the fate of the refugees who have been detained in Special Camps for years and that too without a custodial sentence. Why are the courts unconcerned about the fate of refugees?

It was not only Madam Jeya but also her adopted son Sudharan too was released on bail supposedly on account of medical illness and old age (!). But the disabled and medically ill refugees in Special Camps have been kept locked up. Yet the courts have not come forward to release these poor refugees. What justice is this?

When in prison Madam Jeya requested permission for her companion Sashikala to be accommodated in her cell. Compare this with the situation in Special Camps where children have been separated from their parents and refused permission to see them. Husbands and wives have been kept apart. How come those concessions offered to a criminal, who has been found guilty and imprisoned, is denied to the refugee?



*This disabled
refugee was jailed
as he was
considered to be
a 'security risk'
to India.*

*The former
adopted
son of Jeyalalitha,
Suthaharan,
has been released
from jail as on
account of
"medical reasons"*



- ★ When the state government of Tamil Nadu errs one can take the matter to the courts.
- ★ When the courts fail to act, the case can be taken to the international bodies
- ★ When international bodies too ignore it, what can the refugees do?

Several inmates of the special camp have complained to the courts about the inhuman treatment they had been subjected to. More specifically, when I was locked up I appealed at various times to the Kodaikkal and Dindukkal courts directly.

In one such case P.V Bhakkavathsalam the lawyer for Peoples' Rights Society appeared on my behalf in Chennai high court. Additional Secretary Bhaskaradas admitted liability and apologized to courts and agreed to act lawfully in my case. But, this made no difference. The state government of Tamil Nadu continued to detain others and me unlawfully.

During the time I was in detention Thamilmukilan and other human rights activists were conducting a relentless campaign against the atrocities perpetrated inside the Special Camps. As a result of their efforts a judge from the Human Rights Commission came to inspect the Vellore Special Camp. He assured us that he would take immediate action to prevent human rights violations in the camp. But, the atrocities continued, and in fact, they became worse. We were being punished for having complained!

At this stage, I realized it was futile to expect the Indian justice system to take any constructive action to prevent the atrocities and I personally appealed in writing to the Amnesty International and United Nations Human Rights Commission. These organizations acknowledged receipt of my complaint, but did not take any action.

The situation is this: The government of Tamil Nadu continues to break the law, the courts ignore refugees' complaints and international bodies do not show any interest in the matter. Under these circumstances what recourse is the hapless asylum seeker left with? Who can he turn to? What more can he do to get out of this miserable situation?

Why have the Special Camps not been closed?

Chief Minister M. Karunanidhi claimed that Special Camps were necessary to keep the LTTE under control. Madam Jeya who came to power after him asserted that the Special Camps were necessary to keep an eye on the movements of the LTTE.

But, at present, the Sri Lankan government claims that the LTTE has been annihilated. And the Indian government too has acknowledged this, and consequently removed the names of Prapaharan and Pottu Amman from the Rajeev Ghandi murder case. But, strangely, the Tamil Nadu state government refuses to close the Special Camps created for the explicit purpose of curtailing the movements of LTTE cadres!

At the time of writing this book six years had passed since the war in Sri Lanka had come to an end. Even Mahinda Rajapakse has released some of the Tamils detained within the refuge camps. But, the Tamil Nadu government continues to detain the Tamil refugees within the confines of Special Camps.

What is the current situation within Special Camps?

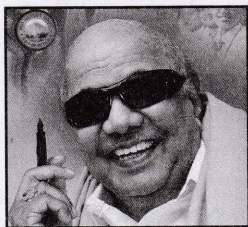
At present, there are two Special Camps, one in Trichy and the other in Seyyaaru. Inmates of these camps have fought for their freedom as best as they possibly could. They have demanded their release, petitioned courts and appealed to international bodies and been on hunger strikes several times. But, rulers of Gandhi country have paid no attention to their non-violent struggles. Instead, the Tamil police officers of the camps have beaten them saying, "You refugee dogs, sons of prostitutes! There is no one for you even if we beat you to death, and you have the gall to go on hunger strike!"

As a result of ill treatment 17 refugees had attempted suicide by overdosing themselves. Fortunately, they received medical treatment and no life was lost. But, police filed cases against them for attempting suicide (until 2014 attempted suicide is a criminal offence in India) and imprisoned them. India must be the only country in the world where refugees are neither allowed to live nor to die!

Special Camps and political leaders in Tamil Nadu

Here I summarize the position taken by the various political parties and their respective leaders on the issue of special camps to highlight the hypocritical positions they have adopted.

Kalaigarn Karunanithi



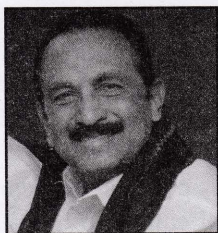
As mentioned before, it was Mr. M. Karunanithi, the self-proclaimed leader of world Tamils, who first established the Special Camps. He had been in power several times since then but has not taken any action to close the camps. Yet, he held the Tamil Eezham Supporters Organisation (TESO) conference (in 2012) to help achieve Tamil Eezham in Srilanka. If he had any concern for the long suffering Srilankan Tamils the least he could have done is to have closed down the Special Camps in Tamil Nadu. Now, in opposition, he has not even asked for the closure of these Special Camps.

Madam Jeyalalitha

When in the opposition party she claimed that she would send in the Indian army to Srilanka to secure Tamil Eezham. But, after coming to power she has stopped talking about liberating the Tamils in Srilanka. Leave alone freeing the Tamils in Srilanka, she has not even released the Srilankan Tamils locked up in Special Camps. It is laughable that some sections of the Tamils keep calling her the "Mother of Eezham"

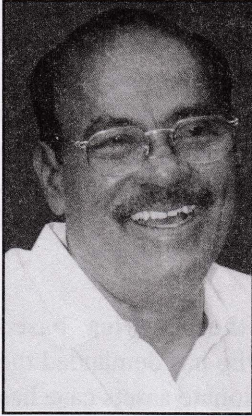


Vai Ko



Although it is true that Vai Ko has demanded the closure of Special Camps, he did very little towards it when his party had ministers in the ruling central government. He took the matter of the proscription of LTTE to the high courts and argued for its revocation. A lawyer himself, he could have taken the matter of Special Camps to the high courts, but has not done so to this date.

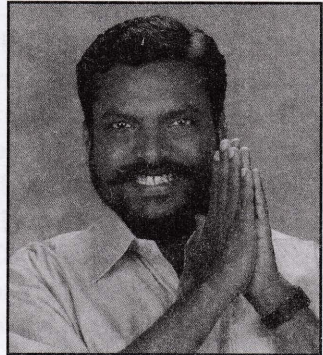
Dr. Ramadas



Dr. Ramdas, to his credit, has demanded several times that the Special Camps be closed down and agitated against them. He had the opportunity of closing them down when his son was a minister in the central government. Moreover, at that time his party was a coalition partner in the Tamil Nadu state government. He could have used his position in the central and state government to influence policy on the matter of Special Camps, but he singularly failed to do so.

Thirumavalavan

Thirumavalavan, the leader of the Viduthala Siruththaikal party has on numerous occasions called for the closure of the Special Camps. But, when he was a coalition partner of the congress government he never raised the issue in parliament. Given his consistent support for Eezham Tamils this has been particularly disappointing.



Thus, at various times, these parties - DMK, Congress, ADMK, MDMK, VSP - have called for the closure of these camps albeit inconsistently. Moreover, various human rights activists have fought for shutting down of the camps. One wanders if it is the apathy shown by the Tamil public that allows the continuation of the camps and the human rights violations that are part of it.

Indifference of the Tamil leaders of Srilanka

Tamil leaders of Srilanka are frequent visitors to India and Tamil Nadu and regularly meet with the Prime Minister and First Minister of Tamil Nadu. Not once have they asked for the release of the Srilankan Tamils languishing in the Special Camps. During his recent visit to Tamil Nadu, Vigneshwaran, the Chief Minister of the Northern Provincial Council of Srilanka requested that the Srilankan refugees in Tamil Nadu be sent to Srilanka. Yet, he did not demand for the release of those in Special Camps.

Rudrakumaran, the self-styled leader of the America based Transnational Government of Tamil Eezham who has demanded the release of Madam Jeyalalitha in the disproportionate assets case has not raised a finger to call for the release of those in the Special Camps.

The Sinhala racist government of Srilanka agrees to release Tamils in prison, but Tamil Nadu government keeps mum

It is a curious fact that although the new president of Srilanka, Maithripala, has agreed to release Tamil prisoners held in Srilankan jails, the Tamil Nadu government, whichever the party in power in Tamil Nadu, has consistently failed to free them. Both Mr. Karunanidhi and Madam Jeyalalitha have claimed that their lives were under threat from the LTTE and have been provided protection by The National Security Guard (NSG) commandos called 'Black Cats'. The fact is even at the time when the LTTE had a stronghold in India, they had never made any attempt on the lives of these leaders.

Nor did they make any public pronouncements against their anti-LTTE activities. The former prime minister of India, V.P. Singh is said to have given Karunanidhi a large sum of money to be handed over to the LTTE and that he (Karunanidhi) never gave it to the LTTE. Yet, the LTTE have not spoken about it in public. I say this to underline the fact that LTTE were never a threat to either of them. Now that the LTTE is no more, it is farcical that they want protection by Black Cat commandos.

In 2009, during the last days of the war, despite agreeing to put down their arms, large number of LTTE cadres were gunned down by the Srilankan army. Karunanidhi's daughter Kannimozhi organised a surrender package and it was agreed that LTTE would surrender holding white flags. In spite of this, several LTTE leaders and fighters, including Nadesan and Pullithevan were gunned down by the Srilankan army. Ananth Sasitharan, a member of the Northern Provincial Council, has recently made this public. Both Kanimozhi and her father are complicit in this war crime and should be held to account. But, Karunanidhi claims that he is under threat from the LTTE and gets 'Black Cats' security protection!

Motivation for the continuation of Special Camps and proscribing the LTTE

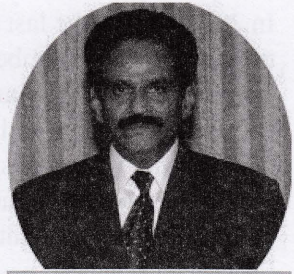
Madam Jeyalalitha wants to extend the proscription on the LTTE in order to continue receiving 'Black Cat' commando protection. For the same reason Karunanidhi too supports the ban on LTTE. The sad fact is that those who support the LTTE in Tamil Nadu such as Vai Ko, Nedumaran and Seemaan have failed to point this out to the people. For Madam Jeyalalitha and Mr. Karunanidhi, the ban on LTTE serves to justify the need to have commando level security and protection. Hence they keep the special camps open and label any Srilankan Tamil a tiger and get them locked up. It does not matter to them that hundreds of Srilankan Tamils as long as they can get high-level security protection.

Unfortunately, many Tamils still believe that the two of them will free the Srilankan Tamils from oppression by the Srilankan state.

Views of a former Director-General of Police

Many have asserted that Perarivalan who has been sentenced in the Rajeev Gandhi murder case is a simpleton and is innocent of the charges he is accused of. But, neither the courts nor the government has recognized this.

One of the officers who investigated the case has now stated publicly that he (the officer) had altered Perarivalan's statement so as to incriminate him. Despite this frank admission by the officer Perarivalan remains convicted of murder and is on the death row.



Mr. V. Vaikunth

I mention this in order to draw a parallel between what has been happening to the refugees in Special Camps. A former Director-General of Police, Mr. V. Vaikunth has written a book entitled *An eye to Indian policing: Challenge and Response* (East West Books, Chennai, 2000). In this book he makes particular reference to Special Camps and says, "I should draw attention to the fact that when dealing with non-nationals, the police have not been given full powers. The Foreigner's Act 3(2) E of 1946, does not grant the police authority to restrict their movements and lock them up"

He goes on to say, "The fact is that the order was made on the basis of The Foreigner's Act and apart from that we have no legal authority to hold them in Special Camps for five years. In this sense, they are neither prisoners nor on remand. Therefore, the reality is that they cannot be treated according to regulations governing the prison services". The jailbreak at Vellore Special Camp happened at the time Mr. V. Vaikunth was the Director-General of Police. Referring to the breakout he states, "In my dealings with the department, I had referred to those in Tipu Mahal as Ceylon Tamils and not as militants. I say for certain that here is no proper regulations or guidance given to the central and state intelligence agencies on the matter of who an ordinary Ceylon Tamil is and who a Srilankan militant is. I can vouch for the fact that not even the central intelligence agency has a way of determining who a refugee is and who a militant is"

He goes on to say: "Tipu Mahal is not a prison; it is a Special Camp. Those locked up in it cannot be subjected to procedures designed for prisoners. But watchtowers, officers with AK 47 rifles and several policemen surround it. On reflection, it is clear that these were all unnecessary and, more importantly, we were acting outside the law".

Mr Vaikunth also reiterates, "There is no evidence to show that those locked inside Special Camps are members of the LTTE. They have been locked up illegally. Why should the police department take the blame for the result of the botched up policies of successive central and state government?" Judge Singaravelu who was appointed to review the situation in special camps has reiterated this view. He too blamed both the central and state government for the shambles.

Despite these damning indictments by Director-General of Police and a learned judge, the government of the day has shown no concern for the souls incarcerated in Special Camps and continues to act contrary to law.

Abuse of authority

A good example of how indiscriminately people have been locked up in Special Camps is the case of Mr. R. Sivalingham. He is an Indian Tamil who was a social activist working among the tea estate workers repatriated from Sri Lanka. These poor estate workers were being harassed by the police and falsely accused of being LTTE sympathisers.

Mr. Sivalingham took up their cause and agitated against police harassment. He was thrown into a special camp in leg chains and handcuffs and kept in solitary confinement. He has written eloquently about his horrific experiences at the Special Camp in the journal *People's Council*. Some excerpts from his article:

"I could not believe that the Tamil Nadu government had ordered that I be arrested and taken immediately to the Special Camp in Kanchipuram. I am a citizen of India who has been living in this country legally over the last ten years. Why did the government suddenly decide to make me a refugee and incarcerate me in a Special Camp? To this date I do not know the answer to this question.

"I did not come to India as a refugee. I have not sought asylum here. I have not asked even for five paise from the government. Who in his right mind would arrest a man who has returned to his country of origin, been living here legally and working as a social activist among the poor? Why should anyone do such a dastardly deed? Isn't India a democratic country? Is it not a country where the rule of laws prevails and human rights are respected?

"It has become a pastime among certain political circles here to continue to call the repatriates "Ceylon Tamils" and mischievously propagate the notion that they are supporters of the LTTE. Many government officials and intelligence officers have been taken in by this propaganda. A Collector in Nilgiri by the name of Leela Nair is one of those people who engaged in this 'tiger hunt'. Many innocent Indian Tamil tea estate workers were hounded. It was she who was responsible for my incarceration in the special camp. Representing the voice of the repatriated Indian Tamils has been framed a crime and I have been labelled a Tiger by the IAS officer. In Indian legal system there is little chance of taking an IAS officer to courts for abuse of authority".

