

The Sansoni Commission Evidence

The Story of the Sri Lanka Race Riots 1977

Progressive

Tamils' views

on how to

prevent

recurrence of

communal

violence



(Mr. Yogendra Duraiswamy)

No 11.

Saturday October 28, 1978

Re. 1.

TWO

NATIONS: BUT CAN LIVE TOGETHER

YOGENDRA DURAISAMY:

Affirmed, 50 years, Student of Public Affairs, Jaffna.

Q: You were in the public service? A: Yes.

Q: You were in the Diplomatic Service? A: Yes.

Q: When did you retire? A: In 1975.

Q: Since then you are in Jaffna?

A: Mostly in Jaffna.

Q: You have indicated to the Commission that you desire to give evidence in regard to the measures that may be taken to prevent a recurrence of communal violence? A: Yes

Commissioner's compliment

Q: Could you briefly outline those measures?

A: A group of Progressive Tamils has prepared a statement and I as its spokesman have come to state those measures to this Commission.

(The statement is marked A23., A23 is read)

Commissioner: You have very carefully prepared your statement. I thank you.

Mr. Bartlett: Can you furnish copies of this statement? A: Yes.

Mr. Shanmugalingam: We require some clarification. We can do that after going through this statement.

Commissioner: If We can get some copies made.

Mr. Underwood: Your Honour will remember that Mr. Amirthalingam and Mr. Yogeswaran stated they would like to reserve giving evidence with regard to certain items at a later stage. I am wondering whether we could reserve questioning Mr. Yogendra Duraiswamy on a later date or would Your Honour wish that we should finish with him.

Mr. Bartlett: We would have the benefit of his evidence before we make our submissions on item 3.

Mr. Shanmugalingam: Mr. Duraiswamy refers to 'we'. Has the memorandum been prepared by a group?

A: Yes.

Q: Can we have the names of some?

A: I can give the names of some. Attorney-at-law S. Selvaratnam, the President of the Saiva Maha Sabha; Mr. Vallipuram, Secretary of the Bar Association of Jaffna and there are a few others. I will like to give a full list. This group is known as the 'Progressive Tamils' and this group was formed just before the evidence was called; before

the invitation was issued to give evidence before the Select Committee for the revision of the Constitution. It consists of persons of various shades of opinion and they have got together to resolve a majority of the problems.

Q: Can you furnish us copies of this memorandum? A: Yes.

Q: In your memorandum you refer to the fact that the Tamils and Sinhalese are two nations living here? A: Yes

Q: Not only have you been a student of practical politics but also a student of political theory? A: Yes.

Q: The concept of nationality and the concept of a State is something objective; its territory, population and so on? A: Yes.

Feeling of being a distinct nation

Q: Whereas nationality is a conception that a group of people feel that they are one distinct nationality. They form that opinion. It can be on the basis of language, religion and cultural heritage. There is in history what was once a nation which had broken up into two or more nations. You admit that in Ceylon there are two nations? A: Yes.

Q: When you speak of communal violence, you are

speaking really to the violence between the two nationalities? A: Yes.

Mr. Underwood: Q: I take it that behind almost all your proposals that you have made it is your belief that these two communities can live happily together as brothers?

A: Yes.

'Power made them lose their heads'

Q: What is the basis on which they can live together?

A: Provide the correct steps are taken towards the object.

Q: The Sinhalese people normally are very loveable people?

A: I would say in every community you get loveable people.

Q: You are one of these people who believes that two people can live like brothers. The Sinhalese are loveable people?

A: I have no reason to doubt that statement. Although Sinhalese people are loveable people, when absolute political powers came into their hands, as far as the Tamils in this country are concerned, I would say that the Sinhalese have lost their heads.

Q: You will also agree that about the period of the transfer of power there was

hardly any agitation for a separate state or for a federal form of Government being embodied in the Constitution except to ask for fifty — fifty representation?

A: Yes.

Q: Would you agree that it was in the belief that the Sinhalese politicians would continue to act in good faith on the stand they had taken earlier? A: That is correct.

Q: But after independence they began to show their hand little by little once they had political power. On the question of language they tried to put Sinhalese as their language? A: Yes.

Demand for a federal state

Q: Several measures were taken, namely, the Citizenship Act - from Mr. Ponnampalam's 50/50 it came to 70/30 and that was what led to the demand for a Federal State? A: Yes.

Q: The experience of the Tamil people is that by merely putting their trust in the Sinhalese they had been let down and that led to the clamour for a Federal State?

A: I would like to elucidate on that matter. After

(Continued overleaf)

"Those who do not remember the past are condemned to relive it"

— Santayana - American philosopher 1853-1952

'POLICE TOOK MY RIFLE FROM MY HOME: LATER HEARD IT WAS MADE PRODUCTION IN M.C. CASE'

(continued from page 8 of the last issue)

Q: You inquired about your rifle? A: Yes.

Q: You did not receive it back? A: Yes. He told me that it would be given to me but I did not get it back.

Q: You later came to know that a rifle with a description similar to yours had been made a production in a Court case? A: Yes.

'If so, an utter lie'

Q: You [received] information that the Police had produced this rifle on the footing that on 16th August, 1977 while on mobile patrol along Vembadi Road a mob had tried to attack them and when the Police had retaliated the crowd had dropped this rifle and run away and that the Police took charge of it?

A: Yes. It is an utter lie if it referred to my own rifle.

Q: You grew alarmed and contacted Mr. A. Antony?

A: Yes

Q: He advised you to make a complaint? A: Yes.

Q: On his advice you went and met Mr. A. Joseph the then A.S.P. A: Yes

Q: Your statement was recorded? A: Yes.

Licence bears the numbers

Q: (Shown rifle) This rifle that is shown to you is your rifle? A: Yes.

Q: You have the licence for this rifle? A: Yes.

Q: You produce marked X.51 the licence for this rifle? A: Yes.

Q: Your licence is for 1977? A: Yes

Q: The licence refers to the rifle as a .22? A: Yes

Q: The licence bears the number of the rifle?

A: Yes

Q: The number of the rifle and the number given in the licence are same - 41830? A: Yes.

Grand Bazaar shooting case

Q: This .22 rifle was taken from your house when your children were in the house? A: Yes

(Mr. Kadirgamar states he would be calling the S. P.)

Q: This rifle has been produced as X 15 in inquest proceedings No. 4878 of the Magistrate's Court of Jaffna? A: Yes

Q: These inquest proceedings were in respect of shooting at the Grand Bazaar on 16-8-77? A: Yes.

S.I. Mendis' statement

(Mr. Kadirgamar states that Sub-Inspector Mendis in his evidence before the Magistrate has stated on 19-8-77 as follows:

"I found this rifle in front of the shop by the side of the fence. I produce that rifle X 15. This is the rifle I recovered. I recovered this rifle when I was with my men....."

