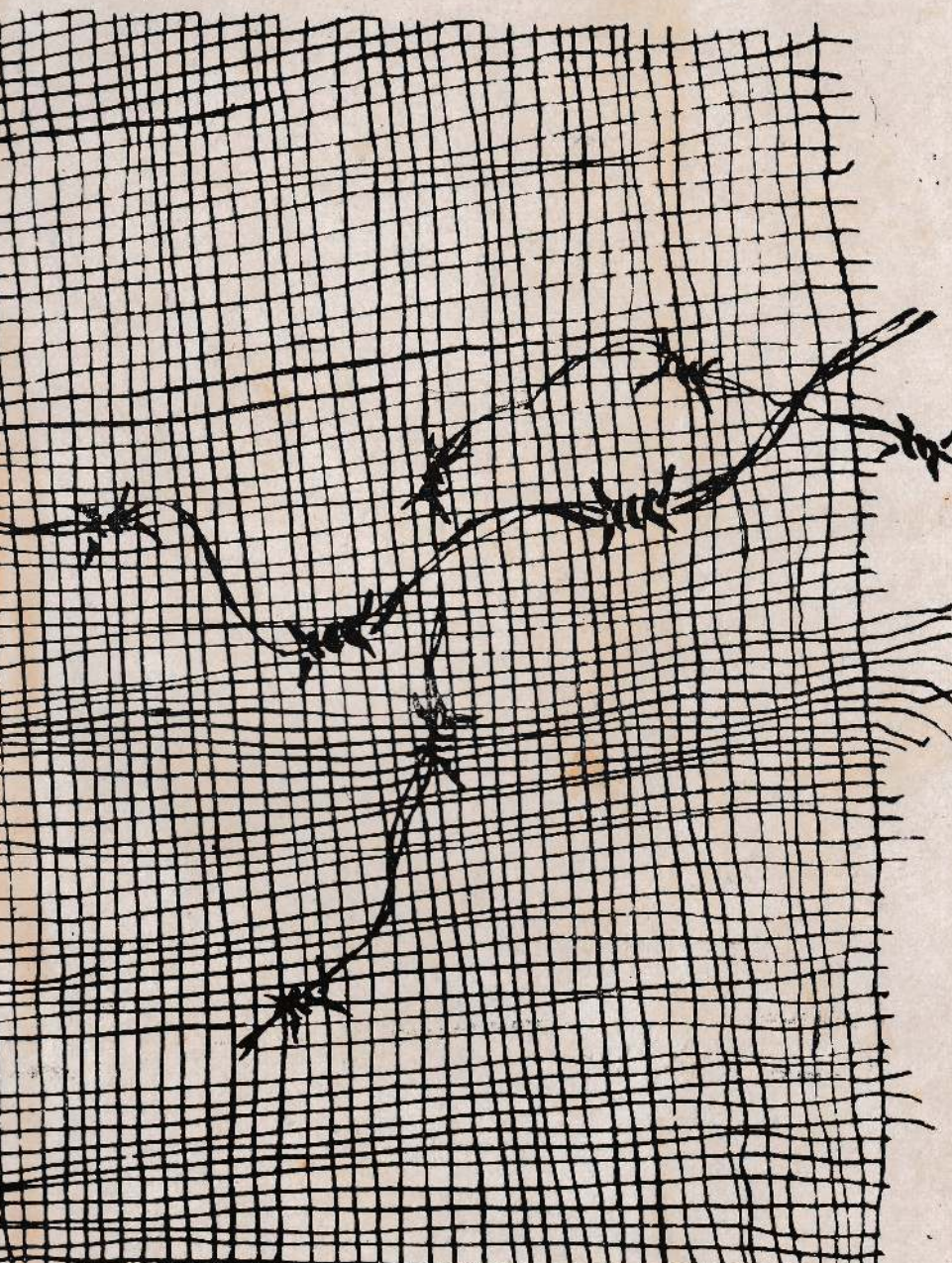
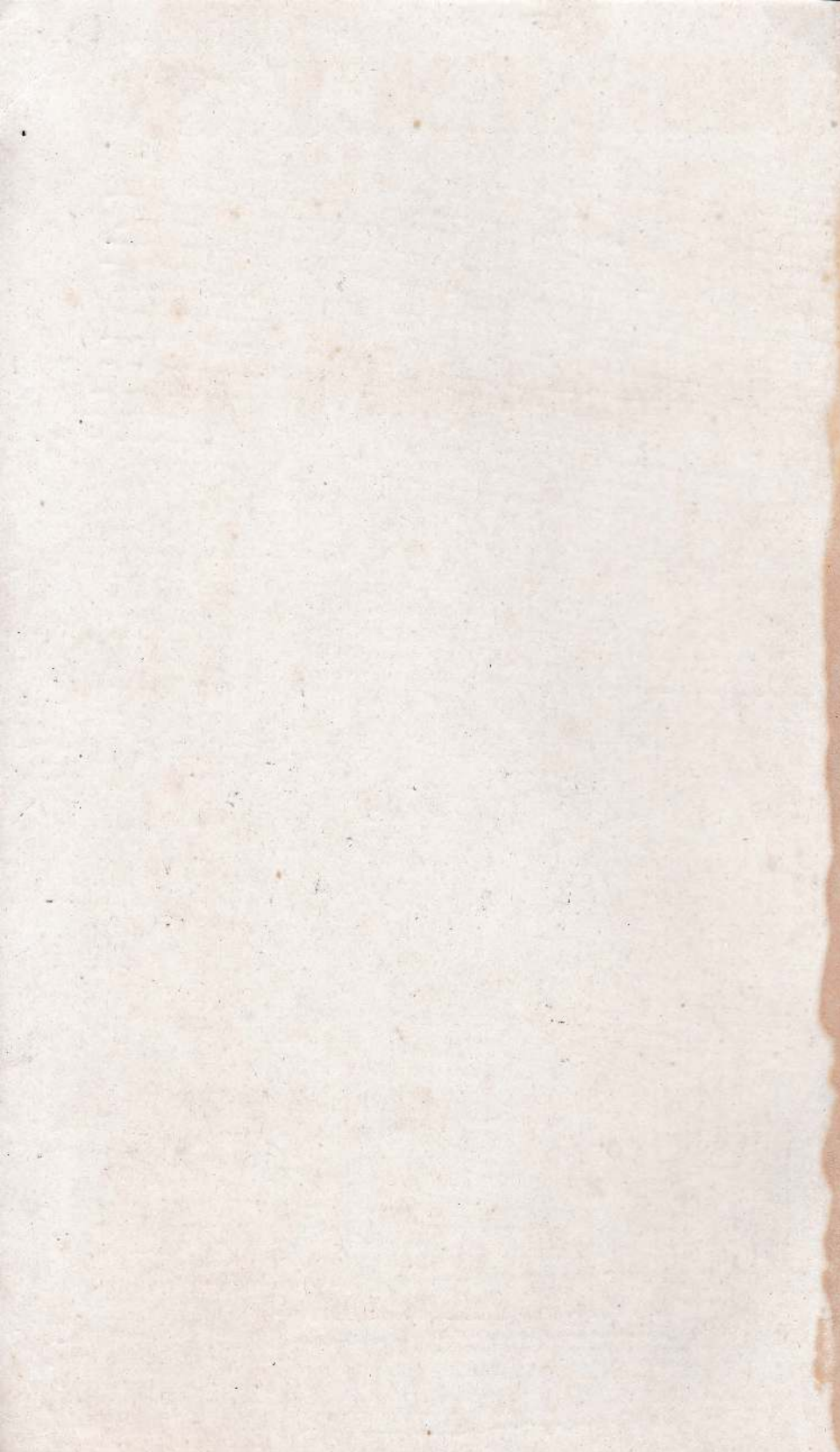


EMERGENCY '79



A MIRJE Publication



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EMERGENCY '79

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Contents

Preface

Part I. The Emergency

1. Emergency in Jaffna 3
2. Seize the Time 39

Part II. The Movement for Inter-Racial Justice and Equality

MIRJE : Genesis, Objectives and Activities 45

Appendices 55

Contents

Preface

Part I. The Emergency

I. Emergency in Action 1

2. Some Old Plans 29

Part II. The Program for

Inter-Racial Justice and Equality

III. General Objectives and Activities 35

Appendix 53

PREFACE

The truth about the events that took place during the state of emergency in the Jaffna District from July to December 1979, is still little known to most people outside the district, since the essential facts were suppressed by government censorship and by the self-censorship of the state-controlled media. The Movement for Inter-Racial Justice and Equality (MIRJE), sets out in this book to tell the true story to all sections of the people of this country.

Part I of the book presents a factual account of the events of the emergency, an analysis of the policies of successive governments of Sri Lanka, in relation to the Tamil-speaking people that led to this crisis, and a discussion of the way out of the prolonged impasse in racial relations in Sri Lanka.

Part II of the book provides an account of the genesis of MIRJE, its objectives and the activities in which it has engaged since its inception.

Torture : A New peril to Life and Liberty

"You cannot fool all the people all the time,

".....We are deeply disturbed by the diabolical recurrence of police torture resulting in a terrible scare in the minds of the citizens that their lives and liberty are under a new peril when the guardians of the law gore human rights to death.

".....Police lock-ups, if reports in newspapers have a streak of credence, are becoming more and more awesome cells.....this development is disastrous to our humanist constitutional order.

".....The State, at the highest administrative and political levels, will organise special strategies to present and punish brutality by police methodology.....Otherwise the credibility of the rule of law would deteriorate."

— From a judgement of the Indian Supreme Court comprising Mr Justice V. R. Krishna Iyer and Mr Justice E. S. Venkataramiah, while dismissing a petition filed by Ragbir Singh, Assistant Sub-Inspector of Police, seeking special leave to appeal against a Punjab and Haryana High Court verdict sentencing him to life for murder of a theft case "suspect" by torture.

(source: The Hindu, Madras Wednesday, April 2 1980).

Part I

The Emergency

Chapter 1

Emergency in Jaffna

"Amidst the clash of arms the laws are silent, the still small voice of law is quelled while men kill and destroy in defence of its dictates."

- Cicero

I

Emergency and the People

Time and again during the last thirty years or more the people of this country have had to be at the receiving end of acts of killing and destruction executed in defence of the dictates of law or rather of the government. Such ordeals have been common during periods of so called emergency, a situation which is held to justify and permit in law the executive to have recourse to emergency powers, which are an infringement of the rights and freedoms of the people. In this country, a distinct pattern can be seen in both the enactment of emergency laws and their subsequent enforcement on various occasions. If the enactment of the Public Security Ordinance No. 25 of 1947, incorporating emergency powers, was mainly a response to the General Strike of that year, subsequent declarations of emergency in 1953, 1958/59 and in 1961 have been either to quell a working class agitation or to suppress the protest movements of restive national minorities. In the post-1965 period, governance under emergency laws became more the rule than the exception, for in the period 1965-1977, the country was governed for a longer period under emergency laws than under the ordinary laws.

The declaration of emergency in 1971, on the eve of the JVP youth "insurrection", and the prolonged spell of emergency rule lasting till February 1977, provoked bitterness and antipathy among the people, eventually constituting one of the chief causes of the electoral debacle suffered by the ruling party in the General Elections of 1977.

In the aftermath of its landslide victory the spokesmen of the victorious United National Party ringingly castigated their predecessors for the atrocities committed on the people under

the prolonged emergency rule. During the communal riots of August 1977 Mr J. R. Jayewardene, as Prime Minister, was steadfast in his determination not to have recourse to emergency powers in order to restore normalcy in the country. This was hailed as a demonstration of his and his government's utter revulsion to emergency rule. He raised hopes in the minds of the people about a flourishing democracy under the UNP rule, when he said,

“We do not wish to declare emergency. . . . it means the complete elimination of the freedoms of the people with regard to arrest, detention and legislation by gazette and avoiding Parliament”¹

But within two years of the United National Party assuming power, these hopes were belied. On 12 July 1979, Emergency Rule was declared over the District of Jaffna, the northern district of predominantly Tamil speaking people. On the same day a Presidential directive was given to Brigadier Weeratunga of the Army,

“To eliminate the menace of terrorism in all its forms from the island and more specially from the Jaffna District.”²

The declaration of emergency and the Presidential directive had been preceded by a series of legislative and administrative measures of repression inflicted on the Tamil speaking people and defended by the government as necessary and inevitable in view of the spate of “terrorist activities” in the Tamil areas. Throughout the nineteen seventies a series of acts of violence, including murders of mainly Tamil policemen and Tamil supporters of the government, have taken place in Jaffna and other Tamil areas. These acts of violence were diagnosed and described as “political terrorism”, and according to government spokesmen special legislation and special measures were required to combat the “menace of terrorism”. In short, it was the view of the government that an ‘emergency’ situation had arisen in Jaffna, and the situation demanded emergency powers, and what is more, an unprecedented Presidential directive to an Army Brigadier.

1. Quoted in Parliament. Parliamentary Debates: Vol. 6, No. 7, Col. 911

2. For the full text of the directive see ‘The Sunday Observer’ of 15 July 1979.

II

Crystalization of Separatist Sentiment

It would be relevant to raise the question whether the facts of the situation supported the stern view taken and the strong measures resorted to by the government. Having raised the question, we consider it necessary to deal, very briefly, with the background not only to the declaration of emergency and the phenomenon of "political terrorism" but also to the origin and growth of the separatist sentiment among the Tamil speaking people.

The sporadic acts of violence that have marred the traditionally tranquil atmosphere of Jaffna did not crop up spontaneously. They can be related directly to gross political discrimination meted out to the Tamils and the reign of police and army terror unleashed on them in the post-1970 period. It was during the same period that one saw the unification of Tamil political leadership and the heightening of Tamil oppositional consciousness to the point of demanding the separate State of Eelam.

The exercise of the right of self-determination including secession is the ultimate weapon available to any nationality that is fighting national oppression. Can it be said of the Tamil speaking people or their political representatives that they had exhausted all possible means of securing equal rights within the framework of an undivided country, before raising the demand for a separate State? Historically, from as early as 1920, Tamils have been under the umbrage of political organizations that were exclusively 'Tamil'. But it was not until the 1950s that the Ceylon Tamil political parties considered the Tamil speaking people constituting a 'nationality' or a 'nation', and not until the 1970s did they seriously begin to think in terms of a

separate state. Until the 1970s their demands varied from communal representation in the legislature, balanced representation, constitutional safeguards, a federal form of government, devolution of state power through the establishment of regional or district councils, and the demand for equal rights for the Tamil language. Although these demands were never granted, and the periodical pacts and agreements entered into between the Sinhala and Tamil leaders were abrogated under one pretext or another, the large majority of the Tamils was confident of securing justice and equality within the framework of an undivided country.