According to Indian laws, upcountry Tamils who returned to India are Indian citizens and, therefore, cannot be imprisoned in a Special Camp for refugees. The case of Mr. Sivalingham is an example of how an IAS officer could get an Indian citizen put in a Special Camp with impunity. Mr. Sivalingham, a lawyer and a well respected educationist was a diabetic. Sadly he passed away soon after his release from the Special Camp after a long drawn out battle in Indian courts.

Incarceration of Indian citizens in the Special Camp

If Mr Sivalingham was an Indian who returned to his country of origin and was sent to a Special Camp, the case of many other Indians who were born and bred in India and strangely found themselves in Special Camps shows how ludicrous the system is.

Mrs. Venketeswary is an Indian from Madurai. She was sent to the Special Camp in Chengalputtu under the Foreigners Act. She repeatedly told the officers concerned that she was an Indian citizen, but no one took any notice of it. She complained to higher officials and that too was ignored. Finally she filed a case in Chennai High Courts. Courts ordered her to be freed and instructed the Tamil Nadu State Government to pay Rs. 50,000 in compensation. The *Thasildar* was ordered to pay her Rs.5,000 from his pocket.

This case highlighted the unlawful activities of Chengalputtu Special Camp and raises questions such as: How an Indian woman be sentenced to a Special Camp that is supposed to be for refugees? Do you need a high court to give a ruling on the matter?

Illegality of special camps

Mr. Sivalingham who was imprisoned at Chengalputtu Special Camp was an attorney-at-law. In his article referred to above, he states as follows:

"The Foreigner's Act of 1946 was promulgated by the central government. The aim of the Act was to curb the activities of those who were not citizens of Commonwealth countries. It does not affect Srilankan subjects. However, in a gazette notification made by the Ministry of Interior in 1958 the authority to implement the Act was delegated to state governments. Legal experts believe that using this gazette notification on Srilankan refugees contravenes both local and foreign laws as well as agreements relating to international human rights of refugees.

"I firmly believe that India cannot use this law against Srilankan refugees. More specifically, I have no doubt that the way the law is implemented in Tamil Nadu is ludicrous and contravenes all laws. This is an important legal matter and I will not dwell on it at length apart from saying that no one has taken the matter of misuse of the Act by the Tamil Nadu Government to the high courts yet"

These words of late Mr. Sivalingham speaks volumes. There are many lawyers in Tamil Nadu who are sympathetic to the cause of Tamil refugees. Should one of them take this issue to the High Courts they will be doing a great service to the refugees in Special Camps. Will anyone come forward?

Repatriated Indian Tamils from Srilanka have been locked up in Special Camps

Mr. R. Sivalingham was an upcountry Tamil who had returned to India. He worked in Nilgiri and Ooty among the repatriated Tamil estate workers. He had no links with organisations that believed in violence. He was a believer in democratic principles and the rule of law. He was an attorney at law and much-respected educationist and social activist. He was locked up in a Special Camp and treated brutally in spite of his age and ill health. Many influential people came forward to intervene on his behalf. Former high court judge Krishnaiyar, former Srilankan minister Thondaman and many of his former students who were in positions of influence pleaded with the Tamil Nadu government to release him on humanitarian grounds. Many human rights organisations too appealed on his behalf. Yet, the Tamil Nadu government refused to release him. When he was taken ill and was admitted to the government hospital he was kept chained to the bed. It was only when his wife took the agencies responsible for his illegal imprisonment and cruelty to courts did the Tamil Nadu government agree to release him.

Mr. Sivalingham stands out as a tragic example of all too often present abuse of authority in Tamil Nadu.

One more example of illegal detention of repatriated Srilankan upcountry Tamils in the Chengalpattu Special Camp is that of Muniamma and her family. Muniamma came from Madurai. Her husband's name is Perumal and her son's name is Selladurai. All three of them were repatriated Indian Tamils from Srilanka. Perumal was released on bail from the central jail in Madurai. But his wife and son were kept in Chengalpattu Special Camp for no apparent reason. Similarly, another three repatriated Tamils were placed in Chengalpattu Special Camp. It took the nitwits in the Q branch ten months to realise that these five people were repatriated Indian Tamils and therefore could not be detained in a Special Camp! Call it a cock up, call it ignorance, call it conspiracy, the fact is that they were locked up for 10 months.

When they were released, they had no money for bus fare to get back to Madurai. They were poor farmers. Strictly speaking, they should have been taken back to Madurai from where they were arrested. But, Q branch had no remorse for having kept them in detention for 10 months nor did they provide compensation for them. They did not even pay the bus fare for them to get back to thier village! They had to beg for bus fare from the other detainees. Fortunately, the inmates managed to collect enough money to pay for their way home. This is a good example of the cruelty and inhumanity that prevails in the Special Camps.

The above are just a few examples that illustrate the illegal nature of the Special Camps and mentality of the officials who run them. There are many hundreds of such tragic cases. But the case of a Canadian citizen who was detained in the Special Camp is as much unparalleled as is heartbreaking.

Canadian citizen in the special camp

Somu is a Canadian Tamil of Indian origin. He had come to visit his parents in Trichy. It was alleged that he was a suicide bomber belonging to LTTE who had come to India with the intention of murdering Madame Jayalalitha who was the Chief Minister at that time.

He was arrested and locked up at the Chenkalputtu Special Camp. He pleaded with the authorities saying that he was an Indian Tamil who had no truck with LTTE. He produced evidence to show that he was from Trichy and even appealed to Jeyalalitha. All this fell on deaf ears.

He then informed the Canadian government about his predicament. An officer from the Canadian embassy in Delhi visited him to find out the situation in person. The embassy took immediate action to get him out of the Special Camp and to get him back to Canada. It may sound funny but for the seriousness of the situation: the Tamil Nadu government arrests a Tamil from Tamil Nadu and a foreign government intervenes and rescues him from the Special Camp!

Rape and exploitation in Special Camps

Many may be shocked to know that women in Special Camps are subjected to frequent rape and sexual violence. Tamil Nadu is a state that is said to revere and glorify women as mothers and goddesses and one may wonder how come women who had sought asylum in Tamil Nadu are dishonored and abused by the Tamil Nadu police and prison officials. This should come as no surprise to those who are familiar with the happenings that go on in police stations and prisons in Tamil Nadu. Many may remember that a woman named Padmini was gang raped in Chithambaram police station and was later cruelly murdered. But, Tamil Nadu police tried to cover it up and maintained that she committed suicide.

The public came to know about it only when Tamil Nadu Liberation Army under the leadership of Comrade Lenin sought revenge for the incident and carried out an all round bombing of the police station. Although, subsequently the attackers were tried and sentenced to life imprisonment, not a single police officer has been punished for the rape and murder.

This incident apart, during the search for sandalwood smuggler Veerapan the Tamil Nadu police rampaged through Vachchanthi raping hundreds of women. Many human rights organizations took up the issue and campaigned on behalf of the women.

Many years later 60 police personnel were found guilty by courts and punished. Nevertheless, it is worth pointing out that the victims were not offered any compensation.

I have drawn attention to these two incidents in order to demonstrate the past record of the Tamil Nadu security services for perpetrating rape and sexual violence on their own women citizens. Is it a wonder then, that the Tamil Nadu police and the government habitually ignore the plight of the hapless Srilankan women refugees?

It is not only the police that indulge in sexual abuse of women refugees. The higher authorities who should be taking action on the police too are guilty of sexual harassment and mischief. When the police, their administrators and courts jointly abuse their authority, there is little that unfortunate asylum seekers can do.

It is strange that those politicians of Tamil Nadu who weep for the Tamil women for the atrocities committed by the Srilankan army against them, seem to have no tears for the women refugees who are subjected to rape and abuse in their own country. They have not even condemned such brutal acts. Is it not astonishing that these politician who shout loud about the atrocities committed to Tamil women by the Sinhala Army, remain silent when it comes to cruelty to women Tamil refugees in Tamil Nadu?

Some politicians in Tamil Nadu claim that they are unaware of these crimes perpetrated by the police and prison authorities. But the fact is, the victims of these acts of violence have brought them to the attention of the higher authorities, they have made statements to the courts about their plight, they have provided sworn statements and written to Amnesty International and other voluntary human rights organizations. The fact is that no one has taken serious notice of them nor have they acted upon them. This is the unfortunate of state the refugees in these camps.



*This couple fought hard
for their release and
ultimately committed
suicide.*

Sexual violence at the Thuraiyoor Special Camp

In 1992, during the of period in office of Madam Jeyalalitha, several special camps were established in many parts of Tamil Nadu. Thuraiyoor Special Camp was one such camp where a number of Srilankan Tamils were locked up. One such person was a social activist named Siva. In the evidence he gave to Karoor courts on 17. 10. 1994 he described the happening at Thuraiyoor Special Camp in some detail. I give below extracts from the statement he made to court:

"At first, from 24.7. 92, I was locked up in the Special Camp at Thuraiyoor. It was a Special Camp in name only; it was worse than a prison and it functioned more like a torture chamber because even the few facilities that are available to ordinary prisoners were denied to us. These Special Camps are run by the Tamil Nadu government and are used to brutalize and torture Srilankan asylum seekers. At the Thuraiyoor camp family members are separated from one another, children are separated from their mothers, wives from their husbands. They are locked up in single cells. They are not allowed any contact with one another. The prison authorities take the women prisoners out at night on the pretext of taking them for medical treatment. They are taken to nearby 'lodges' and forced to have sex with them. The victims have appealed in writing to higher authorities, but no action has been taken so far".

In spite of this plea, Karoor courts did not take any action. It is not only the courts that are at fault here. The Tamil Nadu government headed by Madam Jayalalitha, a woman Chief Minister, too has not moved a finger against those perpetrating sexual violence on refugees.

Cruelty against a woman named 'Rita'

A young woman named 'Rita' was locked up in Thuraiyoor Special Camp in 1993. She came from Mannar, a small town in Srilanka. The prison authorities used to take her out at night on the pretense of taking her for medical treatment and forcibly have sex with her in a nearby lodge. She complained to higher prison authorities many times, but no action was taken to prevent the abuse. At this time there were some members belonging to the organization PLOT who were also detained in the same camp.

They felt that Rita cooperated with prison authorities and considered this an outrage. Eventually when they were released together with Rita, they promised to help her and convinced her to come with them. They took her with them and murdered her in Vavuniya.

Strictly speaking, the PLOT members should have punished the prison authorities for abusing a woman who was in their custody. Instead, they deceived her into coming with them and cruelly killed her in the jungles of Vavuniya. The prison authorities came to know about the killing later. They showed no remorse nor did they change their ways. None of these prison authorities have been charged or punished for their acts. Tamil Nadu government and their leaders have neither taken any action, nor even, condemned their actions.

Cruelty by prison administrators

It is not only prison authorities who abuse women in Special Camps. There have been a number of instances where other government officials used sexual violence on women in Special Camps.

An elderly man called Kandiah was an inmate of the Karoor Special Camp. He came from Vavuniya and was popularly called "Bharathi of Eezham". He is known to have written several patriotic poems in praise of Tamil Eezham. On account of this, the Srilankan army was relentlessly pursuing him. To get away from the army he escaped to Tamil Nadu but ended up in Karoor special camp. He was in his eighties.

In this camp a Srilankan woman refugee from Vavuniya was taken to lodge by the *Thasildar* and subjected to rape. Next day Kandiah causally asked the *Thasildar*, "How was the honeymoon?" This infuriated the *Thasildar*, who then got him arrested by the Q branch. He was charged with being a member of LTTE and sent to the Special Camp in Vellore. Here is an elderly man questioning the abuse of authority and exploitation of Tamil women in Special Camps. Kandiah was punished despite of his age. Who, in his right mind, could then be expected to come forward to voice his protest at the abject cruelty prevailing in Special Camps? The State Government colluded with the *Thasildar* who perpetrated the crime and labelled the poor old man a Tiger. How can one expect the government to safeguard the rights of the unfortunate women refugees?

Cruelties at Vellore Special Camp and Mr. Vaikunth's boast

As mentioned before, the first Special Camp was established in Vellore Fort. Here, at Tipu Mahal 150 youth said to belong to the LTTE were imprisoned. In the nearby Heider Mahal, 400 members of their families including women and children were accommodated and kept in detention. The women refugees were permitted to go out of the camp during daytime. The armed policemen guarding the prison demanded sexual favours from them. These women had no choice but to give in. When the LTTE members in Tipu Mahal came to know about it, they sneaked into Heider Mahal through a passage and beat up the women who had, in their view, cooperated with the police.

News of the incident reached the authorities the next day. Police quickly sealed off the passage between the two parts of the prison. I mention this here because in his book *"An eye to Indian policing: Challenge and Response"*, written after his retirement, Director-General of Police, Mr. V. Vaikunth takes credit for having taken effective steps to block an escape tunnel that the LTTE had dug to get out of the prison!

The Director-General of Police was well aware of the reasons why the LTTE members went into Heider Mahal and why they attacked the women. Yet he spins the story and gives it a different twist completely ignoring the plight of women refugees in the camp. This, to my mind, is a reflection of the attitude of police authorities at the highest level towards women refugees.

Trichy police authorities and the plight of refugee women

A Srilankan Tamil refugee woman living in Trichy earned her living by bringing goods from Srilanka and selling them in Trichy. Her husband had been killed by the Srilankan army. She frequently travelled between Srilanka and Trichy in order to earn some money to feed her children. She did this legally, filling out various documents and making declarations for clearance of goods. Indian intelligence services in Trichy, who came to know about it, had other intentions.

They wanted to recruit her as an informer and threatened her that she will not be allowed to trade in goods if she did not spy for them. Finding herself in a helpless situation, she agreed to collect information from Vanni for them. The LTTE came to know about it, and in one of her visits to Vanni, they executed her.

In another case, a refugee family living legally in Trichy were completely destroyed by the intelligence services. The family had bought a house in KK Nagar in Trichy and were well settled. The Assistant Superintendent of the Q branch had an eye for the wife. He framed a charge against her husband, alleging that he was smuggling petrol for the LTTE and got him locked up in the Thuraiyoor special camp. The Superintendent asked for sexual favours from the wife and if she agreed, he would free her husband from the Special Camp. An officer from the Drugs enforcement branch came to know about it and wanted her to sleep with him too. She refused to accede to his demand. Angered by this, he charged her for trafficking in narcotics. She was imprisoned in Madurai jail. She managed to get bail, but was rearrested at the jail gates and sent to Mellur Special Camp. Her life was completely destroyed by the two sexual predators in the police force. After all this, how can one expect any woman to go against the wishes of these all powerful police authorities?