Q: Following upon the complaint you made, namely that your rifle had been taken and not returned an inquiry is being held, conducted by A. S. P. Mr. Anandarajah and you were asked to attend that inquiry? A: Yes

Q: That inquiry is not over and this rifle is a production in the M. C. case?

A: Yes.

Q: Do you also agree that the successive Sinhalese Governments, although they did not talk of separation, laid the very foundation of a separate state. For example, when you introduce a language policy by which you teach in effect Sinhala in the south and Tamil to the north, what else are you doing? You are laying the foundation for two separate states. Do you agree? That foundation for a separation was laid by the Sinhala

A: Yes

Q: When you were asked to attend the inquiry you went with Mr. Antony your lawyer — the gentleman who is here? A: Yes

To Mr. de Silva, Deputy S/G

Q: On 16-8-77 you reported for duty. When you

left home, this rifle was at home?

A: Yes. In my bed room.

Q: At what time did you return home?

A: At 11-30 I went home.

Q: At that stage you were told by your children that the police removed the rifle? A: Yes.

To Mr. Underwood:

My children are Varny, Rajkumar, Janaki and Chandrakumar. I married in 1954.

THILAKA JANAKI:

Affirmed. Hospital Road, Jaffna.

To Mr. Kadirgamar:

Q: The previous witness Mr. Thilagan is your father?

A: Yes

Q: Your father works at Jaffna hospital? A: Yes

Q: Your mother also works there? A: Yes

Q: Your mother is a Sinhalese lady? A: Yes.

Q: You remember 16-8-77?

A: Yes.

Q: On that day you remember, after your father left for work, he sent word through a hospital labourer that there was trouble in Jaffna and that you and your sister and brother must remain indoors and not get out? A: Yes.

Q: He also sent some extra newspapers for the children to read? A: Yes.

Q: Your children stayed indoors? A: Yes.

Q: You recollect, suddenly police entered your house?

A: Yes.

Assaulted

my brother

Q: The police had come into your house chasing people who were running away from the police? A: Yes.

Q: They entered your house? A: Yes.

'BALD-HEADED TAMIL FELLOW SHUT YOUR MOUTH!'

Q: Were the policemen in uniform? A: Yes.

Q: Did they have rifles in their hands? A: Yes.

Q: When they entered your house they entered through the back door?

A: Yes.

Q: As they entered your house they saw your eldest brother Rajkumar? A: Yes.

Q: They assaulted him with rifle butts? A: Yes.

Q: He ran towards the front door? A: Yes.

Q: He ran into further policemen? A: Yes.

Q: When they entered the house they went through the rooms? A: Yes.

Q: (Shown rifle) This is your father's rifle? A: Yes

Q: They saw this in your father's bed room? A: Yes.

Q: They took the rifle? A: Yes.

Q: Your elder sister was present? A: Yes.

Q: Your elder sister told the police that it was your father's gun and it was licensed? A: Yes.

Q: She asked them not to take it without telling your father? A: Yes.

Q: Your assaulted brother — he came running back into the house and fell over a table? A: Yes

Questioning by Mr. Sam Kadirgamar, ctd.

Q: The police inside the room, cornered him while he was lying in that fallen position and he was getting ready to assault him again?

A: Yes:

Q: You seeing this, jumped for the rifle he had in his hand and got hold of it?

A: Yes

Q: And you cried out to him not to injure your brother? A: Yes

Q: You spoke in what language? A: I spoke in Sinhalese. I can speak Sinhalese to some extent. When the policemen heard me speaking Sinhalese, he asked me "are you all Sinhalese people". I replied that I am.

"Then they stopped assaulting my brother. I have three brothers. At that time only two brothers were present in the house. Rajkumar

(Continued on page 3)

'PROGRESSIVE TAMILS' ON POWER & THE OUTCOME

(Continued from page 1)

the transfer of power the Sinhalese started their discrimination against the Tamils. There are so many factors which contributed to that from the outset. Mr. Ponnambalam asked for 50/50. There are so many statements by Counsel and I would like to answer them both in the affirmative and in the negative. I can explain.

Q: Do you also agree that in the matter of language, important political parties which originally took a stand in favour of the Tamil language like the UNP and LSSP in the years that followed, surrendered the stand in favour of Tamil. UNP gave it up. LSSP gave it up?

A: Yes.

Q: Do you also agree that the successive Sinhalese Go-

vernments, although they did not talk of separation, laid the very foundation of a separate state. For example, when you introduce a language policy by which you teach in effect Sinhala in the south and Tamil to the north, what else are you doing? You are laying the foundation for two separate states. Do you agree? That foundation for a separation was laid by the Sinhala

Government while the Tamil politician only spoke about Eelam.

A: It is not so simple as that.

Q: What do you think is the effect of those measures? Is it a method to divide?

A: As I said, every successive governments had done acts of omissions and commissions which created

this problem. One cannot absolve any party from this responsibility.

Mr. Bartlett: Evidence such as this will come under item No. 3. This should have been taken after Item 1 and 2 had been concluded.

Commissioner: Yes. Hereafter we will make a rule that item 3 will be led after items 1 and 2.

Sriranjan Gunaratne: affirmed, 26 years, teacher, Sinhala Maha Vidyalaya, Jaffna.

Examined by Mr. G. P. S. de Silva, Deputy Solicitor General.

"I am a teacher attached to the Sinhala Maha Vidyalaya. I have been residing in Jaffna for 2 years and 3 months. During this period, I have been teaching in this school.

Q: There has been a communication which has been signed by you and one other, addressed to this Commission dated 12.1.78? A: Yes. (Marked A24)

Q: (Shown A24) This has been signed by you? A: Yes. A24 also has been signed by another person.

Q: In this communication, you have stated that you desire to give evidence as a resident of Jaffna? A: Yes.

Q: I take it, by that you mean, not in your capacity as a teacher, but as a resident of Jaffna? A: Yes. I have stated as the Secretary of the North Ceylon Sinhalese Teachers' Association and as a resident of Jaffna.

Q: That is for both reasons? A: Yes.

'I was returning from Madhu'

Q: Are you aware of the terms of reference of this Commission?

A: I don't know.

Q: One of the terms of reference relates to the causes that led to and the nature and particulars of incidents between the 13th August and 15th September, 1977? Those are the terminal dates?

A: Yes.

Q: Now, what is that you want to tell His Honour?

A: I have to state first in my evidence as a resident of Jaffna about the incidents.

Q: In respect of any particular date?

A: 'I can tell the date as well as the particulars of incidents. I went to Madhu

TEACHER AT SINHALA M. V., JAFFNA: 'I AM GIVING MY EVIDENCE AS A RESIDENT OF JAFFNA'

on 14.8.1977. I was at Madhu on the 15th and returned to Jaffna on the 16th of August.