Any consideration of separation as a solution to the problems of the Tamil speaking people was confined to few minor political groups. At the time of the 1970 elections, the Federal Party made a categorical appeal to the Tamil speaking people,

“not to lend their support to any political movement that advocates the bifurcation of our country”.³

The few Tamil candidates who raised the cry of separation at the 1970 general elections were badly defeated. Three of the most prominent leaders of the Federal Party, Dr E. M. V. Naganathan, Mr S.M. Rasamanickam and even Mr A. Amirthalingam, were all defeated at the polls. There were clear signs of disillusionment among the Tamil masses, particularly the youth, with the totally barren, isolationist and even recluse politics of the Federal Party. The year 1970 was a turning point for the Tamil speaking people. They were at the cross-roads, so to speak, and so was the entire country. That was when the United Front of the SLFP, the LSSP and the CP came to power on a wide acclaim, kindling socialist hopes in the hearts of many people. But the policies and actions of Mrs Bandaranaike, as Prime Minister, and her government, in regard to the Tamil speaking people, alienated the latter to the extent of their raising the cry of separation - a cry they had rejected so decisively in May 1970.

It was the scheme of standardization in regard to admissions to the University that pushed the Tamil youth to the brink of

3. Election Manifesto of the Federal Party: 'The Times Weekender' (Provincial Edition) of 5 May 1970.

despair. Relentless discrimination in regard to jobs in the public sector dashed all hopes of a fair treatment under the UF government. The Republican Constitution of 1972 was viewed by the bulk of the Tamils as a constitutional conferment of a distinctly inferior status on them. Tamil youth gave expression to their disapproval of these measures and their rejection of the Republican Constitution. In so doing they invited on themselves the repressive arm of Mrs Bandaranaike's government.

Hundreds of Tamil youth were arrested and left to languish in gaols for long periods of time without being charged and convicted in accordance with the law. Several of them were taken into custody, ostensibly for questioning, but were most inhumanly tortured whilst in custody. Instances of such torture have been revealed time and again in Parliament. There was the case of a young girl who was taken into custody, stripped and assaulted. In another instance, a Police officer, whose name was notorious in Tamil areas, is said to have inserted the genitals of an arrested Tamil youth into the exhaust of a motor bicycle and started the engine. The sadistic experiment resulted in the unfortunate youth being rendered impotent. The high handed action of the police on the final day of the Fourth International Tamil Research Conference held in Jaffna, in January 1974, when nine lives were lost, has left bitter memories among the Tamil youth. Sections of the Tamil youth reacted violently, drawing, perhaps, their inspiration from the April insurrection of 1971, and from their meeting in gaol with some of the insurgent Sinhala youth.

The framing of the 1972 Republican Constitution provided the occasion for the political unification of the Tamil speaking people. On 14 May 1972, the Tamil United Front was formed at Trincomalee, bringing together, for the first time, Messrs S. J. V. Chelvanayakam, G. G. Ponnambalam, C. Suntharalingam, S. Thondaman and even K. W. Devanayagam of the UNP, and their political followings. The Front presented to the then Prime Minister a six point demand on behalf of the Tamil speaking people. The demand was unceremoniously disregarded by the Prime Minister, the government and the Constituent Assembly. The Tamil leaders were in a dilemma. But, whatever might have been their subjective reservations, it had become necessary for their political survival to raise formally and without delay the demand for a separate state.

III

UNP's Promises

By the time the General Elections were due in July 1977, the Federal Party had become the principal group in the Tamil United Liberation Front which sought from the Tamil speaking people the mandate to set about the task of achieving the state of Eelam. Of the other political parties, the United National Party showed, perhaps, the greatest perspicacity and declared in its Manifesto that,

"The United National Party accepts the position that there are numerous problems confronting the Tamil speaking people. The lack of a solution to their problems has made the Tamil speaking people support even a movement for the creation of a separate state. In the interest of national integration and unity so necessary for the economic development of the whole country, the Party feels such problems should be solved without loss of time. The Party, when it comes to power will take all possible steps to remedy their grievances in such fields as

- (1) Education
- (2) Colonization
- (3) Use of Tamil Language
- (4) Employment in the Public and Semi - Public Corporations.

We shall summon an All-Party conference as stated earlier and implement its decisions."⁴

The purpose of convening an all-party conference was clearly spelt out in the Manifesto itself, under the section on "Constitution":

4. 'The Ceylon Daily News' Parliament of Sri Lanka 1977, The Associated News Papers of Ceylon Limited, Lake House, Colombo, p 262.

“The decisions of an All Party Conference, which will be summoned to consider the problems of non-Sinhala speaking people will be included in the Constitution.”⁵

It is important to note that the UNP did not seek a mandate to ban the Eelam demand or to suppress any movement among the Tamils for the creation of a separate state. On the contrary, the mandate that it did seek and obtain was one for solving the problems of the Tamil speaking people through the course of action indicated in the manifesto. It was the position of the UNP that “the lack of a solution to their problems has made the Tamil speaking people support even a movement for the creation of a separate state.”

The above promises brought to the UNP a large number of Tamil votes, and the UNP, perhaps, obtained the largest number of Tamil votes, after of course the TULF. The Tamils who voted for the UNP felt gratified when the new government reaffirmed its election pledge in its very first Policy Statement in Parliament. A large number of Tamils and an even larger number of Sinhalese felt reassured that the government of Mr Jayewardene would bring about an amicable settlement between the two nationalities on the basis of justice and equality. This would render the separatist demand irrelevant and superfluous, whereupon the vast majority of the Tamils could disassociate themselves from that demand. In short, what was expected was a complete reversal of what had taken place under the previous regime. But what in fact did take place was an extension of the same policy of discrimination and police repression insofar as the Tamils were concerned. Within two years, that was by July 1979, the UNP government far from finding solutions to the problems that had made “the Tamil speaking people support even a movement for the creation of a separate state”, took upon itself the twin tasks of banning the “Eelam” demand and suppressing any movement among the Tamils for the creation of a separate state. The story of this shameless betrayal is indeed the background to the declaration of ‘emergency rule’ in the Jaffna District.

5. Ibid.

IV

The Betrayal

During the first two years that the UNP was in power no attempt was made by the government to convene an all-party conference "to consider the problems of non-Sinhala speaking people". The enactment of the new Constitution was concluded through recourse to a Parliamentary Select Committee. Significantly, the TULF did not participate in this Committee for reasons stated by Mr Amirthalingam in Parliament,

".....the government has not made any effort at least to evolve a solution to the problems of the Tamil speaking people before amending the Constitution on the basis of an All Party consensus as promised in the election manifesto of the UNP.....and a Parliamentary Select Committee appointed under these circumstances does not seem to have either the capacity or the climate to find a solution to the problems between the two nations in this country....."⁶

On behalf of the government, Mr Lalith Athulathmudali, Minister of Trade, ventured a reply:

"They say, 'Why did you not summon an all-party conference?' Well, the Select Committee is an all-party conference".⁷

This was in August 1978, while the second Republican Constitution was being framed. But an year later altogether different reasons were given by the government to explain its decision not to convene the all-party conference. On the eve of

6. National State Assembly Debates: Vol. 28, No. 11, Col. 985.

7. National State Assembly Debates: Vol. 28, No. 14 (Part II), Col. 1561.

the declaration of emergency rule in Jaffna, President Jayewardene declared,

".....the UNP manifesto at the 1977 general election had promised to call an all-party conference to discuss the problems of the Tamil speaking people and implement its decisions.

"Unfortunately all the recognized parties which contested the general election were not returned to Parliament.

"To summon an all-party conference outside the parties represented in Parliament may lead to chaos and the remedy may be worse than the disease."⁸

Weeks later when Jaffna was already in the throes of an emergency, Mr Lalith Athulathmudali, intervening in the debate in Parliament on the "Prevention of Terrorism (Temporary Provisions) Bill, painted an entirely different picture:

"...You could not have forgotten that there were what we call riots in 1977. Do you think we could have held an all-party conference in the atmosphere of rioting? Do you honestly believe that you can have an all-party conference when your police officers are being shot down? Do you think that an all-party conference can be held when your witnesses are not safe? You can have an all-party conference only in your dreams! We want a genuine all-party conference. We want something that will produce results..."⁹

The two main arguments advanced on behalf of the government do not hold water for a moment. The promise to convene an all-party conference was included not only in the manifesto, but also in the first Policy Statement of the government, after the elections, when everybody knew that all the recognized political parties that contested the general election were not represented in Parliament. Besides, the view that a conference of political parties is destined to end up in chaos merely because some of them are not represented in Parliament is a cynical negation of the spirit of democracy and of consensus politics. What is more,

8. From President J. R. Jayewardene's address to the Government Parliamentary Group, reported in the 'Ceylon Daily News' of 4 July 1979.

9. Parliamentary Debates: Vol. 5, No. 13, Col. 1488-89.

there was manifest eagerness on the part of all the political parties, and even of religious bodies and dignitaries to evolve on the basis of consensus an acceptable solution to the problems of the Tamil speaking people. Indeed the political climate has never been more congenial. For the first time in our recent political history, unlike in the 1956-60 or 1965-70 periods, the government of the day did not have to face communally motivated opposition emanating from the major political parties.

As for the other argument about the undesirability of holding the all-party conference in an atmosphere of rioting and killing of policemen, we can only say that it does not besit even a mediocre school boy debater. Suffice it to recall that the first Policy Statement of the government, including the assurance of an all-party conference, was debated to a finish and passed in Parliament in the midst of the racial riots of August 1977. Two years later the Rip Van Winkles wake up and query the desirability or otherwise of political powwows in an atmosphere of rioting. As regards the killing of policemen, this is a phenomenon antecedent to the UNP manifesto and the formation of the UNP government. The UNP was only too well aware of the sporadic acts of violence in Tamil areas, and was by no means oblivious of the causes that led to these acts of violence. Perhaps it was for this reason that the Party refrained from pursuing an anti-Eelam or anti-separatist line in its manifesto, but gave a gallant undertaking to solve those problems of the Tamils - "the lack of a solution to (which) has made the Tamil speaking people support even a movement for the creation of a separate state."

The United National Party's betrayal of its election promises was criticised by no less a person than Mr Maithripala Senanayake, MP and the deputy leader of the SLFP. He said in Parliament at a time when emergency rule was in force in Jaffna,

"In its manifesto the United National Party promised to convene an all-party conference to solve the outstanding problems of the Tamil minority in this country. Impressed by this declaration large numbers of Tamil speaking people voted to elect a UNP government. For two years the govern-

ment has failed to honour its promise. Instead it has allowed the situation to aggravate and violence and terrorism to spread. As far as the Sri Lanka Freedom Party is concerned, it has always been and still is, willing to participate in an all-party conference..."¹⁰

The issue of convening an all-party conference would have paled into insignificance if the UNP government had, on its own, adequately attempted to solve the national question. It could have acted unilaterally. It had all the powers in the world besides a clear mandate, and that too from a vast majority of the Sinhala voters, to act in the manner of its choosing. Mr J. R. Jayewardene had sufficient power even to confront or at least to neutralize the chauvinists in his party both within and without Parliament. It would have been more than sufficient if the government had acted to remedy the grievances of the Tamils in the fields of education, employment, language and colonization. But the actions of the government during the two years preceding the declaration of the emergency did not in anyway alleviate the miseries of the Tamil masses. Their plight became worse even as the situation grew grave.

We may consider the question of language rights. It is the proud claim of the UNP government that the language problem has been almost solved with the enactment of the new Constitution. Says Mr K. W. Devanayagam, a Tamil Minister in the UNP government,

"If anybody has studied the minority problem he will understand that after the new Constitution came into force, the language problem has been almost solved".¹¹

But the late Dr N. M. Perera, who had studied the new Constitution and was quite aware of the minority problem, criticised the provisions in the Constitution relating to language, perhaps in a mood of belated self-vindication, as being 'too little and too late'. His views are relevant here, at least as those of a man whose inflexible stances, according to Prof. Wilson, "on the

10. Ibid., Col. 1456-57.

11. Ibid., Col. 1587.

parity of status for the Sinhala and Tamil languages in the nineteen fifties postponed the division of the country by a few decades." In his book, "Critical Analysis of the New Constitution of the Sri Lanka Government", Dr Perera says,

"Chapter IV no longer satisfies. What might have satisfied the Tamil community twenty years back cannot be adequate twenty years later. Other concessions along the lines of regional autonomy will have to be in the offing if healthy and harmonious relations are to be regained."¹²

This is not all. What the people want are not paper provisions, and quite apart from these being too little or too late, what is pertinent is that not a single provision has been implemented to date.

We have already referred to standardization in relation to the admissions to the University, as the measure that pushed the Tamil youth to the brink of despair, during the period of the previous government. The UNP government promised abolition of standardization immediately after the elections, in the first flush of its victory. But soon it was compelled to face the ever increasing demand for higher education and it chose to follow the example of its predecessor, and avoid a rational solution on a long-term and systematic basis. The racial quota system was indirectly reintroduced, but after a well orchestrated drama in which the Minister of Industries and Scientific Affairs, Mr Cyril Mathew played the prominent role in accusing Tamil examiners of over-marking and cheating, and justifying the re-introduction of the racial quota principle as a neutralising force to ensure that the Sinhalese students are not adversely affected by the over-marking of Tamil scripts by Tamil examiners. These ministerial allegations were never substantiated, nor was any Commission of Inquiry appointed to probe into such alleged malpractices. The episode only resulted in the utterly unnecessary build up of communal passions on both sides. In so far as the Tamils are concerned, if it was only injury under an SLFP government, it is both insult and injury under the present UNP government.

12. N. M. Perera, *Critical Analysis of The New Constitution of the Sri Lanka Government Promulgated on 31-8-1978*, p 32. Chapter IV of the New Constitution is devoted to the subject of 'Language'.