Recent struggles of refugees in Special Camps

There have been many instances of merciless and pitiless treatment of refugees in Special Camps.

In the case of a refugee by the name of Baaskaran, his mother in law who was living in Tamil Nadu had passed away. She had no other relatives. He requested permission to attend her funeral and carry out funeral rites. His request was turned down. He pleaded with higher authorities and requested permission be granted on humanitarian grounds. But he was refused permission.

Even prisoners who have been found guilty are granted permission to attend the funeral of dear ones. For example, Nallini who is in prison in the Rajeev Ghandi murder case was given permission to attend her relative's funeral. But, in this case a refugee has been denied permission.

Not only is this against the law, but is also an illustration as to why I say that conditions in special camps worse than those in prisons.

At present, the government gives an inmate of the Special Camp Rs. 70 per day. They have to manage all their expenses including buying food within this 70 rupees. The inmates have been demanding an increase in the allowance over the last two years. Prison authorities too agree that this money is hardly sufficient to meet their basic needs. But the government has not paid attention to it.

Frustrated by the indifference shown to their demands, inmates of the Special Camp went on a hunger strike on 15.03.2015. This was completely ignored by prison authorities; the politicians too took no notice of it; the newspapers never reported it. Recently, there have been many protests in India over killing of cows, but, the state seems to show more mercy for cows than for human beings. In short, in India cows are treated more humanely than refugees from Srilanka.



These refugees in the Trichi Camp were on their 7th day of a hunger strike.

How can one get the Special Camps closed?

The only way of getting the government to shut down the Special Camps is by drawing the attention of the world, especially that of the people of Tamil Nadu, to their existence and the human rights abuses being perpetrated therein. In the final analysis, it is only the people of Tamil Nadu who have the power to get these camps closed down and liberate the Srilankan refugees who have been incarcerated in it. Therefore, the primary aim of those agitating to get the Special Camps shut down should be to draw the attention of the general public to the nature of Special Camps and the atrocities committed in them.

Chapter 2 - Statement by liberation fighter Siva

The following is a transcript of the statement made by Siva, a member of the LTTE, on 17. 10. 1994 to the Karoor courts:

Honourable sir

The police on 28.8.1991 arrested me. On the pretext of interrogating me I was tortured from 23.8.1991 until 29.8.1991 and locked up in Trichy central jail on 30.8.91. I was neither told why I was arrested nor what the charges were. But, I was put in jail.



Honourable sir, I am an ordinary man. I have a wife and children. Like all people, my dream is to lead a peaceful and happy life. When, against my wishes, my life is snatched from me for the only reason that I am a Tamil, I am compelled to defend myself as best as I could. The 1983 race riots did this to me.

My father and mother were shot in front of my eyes. My sisters were raped. Our belongings were pilfered. I was pushed into a position where I had to take to arms in order to defend myself.

When endangered by wild animals, we kill them. This is only natural and nobody says this is wrong. Similarly, when a man falls upon and attacks his fellow men like a wild beast, we are compelled to attack and kill him. Why do we kill a mosquito that bites us? Is it not because it had sucked out a drop of blood from our body? Similarly, how can we allow a man to suck the life out of us? Doesn't he deserve to be destroyed? When we resist the racist Sinhala army we were labelled terrorists.

We do not like war. We fight to eradicate war. But war can only be brought to an end by war. If we have to silence the guns of the racist government, we have to bear arms. We understand the dignity of life. We dream of a glorious future for the Tamil people. Armed struggle is inevitable to accomplish this dream.

"It is better to take to the sword and die than live like a coward. The fly that dies fighting the flame is greater a soul than the frog that dwells confined in the deep well", says the Lebanese poet Khalil Gibran.

This is precisely what happened to young people like me. When our fighters shed their blood, our hearts grieve. But we will not be deterred. Our leader Prabaharan proclaims that we cannot win our freedom without shedding blood. It is the duty of every Eezham Tamil to strengthen his hands. The Indian government has followed in the footsteps of the racist Srilankan government and called us terrorists. In my case too, police have accused me of being a terrorist. They bind me in chains and bring me to courts with high security to create the impression of a hardcore terrorist. They do this in order to destroy the popularity we enjoy among the people of Tamil Nadu. But this play-acting will not succeed.

It is strange that the very same Indian government that trained me, gave me guns and ammunition and large sums of money to fight against the Srilankan government, now accuses me of terrorism. Because we dared to fight the so-called Indian Peacekeeping Force that tried to conquer our land and because we refused to cooperate with some political leaders' selfish aims, Eezham fighters have been disparaged and denigrated in this country.

I can provide detailed evidence for my above statements. I will not dwell into it because it is unrelated to my case and courts may object to it. But, I would like to place the following questions before court:

Why is it that the Indian government that at one stage openly supported our struggle for Tamil Ezham, now proclaim that they deny that they ever supported a separate state for Eezham Tamils?

If so, why is Varatharajaperumal who passed the motion for a separate state in the Eastern Provincial Council, kept under security protection in India at the expense of several crores of rupees?

Why is it that India, which opposes Tamil Eezham, recognises the Palestinian struggle for freedom?

How come while the Palestinian leader Arafat was given red carpet welcome in India, it locks up Eezham fighters and subjects them to torture? Is it because we are Tamils?

Why is it that the Indian government which supported Nelson Mandela's armed struggle refuses to support the armed struggle of Eezham?

By raising these questions each and every socially conscious Tamil will be able to see for himself the true face of the government of India. Even if all the reactionary states in the world collectively oppose us, we are certain that the Srilankan Tamils will be liberated under the leadership of our leader, Prabakaran. This is certain.

Those who invaded our country under the guise of Peace Keeping Force and failed miserably are today arresting and torturing those who come to this country as refugees or for medical treatment. They are labelled terrorists. They propagate the view that we have come here to spread violence. I wish to tell them one thing: we are not psychopaths who are in love with violence. Nor do we believe that revolution could be exported. The Tamils in India will realise sooner or later that this is false propaganda.

The Indian state believes that repeating a lie several times make it become the truth. This has become an obsession for the government. It uses its massive media machinery to smear and discredit us.

If I am given an opportunity to speak, I am prepared to expose the sheer hypocrisy and deceitfulness of the Indian government.

I was arrested under the Terrorist and Disruptive Activities (Prevention) Act (TADA) without any inquiry. They stole my money. They could not justify the use of TADA on me and had to withdraw the charge against me. I was granted bail by courts, but I have been locked up in a special camp illegally.

I have been in the Special Camp for refugees at Thuraiyoor since 24.7.92. These camps are worse than jails. The few facilities that are available to prisoners are denied to us. It is common knowledge that these Special Camps designed by the Tamil Nadu government are cruel institutions and are here to ill treat and torture Tamil refugees. Of all the Special Camps the one in Thuraiyoor is the worst. Here children are separated from parents and wives from their husbands and they are all imprisoned in single cells. The husbands are not allowed to talk to their wives or children. The women in these cells are taken out at night under threat. They claim that they are being taken out for medical attention. Instead they are taken to lodges and coerced into having sexual intercourse with prison authorities. The victims have complained about this ill treatment and appealed to various authorities, but no action has been taken. Children are not allowed to go to school. Visits by relatives are refused.

For the last two years I have been kept locked up in a small cell for 24 hours. I have to bathe, eat and go to the toilet inside this cell. I was not allowed to talk to other refugees in the camp. Such confinement has been detrimental to my physical and mental health.

We have complained about all this to higher authorities. We went on a hunger strike for 14 days. Several organisation and leaders including Tamil Nadu Youth Council, People's Rights Organisation, Paattazhi Makkal Katchi and Ramdas have appealed to the Prime Minister, First Minister of Tamil Nadu, President of the High court, Secretary of State and the Government Agent. The authorities have taken no action, instead pictures of my loved ones that I had with me have been confiscated and my clothes have been set on fire. If we protest, the policemen abuse us and routinely call us "son of a prostitute, and son born to a Sinhalese hooligan". If you ask them why they are dragging our mothers into it, we get kicked and beaten.

This is how my leg was broken when on 21.12. 1993. The police under the command of sub-inspector of police, Anpazhagan ferociously attacked me. As a result my leg was broken. I and many others in the camp were beaten and tortured that day.

I suffered fracture of the leg on account of the attack. I cringe to tell courts how I was tortured. We were humiliated and demeaned. Although I was in pain and was unable to walk, no medical attention was given to me nor was I taken to hospital. I was left to languish in pain. The pain in my leg continues to this day. I believe that I was denied medical care because they wanted to cover up their brutality.

The cruelty to which we have been subjected to is as bad as those inflicted on inmates of the Nazi Concentration Camps. These are carried out with full knowledge of the government. The government is responsible for the arrogant and irresponsible behaviour of these officers. The Indian government and the First Minister Jeyalalitha will have to answer for this some day.

"Lifting a stone to put it on your own feet" is an expression used by Chinese to describe foolish acts. Reactionaries in all countries are such fools. In the ultimate analysis, all such oppression against freedom fighters serves to help spread resistance and revolution. All the oppression inflicted upon us by the Indian and Srilankan states only serves to strengthen the struggle for the resolve for liberation of the people of Tamil Eezham. Arresting and torturing us or killing us cannot crush our struggle. The Indian state may dream about it, but it cannot stop us from achieving our goal.

"We will not be buried, we have been sowed, thousands and thousands will spring up from our graves. Even if we are cut in to bits we will arise again and again like waves of the roaring sea. Final victory is ours. This is certain.

Lastly, Your Honour, I have a humble plea. I may be murdered by these anarchists. In such an event, I wish to donate my eyes to a poor Tamil girl. I want my body to given to a medical college in Tamil Nadu. This is my last wish.

Lest we fall
Let Tamil live !

Thank you
Siva

Chapter 3 - Mr. R. Sivalingham's memoir of his experiences in Special Camp

After the murder of Rajiv Ghandi in 1991, the Tamil Nadu police showed their wrath on the poor Indian Tamils in Nilgiri area who had been repatriated from Srilanka. Mr. R. Sivalingham, an Indian Tamil who had been a prominent educator in Srilanka took up their cause. He paid for it by being arrested and incarcerated in a Special Camp and subjected to solitary confinement as well as being put in leg irons and handcuffs. He wrote about his horrendous experiences in a series of articles in a journal called "*Makkal Mandram*" and extracts of it is given below.



Notes from prison

"Of late, all the books that I receive as gifts are of people who had been in prison and had prison experiences. After my 120 days" as a "state guest" in Chenkalputtu, my Koodaloor comrades presented me with a copy of "*Notes from the gallows*" by Julius Fuchik. He was from Czechoslovakia. When his country was overrun by the Nazis in 1943, he fought for his country. He wrote "*Notes from the gallows*" while he was in prison.

In this book, he states, "How many centuries do men need in order to open their eyes? How many thousands of prisons have the human race to suffer for the sake of progress? How many more prisons will he have to endure before making the rest of its journey?"

What this means is that the milestones that we meet in the journey towards human progress are prisons. In our country, freedom was won only after Ghandi, Nehru and thousands of other martyrs languished in jails for several years. Almost all the leaders of India have been imprisoned. The part of the jail in Coimbatore where Sithabaranar was yoked like a bull to the oil press and made to pull it, is now considered almost a holy site. Similarly, the Ervada jail where Ghandi was imprisoned is now considered a memorial.

In independent India the task of imprisoning freedom fighters continues unabated. Comrade C. A. Balan who was imprisoned in Coimbatore jail has written a book called "*In the shadow of the gallows*" in which he describes his harrowing experiences of 12 long years in jail in great detail. His death sentence was commuted to 12-year life sentence. On his release he wrote:

"Had it been not for the workers, peasants and other humanitarian groups, and individuals, I would be dead and gone into the soil and its vegetation. Those who fought for my release may have forgotten me. But how could I, who is alive because of it and am there now to tell the story, forget any one of them. I will for ever remember them and be grateful to them".

I too remember with immense gratitude those who prevented me being forcibly exiled.

The British government imprisoned in the Andaman Islands those progressives who fought for the independence of India. One of them was Bijoy Kumar Sinha. He has written about his experiences in Andaman prisons in a book entitled "*Andaman, the Indian Bastille*" (1939). Bastille was a prison in France that symbolised the dictatorship of France at that time. He says that Andaman could be compared with Bastille. He shows how political prisoners were locked up in prison for four months for no reason. He bemoans how, all rights can suddenly be denied in a free and democratic country for no reason. We cannot rest assured that we conduct ourselves according to the law. Law does not protect us. When totalitarianism takes over, it can change the fate of the country, he says.

In his appeal to Indira Gandhi he says: "You know that I am an elderly man. My lifetime duties have been completed. After the death of Praba (wife) it is not necessary for me to live. After completion of my studies, I had dedicated my entire life to serving my country. I do not expect anything in return. Hence, I am happy to die as a prisoner under your rule."

"Would you listen to the advice that such a man has to offer you? Please do not destroy the national foundation that your father (Nehru) and other national forefathers created. You have been bestowed with the monumental heritage. That heritage includes striving towards a healthy democracy with high goals. Do not destroy them. It may take several years to re-establish them"

This deeply sincere plea touches our hearts. Denying freedom and human rights tantamounts to burying democracy.

Nelson Mandela is one of the greatest leaders of this century. He fought against apartheid in South Africa and finally abolished it. Even Mahatma Gandhi could not get rid of caste and untouchability. But Mandela was able to get rid of apartheid. He will win the forthcoming elections in April and become the President. He will put an end to the white racist regime. He has been in prison for 27 years. He was released from it four years ago. The entire world called for his release. The government of de Clerk has come to an agreement with him to abolish apartheid. The two of them have been awarded the Noble prize for peace this year. Imprisonment can be so powerful a force.

The Tamil Nadu government granted me such an honour. On the 5th of August police came to my house at Thodamuthoor. They had come there twice previously, I was told. But, had not said why they had come nor did they ask me to come to the police station. I had been at Nilgiri at that time. They returned on 5th of August.

It was the first time the police officer met with me.

He said, "You must come to the police station at once"

"Why?", I asked

"Government order", he replied.

"Show me the order", I asked.

"I have not brought it with me", he said.

"In that case, I can refuse to come, can't I?"

"I will show it to you at the police station"

"You have to wait till I have my meals and dress up"

He said he could wait as long as I wanted, but he had been ordered to take me personally.

This sounded somewhat strange to me. As far as I could surmise, there was no reason to take me to the police station. Since I had not done anything to break the law, I did not take it seriously and agreed to go with them. They wanted me to get into the police vehicle. I insisted that I would come in my vehicle. After some altercation they agreed to get into my car.

I was suspicious and it was at this point, I realised that they were arresting me. They were taking me into custody stealthily without giving a reason and without an arrest warrant. It was as if I was being abducted. After arriving at the police station, they showed me the arrest warrant. I was shocked!