'On the 16th, I was travelling to Jaffna in Car No. CY 9716. Police stopped my car at Elephant Pass. They stopped my car at the Elephant Pass barrier. They said, there was trouble in Jaffna and they would not allow me to proceed to Jaffna.

"Then the Mudalali along with whom I was travelling said he had to go and see his family, his business place and other household goods. He said, for these reasons, it was essential that he should proceed to Jaffna.

'Then the police officer spoke in a very rude manner and said "Why, you people are going to be killed. Three policemen had already been murdered in Jaffna". They prevented us by force from proceeding to Jaffna.

In a Tamil friend's house

'Then we returned from there to Kilinochchi and stayed in a Tamil friend's house. On the following day at about 10 a. m. we set out to go to Jaffna in the same car. That night, we stayed at Rajan Ponnampalam's house. He gave us lunch that day and said that he would accompany us to Jaffna and drop us there. Then he went ahead in his car and we followed him in our car.

'On that occasion also we were stopped at the Elephant Pass barrier. Since Rajan

Ponnampalam was there, we skipped the police and came towards Jaffna. Both cars reached Jaffna and we reached Martin Road where I live.

'Before we left to Madhu, we left the keys of my house at Kokuvil in the house of my Mudalali's brother-in-law.

Q: Who is this Mudalali you are referring to?

the people who live adjoining the Mudalali's house said that we should go in Rajan Ponnampalam's car and not in the Mudalali's car.

'We set out to Kokuvil'

'Then myself, the mudalali and Rajan Ponnampalam set out in Rajan's car to

'I can understand a little Tamil.

'I replied in Sinhala and told them that I was a teacher at the Sinhalese Maha Vidyalaya and said that we were going to fetch the key. Then one of the police constables opened the door of our car and pulled me out saying, "How can you be a Sinhalese Teacher?". He pulled me out forcibly.



Hospital Street, Jaffna.

A: I was staying in the house of the Mudalali.

Q: What is his name?

A: S. J. Rajaratne.

Q: What is his business?

A: He is having a lathe workshop.

Commissioner: Q: Is he a Sinhalese? A: Yes, Sir.

'Then we got ready to go in my Mudalali's car to bring the key of the house. Then

Kokuvil to fetch the key. We came down Hospital Road and turned to Palaly Road and came up to the Naga Vihare junction. As we approached the junction we met 10 to 15 persons. They were police constables. They pointed their rifles at the vehicle and we stopped the car. Those officers spoke in rude Tamil Language and asked where we were proceeding.

(To Mr. de Silva, Deputy S/G.

'Immediately Rajan Ponnampalam and the Mudalali got out of the car. Then I told the police officers that if they were doubtful about my identity as a Sinhalese, to inquire from the Chief Priest of the Naga Vihara or their superior, the S. P.

(Continued next page)

JANAKI'S EVIDENCE: 'YOU BALD-HEADED.....'

(Continued from page 2)

and Chandrakumar were present. They are older to me. Rajkumar is 23 years old and Chandrakumar must be about 20 years. They are young men. Police attacked both of them, I know S.I. Gurusamy. He came into my house at that time.

'Don't remove it, my sister said'

Q: Did he ask the police not to assault or to stop assaulting your brothers?

A: Yes

Q: Did you hear any reply given to him by the police who were assaulting?

A: Yes, they said "Bald headed Tamil fellow, shut your mouth".

Q: I suppose S.I. Gurusamy is bald? A: Yes.

Q: That was the reply he got?

A: Yes, This rifle that I referred to was taken away from our house that day. It was taken by a policeman. When the policeman took my father's rifle, my sister said my father's gun is licensed. Don't remove it without informing him".

Questioned by Mr. G.P.S. de Silva, Deputy Solicitor General.

S. I. Gurusamy came into our house.

Q: Did you tell SI Gurusamy that a police man took your father's rifle?

A: Yes, I told him.

Q: And did he record your statement?

A: My sister's statement was recorded.

Q: And you yourself told SI Gurusamy that the police man took your father's rifle?

A: I did not, but my sister Bami told him,

Questioned by Mr. Underwood

Q: How soon after the gun was taken, did SI Gurusamy come there? A: I cannot say. Some policemen came chasing my brother through the back door and when they entered the room, they took the rifle. Another party of policemen came about the same time through the front door.

S. I. Gurusamy came later

Q: SI Gurusamy came with them?

A: He came a little later.

Q: Is it a few seconds or a few minutes later?

A: After the police had entered the house, he came. Police entered the house, and immediately thereafter, he came.

(Commissioner: Q: When SI Gurusamy came, were the policemen there? A: Yes Sir.)

Q: And the SI, Mr. Gurusamy and the other constables with the gun went away together?

A: The constables went first followed by the Sub-Inspector.

Q: Did SI Gurusamy take your address when he went?

A: Yes.

'POLICEMAN THOUGHT I WAS A TAMIL CONEVEVSANT IN SINHALA'

(Continued from Page 3)

'Then the officers addressed me in filthy language and held me. I had a rosary (religious string of beads). He pulled that rosary and pulled me out.

'The Mudalali appealed to them not to trouble us as we were going to fetch the key. At the same time Rajan Ponnambalam came from the other side of the car. He also appealed to the Police Constables.

'Mr. Rajan Ponnambalam was not familiar with the Sinhala Language. He spoke in the Sinhala Language he was able to speak. Those officers felt that I was a Tamil person who was conversant in the Sinhala language.

'Rajan Ponnambalam was assaulted'

'Then the police officers started beating up Rajan Ponnambalam with the butt end of the rifles. They wanted us to open the dicky of the car. When we opened it there was the cartridge belt without cartridges belonging to Rajan Ponnambalam, and immediately they saw that they continued to assault Rajan Ponnambalam demanding the gun and in that process I also received blows.

'Rajan Ponnambalam said that the gun was not in the car and it was available at home and the belt had been accidentally in the car.

'They said that I was in tow with the Tamils and I was trying to draw a plan to shoot the Sinhalese. The language in which they addressed me and the others was so contemptuous that I am not happy to speak about it in the open. They spoke in the Sinhala Language. The obscene words used were in Sinhala.

'They hit the car dicky'

'All the police officers started to pull out all what was in the dicky of the car. The police in the process of examining the dicky started hitting the car dicky lid and ultimately it fell on to the ground.

'Then another set of officers went inside the car and removed the seats of the car and their object was to find the gun. But actually the gun was not found in the car and ultimately Rajan Ponnambalam produced the gun licence which was in the dash board of the car. He had to produce that because he was threatened and they wanted to find the whereabouts of the gun.

'Then the police took out a broken aerial wire of about 1½ ft in length and

a gallon tin from the car. A police officer handled the broken piece of aerial wire as a pistol and demonstrated to the others.