In regard to the distribution of jobs created in the public sector, the principle of non-discrimination was honoured more in the breach than in the observance by the United National Party government. As a matter of fact, allegations have been made that this government has been more discriminatory than any of its predecessors, in so far as its employment policy in relation to the Tamil citizens is concerned.

The UNP government failed to mollify the feelings of the Tamils even on the question of state-planned colonization. The Tamils have always been opposed to state-planned colonization in the Tamil areas that would destabilize the traditional ethnic composition in these areas relegating the Tamils to the position of being a minority in their own "traditional homelands". They have never opposed individual and voluntary migration and settlement of Sinhalese in the Tamil areas. After all, large numbers of Tamils in the Sinhala areas have all been voluntary migrants and not state-planted colonists. The feelings of the Tamils in this respect have been appreciated by two former Prime Ministers, Mr S. W. R. D. Bandaranaike and Mr Dudley Senanayake in their separate agreements with the federal leader Mr S. J. V. Chelvanayakam. Many were led to believe that the reference to colonization in the UNP Manifesto and subsequently the Policy Statement, was a reaffirmation of the position recognised by the above agreements. But they were misled, and they found it so to their consternation when the UNP government impudently retracted from yet another of its pious promises. And what is more, the government not content with saying in so many words that state-planned colonization will be carried through regardless of the fears or the protests of the Tamils or the TULF, went further, and on 3 July 1979 sought, through a simple resolution in Parliament, the merger of certain parts of Medawachchiya (almost a 100% Sinhalese electorate) with the Vavuniya District (a predominantly Tamil district). This move was designed to convert the Tamil (majority) Vavuniya district into a Sinhalese (majority) district. But even the SLFP voted against the resolution saying that the move would inconvenience the (Sinhala) people of Medawachchiya who were represented in Parliament through an SLFP MP, and that it was intended to improve the future electoral prospects of

the defeated UNP candidate in Medawachchiya. The simple resolution created consternation among the Tamils and the TULF opposed the move vehemently and staged a dramatic walk out from Parliament during the debate on the resolution.

The one important aspect of the resolution that deserves to be mentioned here is the timing of it. As we shall see later, the passage of the resolution in Parliament on 3 July 1979 was one of the factors that contributed to the build up of communal tension in the country during that period, as coming events began casting their shadows in early July. Nobody can say with any measure of certainty that this 'simple resolution' was deliberately designed to create communal mischief. But the doubts created in the minds of many people about the purpose and the timing of the resolution were by no means dispelled by the subsequent decision of the government to stay implementation of the resolution passed by Parliament.

V

The Police and the People

We have so far traced the extension under the present government, of the policy of racial discrimination initiated and executed by successive governments before it. What remains to be brought to the knowledge of the reader is the unabated manner in which the repressive organs of the State have been used to terrorize the Tamil speaking people even after the change of government. It is a fact that ever since 1961, when troops were moved into Jaffna and other Tamil areas and the police force strengthened to suppress the satyagraha campaign of the Tamil speaking people under the leadership of the Federal party, there has been an uninterrupted growth of a parallel police state in the Tamil areas, particularly in the district of Jaffna. More often than not the plight of the Tamils has been that of a captive people placed at the mercy of an impudent police force let loose in an occupied territory. Needless to say, over the years the number of Tamils recruited to the Police and the Armed Services was considerably reduced and consequently even the Tamil areas were manned by large numbers of Sinhalese personnel.

It would be inadequate to berate the individual policeman, the soldier or any particular officer or officers for the deterioration of the police-civilian relationship in the Tamil areas. This is inevitably concomitant with any form of national oppression and involves both political and human factors. Ever since 1961 the anti-Tamil political climate has conditioned the police and the army personnel in the Tamil areas to fancy their mission as one of subjugating the Tamil speaking people. Complementing this political or even racial supremacy were their human failings. They felt, and quite rightly so, that they had been thrown into a totally alien social and cultural milieu. They were incapacitated by their total lack of knowledge of Tamil to have any kind of communication with the people. They regarded Tamil areas, particularly the Jaffna district, as 'punishment stations' and

obeyed transfer orders to these areas, only with resentment and with suppressed rage. The only outlet for this pent-up rage was the flexing of their muscles. This they did for no reason or for bad reason, and indiscriminately to anybody and everybody from a Tamil Parliamentarian or an Assistant Government Agent of the area to the humblest innocent citizen. Ever since the '70s alongside the spread of political violence in the Tamil areas, the police became a power unto themselves. And far from apprehending the transgressors of the law labelled as "terrorists", the police unleashed terrorism on the people.

The police reign of terror in the Tamil areas did not figure as a matter for concern in the Election Manifesto of the UNP. But several Tamils sincerely believed that Mr Jayewardene's government would be fair and just and would take necessary and sufficient steps to restrain the police, to suitably change the ethnic composition of the police in Tamil areas, and to make them answerable to the local civilian authorities. But no effort was made to bring about the desired changes. On the contrary, their powers were increased through new laws and the spate of arrests, intimidation, harassment and torture continued unabated despite protestations from the TULF and organizations concerned with human rights.

We must also refer to the ostensibly innocuous administrative transfer that took place in Jaffna just a month or so before the declaration of emergency in Jaffna. Mr Lionel Fernando who had been Government Agent, Jaffna, from the last quarter of 1977, was transferred out of Jaffna. He was the one civilian authority in Jaffna who stood up against police brutalities and exhibited rare courage in coming to the assistance of innocent citizens of Jaffna. Within the relatively and surprisingly short term of office in Jaffna, he had proved to be the most popular and the most successful G.A. ever to have held office in Jaffna. His performance could only be described as path-blazing in the difficult mission of fostering "healthy and harmonious relations" between the two nationalities. It was such a man that the government chose to transfer. He was succeeded by Mr Y. Duraisamy. Ironically, a Sinhalese, who had endeared himself to the people of Jaffna, was made to give way to a Tamil who had been defeated in the 1977 elections. But today the people of Jaffna, to a man, say that in the eventful months that followed they were fated to miss the presence of Mr Lionel Fernando,

VI

On the Eve

We are almost at the end of this rather long tale of the UNP's great betrayal, except to make a final reference to its notorious proclivity to indulge in utterly manipulative politics. The government adopted the colonial strategy of 'divide et impera' to ensure its subjugation of the Tamil speaking minorities. At the political level, the government went so far as to amend its own constitution to permit the defection of renegades from the TULF to the government party.

From its very inception, the government had displayed an apparent political dualism, with its leading lights pretending to lean over backwards and be all things to all Tamils, while another section conducted itself as nothing less than an abominable vehicle of crass chauvinism. Even the TULF, for reasons best known to it, feigned to be so dense as to attribute this apparent dualism to the individual idiosyncracies of the personalities involved. The chauvinistic wing of the government dutifully maintained a steady tempo of anti-Tamil propaganda almost from the very formation of the government. As the month of July (1979) approached, there came to be unleashed an avalanche of anti-Tamil propaganda. Besides, the government exaggerated, to alarming and hysteric proportions, the isolated acts of violence in the Tamil areas, which it chose to characterize as "terrorism". Minister Mathew had already set the pace in Parliament in a hard-hitting speech on "terrorism".

"Terrorism cannot be stopped and has never been stopped by the means of the law. Terrorism has been stopped by terrorism. In no other way it is possible.....Terrorists have to be killed because they are terrorists. They are like mad dogs and no better than that." 13

13. Parliamentary Debates: Vol. 3 (2), No. 6 Col. 1237-38,

Similar threats, allegations of TULF support for "terrorists", frenzied calls for strong measures against both the TULF and the "terrorists," began to flow lava like as the communal volcano threatened to erupt and engulf the whole country once again within two years. The government controlled mass media, particularly the Press, indulged in open racialist propaganda, resorting to,

"tendentious news reporting of a character that will inflame racialist sentiments and accentuate conflicts between the Sinhala and Tamil speaking people of this country." 14

Highly provocative communal pamphlets in Sinhala were posted to Sinhala schools under official cover of a government department. Communally provocative speeches were given by senior government politicians to school children in Colombo comprising both Tamil and Sinhalese students. Sections of the clergy and organizations like Mathru Bhoomi, under cover of fighting separatism, began rousing communal feelings among the Sinhalese.

In this context we may also refer to the eloquent speech in Parliament by Minister Anandatissa de Alwis:

"There are at the moment dangerous trends in the Sinhala parts of our country. There are venerable monks roused by patriotism . . . going round the temples; they are going round the country village by village. Some Tamil people may say 'Why should your monks dedicated to the maithri of the Buddha do this?' In their defence it must be said that there would be no Sinhala race, there would no Buddhism in this country today, there would be no culture known as the culture of Sri Lanka, but for the venerable monks who have at the risks of their lives protected them right through the centuries. Let us not get divided and use these monks for UNP purposes, SLFP purposes, Sama Samaja purposes and Communist purposes. The day we do that, as we have done once in a while in this country, we bring disaster upon ourselves." 15

14. See Appendix A of Part II of this Publication.

15. 9: Supra; Col 1494

The Minister also made an impassioned call for unity between the "two major powers of the Sinhala people" on the question of fighting the Eelam movement:

"I appeal to the SLFP, not only in the house but throughout the land, to throw their minds back to the history of this country. No terrorism, no Tamil Eelam movement, no gun, no sword, no power has ever subjugated the Sinhala people except when we were divided as we are..... I do not want on this occasion, on this issue, for these two major powers of the Sinhala people to stand divided in this House or outside in this country." 16

We have quoted from the speech of the Minister of State, Mr Anandatissa de Alwis, which he made in Parliament during the debate on the "Prevention of Terrorism (Temporary Provisions) Bill", on 19 July 1979, that was a week after the declaration of emergency in Jaffna. Nevertheless, the words uttered are indicative of the mood within the government even before the emergency and one which the latter was trying to create in the country as well. What is more, the Minister of State is one of the UNP's leading lights who has been supposedly, according to TULF spokesmen themselves, leaning over backwards to propitiate the Tamil people. The signs were unmistakably clear. The stage was set for the government to crack down, ostensibly on the "terrorists." There was no further necessity for platitudinous assurances about solving the problems of the Tamils. The act of political tergiversation was complete and manipulative politics would soon give way to blatant repression of all political opposition cleverly labelled as "terrorism" or "separatism". One more killing in Jaffna would have been sufficient pretext for the government to set in motion its repressive machinery.

The occasion came on 1 July 1979 with the killing of yet another police officer in Jaffna. Police Inspector Guruswamy was gunned down at his own residence, allegedly by the "terrorists." The government acted swiftly. President Jayewardene lashed out at the TULF at the Government Parliamentary

16. Ibid., Col. 1491, 1493.

Group meeting on 3 July 1979. He announced the proposed enactment of an anti-terrorist law. On the same day the Government passed in Parliament the resolution to amalgamate parts of Medawachchiya with Vavuniya district, despite the TULF's protests. At the same time, clever and adept as he was at the game of wielding the stick and dangling the carrot, President Jayewardene was making widely publicised moves to solve the 'Tamil Problem' even by-passing the TULF. He held discussions with the Tamil Ministers of the government to hammer out a plan to solve the 'Tamil Problem' within a month and to put to an end to 'terrorism' in the North. He announced his decision to appoint a Presidential Commission to make recommendation on some form of decentralization as a means to the solution of the Tamil problem. These Presidential obiter dicta at high level *pourparler* were flashed across in banner headlines in the government controlled Press. But the government's true intentions were shown on 12 July when emergency descended on Jaffna even as the feared Skylab debris landed farther away from the island.

VII

Jaffna under Emergency

With the declaration of a State of Emergency, 69 regulations of the obnoxious Emergency Law were brought into force. The normal laws under which no person could be in custody for over 24 hours, and under which sudden deaths would have to be followed by judicial inquest before burial, were rendered inoperative. This spelt disaster for the people of Jaffna. Tension was in the air in Jaffna, but two days and a night passed away unmarred by anything untoward. Came the 13/14 night of July and "Operation Emergency" struck Jaffna like lightning, snatching away several of its young men from their houses. Of those who were taken away on that fateful night, six were never to return to their dear ones. The bodies of two were found in a mutilated condition along the causeway linking Kayts to the Jaffna city. One of them was S. Visvajothi Ratnam, alias Inpam, of 27 years age and a social worker in his village Navaly belonging to the Manipay electorate. He was one of the accused in the Durayappah assassination case, but was acquitted after Court trial and since then had been leading a normal life.

At about 1 a. m. on 14 July Inpam's father sleeping in the front verandah of his house woke up under the glare of a powerful torch flashed through the window by an unfamiliar figure calling for his son "Inpam". He opened the front door. He saw a number of men clad in khaki trousers and white banians, but fully armed with revolvers and sten guns. They were not in uniform and were without identity numbers. There were no signs of a search warrant or an arrest order, unwanted paraphernalia, after all, to enter a clerk-cum-farmer's house in a small village in the Island's Northern Peninsula. The swaggering men rushed in brusquely querying "where's Inpam" and as the unsuspecting lad emerged sleepily from the only room of the

small house, the leader of the gang held him by his sarong and informed the bewildered family that they were taking Inpam with them. They did not take Inpam alone. They took for company Inpam's brother-in-law, 29 year old Saravanamuttu Selvaratnam, married to Inpam's younger sister Ratna Raneer nursing their only child — a five month old infant. Selvaratnam, with no previous police record had returned home from Colombo, after perfecting his travel documents, to bid goodbye before leaving to Saudi Arabia to take up a job as welder. Fate, as the conservative Jaffna man would put it, decreed otherwise. That was the last Inpam's family saw of Inpam and his brother-in-law. The next morning, news reached the anxious father about two bodies lying along the Pannai (Jaffna-Kayts) causeway. He identified them as his son's and that of his son-in-law, even though they had been mutilated almost beyond recognition.

On the morning of Saturday 14 July 1979, Jaffna woke up unaware of the furtive killings of yester-night. But soon news began trickling in. Fishermen in the lagoon, the passengers in the early morning buses plying the causeway, the motorists and cyclists, all carried news of the 'two bodies' in whispers. But more than a mere tale of two bodies was to come.

The same night, within two miles of Inpam's house, in the same village, another youth, 22 year old T. S. Balendra was walked away from his home by four men, who appeared to be from the Police, the pathetic pleas of the old mother and sister, notwithstanding. He did not return home and is believed to be dead.