The order from the Tamil Nadu government said, that I was to be arrested and taken to the special refugee camp at Kanchipuram immediately. I could not believe this. What possible reason could the government have to arrest me, a man who has been living in this country legally for the previous ten years, make me a refugee and lock me up in a special refugee camp?

To date, I have not had an answer to this question. I did not come to India as a refugee. I have not sought asylum here. I have not asked even for five paise from the government. Who in his right mind would arrest a man who has returned to his country of origin, been living here legally and working as a social activist among the poor? Why should anyone do such a dastardly deed? Isn't India a democratic country? Is it not a country where the rule of laws prevails and human rights are respected? I started thinking that there must be a mystery in my arrest.

Nevertheless, I was not discouraged. I could deduce what the situation was. I informed my wife and my office of my arrest.

I asked them to send me some clothes and books, I requested them to inform the lawyers in Chennai and our office in Nilgiri.

Thodamuthoor police took my fingerprints. I was photographed. They let me rest after the meal. I slept for a while.

My wife, daughter and a relative of mine visited me in the evening. They brought a few clothes for travelling and some money for incidental expenses. I spoke to them for a while and reassured them that I was all right. After they were gone, I was left with my own thoughts. My mind was racing like a horse. I was incensed at the injustice perpetrated on me and was seething with anger. The police station buzzed with its usual activities.

Soon, the phone started ringing. Higher authorities were making inquiries.

"Has he been brought? Did he resist? Is he cooperating?" Q branch and assistant SP were making inquiries.

The officer who arrested me says, "Nothing of that sort, he has been cooperating".

"How will you be taking him to Chennai?", inquires the officer.

"We are making all the necessary arrangements", reassures the policeman.

"Take him by *Cheran* (bus) to Chennai. Six armed policemen with two machine guns and two revolvers should guard him from the police station until he reaches Kanchipuram. A sub-inspector and two Q branch officers should accompany him. Take all security precautions", says the ordering officer.

Thodamuthoor grew dark. They took me to a nearby eatery and offered me a meal. "Eat well", they said. I was boiling inside and was in no mood to eat. I ate a little to quell my hunger. Back in the police station, the storm in mind had not settled. The police vehicle came at ten in the night. Surrounded by armed police, my journey began.

When I arrived at the Coimbatore police station with armed guard, the president of our centre, Thiruchendooran and comrades Vira Balachandran, Chandrasegaran and Sriskanderaja had arrived there. They were shocked at the way I was brought there.

"Why this sate honour? ", asked the president. "They say I have no Visa", I said in jest. Both of us laughed. What else can one do in such a situation?

If a state machinery has initiated a process of "arresting" an innocent man for no reason and without following legal procedures, and then transports him surrounded by armed police, is it not a matter for laughter? Is it not laughable that Tamil Nadu that bemoans the shortage of policemen in the state, wastes nine policemen to transfer an elderly man from one place to another?

When Tamil Nadu police that has had to hang its head in shame for being unable to arrest numerous criminals, murderers and anti-social elements shows off its gallantry and bravery on an innocent man, we start having doubts about the political culture of the country.

It is perfectly reasonable for us to expect the police, especially the Q branch, to be sharp and skilled at conducting inquiries. But when they behave in this way, we can only laugh at them. Or can it be there is some unspoken reason other than upholding the law or crime prevention? There is lot for us to think about.

We educate our young people about law. We teach them one cannot be arrested without a proper reason; no arrest can be made without a warrant. When one is arrested they should be clearly told under which law they have been arrested. We tell them that according to international human rights laws no one can be arrested without a proper reason. When we, the very people who teach these laws are imprisoned in contradiction of all these laws, does it not make one think, "Have all these written laws been set in flames?" This is not an arrest, but abduction. How does one get the authority to take away my freedom and treat me like a criminal on the pretext of "a call from higher authorities?" When our police acts like the secret services in totalitarian countries, we start wondering in which country we are living in and what era we are living. When things happen that should have happened one century ago we start doubting whether this can really be true or whether it is just play-acting. But when I am a character in this play, am I not compelled to believe that this is all real?

Yes. When totalitarianism seeps into democracy, when the right laws are not enacted for a long time, the rot sets in and dangerous serpents come to dwell in it and people are threaten and terrorized.

When *Cheran* bus arrived I came out of my thoughts and got into it. The policemen in khaki kept guard holding their guns. Passengers in the bus were somewhat astounded. I got into the bed allocated to me and fell asleep.

When I woke up it was four in the morning. The policemen were in deep sleep. No one in the bus was awake. I got down from my bed and went to the toilet. Nobody seem to have noticed me. Unexpectedly, the bus had stopped. I could have escaped into the darkness in that remote place. The policemen who were supposed to guard me were fast asleep.

At that hour I thought of Socrates. He is locked up in a prison in Athens. He has been condemned to death. Execution was to be carried out by giving a cup of poison to drink. In America it is the electric chair. Even women including those who are pregnant are executed this way in the US. While upholding this barbarous method of execution, President Clinton protests against punishing an American citizen by caning in Singapore. He says it is against human rights.

The night before Socrates was executed, one of his friends visits him. They chat for a long time. The guards are fast asleep. His friend tells him, "Look, you have not committed a crime; you are innocent. But this oppressive state has sentenced you to death. This is best time to take revenge of it. Escape now. No one is there to stop you".

Socrates replies, "It is true that I am innocent and I have not committed a crime. But the state has given me the ultimate form of punishment, death. But we have to obey the state. It is certain I will die tomorrow. If I escape today the blame will be on me. If I die blame will go to the King". I too thought the same. If I run away now, I will get the blame; if I am punished the blame will go to the government.

With these thoughts in mind, I returned to my bed and lay down. The young policeman who had been guarding me had woken up was in a sweat and kept staring at me.

When we reached Chennai central station the police car was waiting for us. Surrounded by the guards, I got into it. I was taken to a branch police office in the suburbs of Chennai. I was allowed to go to the toilet and freshen up. We had breakfast in a tea stall. There we waited for the arrival of a high official.

This branch police station had been created largely for interrogating Srilankan Tamils. Two policemen shared their views with us. They said that Srilankan Tamils answered questions in an arrogant way. One policeman said, "They say 'we did not come here on our own, you brought us by ship, so why are you bothering us'?" The other policeman laughed.

My thoughts had taken wings. On the issue of Srilankan Tamils, there are a lot of contradictions between the policies and views of the central government and those of the state government. The central government is not keen on the policy of compulsory repatriation of ordinary Tamil refugees. Moreover, there are different groups of Srilankan Tamils. There are also those Srilankans who India likes and those who India dislikes.

EPRF TELO and ENDP are groups that India supports. They get special concessions. There are open camps for them. If by chance they are brought to the special camp, the camp has the right to return them to the open camps. Some special refugees get favourable treatment. They have close relationship with the officers from the Q branch. Q branch and they are political in-laws!

The Srilankan Tamils hated by the Indian government are, no doubt, the Tigers (LTTE). Who is a Tiger? How do you identify them? This is the biggest headache for the Tamil Nadu police. All those who do not belong to the circle of above said in-laws are 'suspected Tigers'.

Lakhs of Srilankan Tamils fall into this group. The relationship over the last ten years between India and Srilanka on one hand, and the central government and state government of India on the other, has been determined by and centered around the Tigers. When the state government is suspected of supporting the Tigers it is dissolved by the centre. Hence, shouting against the Tigers and oppressing them has become a self-defensive political art in Tamil Nadu.

How does one describe this? It is a cold war between the central Government and the State Government. Because the Tiger hunt has now evolved into a political art form, many hundreds of Srilankan Tamil refugees get embroiled in it and have no way of defending themselves. Some mischief-makers send petitions against not only Srilankan Tamils, but also against local residents to settle personal vendettas. I heard this from a well-placed police officer.

This happens all too often in the Nilgiri area. It has become a political pastime for some to maliciously call repatriated Srilankan Tamils 'Ceylon Tamils' and label them as Tigers. Numerous government official and police intelligence officers naively believe this propaganda.

A Collector in Nilgiri named Leela Nair went on a 'Tiger hunt' without ever investigating these stories. A number of innocent Tamils were victimised. I was blessed with the opportunity to be sent to the Special Camp on account of Madam Nair's generosity! Our laws do not permit us to take action against an I. A.S. officer who considers it a crime to give voice to the repatriated Tamils and blatantly abuses his or her power. When one I.A.S officer propagates a lie of this sort, other I.A.S. officers take it as gospel truth. I was advised by a lawyer friend of mine not to antagonise I.A.S. officers.

Which is more important, power or right to justice? This is a question worthy of some serious thought. In my experience, the iron pillars of power and authority melt down in the fire of justice and human rights.

The senior officer arrived. My thoughts returned to the present. Without as much as looking at me, he ordered that I be taken to the Special Camp in Chengalpattu. But in the original order from Chennai, I was to be taken to Kanchipuram. Yet, the new arrangement was for me to be taken to Chengalpattu.

We travelled by bus to Chengalpattu special camp with the armed guards who accompanied me from Coimbatore.

It was only after I entered the Chengalpattu sub-jail that I understood the meaning of the word special camp.

Special Camp is a specially guarded part of jail. While at Thondaamuthur police station I had asked a policeman what a Special Camp is. "You will get good food and other facilities like bed with a mattress", he had said. After entering the camp at Chengalpattu that I realised how cynical he had been.

At the entrance leading to the camp stood an armed policeman. After you get past him a policeman searches you. A khaki shirt gives you a body check while another examines your bag. Then you are taken to its gates with the items permitted by them. Here you stand in front of a massive iron gate guarded by two other armed policemen. He bangs on the gate and announces through a small opening in it that a new prisoner has arrived. Next, opens a part of the gate just enough for a man to pass. Around it stand some more armed policemen. As you enter you see a startling spectacle.

A prison in the shape of a semi circle. It has 24 cells. Nearby is a separate section for women. An office stands besides it. Next to it is a kitchen, a water bath and a storied building for the guards. Near the office is a statue of Pillayar (Ganesh). There were about 15-armed personnel on duty. On the roof of the prison you see armed police keeping watch day and night.

In the office there are two officials, one from the police and the other from the finance department. The finance department is involved because camp expenses have to be accounted for.

There are some watchmen to buy the essentials for Special Camp inmates. Two labourers sweep the compound outside. Nobody cleans the cells. The camp is visited by a heartless doctor, twice a week. Some cooks are stationed there for preparing and serving food. Women police keep watch in the women's section. Amongst all of them are one or two Q branch interrogators in plainclothes who masquerade as civilians. This is the hell known as Chengalpattu Special Camp. The only reason given for it being not a part of the prison is that, it has an administrative office. A lad who had been in Chennai prison told me that the conditions here are several times worse than that in prisons.

After independence, India that was under the yoke of British imperialism has come under the imperialism of present rulers. Welcoming a government servant with garlands, music and pomp is contrary to the spirit of democracy. In India the rule of Kings and British imperialist system of government continues to date. The chief district administrative officer is still called Collector as in the imperialistic era. The Collector is seen as a representative of the King rather than as a public servant. This is the reason that people welcome the Collector with honours fitting to a representative of an imperialistic country. Not all Collectors are bad. Some discharge their duties towards the people devotedly and humanely. However, most of them are conceited and arrogant and are motivated by selfishness and self-promotion. Leela Nair was one such Collector. When she occupied the throne in Nilgiri she ruled with terror and repatriated Tamils suffered untold anguish and agony. When social activists protested at her misconduct, they were imprisoned. In fact, they should have demanded compensation for wrongful imprisonment. They were innocent people who did not know the law nor did they have the financial means to take legal action against her. They were satisfied with being released and did not take the matter further. It is because of this sort of helplessness of the people that arrogant officers continue with their autocratic behaviour. However, when a few traders of some means did take action against the destruction of their shops, the high courts did ask Leela Nair to pay compensation. This has always been the case. People who act unjustly will ultimately be punished.

I firmly believe that those stupid officials who got me locked up in jail under 'The Foreigner's Act' will be punished similarly some day.

After my release from Chenkalpattu jail, an officer who was notorious for misusing his powers was fined Rs. 5000 by the High court. Mrs. Venkedeswari is an Indian woman. She married Nithyanandan, a Srilankan Tamil. She was also imprisoned under 'The Foreigner's Act' and placed in the special camp in Chenkalpattu. They complained about it to higher authorities several times, but no one took notice. How can an Indian women be detained under the 'The Foreigner's Act'? Do you need the High Courts to rule on the matter? This is an example on how the Chenkalpattu Special Camp operates outside the law.

P.V.S. Giridar is an important lawyer amongst those who fought for my release through courts. He was well known in Chenkalpattu Special Camp. Mrs Venkedeswary informed him of her plight. He came forward to take up her case. However, the *Thasildar* refused to sign the papers. This was sheer arrogance. Nevertheless, ultimately when the case came to courts the High Courts ruled that she be paid Rs. 50 000 as compensation for her illegal detention. In addition the *Thasildar* was asked to pay Rs. 5000 from his pocket. This case revealed the malicious and merciless nature of the officials at Chenkalpattu Special Camp. In the end, these haughty officials will be punished.

When an arrogant official decides to arrest a person for no good reason, he is compelled to do so under some sort of law. To this extent one could say that the law seems to be alive in India. Rule of Law has been not completely destroyed. Often it is overlooked. But one cannot say it is completely neglected.

Every citizen has to be told the reason for his arrest. It is utterly unreasonable to arrest a person, transport him to Chenkalpattu Special Camp under armed guard, then charge him under "The Foreigner's Act", part 3(2) and order him to be detained in there. If I had been informed about the law under which I was being charged, I could have taken action against it. When the reason for the arrest is made known after being imprisoned, it prevents one from taking action against it.

“The Foreigner's Act” was enacted in 1946 by the central government. It was brought in order to control the activities of citizens of foreign countries other than those from The Common Wealth countries. It does not affect Srilankan citizens. However, gazette notification of the Ministry of Interior in 1958 gave the power of implementation of this Act to the state government. It is the opinion of legal experts that this law contravenes national and international laws; it is in violation of human rights and rights of refugees. Legal experts are of the firm opinion that India cannot use it against Srilankan citizens. Moreover, the way it is implemented in Tamil Nadu is laughable. I will not dwell into it further because this is a complicated legal issue. No one has so far taken the matter of misuse of the Act in Tamil Nadu formally to the Supreme courts. If that happens, I am in no doubt that the suffering of those languishing in the Special Camps will come to an end.

If a foreigner is deemed to be unfit to reside in the country, his visa can be cancelled, legal action can be taken against him or he can be deported. When all these avenues are available to the state, how come they do not use any of these powers and instead arrest him, lock him up indefinitely and take him to the hospital in leg chains and handcuffs? And claim that foreigners are asked only to live in specific places (i.e. camps) as the law states. What can we say about the officials who hide the truth and foster a falsehood? How can one respect them?