'Then I asked that P. C. who demonstrated that way whether he could not differentiate between a broken piece of aerial wire and a pistol. Then both side glass shutters on the off side of the car were smashed with the rifle butts. There were other officers opening the bonnet of the car and searching the car. I was fed up telling those officers that there was no such gun in the car.

'No one cared to identify me'

To Commissioner:

Q: At what time did all this happen?

A: The time then was 5.30 or 6 p.m. on the 17th of August.

Q: Was there a crowd on the road?

A: There was a huge crowd in the Naga Vihare but none came to say that I was a Sinhalese and ask them not to assault me.)

Q: Was there anyone on the road?

A: No. None. The police officers and we were on the road.

'Then I told the officers that if they were not satisfied that they could set fire to the car and I went and sat on the culvert. An officer came there and I was searched in my waist. I was wearing a verti at that time.

'Then an excise officer who was known to me and who was inside the Naga Vihara came and appealed to the others saying that I was known to him and asked them not to assault me.

You should have told us, they said

'The police said, "You should have told this to us long ago". They told me so. Then I asked the policemen whether I should kneel at their feet and tell them all these. Then the police officer removed the piece of aerial wire and gallon tin and the empty cartridge belt and asked us to proceed.

'Then I went up to them as they then knew who I was, and asked them to return the gallon tin and the cartridge belt. I asked them to keep the piece of aerial wire.

'They refused and we proceeded. Rajan Ponnambalam appealed to me and asked me to somehow get the cartridge belt. I told him that I would collect it later and for the time being I asked him to proceed.

'At that same time I was not in a mood to wait any

longer and I felt uneasy as to what happened and I told him I would get them later and asked Rajan to proceed.

'We did not proceed on our mission but came to Mudalali's house and broke a window and entered the house. That day we stayed in the house. On the following day we went to the temple.

'That day Rajan Ponnambalam went to Gurunagar police station to meet an officer there and get the cartridge belt. He went there

Had I been a Tamil what would have been my fate, asks Sinhala M. V. teacher?

and returned stating that officer was not there.

'Belt was in temple premises'

'The following day too I came to the Naga Vihara. I met the officer in charge of the officers at the Naga Vihara. I went to meet the Inspector in charge of the officers at the Naga Vihara. I went and complained to him stating that such a thing happened the previous day. He asked me whether I was the victim and I appealed to him to get the cartridge belt for me. I got back the belt. The police inspector returned the belt to me.

Q: He had the belt?

A: He had it there in the temple premises and gave it to me.

Q: He was one of the persons who assaulted you and others?

A: That police officer who returned the belt was not in the crowd who assaulted me, the mudalali and Rajan Ponnambalam.

'Then I asked him for the return of the gallon tin and the piece of aerial wire. He spoke to the other officer and he was told that there was nothing like that. I personally went to the culvert and searched for them but I could not find them. Then I met a boy staying in the temple and he was in possession of the piece of aerial wire and I got it from him. Thereafter I returned home.

(To Mr. de Silva, Deputy S/G.)

Q: Have you anything more on the facts?

A: I want to know had I been a Tamil man, what my fate would have been that day?

Mr. de Silva: He wishes to make some suggestions.

Commissioner: Suggestions will come later. I don't think it is necessary at this stage;

Mr. de Silva: Q: What do you mean by 'adahas'?

A: By use of the word 'adahas' I meant, 'What can be gained by such acts'.

Q: You said that you wanted to give evidence in your

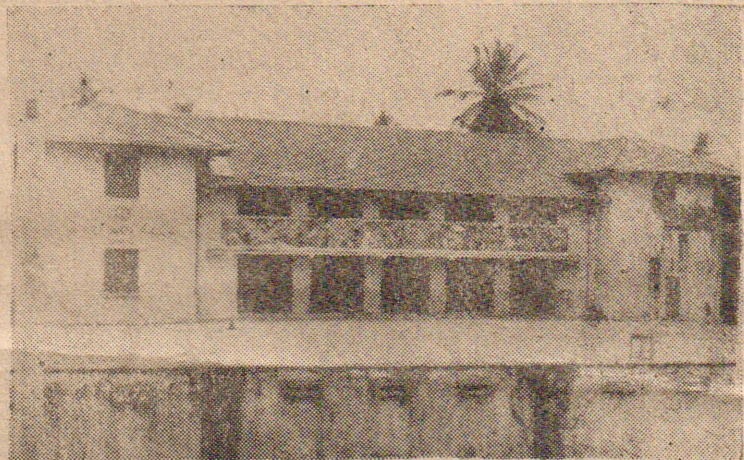
copy of this petition was taken to the S. P., Jaffna. The S. P. said that there was nothing to give protection to the Sinhalese Maha Vidyalaya but only the Sinhala Maha Vidyalaya should be protected from the teachers.

Q: The S. P., said that?

A: Yes.

Q: Who said that?

A: S. P., Mr. Seneviratne said that to the Director of Education and the Principal of the Sinhalese Maha Vid-



The Sinhala Maha Vidyalaya, Jaffna

personal capacity and the other as President of the Ceylon Sinhalese Teachers' Association in Jaffna?

Sinhala teachers

sent a memo

A: The evidence I gave is in my personal capacity. As President of the North Ceylon Sinhalese Teachers' Association in Jaffna on 6.7.77 a number of Sinhalese teachers from the Sinhalese Maha Vidyalaya addressed a memorandum to the S. P., Jaffna expressing a fear of attack on the Sinhalese Maha Vidyalaya in Jaffna. Copies were sent to the Minister and the Director General, Department of Education in Colombo.

Mr. de Silva: Q: The documents that you were referring to were addressed to the G.A., Jaffna with copy to the S.P., and H.Q.I. Jaffna? A: Yes.

Q: This was sent by the Principal of the Sinhala Maha Vidyalaya? A: Yes.

'What the S. P. said in reply'

Commissioner: Q: How did you get the copy?

A: The Principal of the school gave me a copy. A

yalaya. I was not present at that time. Since I was the Secretary of the Sinhalese Teachers Association he told me what S. P., Mr. Seneviratne said.

Commissioner: I don't think this document can be admitted

Witness continues: Then the Education Department sent us a letter asking us to return for work on or about 3rd September, 1977. At that time the school was virtually closed and it was occupied by the Army officials. There was the Army Camp in the school premises.

Commissioner: There is no point if it is not going to assist us.

Mr. de Silva: Is there anything else?

Witness I was about to say something about the incident that happened on that day and it is in respect of that I want to give evidence. That was on 12th September, 1978. We returned for work on 3rd September, 1977 and we found that the school was occupied by Army personnel. We reported that to the Director of Education and stayed at the Naga Vihare. Then in the afternoon on the same day we went to

(Continued next page)

(Continued from Page 4)

the Kachcheri and met Mr. Suntheralingam, S. P., and Mr. Bambarande, S. P. They were at a conference with regard to security matters.