Again on the same night, down Satanathar Kovil Road in Jaffna town, a group of armed men, not in any uniform, swooped on the abode of a poor astrologer named Sandrasegaram and took away his two sons-in-law, S. Parameswaran and S. Rajeswaran, two brothers married to two sisters, both daughters of Sandrasegaram. Rajeswaran the older of the two, and a father of a seven month old baby, was engaged in timber business on a small scale for his living. His younger brother, a reserved and quiet teetotaller, was a salt dealer of small proportions and he left behind his pregnant wife. Both brothers are believed to have been killed. Meanwhile the younger brother's wife has given

birth to a child, and no visitor to the astrologer's house will fail to be touched by the piteous sight of his two daughters with infants in arms.

The sixth victim was **Iyathurai Indra Rajan** of 54, Pt. Pedro Road, Jaffna, a 19 year old son of a widow and a first year student at the **Ayurvedic Medical College, Jaffna**. He was missing from 14 July and a worried mother went to **Mr V. Yogeswaran, MP Jaffna**, and was informed that her son was in prison. But she could not see him until he was admitted to hospital where he passed away on 21 July. Medical examination revealed several injuries below the waist, a wound above the nose, burnt marks on the face and partially pulled out finger nails.

The **TULF** leaders in **Colombo** made representations to **President Jayewardene**, alleging Police involvement in the killings of 13/14 night. Immediately the emergency regulation permitting burial of dead bodies without judicial inquest was withdrawn. But already the President had unleashed the might of his army on the **Jaffna Peninsula**. The dailies of 15 July carried the President's order, dated 12 July 1979 to **Brigadier Weeratunga**, to "eliminate the menace of terrorism in all its forms from the island, and more specially from the **Jaffna district**". All the resources of the State were placed at his disposal. Three officials in **Jaffna**, **Mr Yogendra Duraisamy**, **Brigadier S.T.C. Rana-tunge** and **DIG L.D.C. Herath**, were all ordered to give him the necessary assistance.

The **SLFP** deputy leader **Mr. Maithripala Senanayake, MP**, criticised the President's directive in no uncertain terms,

"The directive issued by the President to the Commander of the armed forces in **Jaffna** to eliminate terrorism in all its forms before **Decemr 31st 1979** is reminiscent of **Adolf Hitler's** directive fixing a deadline for the final solution of the Jewish problem. The problem of the **Tamil speaking** people in the North cannot be solved by military action..... the **Sri Lanka Freedom party.....** appeals to the government even at this late stage to seek a political solution."¹⁷

17 Ibid., Col. 1456-57.

In defence of the government, Minister Anandatissa de Alwis once again rose to the occasion and endorsed the actions of Mr Jayewardene in the most eloquent terms, which we quote below without comment:

“There was a time when from Sri Jayawardenapura, Kotte, a prince called Sapumal, a great general, went forth and conquered Jaffna by force of arms, and the whole of this island was brought under one banner This time too, during this period called the Jayewardene Yugaya the history will record that he shall unify the country and continue to have it unified, not by force of arms but by the force of justice and unity inside this House and outside it, of all of the people. Without it we shall achieve nothing.”¹⁸

Be that as it may, Brigadier Weeratunga before he took off to Jaffna on his mission was briefed by President Jayewardene interestingly in the presence of the Leader of the Opposition, Mr A. Amirthalingam, MP, and the TULF President Mr M. Sivasithamparam, MP. This is how Mr Sivasithamparam described the meeting, in Parliament:

“Mr. Speaker, as soon as Emergency was declared and a few deaths had occurred in Jaffna—I shall not refer to them nor will other members because there is a Select Committee of this House sitting on the matter—the Hon Leader of the Opposition and I, at the invitation of his Excellency the President, went and saw him. With him were the Hon. Prime Minister and Brigadier Weeratunga, who was going to be in charge of Jaffna as the Supreme Commanding Authority.

“His Excellency in very categorical terms told Brigadier Weeratunga two or three matters. Firstly, that when a person is arrested, he should be arrested by a person of the standing of not less than an Assistant Superintendent of Police; secondly, that when a person is arrested, the relatives of that person should be given the names and the identity of the persons arresting him and thirdly he told Brigadier Weeratunga, ‘I place the lives of the people whom you take into custody in your hands. There shall be

no third degree'. These were the very categorical terms that his Excellency, the President, used to Brigadier Weeratunga just before he left for Jaffna to assume command as the Supreme Authority.' 19

Brigadier Weeratunga flew over to Jaffna, took up residence and assumed control on 17 July. Initially he endeavoured to endear himself to the people. He visited the homes of the victims of 13/14 night. Newspapers carried photographs of the half clad Brigadier offering pooja at prominent temples in Jaffna. But he had not been sent to Jaffna to offer poojas to the various deities. His mission was clear: to eliminate "terrorism". He had been given a Presidential directive in no uncertain terms, and that the mission was accomplished to the letter and in the true spirit was proved by the events that followed.

In the post 17th period, there were no killings, but arrests, detentions and torture continued. Arrests took place indiscriminately and wantonly, and on a scale never seen before in Jaffna. Everyone of the President's instructions regarding arrests and detention was honoured more in the breach than in the observance by the service personnel carrying out the arrests. On several occasions, if not in every instance, arrests were made by security men in civils without revealing their identity, standing, or even authority. The relatives were never told where the arrested person was being taken. People were arrested on the streets, at the work-places or homes. No home in Jaffna or other Tamil areas was inviolable. The timing and mode of arrests in most cases were inexcusable and inexplicable. People were taken into custody as hostages; the relatives of youth who were wanted and who were missing were taken in as hostages, until the wanted men surrendered to the military or police authorities. Absolutely innocent persons were arrested by mistake, misinformation or for the mere heck of it, kept in custody, subjected to gruelling questioning, tortured in most cases, and finally released without charges being framed against them. Deliberate harassment was selectively meted out to those involved in legitimate political activity in opposition to the

government. Arrests were made not only in the Jaffna district, but in other Tamil areas and even in Colombo. Arrested persons were taken overnight to Jaffna in order to get legal coverage under the emergency law operative in the Jaffna district.

Besides individual arrests, the security forces in Jaffna carried out flushing out operations in the villages. On 21 August 1979, five villages in the Jaffna Peninsula, namely Vallalai, Idaikkadu, Thampalai, Kathiripay and Pathamany North, were surrounded from 10 p. m. in the night till 2 p. m. the following day by an army of soldiers and several navy men, who had arrived imposingly with machine guns and wireless sets, in jeeps, trucks and armoured cars. A house to house search was carried out and finally an identification parade was held in which the youth of the villages were lined up and three masked men (informers) pointed at 17 youths who were arrested and taken away.

A week before, on 14 August between 1 p. m. and 6 p. m. a combined force of hundreds of police and army men surrounded the Kent Farm and Dollar Farm at Nedunckerney and arrested four men who had been doing volunteer work at the farm. They had come there from the refugee camps after the communal riots of August 1977.

Intensive 'search operations' to apprehend 'terrorists' were carried out along the highways of Jaffna much to the inconvenience and annoyance of the people. The sight of buses being stopped on the roads, at any time of the day, and the passengers alighting under orders with their hands raised, became quite common during the emergency. Such 'stop and search' operations were not limited to buses only. Private cars were stopped and searched, a practice that had started even before the declaration of emergency. In one instance, a car in which the Leader of the Opposition and some MPs were travelling was stopped and searched. The police action was defended in Parliament 'behind a facade of legality', under the Firearm Ordinance, the Explosives Ordinance and the Offensive Weapons Act!

The extent to which the life of a Tamil man or woman was in peril during the emergency, not only in Jaffna, but in any

part of the country, could well be illustrated by the case involving the arrest of a Tamil lady, one Mrs Xavier of Longdon Place, Colombo. It was 5 September 1979, a Poya Day, or the full moon day of the month, the day reminiscent of Gautama's enlightenment. It was a monthly state holiday for meditation and prayers by the majority Buddhists in the country. On such a solemn day of religious significance the couple were walking back home at about 8.30 p.m., and when they were just a few yards away from their house, a car pulled up beside them. Four men jumped out of the car. Three of them were in sarong and the fourth was wearing a pair of shorts. Three men carried the lady and shoved her into the car while the fourth pushed the husband onto the road, and the car took off despite cries of protest from the lady. The husband, a heart patient, thinking that his wife was being kidnapped, ran to the Radio Station that was close by and then to the Cinnamon Gardens Police Station, where he was told that his wife was at the Wellawatte Police Station. Meanwhile, at the Wellawatte Police Station, Mrs Xavier was not even permitted to speak over the phone to her anxious children back at home. She became hysterical and was in tears most of the time. Finally after her husband came, they found out that she had been arrested as a 'terrorist' on a mistaken identity. But that was not the end of this tragic drama. They were not released immediately with apologies. Instead, fresh orders came from Jaffna, presumably from Brigadier Weeratunga, and both of them were kept in custody and taken to Jaffna the following afternoon. Fortunately, their relations and friends were influential enough to see that they were taken in comfort and looked after well in Jaffna. Even so, while in Jaffna, notwithstanding their shock and state of mind, they were subjected to questioning for over one and a half days in a manner that would have enabled the interrogators to prepare complete dossiers not only on each of them but on all those who were friendly with them or related to them. They were brought back to Colombo at 11.30 p.m. on Saturday, after having been in custody for just under 72 hours. Mr & Mrs Xavier were singularly fortunate to have escaped physical torture, thanks to the pressure their kinsmen were able to bring on people in high places, and also because there was not a shred of evidence even

to suggest any kind of so-called 'terrorist' involvement. It is learnt that subsequently the couple were summoned by the President and offered apologies.

But there were several other victims of emergency no less innocent, but who were not fortunate to escape physical torture and who did not become eligible for the overawing experience of receiving apologies from a Head of State. The poor watcher at the 'Regal Theatre' in Jaffna, a youth named Tiruchelvam was such a luckless victim. The only 'offence' said to have been committed by him was that he had, in the course of his normal duty, asked some army officials to park their jeep outside the Theatre gates to prevent congestion within. The next day he was taken away and assaulted. Posters were pasted on his body, a placard planted in the mouth and he was paraded through the streets of Jaffna for about three to four hours and was finally compelled to kneel down in front of a girls' school with the posters still on his back and the placard in his mouth intact.

Mr Sivanadiyar of Myliddy, was an unfortunate victim who was arrested as a 'hostage' on account of his niece who was supposedly evading arrest. A heart patient himself, he was arrested for no offence committed by him and locked up along with eight others in a cell roomy enough for three, and ultimately ended up with a paralysed hand.

Even Tamils who were supporters of the UNP government were not assured of safety or security of life, as the experience of Mr Rajendran of Velvettiturai will prove. The unfortunate man was one of those who, in the company of the Minister of Fisheries, had offered pooja to the deities at the Nallur Temple in Jaffna on 17 September 1979, the birthday of President Jayewardene. But on some petition being sent against him to the Army authorities, he was taken in for questioning and was finally released after confirming that he was by no means a 'tiger' or a 'terrorist'. However, he was ordered to report to the Jaffna Residency every Tuesday. When he went to report he was detained and assaulted. He was tethered like a bull and pulled around. The poor man fainted and on being released subsequently, he had to enter hospital for treatment.

The worst ordeal was experienced by those who were arrested and kept in custody at the Jaffna Residency. The Residency became the abode of torture during the emergency. The numerous instances, the mode and intensity of torture and third degree methods, were revealed in Parliament during the debate on the emergency. Such instances included—

- The relatively lighter form of torture by burning with a lighted cigarette
- Some victims had their hands and feet tied to a pole spanning two chairs kept apart, and they were rotated till they broke down or 'confessed'.
- Those who were kept in custody had chillie powder applied on the nose and other sensitive parts of their body. Red ants were set on them until their sensitive parts were bitten and consequently swollen. Victims were beaten black and blue. They were made to hang from the ceiling by their boot laces until the laces snapped and they crashed to the floor
- There was blatant violation of the United Nations stipulations against the use of handcuffs, chains and other restraints while apprehending persons. Those who were arrested, while being transported from one place to another in jeeps, were kept handcuffed to the roof of the vehicle. Even after disembarking at the Residency, they were kept chained to the posts and left to suffer in the solar heat until they broke down and 'confessed'.
- Grimly reminiscent of the 'Black Hole of Calcutta' is a cell in the Jaffna Police Station. In it hardly three persons can be accommodated. But on one occasion, eight people were kept inside and they were left with one bottle of water for drinking and ablutions. Some drank their own urine when there was no water to drink.
- The most shocking revelation from the prisoners was about a military doctor who dutifully stood in attendance, while the arrested persons were tortured, and cried halt when the victims had reached the limit of human

endurance. 'Stop. You can continue tomorrow', these were the words that were used to be uttered by the doctor, who, as was stated in Parliament had either 'forgotten the Hippocratic Oath he took' or who thought 'that the Hippocratic Oath is in fact an oath of hypocrisy'.

It is not difficult to see that in the name of "eliminating the menace of terrorism", the people of Jaffna and Tamils elsewhere were being subjected to all manner of repression. But what is important to note is that both the objective and the outcome of this repression was the decimation of all legitimate political opposition to the government, mainly among the Tamils. After almost half an year of emergency rule to apprehend 'terrorists' every one in the country is still agog to see who these 'terrorists' are. 'Terrorists' were not apprehended. But every attempt was made to terrorise the Tamil people into submission to the government, and to compel them to abandon their democratic right to determine in their own collective wisdom the future of their nationality group. Unlike in the past, the government for whatever reason, but quite cleverly, one might say, left untouched the prominent TULF leaders, particularly the Parliamentarians. They were not arrested or detained as they were in 1961. The government chose to strike lower down at the unknown sons of still more unknown fathers. These young men, in the cynical assessment of the government, were the manipulators who pushed and pulled the TULF puppets on the separatist string.

Emergency rule also meant the suppression of democratic rights—the freedom of speech, the freedom of publication etc. Press censorship was imposed in regard to activities in Jaffna. Mr Yogendra Duraisamy functioned as Competent Authority for press-censorship in Jaffna. As the Report of the MIRJE delegation to Jaffna put it.

"The press censorship was not being merely used to prevent the spread of scurrilous statements or inflammatory rumours. It was being much more systematically used to prevent responsible criticism of the government and to block out news politically disadvantageous to the party in power."