Recently, some scholars who came to the World Tamil Conference in Tanjore on invitation were deported. This bashful and illegal act was condemned by the entire world. Is it a wonder, then that those who cannot bear to have Srilanka in their world map of Tamils, arrest and incarcerate innocent Srilankan Tamils and throw them in jail?

It was in this prevailing context in Tamil Nadu, a Collector who had taken bribes attempted to deport me, making use of the “Foriegnier's Act”. The Tamil name for these camps is prison camps, but Tamil Nadu police has shrewdly named them Special Camps.

Chenkalpattu Special Camp had 41 cells. When I was sent there, there were inmates in only 37 cells. I was, therefore, locked up in the 38th cell. There were some advantages in being alone. It helped me think.

How do I free myself from this place? This was the question that preoccupied my mind. I decided to use all means available to me. I wrote to the Judges of the Supreme Court, Chief Justice, Governor of Tamil Nadu, and Srilankan High Commissioner, about my unlawful detention. I did not get a reply from any one of them. Now I realise that the Q branch people show all the letters to their superiors and thereafter shred them. I did not expect them to be this heartless. Now I understand it was naive of me to think they would act otherwise. Q branch police is a type of spy agency. One cannot expect them to be honest or humane. Q branch in Tamil Nadu has autocratic powers. Here, they are in charge for all things concerning Srilankan Tamils. Political espionage is one of their duties. They do not reveal themselves to others. They do not wear uniforms like ordinary policemen. But they spy on everyone they suspect. They read other peoples' letters. They adopt all sorts of tricks to find out what they want.

Some of them used to talk to me sweetly. They look for any leads that I may provide. I know they are trying to gather information from me. They used to write down what I said. They keep you under constant watch. Some play the good cop and others the bad cop, but all are out to get you. They are omnipresent. They are seen at the state assembly, governor's residence and all other places. One of the jobs of the Q branch is to spy on politicians and parties that are against the ruling party. They are utterly loyal to their higher authorities while being cruel to people. My view is that being a Q branch police officer is the most shameful job in the world.

At the same time, they take heavy bribes and let some escape. There are officers of the Q branch who have said that for a certain sum of money they will let me go. I told them that I have faith in truth and I am sure honesty will triumph. Hence, I was determined not to bribe anyone. I later came to know that I was arrested on the orders of a Q branch officer.

When he interrogated me, he asked me "Do you believe in God?" I said, "Yes". Let us wait and see what punishment God will give him for the false report he submitted about me.

The day after my imprisonment, my lawyers came to see me. I was glad to talk to them. When the *Thasildar* in charge of our camp saw my lawyer, he respectfully got up from his seat. It happened that my lawyer friend was his lawyer. He got up and gave his seat to my lawyer. My lawyer gave the seat to me. He could not have known that the previous day the *Thasildar* had ordered me, "Don't sit. Stand up". I smiled to myself.

We discussed about what action has to be taken for my case to be brought to court. I returned to my cell after the meeting. The cell is kept closed 24 hours. We are let out briefly during meal times. We were treated like animals.

An inmate in the next cell took pity on me and brought me the meals from the dining area. He used to get me water, wash my utensils and, even, my clothes. I do not know how a kind soul like him had been imprisoned in the camp. To this day I remember him, with heartfelt gratitude.

My first act of rebellion in the camp was a funny one. For many years I have had the habit of taking a bath as soon as I got up in the morning. On the first day, when they opened the taps, I went straight to the water bath and started bathing. But no one has been permitted to bathe in the well. " Don't bathe", shouted a policeman. I ignored him and continued bathing. I had been the first man to ignore the orders of this policeman. I continued to bathe at the well ever day and others followed me in due course.

In a situation where a man's basic daily activities such as bathing and toileting are curtailed one can deduce the mentality that pervaded the camp. There was a special *Thasildar* in charge of the camp. A number of menial servants and errand runners were there to buy things for the inmates of the camp.

The inmates could buy essentials such as soap, fruits, items of food and news papers through them. The *Thasildar* has to grant permission for this and it was only handed over to the inmates, after they were shown to the *Thasildar*.

A man had been contracted to cook and distribute food inside the camp. He continually complained about being paid poorly and served us insipid, bland food. This led to constant quarrels during mealtime. The row was between the man who served and the inmates. Those responsible for it watched the fun from afar.

Amongst the guards were reserve police in charge of security and protection. They served under a police officer. They used to throw their weight about. They often came up with unnecessary restrictions of their own. "Don't take hot water from the kitchen", "Don't bathe", they would shout. This led to constant conflict between the inmates and the policemen. The inmates of the camp believed that they were being unjustly detained; the policemen believed that they were watching over terrorists. Hence, clashes and quarrels were inevitable.

When others saw that I was bathing at the well, many inmates too started doing so. Policemen often prevented them from bathing. This made some inmates accuse the police of taking bribes from me.

The fact was that the policemen who guarded us were from Coimbatore. I too come from Coimbatore. Hence, they treated me with some sympathy. Moreover, I was an attorney and an elderly man. This made them behave somewhat respectfully towards me. Also, some of the inmates verbally abused the policeman and shouted obscenities at them. At no time did I insult the guards. They sometimes bought me Horlicks and sweets at their expense. Some of them also visited my wife and kept her informed about my health. Many inmates of the prison were jealous of the way I was treated by the guards and policeman.

On account of this misunderstanding, the policeman requested me not to bathe at the well and made arrangements for me to bathe in my cell.

Although these minor issues were being settled, there was the main problem - the need to fight against my imprisonment and the injustice perpetrated against me - had to be addressed. How can a man inside the cell fight against it? I wrote to the chief Justice, I wrote to the papers, these did not produce any results. We had to hand over our letters to Q branch policemen expecting them to post them. But they pretended to post them and instead, passed them to their higher officers. Therefore, my letter campaign did not succeed. Next, I decided to take direct action. I decided to go on hunger strike. I wrote a warning letter to the government. I notified them that I was going on hunger strike if I was not released. I donated all the sweets, fruit and items of food I had received from visitors to other inmates. I thought it would weaken my resolve. I went on hunger strike. It was also a test of my spiritual strength.

News of my hunger strike reached the ears of officials in the camp. They insisted that I eat. I ignored them and continued with my fast. The *Tahsildar* came to see me and was furious at me. He ordered that I be not given tea from that day. I considered this help. Other inmates in the camp came to know about my hunger strike. They wished to join me in the hunger strike.

We were locked up in separate cells and could not talk or communicate with one another. But we were able to pass around food, cigarettes and boxes of matches by tying them to a rope and throwing them from cell to cell. I used this means of communication to circulate my message. I wrote a letter to all my unknown fellow inmates. In it I said that we have been unjustly imprisoned, our human rights have been denied to us and we need to fight against this injustice jointly and collectively. It also contained a number of demands from the prison authorities. We passed the letter from one cell to another through the 'rope method'. We were able to pass it to all 40 cells without the knowledge of the authorities. It came back to me and others had agreed with my suggestions. Unfortunately, at this point the authorities got hold of the letter.

First the policeman and policewomen raided the women's section of the prison. They bullied the women and threatened that they will stop them getting food for the children from outside.

I am not sure as to what other methods they used; they managed to get the women to give up the hunger strike. After the women started to eat, some of the men too gave up the hunger strike. The hunger strike failed. Had it gone on a week, we would have seen substantial results.

But, how many people are prepared to embark on a resolute struggle? For a hunger strike to succeed one needs mental discipline and resolve. Only a person like Gandhi could achieve some of his aims through hunger strike. Rarely do people like Potti Sreeramulu have sacrificed their life in the process of achieving their goal through hunger strike (He became famous for undertaking a hunger strike in support of the formation of an Indian state for the Telugu-speaking population of Madras Presidency; he lost his life in the process. His death sparked public rioting, and Indian Prime Minister Jawaharlal Nehru declared the intent to form Andhra State three days after his death). Of late, individuals like Sunderlal Bahunua and Mehta Bakhtar have had some measure of success in getting their demands met through hunger strikes. Not everybody has that sort of determination and discipline.

Undeterred, I continued with my hunger strike. On the eighth day my health started deteriorating. My family and friends were worried about my health and had been requesting me to give up. On the eighth day I ended my fast. I believe that the spiritual strength that I gained during the hunger strike was responsible for my final victory. I have faith that justice can be upheld and injustice overpowered through a hunger strike. However, it is also true that not everyone can use this spiritual weapon effectively.

After the hunger strike failed, the camp officials and policemen became hostile and aggressive towards us. We were ridiculed. The few concessions that were available to us were stopped. We were not allowed to buy food or newspapers. We were prevented from communicating with one another by any means.

For me, not having books or newspapers was torture. I could manage without food, but when there is nothing to read, emptiness seeps into you. The only thing you could do was to think.

In civilized countries one cannot see this sort of anarchy, where hundreds of people are imprisoned unlawfully and unjustly. Today here in Tamil Nadu, the barbarous practice of imprisoning Srilankan Tamils illegally under false pretext is widely prevalent. Some have taken up this issue to the high courts. Courts have dismissed the case because it seem to view this not of violation of human right but as the right of the state to lock up people in order to control the movement of foreigners. In this, courts have colluded with the state. What should one do, put up with the injustice or oppose it?

Governments with an authoritarian streak tend to lock up people in prisons and forget about them. In such situations, people have to use all means at their disposal to expose this injustice. How could it be wrong for those in the camps to resort to hunger strikes, rebellion, attacks, damaging property, suicide, self-injury or breakout from prison? A prisoner could appeal to the courts, a convict has a time limit for his imprisonment. But, we are neither prisoners nor convicts. How could we allow ourselves to be locked up in cells like animals? This is why inmates of the Special Camp in Vellore take desperate measures such as tunnelling their way out. Those who respect human feelings and have a sense of human rights entitlement will understand the logic behind their behaviour. They will acknowledge and endorse man's craving for freedom and justice.

The government of Tamil Nadu has now realised that they have no authority to arrest, deport or exile Srilankan Tamils. Since they do not have a legal way of doing it, they resort to a short cut, an unlawful way of doing it: locking them in the "special camp". This is a shameful way of doing things. This is not the act that a government with a sense of natural justice. If it is deemed that Srilankan Tamils should not live here, why do they not just deport them? Many have requested to be sent back to Srilanka. Why not simply allow them to go? How can their detention be justified?

In my case, in spite of putting it in writing that I am prepared to go to Srilanka at my own expense, the government had taken no action.

Therefore, I decided to mobilise support from international bodies and human rights organisations to achieve my freedom. I received help and assistance from a number of sources. Even people who did not know me came forward to help me in my struggle as best as they could. Whilst the effort to get me out was building up momentum, the tyranny and oppression inside reached new heights.

Let me tell you about the sort of people who were brought to Special Camps and how they were ill-treated.

At present, there is much interest in who and who has been in prison and who and who will end up in prison in the future. Newspapers have kept us informed about life in prison. Sashikala has suffered with mosquito bites, government has ordered that Somasunderam be given electric fans and Thiageswaran be sent to hospital. Reports that bail has been refused to Natarajan have received publicity in the media.

I am surprised. Thousands of people are more cruelly treated in prison. Some die while in prison. Thousands of people suffer from mosquito bites in our country. Mosquitoes do not bite people only in prison. Should newspapers write so many pages about those who have had a luxurious life at the expense of the public and who have now got into trouble with the law because of disproportionate accumulation of wealth?

Much has already been written about prisons in our country. We are aware that while some innocent people have been unfairly imprisoned and ill treated, some hard core criminals have had right royal treatment inside the prison. The entire country knows about the special favours and services offered to Charles Sobhraj, a serial murderer of Vietnamese origin (with connections to India), in the Tihar jail in Delhi, the biggest prison in India. He was allowed to see women, get married and celebrate his birthday inside the prison. It has been said that Kiren Bedi, the IPS officer who is well known for her prison reforms, too sanction special concessions to Charles Sobhraj.

Kiren Bedi was the officer in charge of the Tihar jail at the time. She was widely respected for reforming the conditions in that jail, so much so, that President Clinton invited her for a dinner at the White house. (A minister who was jealous of her popularity got her transferred later).

These instances of abject wrongdoings within prisons go to show how badly our prison services are in need of reform. Concerns about conditions in prison get highlighted only when VIPs are imprisoned. At other times, the brutal and inhumane treatment of prisoners does not get any attention.

Those who are sent to prison are often criminals or fraudsters or those who are suspected of criminal activities. Many experts feel that those who commit economic crimes, should be considered more antisocial than ordinary criminals. In countries like China, those who take bribes and drug dealers are sentenced to death. In this context, it is important to question the appropriateness of the concessions offered to those arrested for economic crimes and misuse of power.

It is also important that immediate action be taken to change the processes and procedures that these authorities adopt towards ordinary prisoners. Instead of offering special concessions to a few prisoners, it is the duty of a republic to ensure that all prisoners are treated humanely and are provided with basic facilities.

Chenkalputtu Special Camp is a prison albeit with a different name. Several people have been imprisoned in it for several years without a proper reason. Many have not had any formal charges made against them. They had not done any thing to be charged, either. I will mention the cases of a few of the people I met in order to show what a living hell the Chenkalputtu Special Camp is.

His name was Somu. He used to share my English newspaper and he would let me read the newspapers he bought. He was a tall, handsome man with curly hair. His face had an inexplicable melancholic look. His body was frail.

He seemed to get about holding on to some faith. He gave me the Tamil translation of *The complete works of Swami Vivekananda*. I read it with great interest. The spiritual strength that book gave me is beyond description. The exchange of books and newspapers grew into a healthy friendship. Meditation and spiritual thinking also bound us together.

He was an engineering graduate from Trichy. His parents and brothers too lived in Trichy. It was not uncommon for young men and women who did not get the job they deserved by way of qualification to masquerade as Srilankan Tamils in order to get refugee status in foreign countries. I know a few of them. Somu was one such person, who had been in Canada as a Tamil refugee. After several years in Canada, he decided to come back to India, get married and settle down. He was making arrangements to start a small business in Tamil Nadu. His parents were looking out for a suitable bride for him.

Unfortunately for him, an anonymous letter was received at the police station (Tamil Nadu is notorious for anonymous petitions) alleging that he was a Srilankan Tamil Tiger and had come from Toronto to Tamil Nadu to kill Jeyalalitha. When he came to know that the police was looking for him, he surrendered to the police. He was locked up in Chenkalpattu Special Camp without an inquiry. His dialect and manner were sufficient to identify him as an Indian Tamil. His educational certificates and his relatives in Trichy would have been testimony to the fact that he was a native of Tamil Nadu. But to our super intelligent Q branch, he was a Tiger. He was detained indefinitely in the hellish Chenkalpattu Special Camp. This is a good example of how the Q branch operates. An Indian citizen was imprisoned indefinitely under the "Foreigner's Act"!

Somu and I thought about all the means by which he could get his release. He wrote several letters and appeals to all sorts of authorities. He was exhausted. With some help from his brothers he appealed to the Chennai High Court. It dragged on for years.