Q: You told him what took place?

'Not allowed to go for meals'

A: Then the S. P., asked us to behave in the normal way and that there was nothing to be afraid of. We returned to the Vihare and stayed there. The Police Officers on duty at Naga Vihare would not allow us to go out even for our meals. We attempted to go out for dinner but we were not allowed to go out. Then the Police Officer attempted to take all the teachers who were at Naga Vihare to the Police Station and remand them.

Commissioner: Q: Were they teachers of the school?

A: There were four teachers of the Sinhala Maha Vidyalaya, Jaffna and two or three others who had accompanied us.

Q: Were they also Sinhalese teachers?

A: The other two or three along with the four of us were also teachers.

Q: So the Police wanted to remand you?

A: They said that they would do that because we were trying to flout their instructions by going out for our dinner. Then the Chief Priest of Naga Vihare brought about a settlement. That is all I have to say.

The Sinhala reading public

'I have to state something about my opinion. What I have to state by way of opinion is that the Sinhalese Police Officers in the Tamil areas are treating the Tamils in the north in a very shabby way. What I wish to tell the Commission is that no difference should be shown as between the Sinhalese speaking and Tamil speaking people and both should be treated as Ceylonese people. I further appeal to this Commission to see that sufficient publicity is given to these proceedings in the Sinhalese medium of the Press which is not being done now so that the people can know the truth.

Mr. Bartlett: Q: You stated that when you were going in Mr. Rajan Ponnambalam's car the Police halted you; harassed you and broke the side screens of the car and threatened you bodily harm and assaulted Rajan Ponnambalam? A: Yes.

'Attack was unprovoked'

Q: You say that it was an unprovoked attack by the Police at that time? A: Yes.

Sinhala resident in Jaffna says:

'SINHALESE POLICE OFFICERS IN THE TAMIL AREAS ARE TREATING THE TAMILS THERE IN A SHABBY WAY'

Q: Can you assist this Commission with the names of those policemen? You said that there was a Sub-Inspector. Do you know his name?

A: Mr. Edirisinghe was an Inspector in charge of the party that attacked us.

Q: Did you know the constables or the Inspector who was there who attacked you on that day?

A: I know the name of the Sub-Inspector who was in charge of that party and I also can identify, if seen, some of the Police Officers.

Q: In charge of the party means the party that attacked you? A: Yes.

Q: What is the name of the Sub-Inspector?

A: It was Sub-Inspector Edirisinghe who was earlier attached to the Kilinochchi Police Station.

Q: You had known him earlier? A: I had not known him earlier but at the time I went to obtain the cartridge belt I saw him.

Q: Do you know any of the names of the persons who attacked you?

A: I did not know the names of any of the officers who attacked us.

Q: Did they have any numerals or any of the other identification?

A: They were dressed in uniform with their numerals.

Q: Did you not take down the numerals?

Not mentally in a state

A: I was not mentally in that stage to note down the numbers of the officers.

Commissioner: Q: Edirisinghe was not one of this party?

A: On my questioning about the officers who attacked us the following day they told me that it was the Sub-Inspector who was their superior officer.

Q: That is not what I asked who was in that party?

A: I did not know anybody but I could identify some of the officers.

'Tamils gave us no trouble'

Q: Apart from that incident of the day, did you suffer any harassment at the hands of any Tamil; were you put in any kind of harassment or torture by the residents of Jaffna?

A: Actually it is far from saying that they gave us any troubles. It was from them that I had all my meals and we got all our assistance.

Q: In fact you came to Jaffna because the treatment meted out to you was cordial and friendly?

A: Yes. We had no fear at all that there would be any ill-treatment from any Tamil here.

Q: Only the fear that you had in Jaffna was from the Police force in Jaffna?

A: Yes. In point of fact after that we feared harassment from the Police.

Questioned by Mr. Shanmugalingam.

Q: Rajan Ponnampalam you referred to is the son of Mr. Anton Ponnampalam?

A: Yes. His father contested the Kilinochchi seat some years ago.

A KILINOCHCHI INCIDENT

SAMBANVELAN alias Thambu Baliah: Affirmed: 50 years: Trader: Gurunagar.

Q: You addressed a communication to this Commission on 14.2.78? A: Yes.

(That communication is marked A22. A22 is read out)

Q: On 19.8.77 your house was attacked?

A: Yes. 19th is not correct. It was on 21.8.77.

Q: Were you present at the time of the attack?

A: I was not there.

Q: You heard from somebody?

A: When I was at the Sellasannathy Temple my wife came and told me about this attack.

Q: Your wife would know more about the attack?

A: Yes.

(To Mr. Bartlett:

Q: Your wife was in the house at the time of the attack?

A: She was with her infant, sleeping in the adjoining house.

Q: She is here and she would testify to that?

A: Yes.

To Commissioner:

Q: What is your wife's name?

A: She is Packiyam.

PACKIYAM w/o BALAH:

Affirmed: Kilinochchi.

Q: The last witness is your husband? A: Yes.

Q: On 21-8-77 you were in your house at Kilinochchi?

A: Yes.

Army & Police personnel

Q: Was your house attacked? A: Yes.

Q: What happened?

A: When I was in the adjoining house with my children, five jeeps and one van came. About 15 or 16 people came in those. They got into my house and hit the doors. I was watching this.

Q: At about what time was it?

A: At about 10 or 10.30 p.m.

Q: Who were these people?

A: They were army and police personnel.

Q: Were they in uniform?

A: They were in army uniform and police uniform.

Q: They hit at the door?

A: They kicked the door and removed all the belongings and loaded them into the jeep and I was watching this.

Q: Was it the army jeep or police jeep?

A: I cannot say that?

Q: With the aid of what light did you see this?

A: There was moonlight and with the other light burning in the next house I could see. After that they set fire to the two houses.

Q: These persons who came there set fire to your house? A: Yes.

Q: Your house was made of what?

A: It is a two-roomed house with a cement floor. The verandah is covered with zinc sheets and the rest is covered with cadjans.

My complaint not taken down

Q: This is your own house? A: Yes.

Q: And all your belongings were burnt? A: Yes.

Q: The whole house was looted and ultimately it was set fire to?

A: Yes. They set fire even to my children's clothes.

Q: You went to Kilinochchi police station but your complaint was not entertained? A: Yes.

(To Commissioner:

Q: Did you tell anybody about this?

A: I told this to Headman and he recorded my statement.)

Q: What is the name of the Headman who recorded your statement?

A: I do not know.

Q: He is the Headman of what area?

A: He is the Headman for Kurunagar. There is a Headman there. My husband may know his name.

To Commissioner:

Q: At what amount do you assess the damage?

A: May be about Rupees 34,000/- to 35,000/- including the house and property.