Such censorship was not confined only to publications based in Jaffna, but even the newspapers and journals printed in

Colombo had to face censorship on the grounds that they were in circulation in the Jaffna district. Apart from enforced censorship, the government controlled press and other pro-government periodicals subjected themselves to self-censorship and blacked out even legitimate material from publication. As a matter of fact the initial press releases and statements of MIRJE on the question of Emergency in Jaffna never appeared in the leading newspapers.

Mr Amirthalingam wrote to President Jayewardene, regarding the above instances of suffering experienced by the people of Jaffna and Tamils elsewhere. His statement in Parliament in this connection is very revealing:

“In fact, Sir, when Emergency was declared on 11 July we did not want to even protest. We waited for three months. We did not want it to be said that we were trying to disrupt the investigation and apprehension of terrorist activities. In fact, in the letter I wrote to His Excellency on 19 September 1979, (almost on the day he returned), I mentioned of a desire not to interfere or even appear to interfere with the investigations underway regarding the activities of the so-called terrorists in the North. I desisted from making representations against excesses committed by the interrogators on persons taken for questioning.”²⁰

Besides Mr Amirthalingam, several individuals and organizations, both Sinhalese and Tamils, religious dignitaries and trade union leaders, all the organizations represented in the MIRJE, made representations and sent letters of protest to President Jayewardene and other government leaders. The Roman Catholic priests and lay organizations in the Jaffna Diocese under the Bishop of Jaffna, protested to His Excellency the President and the Government, about the gross abuse of Emergency powers in Jaffna:

“We are afraid that the present state of emergency and the censorship of the Press appear to be misused by the Army and the Police to engage in terrorizing and humiliating acts against innocent citizens and thereby giving occasion to building up of further tension. We, therefore, urge the Government to lift the Emergency and restore normal conditions in the Jaffna district as in the rest of the Island.”²¹

20. Ibid., Col. 968.

21. Quoted in Parliament, Ibid., Col. 912.

In a sense, perhaps, it would be idle to complain about excesses and abuses under the emergency rule. The Emergency powers are seldom used or abused in any other way than they were used or abused as in Jaffna. After all the standing army and the police of Sri Lanka are trained to indulge in violence and one cannot expect anything different when powers are given to them. But this much may be said in regard to the atrocities committed on the people of Jaffna and Tamils elsewhere under the emergency and that is that every one of those atrocities bore the clear stamp of racism. This was inevitable considering the ethnic composition of the police and the armed forces.

However, it would be pertinent to ask whether any action was taken by the government on the complaints and representations made to it about the various acts in gross violation of the law and in utter disregard of the clear Presidential instructions to the Brigadier, ironically by the very people in charge of law enforcement. Of course, a Parliamentary Select Committee was appointed to investigate the killings during the 13/14 night of July 1979. But as Mr Amirthalingam chose to remark:

“When Police officers are killed, Emergency is imposed but when citizens are killed Select Committees are appointed.”²²

Minister Cyril Mathew once again defended the means chosen to combat “terrorism” in Jaffna. During his speech in Parliament on 4 October 1979, he was interrupted several times by TULF MPs and this particular exchange between him and Mr Amirthalingam is worth quoting:

Mr Cyril Mathew :

“Many people say that this government has delayed too long in imposing an Emergency. Many people are blaming the government for not taking this action earlier. We now see that most acts of political murders, murders of policemen and informants have ceased after the Emergency was imposed. People are able to walk freely in Jaffna now. People can go about their business, not the terrorists.”

Mr Amirthalingam:

“That is a joke. They are walking freely with posters on their backs! I told you how the watcher of Regal Theatre walked!”²³

22. *Ibid.*, Col. 984.

23. *Ibid.*, Col. 1015-16

Speaking on behalf of the government, Mr T.B. Werapitiya, Minister and Deputy Minister of Defence, said:

“.....listening to the speeches of the hon. members of the TULF, I got the impression that some of those speeches were for local consumption while others were for foreign consumption. Having got a report from some of the officers working there, I can say that the incidents enumerated by the TULF were exaggerated.....It was not intended to harass the innocent people by the declaration of the Emergency. It was done to establish law and order in the Jaffna Peninsula, and this we propose to do with or without your co-operation. In the process there may be excesses; I will not deny that. When an operation of this magnitude is undertaken, I am sure, there may be excesses and, as I said earlier, strict action will be taken where such action has not been justified.”²⁴

It is not for us to say whether the Hon. Minister's speech was intended for foreign or local consumption, nor are we aware whether the TULF spokesmen are capable of pushing live human beings into the realm of the dead through verbal exaggerations! The case of Indra Rajan who died after being in police custody, with several injuries below his waist, was by no means an exaggeration. The cases of Mrs Xavier of Longdon Place, of Rajendran of Velvettiturai, of Sivanadiyar of Myliddy, of Tiruchelvam, the Regal Theatre watcher, which we have referred to above, are no exaggerations. As for the assurance that strict action will be taken against those guilty of excesses, it remains to be seen.

Ironically, the most telling indictment of the government's course of action in the Jaffna District, came, though indirectly, from a conference of Jurists organized by the Law Asia in Colombo while emergency was in force in Jaffna. The conference was presided over by Mr H. W. Jayewardene, one of Sri Lanka's most eminent lawyers and a brother of His Excellency President J. R. Jayewardene, and was attended by Sri Lanka's lawyers including lawyer Members of Parliament and delegates from Asian countries. The Resolution adopted at the conference had the following to say on combating “terrorism.”

“Terrorism concerned some delegates and though acknowledged as a problem it was said that the measures taken to combat terrorism should not themselves violate human rights.”²⁵

24. Ibid., Col. 1017, 1021.

25. Quoted in Parliament. Ibid., Col. 976,

VIII

The Aftermath

In his directive to Brigadier Weeratunga, President Jayewardene had fixed 31 December 1979 as the deadline "to eliminate the menace of terrorism. . . .". Mr T. B. Werapitiya, Minister and Deputy Minister of Defence, gave the assurance in Parliament on 4 October 1979, that,

"When the criminal elements are controlled we shall certainly lift the Emergency. We do not propose to keep it longer than is necessary. I can give that assurance . . . that when it is not necessary any longer the Emergency will be lifted. I hope that it will be before 31st December, which has been given as the deadline". 26

By the end of 1979, the government apparently was satisfied that the emergency was not needed any longer and when the new year dawned on Jaffna, the latter was no more under emergency rule.

At the very outset we have raised the question whether the declaration of emergency rule in the Jaffna District, was necessary at all. In the subsequent narration of the background events we went on to show that the emergency was the logical outcome of two parallel, but complementary, developments under the UNP Government. The latter's betrayal of its promises to solve the "Tamil problem" at successive stages proceeded hand in hand with the uninterrupted induction of chauvinistic, anti-Tamil hysteria in the country, culminating in the ultimatum on "Eelam", followed by the emergency and military intervention. It was an unmistakable manifestation on the part of the UNP government of its racially supremacist attitude towards

26. Ibid., Col. 1021,

the Tamil minorities, its inherent reluctance to view them as equal citizens, and its abhorrence of any claim to equality on the part of the Tamil speaking people, not to mention the claim to the right of self-determination, including secession.

In conclusion, we can say that our assessment of the pre-emergency situation remains valid, and that it is so is confirmed by the events that took place during the emergency rule. We will go further and say that the "problems of the Tamil-speaking people" are not nearer any solution after the emergency than they were before. If anything, they have only become more intractable. And these are the "problems", identified as such by the UNP itself, and the "lack of a solution" to which, according to the UNP's own manifesto, made the Tamil-speaking people "support even a movement for the creation of a separate state".

We will also venture to say that while it is true that both during the emergency rule and thereafter, there have been no acts of political violence directed against the state and pro-government Tamil politicians, it is equally true that the emergency has by no means eliminated the manifest and subterranean causes of such violence in the past. These acts of violence were only the symptoms of a grave crisis but the causes of violence remain intact and the crisis continues even today. We will be guilty of suppression of truth if we do not say that during the emergency rule too there were acts of political violence, but directed against legitimate political opposition and innocent citizens and administered by the state.

We feel urged to say that it will be a cynical travesty of the true situation for anyone to claim in defence of the emergency that as a result of the emergency "the people are able to walk freely in Jaffna". Again, if it is claimed on behalf of the government that consequent to the declaration of emergency "the menace of "terrorism" has been "eliminated", we can only say that the people are yet agog to see the concrete instances of this process of "elimination". The people, for instance, do not know whether "elimination of terrorism" means the apprehension of "terrorists". If so, they are interested to know who these "terrorists" are. The people are anxious to know

whether at last the authorities are in a position to expose those who were responsible for the sensational and brutal killings that took place in Jaffna and other Tamil areas, both before and during the emergency, and to have them prosecuted in a court of law. But to-date there has been no intimation of any such arrests. From the newspaper reports one gathers that after the lifting of the emergency 21 Tamil youths are held in detention, under the Prevention of Terrorism Law, presumably for offences committed before July 1979. No charges have been, as yet, framed against them, but legal representations have been made on their behalf, either to have them prosecuted in a court of law or to release them forthwith. The simple question is whether emergency rule and military intervention were required to apprehend these 21 Tamil youths; whether it was necessary to convert Jaffna into a veritable cauldron of torture before picking up 21 young men who were not even evading arrest. There is a further question in the minds of the people, as to whether those responsible for the killings of 13/14 night of July 1979, too will be apprehended and dealt with in accordance with the law.

It was the position of the government on the eve of emergency rule that eradication of terrorism was the condition precedent to working towards a political solution. The simple question, again, is whether any steps are being taken by the government even at the present moment, a full three months after the lifting of the emergency, in the direction of an amicable political solution.

In our view, political violence is the outgrowth of unresolved political questions, and the former cannot be stopped without resolving the latter. It is not our intention here to suggest the terms of such a solution or to stipulate the conditions under which it could be worked out. But we deem it necessary to state that at the minimum it is necessary for any government grappling with the national question to be able to eschew manipulative politics and armed repression as a means of solving the problems of the minorities. The consequences of such a cure would be far worse than the disease itself, as the experiences of "Emergency '79" clearly show. As a matter of fact, the process of "cure" is not complete, for the "Prevention of Terrorism Law" is still in operation in the entire country, even as the army is still in occupation in the Jaffna District.

Chapter 2

Seize The Time !

The terrorism unleashed by the state security forces from July to December 1979 in the Jaffna District and elsewhere has in no way helped to resolve the problems of the Tamil-speaking people. On the contrary, the brutal and repressive actions of the police and the army during "Emergency '79" have made it more difficult for the government to resolve these problems amicably — through discussions and negotiations. The manner in which the government in general, and certain ministers in particular, have sought to justify their repressive policies, has increased the distrust of Tamil people in the government, in Sinhala political parties and leaders. It has reinforced the conviction of many who held the view that Tamils cannot secure justice and equality in a state where the Sinhalese have a dominant position.

Many Sinhala political leaders, including Mr J. R. Jayewardene, have publicly stated that they will not permit the "division of the country" and that they will use any and every means at their disposal to prevent such a division. Often the language used and the tone adopted in their public pronouncements have been inflammatory and designed to provoke communal tension. However, it is unlikely that intimidation, threats or even repression would in any way whatever deter that section of the Tamil masses, who feel that the establishment of a separate Tamil state is the only solution to their problems.

This has been the experience of every country where the majority has sought to impose their "solution" on the minority nationalities: Ireland, Cyprus, Palestine etc. Sooner or later, such repressive policies plunge the whole country into a prolonged communal conflict in which the working masses of both communities are the major losers. A nation that oppresses

another, that denies the minority nationality their basic human and democratic rights, will never be able to ensure peace and stability for very long, let alone establish a "just" society.

Already the state is squandering an enormous amount of scarce resources to arm, equip and maintain the security forces. In the event of a prolonged communal conflict, most of our resources that we so badly need to feed and clothe our people would be diverted to feed and lubricate the war machines of both sides. Valuable lives of hundreds, if not thousands, of people will be lost; men, women and children will be brutalized and dehumanized.

Another possibility, which would be almost as ruinous economically, and tragic in its human consequences, would be an endemic situation of violence and counter-violence of the kind that has existed for decades in countries like Northern Ireland, owing to unresolved nationality problems.

The mischievous purveyors of chauvinist and communalist propaganda, the power-hungry politicians who exploit the very existence of the minority nation to seek and maintain power, are not in the least concerned about the criminal consequences of their pronouncements, actions and policies. Some of them may even believe that the oppressed minority can be always put down and kept down without much effort and cost. For the vast majority of people - workers and poor peasants - who help to produce the wealth of this country, communalist policies are millstones round their necks that hold back and retard human progress. Communalist policies tend to divert the minds of the toiling masses from their immediate and urgent problems; they divide and weaken the forces of the working class and its allies; and above all, they result in the waste and destruction of scarce human and material resources so essential for our development.

The primary responsibility for preventing such a communal conflagration and ensuring equality and justice for Tamil people lies with the people of the majority nation, i.e. the Sinhala people. Today, only the problems of the Tamil masses of the Northern and Eastern provinces have come to the fore. Tomorrow, with the emergence of a new generation amongst the plantation workers of Indian origin, hosts of unresolved

problems will surface, eg. the denial of citizenship to plantation workers and others who wish to live and work in this country; denial of proper education, health and housing facilities to plantation people of recent Indian origin; and the imposition of job quotas in plantations to these people.

For too long now, most of us have permitted ourselves to be duped by fraudulent claims of unscrupulous politicians who have justified discrimination against, and oppression of, Tamil people, on the grounds that this was necessary for the "good of the country," "to protect our heritage" or to "ensure employment of our people." In fact, such policies have in no way resolved the problems the people of this country have confronted, whether they be Sinhala or Tamil.

It is time that we say it loud and clear, that we are opposed to all forms of discrimination practised against the Tamil people by successive governments of this country.

It may be argued that, since this is a political problem which requires a political solution, what we require is a political party with the right policies. Unfortunately, today there appears to be no one political party which could fulfil this task effectively. While MIRJE does not seek to build an alternative political party it must become a broad-based organization, an ongoing campaign, which seeks to win the hearts and minds of a majority of working people in this country to a policy that emphasizes the need to end forthwith all discrimination directed against the Tamil people. MIRJE must effectively counter all communalist propaganda and endeavour to build unity amongst all working people in all communities at the grass roots level. MIRJE branches must be formed up and down the country. The MIRJE programme must be taken to every nook and cranny, to every workplace, plantation, school and home.