At this stage, Chenkalpattu Special Camp officers came up with a suggestion. If he would get his passport and obtain visa and ticket to another country they would let him go; they would be pleased to take him to the airport and put him on a plane!

This shows that there is no case against those in Chenkalpattu Special Camp nor are there any charges against them and that the Special Camp is one wicked means of deporting people. Many have taken this route, obtained new passports and with financial help of friends and relations to get out of the tyranny of the camp. One young couple went to Switzerland using this method.

Somu had a problem in adopting this method of escape from the camp. He had sought asylum in Canada and, hence, had come to India with special travel documents. If he did not return to Canada within six months his travel documents would become invalid and he would lose the right of return to Canada. But he had been kept in detention for more than ten months. This meant his documents were not valid any more. In short, he could not return to Canada.

He could not stay in India, nor could he go to Canada. How could he get out of this mess?

He wrote to authorities in Canada about his plight. Whenever we had written letters to Indian authorities, we never ever received replies. The Q branch routinely opened all the letters that we send and receive. The Q branch never posted many of the letters I wrote. The wonder was Somu's letter had been posted. And he received a reply from Canada!

At this point, I wish to explain the difference between our country and Canada. The dissimilarity between the Indian government and the Canadian government is striking. Here, an Indian citizen like Somu has been denied his rights and his reasonable requests have been rejected, while the Canadian government takes a humane approach and goes to great lengths to reply to a letter from a man who had been an asylum seeker in that country. This difference is worthy of some thought.

Somu is a Tamil. He grew up here and got his education here. He had his kith and kin living here. He is imprisoned, locked up and compelled by the Tamil Nadu government to leave the country. It is not beyond the wit of the Tamil Nadu officials to inquire into his background. This is a reflection of the absolute lack of concern that Tamil Nadu police force shows towards people.

I am not sure when this attitude will change, or, if it will change at all. The cruel and oppressive treatment of people under British imperialistic rule lingers in independent India. This is particularly true of the Indian police.

After my release, a highly placed police official asked me if citizens in foreign countries had the right to appeal to courts about human rights abuses. This shows their utter lack of knowledge and concern for human rights.

But Canada is different. Although Somu was a refugee and perhaps an unwanted visitor to their country, they showed concern for his basic human rights. They wanted to know why he did not return to Canada within the stipulated time of six months. They were surprised that he had been imprisoned in a Special Camp all this time. They wrote a very sympathetic letter to Somu and wanted him to write to the Canadian High commission in India about the circumstances of his arrest. They also wrote to the Canadian High Commission in Delhi to send him the necessary forms to process his application.

Somu duly wrote to the Canadian High Commission in Delhi. They too were amazed at his arrest but wondered what law he had broken. Most countries do not welcome those who had broken the law.

Given these circumstances, Somu agreed to abide by the advice given by the camp authorities. He got ready with his travel documents and ticket and informed the authorities that he was prepared to travel to Canada. The police usually take such people to their respective embassies. They are usually taken in chains to the embassy and are brought back to the camp also in chains.

In order to get them to do this, the inmate has to provide right royal treatment to the police officers concerned. Since, most of those who agree to these conditions are Srilankan Tamils, there was not much difficulty in travelling to and from Chenkalputtu to the Srilankan High Commission in Chennai. In fact, some considered this a pleasure trip. They were not bothered about being taken in chains, because the next trip would be to the airport and freedom.

In the case of Somu, he had to be taken to Delhi and back. Since he agreed to pay his way to Delhi, lawyers from the Chennai high court came to an agreement with the Tamil Nadu police for him to be taken to Delhi in the company of four police officers. Given the circumstances, this was a great achievement.

Somu left to New Delhi surrounded by four policemen. He had agreed to pay for their travel and 'other' expenses. However, during his travel he was in chains. This happened after my release. He wrote to me about this horrific experience with much pain and grief.

The official at the Canadian embassy who inquired into his case seem to have understood Somu's difficulties. An officer from the Canadian High Commission visited the Chenkalputtu camp. He may have visited tourist attractions like the Taj Mahal and Tanjore temple in the past, now he had come to see the dungeon of Chenkalputtu. After witnessing the conditions at the camp, I am sure, he realised how human rights get crucified daily in our holy land. He made instant arrangements for Somu to be released.

My dear friend Somu, a man born in Trichy, was taken to Chennai Meenambakkam airport surrounded by Tamil Nadu policemen and put into the plane to Canada. He was at last free from the devil's grip.

From Canada he wrote a letter seething with anger addressed to me. He wanted to file action against the Tamil Nadu government for the cruelty he had been subjected to and wanted to sue the government for its actions. He also mentioned that he was to be granted Canadian citizenship soon. A Tamil hounded by Tamil Nadu gets Canadian citizenship. In Tamil Nadu it was imprisonment for him. Oh Tamil Nadu, is this a place where Tamils live?

About a hour and a half after midnight there was a tap on the door of my cell. There were three guards with AK 47 rifles outside my cell. I remember that moment with amusement even today. I was not put off by the appearance of armed police. What were they playing at? Soon it became clear. They pushed in a young prisoner into my cell and disappeared. In the dim light in he cell I could not see his face clearly. This was new experience for me. A youth has been shoved into my cell. Several questions came to my mind. Who is he? What sort of a man is he? I could not see him properly. He was dressed in jeans, he had no belongings. "I am thirsty", he said. I gave him water to drink. I gave him a *kailey* to change into and a bed cloth to stretch himself. "Let' talk in the morning", I said and went back to sleep. He did not sleep all night. I could hear his sighs.

In the morning I had a good look at my cellmate. He was a tall, attractive youth with curly hair. He wore a sad expression. His name was Rajan. His story was heart wrenching. He was one of those young men amongst the many thousands of Srilankan Tamils who had been denied their rights and their life chances by the racist Srilankan government and had taken to arms. He was from Jaffna. His family had settled in Batticaloa. He had played a leadership role in the liberation of a part of Batticaloa. He shared his experiences with me. He had undergone army training and taken part in several attacks against the Srilankan army. When he told me about how he had been blowing up bridges, attacked army camps, I could not but admire his bravery and skill. He told me how they submerged themselves in swamps at nights to escape detection by the army. Some of his attacks on the army had not succeeded. However, he was proud that he had carried out the command of his leader.

He had been to India for further training. He said that after sometime he has left the organisation with permission from his leader. He had lived in Mumbai for sometime. He had been working for a friend who, like him, had left the liberation movement. This man had become a notorious drug smuggler and an important figure in the world of smuggling.

He had learned Hindi and Marathi and lived a dangerous, but luxurious, life. He had severed all links with the liberation movement and married a Marathi woman. Later, she had left him and taken his house and car. Rajan had learned the trade from him. They smuggled narcotics from Pakistan and Nepal and sold it to other countries.

All countries have banned trade in narcotics. There are nation and international drug agencies to detect and arrest drug dealing. Those who get caught are severely punished, and in some countries sentenced to death. On account of the severe control imposed on drug dealing, it is a very profitable trade. Some involved in national liberation struggles as well as those engaged in terrorism fund their activities through trade in illegal drugs.

Rajan, who came to Chennai from Mumbai, had been involved in this trade. He had devised ingenious ways of smuggling drugs. He had smuggled an illegal drug known as "brown sugar" by placing them in cartons that usually escape detection. Smuggling them once a month was sufficient to get large sums of money. A kilogram of it earned Rs. 75, 000, he said. Drug agencies and personnel get special training and are ever vigilant. They use dogs and pigs at airports to sniff out drugs. But, the smugglers have been placing the drugs inside packets of chilly power to escape detection by these animals. The anti-smuggling officers are well trained and are not easily deceived.

The packet that Rajan smuggled was caught by them. They launched an investigation and traced the source. It was revealed that Rajan was the offender. During the interrogation he confessed. He was arrested and put in Chennai central jail. A case was filed and Rajan spent a vast amount of money on lawyers. After several months he was granted bail and asked to pay one lakh of rupees as security. The money was paid and a release order obtained. When his friends turned up with the release order at the Chennai jail, prison authorities moved him to Chengalputtu Special Camp.

The court order was made ineffective by the prison authorities. This is how the law gets subverted in Tamil Nadu.

Rajan was not even taken to courts on the day his court case came before the judges. Chengalputtu Special Camp is a law unto itself, a burial ground of all laws, a blot on state and central government.

Many like Rajan languish in the camp indefinitely. A criminal given a sentence has a time limited period in jail, but the souls sent to the Special Camps are locked up and forgotten.

It is like being treated by a physician who does not know medicine. When these incompetent police officers are given power to imprison people, the common man is subjected to massive cruelty. Because of these inept and bungling officers many repatriated Tamils have suffered untold misery and grief. If one were to enumerate these it would turn out to be a lengthy tale. The tragedy is that this sort of cruelty has not yet come to an end.

Those imprisoned at Chengalputtu special camp also includes Srilankan Tamils who have been repatriated to their mother land. The order for placement at the special camp says that they have been imprisoned under the "Foreigner's Act". The police who implement the Act mercilessly lock up the repatriated Tamils. No one takes responsibility for these illegal actions.

Muniamma is from Madurai. Her husbands name is Perumal and they have a son named Selladurai. All of them are repatriated Tamils from Srilanka. Perumal was imprisoned in the central jail and released on bail. His wife and son were locked up for no reason in Chengalputtu special camp. There were three other Tamils repatriates in the same camp at that time. It took the super intelligent Q branch ten months to realise that repatriated Tamils could not be imprisoned in the Special Camp. All five were later released.

When they were released, they had no money for bus fare to get back to Madurai. They were poor farmers. Strictly speaking they should have been taken back to Madurai from where they were seized.

But, Q branch had no remorse for having kept them in detention for 10 months nor did they have compassion for them or come forward to pay the bus fare. They had to beg for bus fare from the other detainees. Fortunately, the inmates managed to collect enough money to pay for their way home.

Paleel was a Srilankan who came to India frequently for trade. He brought goods from Srilanka and sold them in India and on his way back he bought goods from India and sold them in Srilanka. This sort of trade is common. Once I met with a man who had been doing this sort of trade for about 20 years. He said that in one such trip a person could make around 20 or 30 thousand rupees, after deduction of expenses such as bribes, stay and ticket fare. Thousands of people are involved in this trade because of its profitability. Since it can sometimes be difficult to get visa as and when they want, often they have three or four passports. At times they use false passports and false visas. Often they bribe the government officers to ply their trade. Sometimes, when honest officers are on duty, they get caught. They are handed over to the police for possession of false documents and end up in special camps. They usually plead guilty. The penalty for such offenses is six months of imprisonment or a fine of Rs.1000.

Paleel was such an illegal trader. He was arrested, but was not told about the law. He was in the central prison for six months. On release from prison he was brought to Chengalputtu Special Camp. He was kept here for a month. Afterwards he managed to get a new passport, he was sent back to Srilanka with military honours. Similarly a number of Sinhalese women too have been detained here.

An interesting case was that of a young man from upcountry (in Srilanka). He was brought here by the police. There were no charges against him. Police said he could return to Srilanka. He had no money to buy a ticket to Madurai, leave alone the airfare to Srilanka. About the same time, a Sinhalese woman was brought here after it was discovered that she had plenty of goods on her and was on false passport.

She took pity on him and offered to buy his ticket to Srilanka. Is it not interesting that a Tamil youth imprisoned in India being rescued by a Sinhalese woman?

At this stage I started giving serious thought to going back to Srilanka if it was possible in order to get away from the hell that was Chengalputtu Special Camp. I wondered whether it was the right thing to do. I would be leaving the people I was agitating for, my colleagues and, our organisation. I was confused. Around this time a lawyer from Coimbatore came to see. I mentioned that I was thinking of going back to Srilanka.

"There has been a campaign going on in the outside world to get you released", he said. "People have been agitating. Former judge of the supreme court, Justice Krishna Iyer has written to the interior minister. Srilankan minister Thondaman too had written to Chavan. People from foreign countries have been sending letters and telegrams to the central and state governments protesting against your detention. An application for your release has been made to the high courts. Everyone will be disappointed if you go back to Srilanka in the midst of all this agitation. It would appear that you had succumbed to pressure by police and Leela Nair's arrogant officialdom. We have to fight against this misuse of power and succeed. Be patient and endure this anarchy for a while. Our struggle for human rights will win"

He also gave me some good news. Leela Nair had been transferred. This was music to my ears. She had wanted to prevent me going back to Nilgiri and get me deported permanently to Srilanka. The news of her departure from Nilgiri was sweet indeed.

Once I came to the decision to oppose my imprisonment and fight for my release, I experienced a feeling of excitement and exhilaration. I organized my day better. I got up early in the morning, exercised, bathed and read - all according to a timetable. This enabled me to get used to prison life. However, at dawn I would hope that I would be released that day.

By evening disappointment crept in and I would think it might happen the next day. Trapped in the swing between hope and disappointment my prison days moved on.

Meanwhile my wife had filed a case at the High courts and an interim order was delivered. Since my health had deteriorated, the order stated that I be taken from the Chenkalputtu Special Camp to Chennai general hospital and be given medical treatment. I was made to walk along the roads of Chenkalputtu handcuffed and bound in leg chains and surrounded by armed police. People gathered on both sides of the road to see this strange spectacle. I was taken by bus with other passengers, but I was kept in chains. When we reached Chennai, the policemen did not know where I should be taken. I volunteered to pay for an auto-rickshaw and take the guards along with me.

When at last we reached the general hospital the policemen realized that they had not brought the order to admit me to the hospital. Therefore, I could not be admitted. I was left at the hospital with another policeman and they went to Chenkalputtu to bring the order. I waited for seven hours. It was nine a clock at night by the time they came back and action was taken to admit me to hospital. There was only one duty doctor, and there was no bed available in his ward. Patients lay on the floor moaning. I was wondering what my fate would be. The doctor asked the nurse to tell a young man on a bed who was to be discharged the next day to get down. His bed was given to me. With a sigh I sat on the dirty bed and took a look at the ward.

It was a long room with more than 40 patients. Ten or fifteen relatives were there to help them. There were nurses, other staff and cleaners. Altogether there were about hundred people crowded into the ward. The staff was authoritative and rude. The scene was one of repulsion and horror. Patients were groaning, grunting and screaming. The odor of antiseptics and the stench of dirt penetrated my nostrils. The reception area where I had been seemed heavenly compared to the squalor of the ward. The chain that I was bound with was removed and the policeman took it back to Chenkalputtu.

The Chennai policeman bound me to the bed with new chains. When I went to the latrine he unlocked it and came with me. The latrine stank to high heavens.

There was no water to drink in the ward. There was no food. Patients on both sides of my bed were dying. The stench in the ward mixed with the smell of corpses permeated through the ward. For the first time I had peeped into hell.