To Mr. Bartlett:

Q: Your husband is a trader? A: Yes.

Q: What is his trade? A: He has a dry fish stall and a dried chillies stall.

Q: You are married from Kilinochchi?

A: Yes. We are not living in that house. We are living in another house.

ANURADHAPURA : EX - CROWN PROCTOR'S HOUSE LOOTED & BURNT

MUTHUKUMARU RAJASINGAM, affirmed, 45 years, Social Service Officer, Jaffna.

"I am a Social Service Officer. I am attached to the Social Service Department. In August, 1977 I was attached to Vavuniya.

Q: Your family reside in Anuradhapura?

A: Yes, they were living with my father-in-law.

Lived in A' pura from 1896

"My father-in-law was the late Mr. Nadarajah. He has been living in Anuradhapura for very many years. From 1896 onwards.

Q: Your family has also been residing with him?

A: He died in April 1977.

"My ancestral house is known as Brindavanam.

On 18th August, 1977 my ancestral home was attacked and burnt. In that process, my personal belongings, furniture and other items were looted.

'A crowd of 100 to 150'

"I was present at the time of the attack. It was on the 18th of August at 7.30 a.m. On the 18th of August at 6 a.m. my father-in-law's driver, one Abeyratne came to my house and informed me that there was a large crowd at the Jaffna junction and there was the possibility of our house being attacked. Immediately I locked all the doors leaving one room. I kept my wife's jewellery and a few clothing in a suitcase and in the meantime I telephoned a cousin of mine to contact the army and send a vehicle so that I could go to the new town.

"Then I was waiting for the arrival of the Army. At 7 a.m. I saw a large crowd about 100 to 150 people walking towards my house. I cannot say whether they were armed. My house was about 150 yards away from the main road. I could not see them properly.

"Then I locked the room and ran from behind and took shelter in the neighbour's house. On the 17th evening I had sent my family to my cousin's house.

"While I was hiding there in the neighbour's house, I saw a door being smashed up and within a matter of 10 minutes, a large number of people carried away all my belongings through the paddy field. I saw a man carrying the suitcase containing my wife's jewellery. I could not identify him.

'I saw them looting'

"Then the occupant of the house asked me to go away thinking that it was not safe for me to stay there. I ran to another and took shelter there. I was there for about 5 minutes. Then I saw an army jeep. I came out and the army officer spoke to me and took me to my house. I wanted to get some clothing.

"When I entered the house, I saw nothing except heavy furniture. All my belongings had been removed. At the time I went into my house, looting was still in progress in the other rooms. The army people told me that they are unable to protect the property; they were only there to protect the life. Then with the help of the army, I took my wife and children in the jeep and went to the police station.

"On the 19th morning I made a statement to the police. Thereafter I came to Jaffna on the 22nd. I sent a written communication to this commission on the 18th December, 1977.

(Marked A21)

Chairman, U. C. for 13 years

Questioned by Mr. Shanmugalingam.

"Mr. Nadarajah was my father-in-law. He was a Proctor of the Supreme Court. He was also the Crown Proctor at Anuradhapura. He was a Justice of the Peace and an Unofficial Magistrate. He used to act for the Magistrates. He had settled down in Anuradhapura from 1896. In fact, he had become a citizen of Anuradhapura from that time up to his death.

"For 13 consecutive years he had been the Chairman of the Anuradhapura Urban Council. He had the good will of the Sinhalese population of the area. He had identified himself with the

cultural and social activities of the Anuradhapura people.

"His house is close to the junction of the Jaffna road. It is a well known spot. Anyone coming from Jaffna by car or any vehicle, be they Tamils, Sinhalese or Muslims, they make it a point to drop in at his place at any time and partake in his hospitality.

"This very same house was completely burnt. Everything that could be removed had been taken away. Only the heavy furniture was left. Now I have to depend purely on my salary. I have lost all my assets.

"After I came to Jaffna, I reported at the Kachcheri on the 23rd and thereafter, our Director Mr. Devendra came to Jaffna on a visit and he approved my transfer to Jaffna. Due to compassionate grounds, I was given this transfer to Jaffna.

MR. RAJASINGHAM:
(Contd.)

To Mr. Underwood:

Q: The family that had settled down in Anuradhapura was your wife's family-wife's father's family?

A: Yes.

Q: Your father-in-law and his ancestors had settled down there for several generations? A: Yes.

Q: Did your father-in-law hold any post there?

A: He was the Crown Proctor. He was the Chairman for 13 years.

Q: Are you aware of any incident connected with Dr. John Palle?

A: I am not aware.

Q: You had a look at the crowd approaching your house?

A: I could see through the window.

Q: Did you see any familiar faces? A: No.

Q: They appeared to be outsiders?



The Jaffna Municipal Office and Town Hall. It is situated very close to the Jaffna Police Station.

"The persons who came and looted were not persons of that neighbourhood. They appeared to be Sinhalese. They were saying "Demala maramu".

'I have lost all my assets'

Questioning by Mr. Bartlett.

"I draw a monthly salary of Rs. 810/-. After the disturbances, I was given a transfer to Jaffna. I am a Social Service Officer attached to the Jaffna Kachcheri. I was holding the same post at Vavuniya. The total loss claimed by me and my wife is over Rs. 200,000/-. Now I am left with no assets whatsoever except my present salary.

Q: In fact there is a reference to that family even in records available in this library (Jaffna Library)

A: Yes.

'20th Century Impressions'

Q: They are referred to in the book titled, "20th Century Impressions of Ceylon -1907, Published by Lloyds Great Britain Publishing Co. Ltd., at page 779?

A: Yes.

Q: That shows for what long period of time your father-in-law's family had been resident there?

A: Yes.

'A few I could identify'

A: After the house was attacked I came there and I saw a few people coming and whom I could identify. I cannot give their names. Those few people were among the crowd.

Q: Your family has also been responsible for building a school and a temple?

A: Yes. The temple is Kathiresan Temple.

(Questions by other Counsel: Nil)

Dambulla Surveyor's evidence :**SGT. DAVID REFUSED TO TAKE
MY STATEMENT: AN A. S. P. FROM
MATALE LATER RESCUED US**

MUTHUARIYARATNAM JEGANATHAN: affirmed, 42 years, Government Surveyor at Dambulla.

Examined by Mr. G. P. S. de Silva.

'In August, 1977 I was residing at Dambulla. I was a Government Surveyor attached to the Survey Department, Dambulla. I was living in the heart of the Dambulla town.

'The violence erupted at Dambulla on the 17th of August at 2.30 p. m. A gang entered my house at 3.30 p.m. on the 17th. I had made a written communication to this Commission dated 20.12.1977 setting out how a gang of people looted my house and set fire to it.

(The document is marked A25)

'Gang carried weapons'

'My house was burnt and I lost all my belongings. Government property which was in my charge, Survey Department plans and other items were also burnt. In A 25, I have set out the value of my personal belongings at Rs. 8,000/-.