This is no doubt a formidable task. But if we are to prevent violent and brutal communal conflicts, the brutalization of our people and wastage of resources so essential to the advancement of our people, whether they be Sinhala, Tamil, Muslim or Burgher, we have no alternative but to make every effort, to strain every sinew, to build MIRJE as a mass organization,

problems will surface of the denial of citizenship to plantation workers and others who wish to live and work in this country; denial of proper education, health and housing facilities to plantation people of recent Indian origin; and the imposition of job quotas in plantations to these people.

For too long now, most of us have permitted ourselves to be duped by rascals and politicians who have justified discrimination against and oppression of Tamil people.

Monster of Communalism

"It was, and is, the bounden duty of the secular political parties to launch a vigorous mass campaign of popular education in the meaning and practice of secularism. Not only have they failed to do so but some of them, by adopting a policy of accommodation towards the communal minded parties just for a share in political power, have even helped spread communalism among the people.

The picture is no brighter when one turns to the trade union movement, which is so resonant with slogans of class solidarity and the rest. . . .

Therefore, unless the political parties appreciate the power of communalism and pluck up enough courage to fight it, they will either have to turn communal themselves or be buried under the weight of communal forces.

There is only one reason for the pusillanimity of the political parties. It is far easier to gather the votes of any community by exciting communal passions and ambitions, by highlighting communal issues, by inventing a communal bogey. Conversely, it is difficult to collect votes by rational appeal. It is for this reason that the forces of communalism, casteism, separatism, linguism, regionalism have been making long strides forward. Unless the secular political parties take courage and live up to their professions and make common cause against the forces of disruption and division the future is pretty dark."

(From "The Challenge of Nation Building" by Jaya Prakash Narayan).

Part II

**The Movement for Inter-Racial
Justice and Equality**

Statement of the

The following is a statement of the

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The Movement for Inter-Racial
Justice and Equality

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MIRJE: GENESIS, OBJECTIVES AND ACTIVITIES

Genesis

At 4 p. m. on Thursday, 18 August 1977, one of the residents of Satyodaya Centre for Social Research and Encounter, Kandy, was talking on the telephone to a friend. "Let us thank our stars", the other residents heard him say, "Kandy has been spared so far". But not for long.

At 5 p. m. from the market area in Kandy there rose the first smoke signals of what on the next morning would become a conflagration that would spread to the entire town and its environs. A Buddhist Monk, so the baseless story was bruited about from fish mudalali to pavement hawker to casual porter, had been cut up by the Tamils in the North and the pieces of his torso gorily mixed with the breasts of Sinhala women had been despatched in fish boxes to the Kandy market.

The arson, pillage, assaults and murder began on that night and spread like a forest fire on Friday morning. The Police showed nonchalance, or partiality, or ineptitude, or a mixture of all three.

Satyodaya was immediately propelled into action. From that date to this, there was to be no looking back on the inter-communal issue. If there was ever a moment when the spirit faltered, it was quickly overcome when the father of one of the Tamil resident members of Satyodaya was cruelly burnt to death in a shop in Wattedagama, even as the home of his mother was being completely sacked in Nattarampota by youths from a neighbouring colony. Satyodaya stood by its bereaved brother and his grief-stricken family, like a rock.

From that point the news came pouring in from all quarters that Tamil estate workers' line-rooms were also being attacked.

Appeals for immediate relief - chiefly from estates in the Central, Sabaragamuwa and Southern Provinces - followed the news. The appeals came over the telephone or were brought by frantic fugitives to the Coordinating Secretariat for Plantation Areas which had been set up at Satyodaya in October 1974. The Coordinating Secretariat itself had an interesting genesis which has never been recorded and which, because of its direct connection with the future Movement for Inter-Racial Justice and Equality, it is here opportune to recall.

Satyodaya Centre began in Kandy in February 1972. At that time, no one had any idea at all of its future involvement with issues of inter-communal relationships. It was the first Land Reform Law of 1972, followed by the severe food shortages of 1973-74, that inexorably charted Satyodaya's future course. In company with several others, Satyodaya hailed Land Reform as the first decisive measure of the Government of the day to deliver the nation from its secular bondage to foreign power. Disillusionment came rapidly when socialist land reform, prostituted on the altar of racialist obscurantism and political self-interest, incited the Sinhala proletariat to drive Tamil estate workers from their line-rooms on to the streets of towns like Kandy, Gampola, Nawalapitiya, Colombo. Where land reform did not reach, the famine did. For the first time in living history, displaced people were seen in conditions of chronic starvation upon our streets.

However sadly and hesitantly, Satyodaya began to talk and write about the situation. Yet, it also went ahead with what it still thought was its own area of competent reflection and action: social change and religious culture.

So, between 4 and 6 May 1974 Satyodaya Centre organized at Lewella, Kandy, a residential Marxist-Christian Dialogue. For the after dinner-programme on the two nights of the Dialogue, there were scheduled two informal talks: the first by a leading Marxist activist and theoretician and the second by a Bishop. The Marxist sent a last-minute note of excuse. Caught off their guard, the organizers finally decided to ask the LSSP's Hector Abhayavardhana, who was a participant, to come to their rescue. Magnanimously Hector agreed. With not more than a

few minutes for preparation, he said he would talk on what he thought was the country's gravest social problem at the time. This, he said, was the existing situation of the estate workers. Hector, speaking like a prophet inspired, summarized his talk in the statement that the liberation of Tamil estate workers from their own real, material alienation was the necessary pre-condition of the liberation of all the people of the country from their general, socio-historical alienation.

As follow-up to the Dialogue, shortly after, some participants issued a Statement entitled, 'Integrate the Plantation Worker!' The concluding paragraphs were as follows:

"The purpose of this Statement is therefore to involve as many as possible in the ways open to each one in the fight for justice for the plantation worker, and at the same time in the fight in the interests of elementary humanity and in the interests of the New Society. This must be everybody's fight. So we ask the Buddhist monks to advance in their defence, the Christian and other priests and religious people to speak and to act decisively, the Sinhala teachers and ayurvedic physicians to raise their voice. Every socialist worthy of his principles must join the fight to end injustice on the estates and do so as a part of the broader movement of social reform now taking place in the country.

Finally, it is our purpose to ask voluntary organizations to do all that they can in this field and we ask everyone who can to help them. Above all, it is our purpose to urge the Government to act in this most crucial period of our country's forward march".

To achieve some of these purposes, Satyodaya convened in Kandy on 17 October 1974 a meeting of more than twenty voluntary organizations that had manifested concern about the situation in the plantation areas in the aftermath of land reform and food scarcity. At the end of the day the members present set up the Coordinating Secretariat for the Plantation Areas and the Secretariat was asked to begin functioning from Satyodaya. The word 'areas' was deliberately chosen to include

in the concerns of the Secretariat both the workers on the estates and the peasants in the villages of the plantation districts of the country.

The main objective of the Coordinating Secretariat was, therefore, a patient, uphill struggle for justice for the estate workers and for the Sinhala peasants in the plantation areas who, since they also belonged to the class exploited and oppressed by the plantation system, should have been the natural allies of the Tamil estate workers in the common struggle for justice.

By 1977 the Secretariat realized that the union of voluntary groups with only occasional reference to the trade unions was not enough. So with the assistance of the Christian Workers Fellowship, the Secretariat held in Colombo three Consultations with the Trade Unions. Then came the General Elections in July and the bloody racial violence of August 1977. The Secretariat went directly to the rescue of over 2600 estate families, attacked for the only reason that they were Tamils. That they were estate Tamils who knew little or nothing about the politics of the Northern and Eastern Provinces was immaterial. Much more than the Tamils of the North and East, because they were so much the more helpless and exposed in their helplessness, the estate people became the victims of pillage, arson, and murder.

There followed in 1978 and in early 1979 three Consultations in Kandy with trade unions and other organizations. At these Consultations various actions were initiated to secure justice for the estate workers and the peasants, chiefly in the Central Province. It was further discerned that, for greater effectiveness—since the problems had national dimensions—the Kandy unions and organizations should meet again together with unions and organizations based in the capital city, Colombo.

Consequently, on 8 April 1979 the Secretariat called a General Consultation in Colombo. It was at this General Consultation that the idea of a national movement for inter-racial justice was mooted for the first time. Furthermore, the

participants decided to address a letter to the Press Council, deploring the current racist propaganda in the Press. A copy of the letter was sent to the President, who acknowledged receipt through his Secretary. The Press Council also acknowledged receipt and promised a further communication which has still not been received. Appendix A contains the relevant documents.

The next Colombo Consultation was held on 1 July 1979. It began with a discussion of the growing conflicts and tensions between the Tamil workers and the Sinhala peasants in the plantation areas and ended with a full discussion of the dangerous nation-wide racist trends of which the tensions in the plantation areas were only an effect or a symptom. It was agreed, therefore, that no real solution could be found to the problems without a political answer to the National Question of majority-minorities relationships.

On 20 July 1979 another Consultation was held again in Colombo. At least in retrospect, it proved to be a momentous one for three reasons. First, the idea of a national Movement, born at the two previous Consultations, was unanimously accepted. The Movement would be a broadbased one, comprising voluntary organizations, trade unions and political parties. The full autonomy of each party, union, organization would be guaranteed and safeguarded. Membership of the Movement would be on the basis of agreed opposition to racialism and of common commitment - to be actualized in its own way by each member group - to inter-racial justice and equality.

Secondly, the Consultation issued a Statement, signed by the representatives of various political parties, trade unions and other organizations, demanding the lifting of the Emergency in Jaffna, condemning the repression of the people of the North by the police and the armed forces, and condemning the so-called Anti-Terrorist law. The then Competent Authority refused clearance for press publication at the time. The Statement appears in Appendix B.

This Statement - the first to be issued by a public body after the Emergency was declared - had an electric effect on the

unions and on political parties. On 10 September the Joint Trade Union Action Committee (JTUAC), accepting proposals made to it with conviction by the Ceylon Mercantile Union and the Communist Party Unions, included, in the agenda for the mass meeting at Hyde Park planned for 20 September, protest against

'the enactment and bringing into operation of the so-called "Prevention of Terrorism" Act throughout the country, and the imposition of a State of Emergency in the Jaffna district, both of which are fresh encroachments upon the democratic rights and civil liberties of the people'.

In fact, at the mass rally at Hyde Park on 20 September, at which the Lanka Sama Samaja Party and the Sri Lanka Freedom Party were also represented by their unions, the protest against the Terrorism Act and the Jaffna Emergency was clear, vehement and unanimous.

Thereafter, on 24 September the joint communique of the Five Parties - Revolutionary Marxist Party, Nava Sama Samaja Party, Communist Party of Sri Lanka, Lanka Sama Samaja Party, Janatha Vimukthi Peramuna - adopted the same position as MIRJE had done in its Statement of 20 July.

The Sri Lanka Freedom Party following in the wake of its unions, voted in Parliament on 4 December 1979 against the renewal of the Jaffna Emergency.

Thirdly, the Consultation of 20 July 1979 has historic importance as it decided to send a fact-finding Delegation to Jaffna to determine the true state of affairs subsequent to the emergency made operative by the government on 13 July. On 30.7.79, as soon as it left Jaffna, the Delegation sent a letter to the President of the Republic with copies to the Prime Minister and the Leader of the Opposition, apprising him of illegalities committed by the Police in the North, asking for an impartial investigation, and effective immediate protection for potential witnesses against the Police. The receipt of this letter was formally acknowledged by the Private Secretary of the President on 8.8.1979. Both letter and acknowledgement of receipt are published as Appendix C1.

On behalf of the Delegation, one of its members, Dr Kumar David, also issued a Report which was tabled and read at a Consultation of the Movement on 10 August 1979. The Report is published unabridged and unamended in Appendix C2. At this Consultation the Movement was given its full name, Movement for Inter-Racial Justice and Equality, with the shortened form, MIRJE.

On 25 August 1979 MIRJE issued a Press Release based upon its decisions at the Consultation of 22 August (cf. Appendix D). On 19 October 1979 the Draft Constitution was discussed and amended at a Consultation of the general body. On 7 December 1979 the Amended Draft Constitution with a few minor amendments was formally and unanimously adopted at a General Meeting in Colombo. It is reproduced as Appendix F. On this day the Movement for Inter-Racial Justice and Equality became a fully fledged national movement with a Constitution, headquarters in Colombo, a Branch in Jaffna and incipient Branches in Kandy, Kurunegala and Ratnapura.

Objectives

The Constitution sets them out clearly as follows:

The aims of the Movement shall be to promote inter-racial justice and equality, in accordance with the following principles:

1. Equality of all rights among the various racial and linguistic groups in the country.
2. Opposition to communalism and racial injustice and discrimination in all their overt and covert forms.
3. Opposition in the area of inter-racial relationships to all anti-democratic policies and procedures of government, all repressive legislation and repressive action of the security forces.
4. Upholding in the area of inter-racial relationships of democratic and civil rights and human liberties.
5. Upholding of the rights to full and free citizenship of all the people of this country, including the Tamil people on the plantations and elsewhere.

6. Opposition to racial discrimination against estate workers and others in the fields of employment, education, housing and health.
7. Fostering the union of workers and peasants of all races in the struggle for inter-racial justice and equality.

The scope of MIRJE is both narrower and broader than that of a civil rights vigilance group or of a political organization for the defence of human rights. It is narrower as it is restricted to the area of inter-racial relationships. It is broader as it seeks to be a national movement of persons and organizations—voluntary societies, trade unions, religious groups, political parties—who come together for specific purposes on the basis of agreement to eschew racialism and communalism and on the basis of commitment to the goals of justice and equality, especially for those who at a particular point of historic time are most evidently the victims of racial injustice and discriminatory treatment.

Activities

Not many months have elapsed since MIRJE got its name and Constitution. These months have been spent in discovering its specific identity, in clarifying its objectives, and in testing both identity and objectives, in certain well-defined situations.

The sending of the fact-finding Delegation to Jaffna and the subsequent Report of its findings have already been mentioned.