Chennai general hospital is a weird place. It had some of the best physicians and surgeons. It has equipment and medicines that save lives. The rich have special rooms and modern facilities. For the non-fee paying patients it is living hell. Many patients have returned home from that hell; almost an equal number would have died there. All human emotions are on display here. The sadness, pain, loss, disappointment, anger and anguish are matched by relief, joy, kindness and compassion. Everyday 50, 000 people come to the hospital; 10, 000 patients are fed and looked after and receive treatment. The drinking, gambling and the trades that go on there are beyond mentioning. I spent one month in this wonderful world.

During this period, many people came to see me. I came into contact with many in Chennai. I could read the newspapers regularly. I made new and valuable contacts. My friends brought me food. I received visits from some high police officers. They gave me good advice. I learned a lot about the corruption in the police department. Some policemen asked for bribes to unlock my chains. There were also policemen who asked whether I wanted beer. There were policemen who learned English from me. One of them sang songs to amuse me at night. Policemen came to spy on me. Some became friends with me.

My lawyers visited me. My media friends came to see me. For one who had had difficulty passing time in Chengalputtu, Chennai proved to be busy and hectic. Medical investigations, police interrogation, petty quarrels among ward staff, and stories of other patients - all this kept me busy day and night.

My lawyer complained to high courts that being kept bound by chains was in violation of my human rights and was in breach of Supreme Court ruling. My wife submitted an application claiming compensation. Tamil Nadu police, that had until now been deaf to my side of the story and been sluggish in their behaviour could not satisfactorily answer the accusations. At the same time, the Tamil Nadu government came to the decision that there was no reason to keep me detained.

Unable to defend itself against my claim for compensation, they got off their high horse and were willing to come to a settlement. They would free me immediately if I agreed to withdraw my claim for compensation. My lawyers were initially reluctant to agree to this. But, given the circumstances, everyone thought it sensible to compromise. As soon as my wife signed the letter withdrawing the compensation claim, the order was made to free me.

They opened the door for my release in the same way they locked me up in Chengalpattu - without proper reasons. My experience shows how easy it is to misuse authority. Human rights are denied as a matter of routine, humaneness is killed. It is regrettable that we live at an unfortunate and unsafe time.

Yet, it is important to stress that despite the hardships one has to face, it is certain that justice will prevail. However, we need to be very vigilant. The recent judgment in the Padmini rape case where police officers were given rigorous imprisonment shows that truth and justice will triumph. It also proves that we need to be alert and watchful.

Lastly, I am grateful to all my lawyers, associates and friends who worked tirelessly for my release. I am thankful to Dr. Sureh and his wife; Mr. Sridar and his wife; lawyers who fought my case; justice V.R.Krishnaiyar; Minister Thondaman; journalists Muganth Padmanathan, Gopal, Kaarmegam; human rights activists Ravirayar, and Hendry Beck; and human rights organizations that supported my case and many others. Until injustice is eradicated our struggle for rights will not end.

Imprisonment came to an end But

Chapter 4 - My Statement To Courts

The statement I made to Dindukkal courts whilst I was locked up in Thuraiyoor Special Camp:



Your Honour,

First of all I like to thank you. Five years have lapsed and three judges have changed. Yet, I have been denied the justice. I thank you for giving me the opportunity to inform the court of the illegality, injustice and torture which I have suffered.

I am a respectable citizen of Sri Lanka and I have never had any cases against me before. Even in India, except for this case, I do not have any other case. I firmly deny all charges that have been brought against me because they have been framed to falsely implicate me in deeds I did not commit.

I am not surprised to see how the police are trying to prove me guilty with repeated lies and fabricated evidence. Ramanathapuram sessions court judge warned the police about this and I would like to submit a small portion of the judge's judgement of Pandiyamaal murder case:

"It is clear that the police torture innocent people in order to get them to admit the guilt. When a smart police officer coaches witnesses to make statements in a way that a court can believe it, the court has no choice but to believe it. In such a situation the conviction or release of a person is in the police officers' hands. This case should serve as an example to social activists who care about this country and want to bring about changes to society".

Even after such a pronouncement by a judge there has not been any changes and police continue to produce false charges and incriminate innocent people. My case is a good example of this.

I came to India to make my travel arrangements to go to Canada and join my brother who is a Canadian citizen. I came here legally, but I didn't get any legal protection, instead they have tortured me illegally. On 24-04-90 I flew into Madras with an Indian visa, and stayed in Valasanavakam with one of my relatives. There I registered myself in accordance with by the Tamil Nadu regulations at the nearest police station. While I was making the arrangements to go to Canada, on the 12th March 1991 around 2:00 am "Q" Section Police came and arrested me. The "Q" section police led by Assistant Commissioner Ramayah, took me to the Mandaivelly "Q" branch office and kept me there. The F.B.I. (Federal Intelligent Bureau) agents threatened me and wanted me to cooperate with them to plot against Karunanithy's political party. At that time, Kalaignar Karunanithy's D.M.K. government was gaining much sympathy among the people. His government had been dismissed by the central government. F.B.I. agents were planning to destroy that support and prove that D.M.K. condoned violence. They threatened me and wanted me to cooperate with them in order to smear his government. I refused to go along with them. They were angry at this and framed false charges against me. I feel they were taking revenge on me for my refusal to cooperate.

President of the Theleeban Centre, Mr. Thiyagu came to know that I had been arrested by the C.I.D. and not been produced in courts. He filed a Habeas Corpus application at the high court. After this, they could not keep me illegally and I was produced before Nilakkottai judge on 16-03-91 and remanded in Madurai Central Jail on the judge's order.

Here I would like to say certain things about my arrest. The Supreme Court says that when a person is arrested he has to be told why he was arrested, and should be allowed to take somebody with him/her to the police station with the arresting officer. If the arrested person wants to inform anybody it should be done and recorded immediately without further delay. It also says that the police officers or the judges who do not follow these rules will be in contempt of court. In my case none of these procedures were followed.

When I was arrested I was not told as to why I was arrested and the police didn't allow my relatives to accompany me. I wasn't allowed to contact my lawyer. Neither my lawyer nor my relatives were informed as to where I had been remanded or told that I had been taken to Madurai Central Prison. The Judge who remanded me in prison neither heard my complaints nor allowed me to submit a written statement to the court. Then I realized that the judge was also going along with the illegal activities of the police.

After being placed in the Madurai Central prison, I came to know that I was charged for Kodaikanal T.V. tower bomb blast and the Madras Nehru statue bomb blast. It is very strange, because if they were accusing me in Nehru statue bomb blast case, I should have been produced before Madras judge and remanded in Madras central prison, but they brought me to Madurai and placed me in Madurai central prison. The police did this to prevent me getting any help from my lawyer, relatives and friends as well as to keep me in prison for a long time.

What I wanted to ask here is this: according to the police report the bomb blast occurred in 1988 and they arrested the people who were involved. If they really suspected my involvement in this case why didn't they try to arrest me then? At that time I.P.K.F was in Sri Lanka. If they wanted to arrest me they could have, but why didn't they do so. They could have summoned me with a court order. Why didn't they do it? They could have arrested me when I applied for the visa or when I arrived at the airport or at Valasaravakam police station when I went to register myself. Arresting me after the dismissal of Mr. Karunanithi's government proves that I was not arrested for this case but for refusing to cooperate with the C.B.I. and to take revenge on me. I hope you can understand that.

In Madurai jail they had separate section for the Srilankans in the remand prisoner's section. In that section they did not keep me in the section for Srilankan Tamils. Instead they locked me in the "mental cell" which is behind the remand jail section.

Prisoners who are mentally sick, prisoners suffering from severe infectious diseases and prisoners who are under capital punishment are kept here. I am an ordinary remand prisoner. The purpose of not accommodating me with my co-prisoners and putting me in the "mental cell" was to isolate me and to destroy me physically and mentally. Within two or three days of my detention in the "death cell", Gurusamy who was next to my cell hanged himself to death. Manikam, who could not bear the torture by the officials, committed suicide by jumping from a tall tree. Incidents of this nature caused mental agony and anguish to me. I was kept in an isolated cell without any medical facilities or recreational facilities. I made representation to prison officials and to the Kodaikanal magistrate and requested that I be kept with the other remand jail prisoners. But no action was taken.

On 07-05-91 I was informed that I had been remanded under National Security Act. They handed me documents, which explained why I had been detained under National Security Act. It was stated that I had conspired to plant bombs. In that document it was said that I was arrested on 15-03-91, at about 5:00 pm together with Polilan, who had conspired and attempted to plant a bomb at the Thiyagaraya Nagar (T-Nagar) bus stand in Madras. The surprise in this is that I was arrested on 12-03-91. How could I have conspired in that incident that had occurred on 15-03-91? Further, how is it was possible to do that in a public place, while I was in custody? Also if that was the case, why was Polilan not been arrested? If police had evidence, why has not a case been filed as yet? This shows why I wasn't released on bail, why National Protection Act was used against me. It was to justify keeping me longer in prison. The incidents they referred to are lies and never happened. They imagined reasons and fabricated the case under the National Protection Act to lock me up and torture me. This is very clear.

On 20. 06. 91 I was produced before the review committee for people who are locked up under the National Protection Act. I explained to the committee judges that I have been falsely implicated and the reasons they had provided for my arrest under the National Protection Act were lies and had no proof.

The judges accepted my explanation and said that they understood that the law had been misused, but they had had orders from higher authorities not to release me.

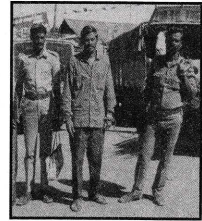
Hence, I had no choice but to send a written petition to the High Court. The prosecution purposely delayed hearing my petition. Finally, on 22-02-92 on my final days of National Protection Act detention, Court dismissed my written petition.

After the NPA on me expired, I tried for bail. On 26-06-92 they got an order to transfer me to Velur Fort Special Camp. (The Special Camp Government Order Number S.R.111/1219-4/92). But on 21-07-92 I got a condition bail release from the high court. The condition was for me to go to the Madurai Police Station and sign before the Asst. Commissioner of Police Investigation once a week at 10:00 am. But I wasn't released on bail according to Court ruling. Instead I was taken to the Velur Special Camp. So I filed a representation for contempt of court (Condemned Court Case no. ON APPL.NO. 433/92). Instead of punishing the officers who didn't obey the court ruling, the court dismissed my case. It was a surprise for me because in CC. NO. 5/92 (Pathmanaba Murder case) case, Jeyabalasingam was arrested and remanded in Madras central prison. His Special Camp order was cancelled by this high court (HPC no. 151/94). In this case another case, Mr. Easan's, a Sri Lankan, the Special Camp order was cancelled by the same court. The cancelling judgement says that "when a person is in prison by court ruling it is wrong to give a Special Camp order." For me too the Special Camp Order was given, but also the hearing of the prosecution's evidence and the judgements of the high court was given after the bail order. The high court should have emphasized that I should have been allowed on bail with conditions on the basis of the high court order which is more authoritative. But the high court's decision shows that they must have an undisclosed secret reason for doing so.

While I was remanded in Thippu Mahal Special Camp within Velur Fort, I was denied basic needs and was treated inhumanly and cruelly. It is a Special Camp in name only. It is a torture camp worse than a prison. Since I was in Special Camp I wasn't produced at the court for my hearings.

It is illegal to withhold and not to produce a detainee in courts without a valid reason. So, not producing me in the Court is denial of justice as well as illegal. When they take me to Kodaikanal Courts I have to travel 40 hours with handcuffs and leg chains, I am not allowed to take a break nor am I given any food. I petitioned about this to Kodaikanal judge, Velur District Collector and Special Camp Officer in Charge requesting them to take action to stop this inhuman treatment. Nothing happened and I did not have a choice but to give petition to the High Court. In that petition (H.P.C. 526/93) I stated that travelling 40 hours to go to the courts was hard for me and to transfer me to a camp closer to the court. I also pointed out that as a refugee it is illegal for them to chain and handcuff me while travelling. I asked the High Court to dispense justice and take action against those who denied my human rights.

While my case hearing was being heard at Kodaikanal Court, I was not produced at the court and the court issued a warrant against me. Consequently, I was jailed at Madurai Federal Prison on 12-07-93. It is the duty of the authorities to produce one who is detained at the court hearing. At the Special Camp it is the District Collector's responsibility to produce me in court or to give the reason as to why I was not produced. It was not my fault not being in courts.



Tholar Balan in leading chains and handcuffs being taken to Kodaikaanal court.

Knowing that I was in Special Camp, instead of ordering an explanation from the Collector, the Kodaikanal judge gave an order to lock me up in Madurai Jail. This means that the judge was a party to the government's revenge taking activities. So I informed the high Court about this. The high court understood that I had been imprisoned without proper reason and illegally. It ordered that I be sent to Thurayur Camp immediately on 24-08-93. Madurai jail supervisor did not implement the court order and I informed this to court. This court on 26-11-93 ordered them to implement the high court order. This news appeared in the News papers too. Again in Madurai jail I was tortured mentally and physically. On 12-07-93 when they put me in jail they considered me as an L.T.T.E member and placed me in an isolated cell.

Not even prisoners sentenced for capital punishment are allowed to be put in the isolated cells but I, ordinary detainee, was put in the solitary confinement. This is highly illegal. Not only that the facilities given to the prisoners, such as provision of newspapers, magazines, radio, T.V were denied to me, and also I was not allowed to talk to other prisoners and the recreational facilities were also not given. I was kept in a cell for condemned prisoners which was infested with insects, there was no ventilation or light. When I requested treatment for my toothache, it was denied because I was considered to be an L.T.T.E member. I suffered with my toothache, and I made complaints to the Commissioner of Prisons and the judge about this, but the jail supervisor did not send the letters. So on my court date I tried to give a petition personally but the present judge refused to hear my complaints and dismissed my petition. I was not allowed to talk to other accused or my lawyer Mr. Baskaran. My Lawyer Baskaran and one of the accused of the same case Mr. Polilan, too sent a petition regarding all the above to the High Court Chief Justice. Tamil Nadu Youth movement president Mr. Muhilan also published a notice condemning this. But no action was taken and the torture continued.

The charges against me in this case say that I belong to the Tamil People Protection Movement and the government's "proven witness" statement also says so. Not only that, when I was detained in 7-05-91 under National Protection Act too, the documents said the same thing. From the beginning they have assumed that I was a member of T.P.P.M but when they locked me up in Madurai Jail they labelled me L.T.T.E member. In courts the police refer to me as a T.P.P.M member and outside the court they call me a member of L.T.T.E. Although they have no proof for either of these, I have been locked me up in an isolated cell. Medical attention has been denied to me. I have been paraded in leg chains and handcuffs to portray me as a terrorist. This has had adverse effects on my mental and physical health.

They say that India is a democratic country and everybody is equal under the law but in this case of the 15 accused the other 14 had been given bail or freed.