'I have also said that the Government property which was in my custody and the loss was estimated at Rs. 6,500/-. I have also said several valuable plans, field books and other diagrams and records belonging to the Survey Department were burnt.

'Thugs rushed to the car'

'The gang of people came into my house at 3.30 p. m. They were carrying heavy weapons like galvanised pipes. I told them in Sinhala not to harm me and that I was there to serve them. Then one of them said that they were assaulting only the Tamil people. In the meantime, the other person who was by his side whom I can identify said "He is also a Tamil". Then they wanted to harm me.

Fortunately there was a car parked about 2 chains from the entrance of my house. That car belonged to a Sinhalese officer. He thought that his car might get damaged. He went to his car and started the motor to drive away.

'The thugs who were inside the house thinking that it was my car and somebody was trying to save the car shouted out "Who is starting the car; don't allow the car to go". They all rushed to the car and stopped the car.

'Then I ran away with my camp labourer who was a Tamil. We went to the adjoining house. Actually we were chased and we managed to run and take shelter there. In that house we were there till about mid night of the 17th.

Army took us to Police station

'When we were there, the army came to the scene and we surrendered to the army. They took me, the camp labourer and some people from Sangarapillai & Sons to the Dambulla police station.

'At the police station, I saw Government officers, shop people and some students from the Agricultural Department - they had taken refuge there. I spoke to the police officers and they were not willing to give protection.

Sgt. refused to take statement

'I wanted to make a statement. The Sergeant who was acting for the OIC refused to record my statement. He told me that he was present at the time my house was looted. He also told me that he was present when the thugs smashed up my trunk which contained some clothing including a good shirt and a pair of trousers.

'He said 'you kept the bicycle locked. One fellow was carrying that on his shoulder'. The officer knew my residence and the office.

'A Surveyor is expected to maintain the office at his residence. I told him 'you would have at least avoided setting fire to the house.' I told him that we have to preserve the Survey plans for several years. He is Sgt. David of Dambulla police. On that particular night he was acting for the OIC.

'He told me "Don't worry about the plans". The Sergeant and the other police officers refused to record

my statement. In the meantime, the ASP from Matale came to the police station. I don't know his name. He was very helpful to us.

Matale A. S. P. rescued us'

'When he looked at the police station, he was rather unhappy about the attitude of the officers and how the police station was functioning. He told me it would be better for us to accompany him to Matale.

'Then he arranged some lorries from departments and we were taken to Matale and from there we were sent to the Kandy Refugee Camp. At the Matale police station



Mr. Devarajah Agastyan who prepared the guide maps showing the riot incidents. (See issue No. 5)



Mr. V.K. Thalayasingam, Grama Sevaka, Vannarponnai South East. (His evidence in Issue No. 8)

I made a statement. At that time I was wearing an old sarong and a shirt. I ran out of my house with those clothing.

'I had some difficulty proving my identity to the police, because I was attired

in that fashion. Then I made my statement. I could not give the bicycle number. That was on the 18th morning.

'At 6 a. m. we went to Kandy. From the Kandy camp we were brought to Jaffna on the 20th. Fortunately my family was not with me. After coming to Jaffna, I made a statement at the Jaffna police station on the 30th.

'When I resumed work at Dambulla, I went and inquired at the police station whether any of the items belonging to me had been recovered. I told them that I was not allowed to make a statement to the Dambulla police and that my statement was recorded at the Matale station. They said none of my personal articles had been recovered.

'They wanted me to make a fresh statement at the Dambulla police station. I told them that I must explain to my Department about the loss to Government property.

O. I. C. later agreed

'My Department required a certificate from the OIC of the police station that my house was looted, burnt and all the Survey documents had been destroyed. Without making a statement to the police, I could not take an extract of my statement. So I explained this to the OIC and later he agreed to give me a certificate.

'Sometime back, I wanted them to hand back the trunk. They said they wanted to file action against some people; They had arrested some suspects.

Questioned by Mr. Bartlett:

Responsible for Govt. property

'I have put 21 years service in public service. I maintain the office in my residence. That is a requirement.

'I wanted to make a report at the Dambulla police station because I was responsible for the Government property, like plans and diagrams. I am answerable to my Head of the Department for those documents. It is for that reason I requested

the police to record my statement. Sgt. David refused to record my statement.

'Finally I made a statement at the Matale police station. The bicycle was my personal property. I am presently stationed at Dambulla. At the moment I am staying temporarily with my Asst. Superintendent of Surveys, one Mr. Kathiravelu.

'I am not happy to stay and work at Dambulla. Because I have to go a long way to reach my retirement, I am working there. I am compelled to work at Dambulla. I asked for a transfer. I did not ask for a transfer to Jaffna because I have served here for 5 years. I was assured a transfer to Vavuniya or some area close by. That transfer was not finalised yet.

Q: What is your total personal loss?

A: About Rs. 8,000 to Rs. 9,000/-.

'No action has been taken

Questioned by Mr. Underwood.

'When I made my statement at the police station, I said some of the people who comprised that gang can be identified by me. Up to date no action was taken to hold an identification parade. I don't think even a case has been filed. Those people are actually from that area. Some of them are just doing nothing. They are really people not interested in politics.

'Unfortunately, at that time my labourers were not there. Our Survey Dept. labourers are very good men, sincere and helpful. Of course, with the rumours, I cannot say what they will do.

'At the Dambulla police station we heard that 25 Sinhalese people had been killed at Jaffna. Hereafter, I cannot say whether I can even believe my own labourers,

Questioned by Mr. R. Balasubramaniam.

'I resumed work on the 12th October. I submitted a claim to the Social Service Department and they paid Rs. 350/-. They asked me so many questions and with great difficulty, they paid me this sum. They wanted a letter from the police. From Jaffna, I asked for a transfer. I wanted an immediate shift. I cannot say whether I am safe in my present station.

"Nothing is ever settled until it is settled right"

— Rudyard Kipling.

The Sansoni Commission Evidence

The Story of the Sri Lanka Race Riots 1977

ONE POLICEMAN TOLD 2 OTHERS: 'IF YOU HAVE ANY (LOOTED) ITEMS IN YOUR HOUSES, DISPOSE OF THEM'

PONNIAH RAMUPPILLAI:
Affirmed.

P. C. 124, stationed at Kopay. 43 years of age.

Mr. Bartlett: Q: You were attached to the Jaffna Police Station somewhere during the month of August 1977?

A: Yes.

Q: How long have you functioned as a P. C., attached to Jaffna?

A: I was there for two years till December last year and in December 1977 I was transferred to Kopay.

A. S. P. arrived at high speed

Q: On 16th August in the morning you were at the Station?

A: I had already come to the station at 6-20 a.m., on the 16th August.