In Jaffna on 30 July 1979 the Delegation met with nearly one hundred persons, representing various political parties, trade unions, religious groups, student societies and voluntary organizations, and set up a Branch of the Movement. Relentlessly, from that date, MIRJE (Northern Branch) has been, as it was indeed natural to expect, in the forefront of the programme for inter-racial justice and equality.

The most significant single achievement of the Northern Branch of MIRJE so far has been the full-day programme in Jaffna on 9 December 1979, the eve of the 31st Anniversary of the Universal Declaration of Human Rights. The sensitive

reporting of the proceedings in the **Lanka Guardian** of 1 January 1980 is reproduced, with the kind permission of the Editor, as Appendix E.

Four young men were arrested by the Police in Jaffna on the night of 7 December for pasting public posters announcing the celebrations of the 9th December. They were released upon submissions made by the leaders of the Jaffna Branch only in the afternoon of the 8th. Despite the arrests and the lock-up and other difficulties, the rare determination and courage shown by MIRJE in organizing a Human Rights Day in Jaffna was not merely the exuberant flash of the brilliant youthfulness of MIRJE. Since then the campaign to make both Human Rights and their violations known, to urge that the government of the country makes legal and binding its acceptance of the Universal Declaration of Human Rights (in the manner of many other countries) has continued unabated in the North. MIRJE is becoming there—and, hopefully, soon, elsewhere too—the moral voice of the people, demanding no political power for itself, but justice and equality for all, especially for those humble people who are powerless to protest against police and army intrusions into the sanctity of their homes and have no friends in high places to save from humiliation, harassment and torture those members of their families who are “picked up” by the Police and the Forces.

Groups of varying sizes and of varying levels, inspired by MIRJE or working in collaboration with it, have met in various places to counter racist propaganda and to promote the ideals and achievement of inter-racial justice. A nation-wide membership drive is in progress.

On 27 October the Movement organized a Seminar at the headquarters of the Ceylon Mercantile Union on the subject of the National Question and its Socialist solution. There was broad agreement that the Tamils of the North and East have the right of self-determination and hence the right of secession. However, it was also agreed that the acknowledgement of the right of a national minority to secede does not imply that separation is always the best solution.

On 15 February 1980 MIRJE organized a Seminar in Colombo on Citizenship and Repatriation. Both questions were

discussed in depth with special reference to the rights of Tamil estate workers of recent Indian origin and in the context of the repatriation agreements between the Prime Ministers of India and Ceylon.

At the end of the discussions the following conclusions were reached without a single dissent:

- (1) All persons of recent Indian Origin on the plantations and elsewhere, if they so desire it, should be given full rights of citizenship. If the Indo-Ceylon Agreements (of 1964 and 1974) are an obstacle to the granting of Sri Lanka citizenship to all who ask for it, they should be revised or abrogated.
- (2) All distinctions between registered citizens and citizens by descent should be immediately abolished.
- (3) In all matters regarding employment, land settlement, etc., whether on the plantations or elsewhere, all discriminatory circulars and regulations restricting rights and opportunities to citizens should be immediately withdrawn, in accordance with Section 14 (2) of the Second Republican Constitution.
- (4) Those who have obtained citizenship by registration should be entitled to obtain certified duplicate copies of such citizenship upon application for such duplicate copies.
- (5) We request all political parties, trade unions, voluntary organizations, religious groups to actively espouse the cause of full and free citizenship for all the people of this country who desire Sri Lankan citizenship.

This Seminar served to recall the national Movement for Inter-Racial Justice and Equality to its origins in a smaller grass-roots movement whose concern still remains the exploited labour that inhabits the plantation areas of our country.

Appendix A

Coordinating Secretariat for
Plantation Areas

30 Pushpadana Mawatha
Kandy.

8 April 1979.

The Chairman and Members
Press Council of Sri Lanka

Dear Sirs,

We wish to draw the attention of your Council, as the body statutorily charged with the regulation of the Press in Sri Lanka, to the alarming and dangerous situation which is being created by racist propaganda in the Press, and by tendentious news reporting of a character that will inflame racist sentiments and accentuate conflicts between the Sinhala and Tamil speaking people of this country.

A number of news-sheets and smaller papers specially devoted to racist propaganda has recently come into existence both in Sinhala and in Tamil. However, the greatest threat to peaceful relations between the Sinhala and Tamil speaking people arises from the fact that the three big newspaper groups in the country have, in the last few months, adopted the more insidious but even more dangerous policy of highlighting racially inflammatory stories in their news columns, through their mode of reporting, display and choice of headlines. We cannot believe that these practices are accidental or unconscious, since we have often observed that the same news story is given a varying communal slant in newspapers in different languages published by the same group. As one example, we wish to refer to the reporting of the proceedings of the Sansoni Commission, which in the case of many newspapers is such as to provoke

and excite communal feelings on both sides, which is not, we presume, the purpose on which the Commission itself is expending its labours.

We fear that with the approach of the forthcoming local government elections, this kind of communally mischievous and inflammatory reporting and propaganda in the Press is likely to increase in volume and intensity. This may have especially serious consequences in the plantation areas and other parts of the country, where Sinhala and Tamil speaking people live in close proximity to each other. Unless these tendencies are checked, the Press may be the principal, immediate cause of another outbreak of racial conflict.

We urge you to use whatever influence and authority you possess to exercise restraints on the Press in respect of a matter which is likely to inflame racial feeling. We wish to observe that a special responsibility exists in the case of the two newspaper groups which are controlled by the State.

We request that you grant us an interview at which we can produce before you documentary evidence from the Press to substantiate what we have said in this letter. Any communication in this respect can be sent to Fr Paul Caspersz at the above address.

Yours faithfully

(sgd) Paul Caspersz

(Coordinating Secretariat for
Plantation Areas)

(sgd) Reggie Siriwardene

(Human Rights Organization)

On behalf of:

M. Tampoe

Indika Gunawardena

Oswin Fernando

Jeffrey Abayasekera

Jayarathne Maliyagoda

A. T. Alphonsus

Lionel Bopage

Charles Abayasekera

C. V. Velupillai

Democratic Workers Congress

Human Rights Organization

United Federation of Labour

Christian Workers Fellowship

Lanka General Services Union

Hatton Social Action Centre

Janatha Vimukthi Peramuna

Social Scientists Association

National Union of Workers

A. C. Emmanuel	Socio-Economic Training Institute, Kandy
Ariyawamsa Gunasekera	All-Lanka Peasants Congress
Anna Abayasekera	Christian Workers Fellowship; Plantation Service Committee
Linus Jayatilake	Janatha Viyaparaya
Kusala Abhayavardhana	Service Civil International
Wickramabahu Karunaratne	L. S. S. P. New Leadership
L. Shanthi Kumar	Malayaha Makkal Iyakkam (Plantation People's Movement)
R. Chandramohan	Ceylon Plantation Workers Union
V. L. Pereira	Hill Country Youth Assembly
Kumari Jayawardena	Kantha Handa Sanvidhanaya
S. Balakrishnan	Coordinating Secretariat for Plantation Areas
Milton Perera	Satyodaya
P. Vajiraguana Thero	Samajavadi Bhikku Peramuna

copy to: H. E. The President of Sri Lanka

Coordinating Secretariat for
Plantation Areas
30, Pushpadana Mawatha
Kandy
9 April 1979

His Excellency
The President of Sri Lanka

Dear President

Several trade unions and worker and peasant organizations met in Colombo yesterday under the auspices of the Secretariat and resolved to alert the Press Council about the increasingly disturbing communal line in the Press of our country. It was decided to do this by way of a letter to the Press Council of which we thought it useful to send a copy to Your Excellency so that the Press, through your high offices also, far from using its power to foment inter-communal unrest, will do its utmost for the cause of inter-communal peace and justice

Assuring you of the fullest cooperation in the task of national development of which inter-communal peace is so necessary a condition, and with my personal respectful regards.

Yours very sincerely

(sgd) (Fr) Paul Caspersz, S. J.

Telephone Nos. 87581, 87582, 87488 37, Keppetipola Mawatha
Colombo 5.

April 11, 1979.

Mr Paul Caspersz,
Coordinating Secretariat for
Plantation Areas,
30, Pushpadana Mawatha,
Kandy.

Dear Sir,

I have to acknowledge the receipt of your letter dated April 8, 1979, addressed to the Chairman of the Sri Lanka Press Council and to inform you that a further communication will follow.

Yours faithfully,

(sgd) Secretary,
Sri Lanka Press Council

My No. 315/1/Misc.
Republic Square,
Colombo 1
16th April 1979.

Rev. Fr. Paul Caspersz, S. J.,
Coordinating Secretariat for
Plantation Areas,
30, Pushpadana Mawatha,
Kandy.

Dear Rev. Sir,

I am directed by His Excellency the President to acknowledge receipt of your letter dated 9th April 1979 informing His Excellency that several trade unions and worker and peasant organisations met in Colombo recently under the auspices of the Co-ordinating Secretariat for Plantation Areas and resolved to alert the Press Council about the increasingly disturbing communal line in the Press of Sri Lanka.

Yours faithfully,
(sgd) Secretary to the President

Appendix B

MOVEMENT FOR INTER-RACIAL JUSTICE AND EQUALITY

The following organisations and persons meeting in Colombo today, 20 July 1979,

- (1) demand that the State of Emergency imposed on the Jaffna District be lifted immediately,
- (2) condemn the repression of the people of the North by the police and armed forces,
- (3) condemn the so-called Anti-Terrorist Law as an attack on the democratic rights of all the people of Sri Lanka and demand its repeal.

- | | |
|-----------------------------------------------|------------------------------------------------------------------|
| 1. Aggamahapanditha Randombe Gnanaratae Thero | Eksath Bhikshu Peramuna,
Anuradhapura |
| 2. Pahamune Panabasihe Thero | Eksath Bhikshu Peramuna, |
| 3. Abayasekera Annathaie | Kurunegala |
| 4. Abayasckera Jeffrey | Christian Workers' Fellowship
(Plantations Service Committee) |
| 5. Alles M. | |
| 6. Alphonsus A. T. | Hatton Social Action Centre |
| 7. Arasaratnam K. D. | Service Civil International |
| 8. Balakrishnan S. | Coordinating Secretariat for
Plantation Areas |
| 9. Bopage Lionel | Janatha Vimukthi Peramuna |
| 10. Candappa Shirley | |
| 11. David Kumar | Janatha Tharunayo |
| 12. Devananda Yohan | All Lanka Peasants' Congress |
| 13. Fernando Oswin | United Federation of Labour |
| 14. Gajasinghe Lakshman | Christian Workers' Fellowship |
| 15. Gunasekera Ariyawamsa | All Lanka Peasants' Congress |
| 16. Hewabatage Premapala | Janatha Sangamaya |
| 17. Jayaratne Osmund | Lanka Sama Samaja Party |

- | | |
|------------------------------|----------------------------------------------------|
| 18. Jayawardena Kumari | Kautha Handa |
| 19. Karunaratne Wickramabahu | LSSP (New Leadership) |
| 20. Kern Rienzie | Student Christian Movement |
| 21. Maliyagoda Jayaratne | Lanka General Services Union |
| 22. Mallawa Aratchchi D. S. | Marxist Youth Front |
| 23. Nagaratnam S. T. N. | Mass Movement for Eradication
of Untouchability |
| 24. Nanayakkara Vasudeva | United Federation of Labour |
| 25. Pereira V. L. | Hill Country Youth Assembly |
| 26. Renganathan M. | Red Tamil Movement |
| 27. Sanmugathan N. | Ceylon Communist Party |
| 28. Sathasivan K. | Arasanka Eluthuyinaignar Sangam |
| 29. Seeladasa I. D. | Eksath Kamkaru Samithiya |
| 30. Seneviratna G. Susil | |
| 31. De Silva Allenson | Christian Workers Movement
(Colombo Diocese) |
| 32. Suthanthiraraj P. | Plantation Peoples' Movement |
| 33. Tampoe Bala | Revolutionary Marxist Party |
| 34. Tampoe M. | Democratic Workers Congress |
| 35. Weerakoon Dissanayake | Lanka Guru Sangamaya |
| 36. Wijesinghe D. Vernon | Ceylon Mercantile Union |
| 37. Wimalapala K. | Nava Lanka Communist Party |

(sgd) Paul Caspersz (Coordinating Secretariat for Plantation Areas, Chairman), Reggie Siriwardena (Human Rights Organization), Gamini Dissanayake (Journalist), M. Idroos (Janatha Viyaparaya), Rajan Philip Pillai, Patrick Fernando (Janatha Sangamaya), L. Shanthi Kumar (Plantation Peoples' Movement).

being members of the Provisional Committee

30, Pushpadana Mawatha,
Kandy (Tel: 2955)

20 July 1979

N. B. With a view to publication of the above in Satyodaya Bulletin, of which I am editor, I am sending the above to the Competent Authority for clearance.

Kandy, 23.7.79

Paul Caspersz

Appendix C 1

Tel: 2955

Movement for Inter-Racial
Justice and Equality
30, Pushpadana Mawatha
Kandy

30th July 1979

His Excellency
The President of Sri Lanka

Dear President

The Movement for Inter-Racial Justice and Equality was inaugurated in July this year at a meeting in Colombo of 93 organizations and individuals. It was there held to be necessary to send a representative group from the Movement to assess impartially the situation in the North in the context of the Emergency declared by your Government. The undersigned are the members of this Fact-finding Group and are addressing ourselves to you on the basis of our on-the-spot findings in the Jaffna District.

We are compelled to bring to your notice our conclusion that one or more groups of Police officers and men committed illegal acts in an organized manner on the night of July 13/14. We are now satisfied that several persons were abducted, tortured and in some cases murdered by the Police. Some of these persons are in prison or in hospital with grievous injuries while the fate of some others is still unknown.

The concern of our Movement for justice compels us, as members of its Fact-finding Group, to ask you to appoint immediately an impartial investigating body empowered to assess the evidence and take action against those officers and men found to be guilty. We are prepared to assist such an investigating body by submitting to it the results of our inquiries.

We also ask you to proceed without delay to the re-structuring of the Police in the North in regard to its ethnic composition and answerability to the people with a view to forestalling the continuance of police violations of the law.

Finally, with all the earnestness of which we are capable, we ask you to take immediate and immediately effective steps to protect the lives and property of those who may be regarded as potential witnesses against the Police.