Tholar Balan being taken to Dindukkal court under severe police guard

I do not understand what kind of justice it is to keep only me in jail and in the special camp. I think this is because I am a Srilankan. I have been kept here only for this case. So I asked them to pursue the case faster so that I can go home. I feel that they are delaying everything in order keep me here and torture me. I gave a petition to the Kodaikanal judge saying that my life is threatened by the central district C.I.D's. and that they will murder me and say, that I was trying to escape and that they had no choice but to shoot me. This is what they are planning. So if I am dead, the central Government and their spy squad would be responsible for my death. The judge told me that he is going to send it to the High Court and take necessary action through the High Court. But later he dismissed my request and colluded with the police. This proves, that in my case, the judiciary colludes with the police.

Another complaint was submitted at the High Court asking justice for me. (H.P.C. 480/94). The request was to approve my bail or send me to a refugee camp closer to the court. I requested that I be not put in chains or handcuffs, not be considered a member of the L.T.T.E. I also demanded that they punish the authorities who did not implement the court ruling. High court ordered me to be produced for the hearing on 27-04-94. I was brought before judge Mizra's bench. Knowing that the Police officers did not implement the high court's and session court's ruling, judge Mizra suggested that the high court bail order has to be implemented and the officers should be suspended. Realizing that the judge was going rule against them, the crown attorney asked for a recess and the hearing was postponed for 21-06-94. At the request of the Crown Attorney's my hearing was transferred to another Judge's bench named Kuptha. This hearing took place on 20-06-94 and the judge ordered the government secretary to appear before the bench and the Secretary Mr. Baskara appeared before the bench and apologized for everything and promised it won't happen again.

According to High Court's ruling I was brought to Thurairur Special Camp on 1-09-94 and the State Secretary promised me fair treatment and justice. But against that promise I was treated very badly.

Not even the few facilities which were given in prison were available here. In these Special Camps refugees are being tortured and the Thuraiur Camp is the worst camp among these. In the order given to me as regards my placement in the special camp (No. S.S.R.3/866-9/95 dated 20-12-93) 1946 foreigners act 3 (2) (E) section (Central Law 31/1946) delegated under the authority of - as stated in the notification of Home Ministry's instruction N.4/3/56)1)F.1 to regulate the foreigners from Srilanka living in India. Balan alias Balachandran son of Sivapragasam was ordered by the Government of Tamil Nadu to be placed hereafter in the Special Camp situated at Thuraiur. Under this law in a case filed in high court (No. W.P. 150.44/91) High Court Judge Arunasalam and Judge Predapsingh it was decided the following:

- ★ In the Special Camp a supervisor will be nominated to supervise and distribute food
- ★ Special Camp refugees have all the rights except restricted movements
- ★ Refugees can call their family members to the Special Camp and keep them in the camp. Government will take responsibility for their expenses.
- ★ Special Camp refugees should not be locked in cells like prisons and should be allowed to move around the camp boundaries.
- ★ Visitors are allowed and there are no time limits for visits or to bring gifts.
- ★ Police will be guarding the camp from the outside of the camp. Supervisor will be responsible for the whole management.
- ★ If the refugees like to go back to their country they will be sent by the Government at its expense or at the refugee's expense.

This order was granted on the basis of the statement made by the Government. The Tamil Nadu Government informed the High Court that the Special Camp would implement the above ruling. But in fact none of these rights were granted in the Special Camp.

On the contrary, Tamil Nadu State and its officials torture and treat the Tamil refugees in the most inhumane manner.

Against the Chief Secretary's promise, I was ill-treated and tortured at the Thuraiyur Camp. I was locked up in a small cell with 6 people and it was closed 24 hours a day. I was forced to answer calls of nature, eat and sleep inside the cell. No bed facilities were provided. Newspapers were not allowed. I was not even permitted to keep money with me or pay for the papers with my own money. The police officer took my money and never gave me a receipt. In prisons prisoners get reasonably nutritious food, pure water, blankets, pillows, bed sheets, soap, oil, shampoo, papers, radio, T.V. and cinema. They also get to call relatives by telephone once a week; visitors are also allowed. We did not get any of these facilities. We are locked up in the cells and armed police were guarding us. The Collector has the administrative responsibility of the Special Camps, but in practice, it is the police officers who wield authority here. Tamil Nadu Chief Minister, Jeyalalitha stated that the Collector will visit the camps to get the complaints from the refugees and take action. But he never came and never responded to our complaints or take any action. On the 17-10-94. Mr. Siva, who was affected by the torture gave the following statement at Karur Court.

"On 21-12-93, under Mr. Anpalahan's command police attacked me and broke my leg. That day they beat up and tortured everyone in the camp. I have no words to describe the torture they carried out. They did not take me to the hospital or give any treatment for my broken leg. Family members are locked up separately and not allowed to talk to each other. They pretend to take women out for medical treatment and rape them. The women complained about this, but never got a response or any action. I think this is happening with the Government's and High Officials approval and blessings. Education is denied for the children and it is ruining their future. We have brought these to the attention of authorities, but they did not care."

After hearing this statement in courts neither the government nor the courts took any action to stop this injustice. According to the high court ruling on Special Camps, visitors are permitted, but when Mr. Muhilan came to see me, he was not permitted to see me. He made a complaint personally to the Tiruchy Collector. Yet permission was denied. My co-ordinator Ganeshan was also not allowed to visit me. On 21-07-94 I was produced in this court and I made the following request to the Judge.

" Sir, I am a Special Camp Refugee and was brought here with hand cuffs and a leading chain. They are breaking the High Court order, and you should stop this illegal action. I have been locked up in the cell for 24 hours and not allowed to talk to anyone, even to my lawyer. So I beg you to help me get the justice I deserve. "

After hearing my request I hoped the Court would make arrangements to rectify the situation. But the response of the court was that the Special Camp I was in was under the Thirunelvely Collector's jurisdiction and that this court has no authority over it.

I tried my best to let the courts know of the situation, but never got justice. Finally, all of us decided to go on hunger strike. On 25-07-94 police threatened, abused us in filth and compelled us to give up the hunger strike. I could not believe that in a country where Mahathma Gandhi was born, a request like ours was being denied and we were being bullied into stopping a hunger strike. I hope you can understand as to what kind of situation we are in.

The Labour party president Dr. Ramthas, has condemned the government and demanded all the request be heeded to in order to end the strike. Tamil Nadu Youth Movement President, Muhilan has sent telegrams to Chief Justice, Chief Secretary, Home Secretary, National Human Rights Commission requesting them to take action, (and said in the media). We continued our strike, for 14 days. On the 14th day we ended our strike when the Collector promised that some facilities will be made available to us as per our demands. As usual the government did not keep the promises. So I made complaints to the Chief Justice, national Human Rights Commission, American, British, Australian, German, French, Norwegian, Denmark, Swiss, Japan and Sri Lanka High Commissioners to help us get justice. But nothing happened.

The torture which we are subjected to by the Tamil Nadu Government reminds me of Nazi torture camps. How can Tamil Nadu government condemn Rwanda Refugee Camp murders and Burma's opposition leaders arrest while they have torture camps for refugees in their own country? How can we expect a Government who kills its own people and rapes its own women to treat refugees differently? The Government has to take responsibility for all the tortures and rapes that happen in the Special Camps. One day the Government has to answer to this horrible injustice and one day people will teach them a good lesson.

In my case, already 3 judges have been transferred but my trial is not over yet. For 5 years I have been moved from one camp to another and been tortured. They are dragging my case on and on. What did I do to lie in a cell and go through this kind of torture? Did I kill or rape anybody? Plant a bomb and kill the public? Or be involved in burglary? Can this Government accuse me of doing any of these? They have falsely accused me, provided no proof or heard my case. Instead I have been subjected to imprisonment and torture for years. Is it wrong for me to agitate and rebel against this injustice?

For the last five years, from the time that I was arrested and re-arrested, I am either kept in prison or in the Special Camp. I continue to be ill treated. They are dragging my trial on purpose. What, I ask, is the crime I have committed? Have I shot and killed any innocent people? Or have I raped a women or committed a sexual offence? Or have I thrown a hand bomb at innocent people? Or have I robbed any belongings of people? Or did I take bribes? Can the State or it's police officers prove that I committed any of the above crimes? People who perpetrate these crimes on a daily basis, have falsely implicated me in this case.

I believe that a revolution is necessary in order to abolish the contradictions and to get rid of most of the problems in the world. Is it a crime? I believe that, in my country, the solution to the ethnic problem lies in a new democratic revolution that should be carried forward by the Tamil and Sinhalese working class. Is it a crime?

It is the historical tasks of every man and woman to work towards the liberation. I was willing to sacrifice my life for this. Every person in this world should live with honour and dignity. All oppression against people should be smashed. The system where one person exploits another should be abolished. Social inequality should be eradicated and equality established. I wished for a revolution that will achieve all these objectives. I worked honestly towards achieving this. This is why I have been imprisoned and locked up, alternatively in prison and in Special Camps.

I am still being subject to torture. I am not bothered about this because who ever tries to work for the progress of mankind and free him from oppression is hunted down like animals, put in prisons and tortured. So I am not concerned about this government's cruelty towards me. The revolution is dear to me. I consider working towards revolution is my historical duty. Because of this I am in prison today. However, one day I may be released from this torture chamber. Thereafter, I will return to further revolution.

On account of this, I might be arrested by this government or Sri Lankan government or any, other reactionary government and imprisoned. This can happen once, twice or many times. I may even be murdered.

I am not worried about this eventuality and is ready to accept it with a smile. Reactionaries may dream that by locking me up in a special camp or putting me in a prison or torturing or killing me is going to stop from working for my ideal. Because thousands and thousands of people are born everyday. They will keep fighting until their dying day for their liberation and freedom. This is happening all over the world, in every country, every city and in all places. There is no limit or end to this. This movement is growing day by day and until all the people like me win our rights and free ourselves from oppression and exploitation.

Young people are unable get a proper education, even if we manage to get qualifications there is no employment for us. Even if we manage to get employment the wage is insufficient to lead a decent life. If we manage to overcome all this, there is no guarantee for our lives. The Sinhalese racist army is killing us because we are Tamils. Innocent youths are being arrested and tortured by the army.

Young women are getting raped and people are being bombed and killed. Because of this Tamils have become refugees all over the world. This is the situation of Tamil people in Sri Lanka. How can I live peacefully in this situation? I have been called upon to contribute to the revolution that will end all this.

The sinhalese racist government is killing thousands of people with unquenchable thirst. Do you know one reason as to why this racist government is squeezing their life out of Tamil people? It is to maintain their power, authority and rule over Tamil people and enslave them. They do this not to defend their lives or the Sinhalese people. They do this to preserve capitalism and private property.

They preserve their capitalist interests and lavish life styles through their oppressive army, prisons and torture chambers. We have no alternative but to defend ourselves against these monsters. When we do so, we are labelled terrorists.

I am not angry with officers who accused me or tortured me. I will continue to have this forgiving mentality towards them. They do these cruel things for the sake of high titles, power, position and promotion. They have lost their national feelings and act like traitors to their race. However, I am willing to forgive because they too are Tamils. The struggle that we are engaged in is for their wives and children too. They may not realise this now, but time will show that we fight for their cause as well.

I didn't kill any body or rob anybody. I am against the system which makes people rob and kill. The authorities who are safeguarding all this which I am against are interrogating me and claim that they are going to deliver justice. How can I expect true justice from them? I am enduring this melodramatic inquiry knowing that the decision has been already made, the judgement has already been written.

In the final stage of this case, as usual, the police will enact a false pretend bomb blast to get the court closed. The news will appear in the papers and create tension.

This way they will create a situation where they can get the judgement they want. If you refused to cooperate with them they will frame some charge or other against you or your family and threatened to take revenge on you. If you cooperate with them they will give you a suitcase full of money. This is the situation today in Tamil Nadu. And everybody knows that. So, in this situation how can I expect to get justice? It is obvious that I won't have justice.

In my view people are the real judges! Learned judges! When the oppressed get their freedom, my case will come to the people's court for retrial. Tamil people will give me justice. I firmly believe this. Yes! History will free me!

Victory to the revolution!

Yours truly,
Sgd. S. Balachandran

Place: Thuraiur
Date: 30-08-95

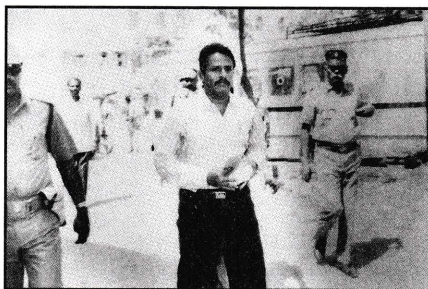
Post script

The above statement was made on 30.08.1995 to Dindukkal district court while I was being detained in Thuraiyoor Special Camp. I was transferred thereafter to Melur Special Camp on 11.12. 1995. The judgement on my case was delivered on 12.2.1997. Dindukkal district court found me not guilty. Yet, I continued to be locked up in Melur Special Camp. At last, on 30.04.1998, after almost eight years of imprisonment, I was deported from India under armed guard.

Closing words

I like to end the this book with a poem that I wrote while locked up in Thuraiyoor Special Camp.

*Special Camp....
An open grave. If so,
the refugees..?
they are living dead!
Central Government,
Or State Government
Whose fault is it?
I do not know...
What we who endured it know is..
The camp walls are strong!
Each day in the camp seems a year
The day of the year seem to extend ad infinitum*
Tholar Balan
12. 01. 1995



*I hope this poem conveys the mental pain that the inmates
of the Special Camp experience.*

*The people of Tamil Nadu need to understand the cruelty that goes on
in the Special Camps.*

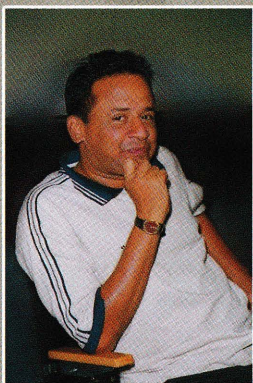
They, and only they can help to free the refugees.

It is they who will be able to get these Concentration Camps closed.

*Hence, people of Tamil Nadu ought to understand what these
Special Camps are and what they stand for.*

I wish this book helps this cause.





The author of this book, Tholar Balan was born in Karaveddy, Srilanka. At present, he lives in London. He dedicated his life for the liberation of Tamils. He was arrested in Chennai on 12.3.1991. He was charged with the Kodaikaanal bomb case. He was locked up successively in Maduari prison and in the special camps at Vellur, Thuraiyoor and Mellore. He was found not guilty by the Dindukkal courts in 17.2.1997, but was not released and continued to be locked up the special camp. After almost eight years of imprisonment, he was deported from India. In this book he provides a moving account of the cruelty that Srilankan Tamil refugees are subjected to. This is first book to be published about the Special Camps in Tamil Nadu, India. He believes that equality and justice for the working class can be achieved only through struggle and revolution.