Q: You were at the Station at 8-30 a.m., or so when A. S. P., Noordeen came to the station?

Q: Did he make any statement at the time he ordered these men to collect the arms?

A: When there was a delay in the issue of arms he told the officer in charge of the armoury, 'We are not going to eat the weapons. Issue all available weapons in the armoury.'

'Thereafter, men entered with arms and a few with special batons. I too collected a special baton. Then he ordered us to get into the jeep which was parked closeby. I too got into the vehicle along with Sgt. Thirunavukarasu, Sgt. Aloysius, Sgt. Samsudeen. Mr. Noordeen was in the front seat. P. C. Driver Sivagnanam drove the vehicle.

'We proceeded passing Muniappar temple into KKS road junction and turned to Hospital road and proceeded towards the hospital.

'When the vehicle came to the bus stand, I found all the boutiques closed and

'Then I went towards the Power House Road, entered the old market and went round up to KKS road and returned along Hospital road and proceeded towards the hospital.

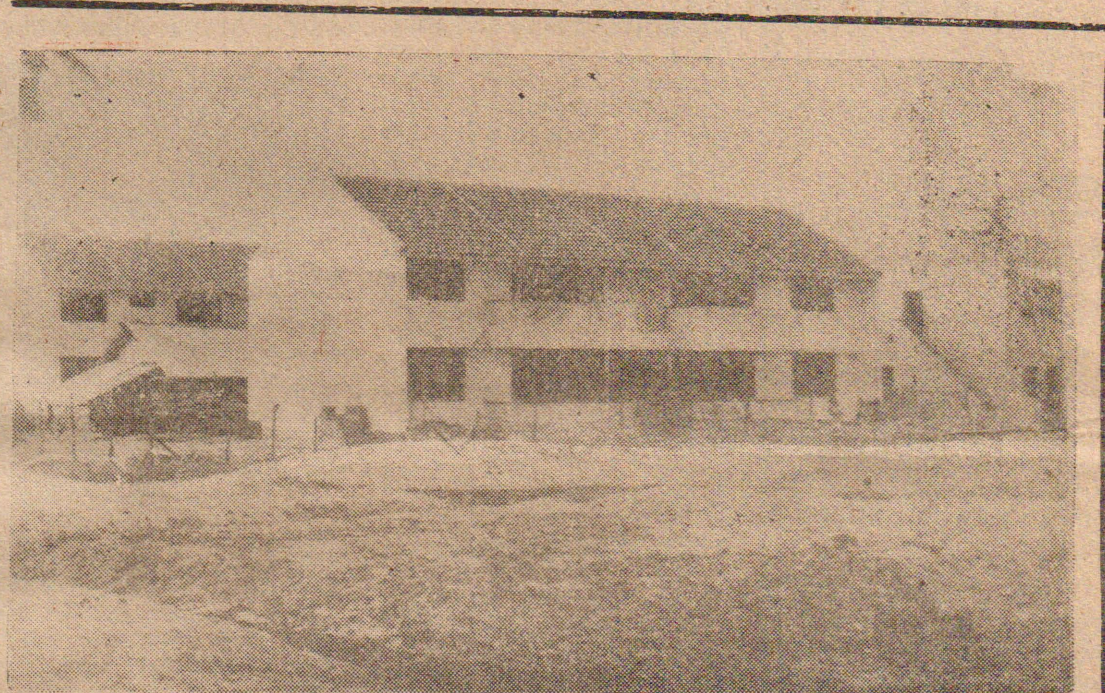
'Then I saw a police heavy truck parked opposite the hospital and ahead of it was the jeep of HQI Mr. Godfrey Gunasekera. Men who came in that heavy truck crossed over the halfwall of the out-

police station in that jeep. They also left the station with arms.

Q: You continued to remain in the station and never went thereafter? A: No. 'On the 17th night at about 10 p. m. I was lying in the verandah and I was about to sleep. Then I saw two officers discussing something. I found Sgt. Liyanage and Sgt. Ariyatilake there under the mango tree.

was a conference. At that conference, they had told the Minister about looting by the police. After Sgt. Bandara said this, Sgt. Liyanage left to his house and Sgt. Ariyatilake saying that he wanted to go to Pannai, he too left.

Q: Now get back to the station to the 16th. At the station, about 2-30 p. m. did certain touring buses come there?



Police living quarters, Pannai, close to the Jaffna Police Station.

P. C. Ramupillai's evidence

Q: When I was in the verandah a jeep came at about 8-15 or 8-30 a.m., the A. S. P., himself was driving at high speed and it got into the Station premises.

Q: What did he do?

A: He shouted out, 'Men are being killed in the bazaar, go and shoot all the Tamils'.

Q: Then what happened?

A: Also he ordered the alarm bell to be rung.

Q: When the alarm bell is rung what happens?

'We won't eat the weapons'

A: Officers both in uniform and in civil collected there. He ordered the men to go and collect arms from the armoury.

Q: And what did he tell them to do?

A: He ordered the men to go and collect the arms from the armoury. Then we all proceeded including myself.

not a single vehicle was seen in the heart of town. There was no people. I saw a few running away in all directions.

'A. S. P. said: Thrash them'

'One man approached the vehicle and all of a sudden fell down. Then Mr. Noordeen got out of the vehicle and hit him twice or thrice and shouted 'thrash all the people who are coming across'.

'Then the constables who came in the vehicle started to run in various directions. When we went and approached the Power House road, I saw an old man being assaulted by police constables and he could not get up.

'Then I saw a P. C. running towards another man. Then I ran in that direction, overtook constable and questioned him. He said that he was going to Velanai and there was no bus to go. He also said 'I am running as the police is assaulting'.

patients Department and they were trying to go into the hospital.

'Then Mr. Gunasekera shouted to the police officers not to enter and asked them to get out. Then the men returned to the heavy truck through the hospital gate. Then the heavy truck proceeded.

'Another armed party left'

'Then Mr. Gunasekera asked me, Sgt. Samsudeen and others to get into the jeep to proceed to the station to see the situation at the station. When we went to the station, another group of constables got into the jeep and came to town.

'Within about ten minutes interval, that party left the

'Then Sgt. Bandara came and said numerous complaints were made against the police to the Minister by Members of Parliament and traders that they were responsible for looting and he said 'if you have any items in your houses, please dispose of them'. Sgt. Bandara said this to the other two.

'The Minister had come to the King's house and there

A: Two touring buses and a lorry were parked opposite the station. The occupants of the buses were Sinhalese and they came to the station and asked whether it was advisable to proceed to the south and whether they would be safe. They spoke to Sgt. Bandara who was in the verandah.

(To be continued in the next issue)

next week

- * About Sgt. David of Dambulla
- * D. I. G. spoke of Tamil youth Sivakumaran
- * A'pura - Psychiatrist testifies