Yours faithfully

(Sgd) Fr Paul Caspersz, Dr Kumar David, Gamini Dissanaike,
Rajan Philip Pillai, Jayaratne Maliyagoda, S.Balakrishnan,
Sevaka Yohan Devananda

c. c. The Prime Minister
The Leader of the Opposition

Private Secretary to the
President
Republic Square
Colombo 1
8.8 1979

Dear Sir

I am directed by His Excellency the President to acknowledge receipt of your letter dated 30.7.79, the contents of which have been noted.

Yours faithfully

(sgd) Private Secretary

Mr. Paul Caspersz, S.J.
30, Pushpadana Mawatha,
Kandy.

Appendix C 2

MOVEMENT FOR INTER-RACIAL JUSTICE AND EQUALITY

Report of the Delegation to Jaffna.

Read out and tabled at the General Meeting of 10 August 1979.

Introduction

The first meeting at which the organizations present decided to constitute themselves into a continuing provisional movement, namely the meeting of 20 July 1979, decided also to send to Jaffna a fact-finding Delegation to determine the true state of affairs subsequent to the declaration of a State of Emergency by the government on 13/14 July 1979. In pursuance of this decision a Delegation comprising Paul Caspersz, Yohan Devananda, Rajan Philip Pillai, Gamini Dissanaiké, Jayaratne Maliyagoda, S. Balakrishnan and Kumar David visited the Northern Province, mainly Jaffna and its environs, from the 28th to the 31st of July 1979. The delegation met eye-witnesses and members of bereaved families, religious leaders and political leaders of several persuasions, Members of Parliament, students and staff of the Jaffna University, trade unionists and several concerned citizens. Our findings are as follows.

General Situation and Attitudes

In the first two or three days after the declaration of the Emergency, the Police and, to a lesser extent, the Army had indulged in a certain amount of irresponsible hooliganism. Some youths had their beards shaved or long hair removed or humiliated in other ways. Two passing cyclists had been shot at just for the heck of it and one of them injured. Large numbers of young

men had been picked up from their homes or from public places like the bus stand for questioning - perhaps over a hundred - and perhaps half of them had not as yet been released as at the time of our departure from Jaffna. The intimidation of people on the roads had ceased after a few days, and by the time of our visit there was no conspicuous Army or Police presence in the bazaars, junctions or roads.

The attitude of nearly all of the general populace was one of fear and uncertainty. The events noted above and, more importantly, certain events to be described below had driven fear deep into most ordinary citizens. There was resentment at the declaration of Emergency which was viewed as an unjustified and wanton blow at the democratic rights of the people. The so-called campaign by the state to wipe out terrorism was seen to be an excuse to humiliate the Tamil people, to subject them to harsh military police repression and to deny them basic democratic rights such as the right to publish and the right to protest. It is our surmise that the general feeling in Jaffna was changing gradually from one of fear and uncertainty to one of resentment at the humiliation inflicted and one of anger at the repression imposed on the Tamils by the government. There was real concern about the danger posed to democratic rights by the government's action. For example, the press censorship was not being merely used to prevent the spread of scurrilous statements or inflammatory rumours. It was being much more systematically used to prevent responsible criticism of the government and to black out news politically disadvantageous to the party in power. An example of the latter was that a Tamil paper sympathetic to the TULF was prevented from publishing the speech of Minister Devanayagam in Parliament when he introduced the so-called Anti-Terrorist Bill. The only conceivable reason for censoring a Tamil UNP Minister's speech much have been that in making a speech intended to make the government popular with the Sinhalese he naturally must have made a speech that would make the government party unpopular with the Tamils. This type of self-censorship we believe is a unique invention in the art of political propaganda.

The Events of the Night of 13/14 July

Three young men died. There is reason to believe that two more have also died although their bodies have not been found, and one more person is missing and is presumably dead. Five of these persons were abducted under almost identical circumstances while one person was admittedly picked up by the Police under circumstances that are still not properly explained. The common modus operandi in relation to the five persons who died or are presumed dead under 'mysterious' circumstances is now described. The general modus operandi, which is closely similar in all the cases, is described in its general form, and specific details are deliberately omitted from this report for very obvious reasons.

The drama commences between 1 a. m. and 3 a. m. in the morning. Between four and fifteen men, in the different cases, carrying powerful torches and armed with several revolvers, guns and machine-guns arrive at the home of a young man. They are sometimes clothed in khaki trousers and white banians and sometimes in uniform but without identification numbers. Wherever they speak a few words it is like a Sinhalese person speaking Tamil in the opinion of several independent persons. They collect the person whom they want and sometimes another young man in the household as well after having introduced themselves as the Police but also requesting the inmates not to switch on the lights. In all the cases the members of the household have not the slightest doubt that the callers were indeed the Police. The victims and the abductors then drive off in jeeps.

The next morning members of the family aided by Members of Parliament, lawyers and others commence the search. The Police stoutly deny any knowledge of arrest, abduction or custody. Their uniform story is, "We know nothing about it: we had nothing to do with it". Two bodies horribly tortured and mutilated were found by the roadside. One person died in the custody of the Prisons Department.

Such in broad outline is the recurrent pattern.

This, and the wealth of detailed and telling specific evidence that has been brought to our notice, but which cannot be

reported here in detail, has brought about in the seven of us the unanimous conviction, which we phrased as follows in our letter to the President:

“We are compelled to bring to your notice our conclusion that one or more groups of Police officers and men committed illegal acts in an organized manner on the night of July 13/14. We are satisfied that several persons were abducted, tortured and in some cases murdered by the Police. Some of these persons are in prison or in hospital with grievous injuries while the fate of some others is still unknown”.

Not only the mutilated condition of the bodies but also the injuries that have been inflicted on those in prison or hospital and whose number exceeds fifty compels us to state that the Police are guilty of torture and the violation of human rights on a large scale in Sri Lanka.

The contention of the Police that they have no knowledge of the abductions or murders implies the following: There are several armed murder gangs possessing revolvers, guns and machine-guns, travelling about in jeeps and abducting and murdering young men, probably six in one night, for unknown motives. Further the Police and the Army, armed with the full powers of the Emergency Regulations, have failed to apprehend these gangs nor have they supplied the public, or as far as we know the government, with full details and warnings of this new menace of hitherto unheard-of dimensions. Quite apart from the specific evidence that has been brought to our notice this story itself cannot stand up.

Clearly the declaration of Emergency, the power to dispose of bodies and the suspension of inquest proceedings have been interpreted as a blank cheque by the Police. Furthermore the President's much publicized order to the Commanding Officer of the District, which the Minister of Trade has compared in Parliament to Churchill's order to General Alexander, has indeed been interpreted by the Police as a declaration of war by the State on the Tamils.

We very specially draw the attention of this meeting to the very important fact that the Police have acquired a double life

- a statutory force by day and an anonymous murder gang by night. We warn this meeting that this forebodes the most awesome danger to the body politic in Sri Lanka and that it must be nipped in the bud by the weight of public opinion and public protest. It has been said before that the price of freedom is eternal vigilance. We have also been told, though we have not been able to independently confirm, that similar techniques of anonymous murder have been used by the repressive military regime in Argentina against left-wing and working class political opponents, and also in other countries where democracy has been buried in recent years.

Responses

Wherever we went we were welcome. The common factor in our welcome was pleasure that someone had taken the leadership and initiative in meeting the situation. The common response to our inquiries was, 'Yes, let us get together and organize a movement to protect ourselves and our democratic rights and to get justice for the innocent victims of torture or murder'. In part the reason for the enthusiasm that greeted us was the leadership vacuum that has developed in Jaffna. The people have been left largely without guidance, leadership or direction at this difficult moment. The one person who had conducted himself with exemplary courage in the effort to ameliorate the position of arrested youth or intervene in cases of torture and murder is Mr Yogeswaran, MP for Jaffna. Unfortunately he has been left single-handed and this is a poor reflection on other political leaders and public and religious personages.

It was therefore no surprise that the meeting that we called for the 30th of July was the success that it was. Nearly a hundred people representing numerous parties, trade unions, religious groups, student societies and others attended despite the Emergency and the prevalent atmosphere of fear. The common theme of the meeting was opposition to the Emergency, revulsion at Police brutality and murder, concern for democratic and human rights and the desire to do something together. A branch of the Movement with full autonomy was formed and a

great deal of anticipation exists that our Movement will be able to live up to its promise. Our delegation places before this meeting this expectation and the need to formulate and carry out a continuing programme. If we fail to follow up these initial actions a serious and irreparable loss of confidence will ensue. The minutes of the meeting are available with Paul Caspersz for consultation by interested members.

One matter of which we must make special mention at this stage is that nowhere did we encounter an attempt by anyone to condone or support terrorism. The Tamil people in general and the various representatives of organizations whom we met had no truck with terrorism and did not see it as anything but destructive and self-defeating. However they were quite firm that they did not at the same time in any way condone Police terror or governmental repression of the populace at large. Furthermore, the general attitude of the Jaffna people to Sinhalese living there was not hostile and current propaganda by Sinhala chauvinist organizations of harassment of Sinhalese is false.

Government Inactivity

The most disturbing aspect of these events, since the occurrence of the events themselves, is the total inactivity of the government. It is now nearly a month since the night of 13/14 July but nothing has been done to bring the murderers to book. It is common knowledge that the Leader of the Opposition wrote to the President more than three weeks ago about the murders. So far we have only heard vague promises of Parliamentary Select Committees and of forceful official inquiries. We would have expected that in a case concerning crimes by the very guardians of law and order the Government would have moved with redoubled resolution and swiftness. We are alarmed that on the contrary the government has been deliberately dragging its feet and behaving in a way that can only mean that it had condoned the actions of the Police and is prepared to go along in a cover-up operation.

In concluding this report, the most urgent recommendation that we have to place before this meeting is for a campaign with

redoubled vigour to demand a full and impartial inquiry and to enliven public opinion to the needs of such an inquiry.

The Recommendations of this Report in Summary

1. That public opinion be alerted to the grave danger of the role of the Police when it functions as an anonymous murder gang by night.
2. That public opinion be built up against the suppression of democratic rights and the violation of human rights in the North in recent weeks and a propaganda campaign be directed along these lines.
3. That a vigorous campaign be launched to secure the appointment of an impartial inquiry body in view of the government's palpable reluctance to act.
4. That follow-up action be taken in respect of the Jaffna branch and their tasks be outlined more clearly. That arrangements be made to maintain closer liaison with the Jaffna branch.

A. Kumar David

(on behalf of the MIRJE Delegation)

Appendix D

Movement for Inter-Racial
Justice and Equality

6, Aloe Avenue

Colombo 3

(Tel: 34742)

On 10 and 22 August 1979 several organizations and persons met in Colombo and formed themselves into a Movement for Inter-Racial Justice and Equality. These meetings were the sequel to several earlier meetings at each of which an increasing number of organizations expressed their commitment to racial justice and socialist equality in the framework of the defence of the democratic rights and privileges of all the people of the country.

While the Movement considers it to be of the utmost importance that each organization whether it be a political party, a trade union or a religious or social or voluntary organization - should have full autonomy and therefore have its own programme and policy on the National Question, it also held that agreement should be reached among all organizations constituting the Movement on certain basic propositions. Acceptance of these basic propositions should be the condition on which organizations can join the Movement.

At the meeting of 22 August the organizations and persons listed below reached agreement on the following basic propositions:

1. There should be equality of all rights among the various racial and linguistic groups in the country. Hence communalism and racial injustice and discrimination in all their overt and covert forms should be resisted in every manner possible.
2. Action should be taken without delay to redress the grievances of the Tamil people in the areas of language, land settlement, education, employment and the repressive activity of the security forces.

3. The Tamil people of Indian origin on the plantations and elsewhere should be given the right of citizenship if they so desire it. Action should further be taken to redress the grievances of estate workers in the fields of employment, education, housing and health.

4. We oppose the use of the Police and the Armed Forces as instruments of oppression of the people.

In view of the above, the organizations and persons meeting in Colombo on 22 August reiterate the demands made at the Meeting of 20 July.

- (i) that the State of Emergency imposed on the Jaffna District be lifted immediately;
- (ii) that the so-called Anti-Terrorist Law which is an attack on the democratic rights of all the people of Sri Lanka be repealed.

1. K. Ananda Thero
2. Abayasekera Annathate CWF Plantation Service Committee
3. Abayasekera Jeffrey Christian Workers Fellowship
4. Abeysekera Sunila Human Rights Organization
5. Abeysinghe Lalith Satyodaya
6. Aiyadurai T. National Union of Worker
7. Alles M.
8. Annamalai A. K. LSSP (New Leadership)
9. Arasaratnam K. D. Service Civil International (Sri Lanka)
10. Balakrishnan S. Coordinating Secretariat for Plantation Areas
11. Bopage Lionel Janatha Vimukthi Peramuna
12. Candappa Moniea
13. Candappa Shirley NCC - Development Commission
14. Caspersz Paul Coordinating Secretariat for Plantation Areas
15. Cooray Upali Revolutionary Marxist Party
16. David Kumar Janatha Tharunayo
17. Dayaratne S. Sri Lanka Eksath Guru Sangamaya
18. Devaraj P.
19. Dissanaikie Gamini Journalist
20. Fernando Patrick Janatha Sangamaya
21. Fernando Wimal Janatha Viyaparaya
22. Gnanamuttu George
23. Hettiarachchi Nihal Eksath Viduli Sandesa Engineeru Scvaka Sangamaya
24. Hettiarachchi W.
25. Idroos M. Janatha Viyaparaya
26. Jayasinghe Harry NCC - Development Commission and National Integration Board of Service Civil International

27. Jayatilleke Dayan
28. Karunaratne Wickramabahu LSSP (New Leadership)
29. Kodagoda S. GCSU
30. Lourudusamy A. Bogawantalawa Social Action Group
31. Mahanama Gunasena GCSU
32. Maliyagoda J. Lanka General Services Union
33. Nanayakkara Vasudeva UFL
34. Pakiyannathan M. Malayaha Makkal Iyakkam
35. Pereira V. L. Hill Country Youth Assembly
36. Perera L. P. Sri Lanka Eksath Guru Sangamaya
37. Perumal P. NUW
38. Philip Pillai Rajan
39. Premasiri Sarath Ceylon Students Federation
40. Ramajiah O. A. CPW RFU
41. Ranasinghe V. Communist Labour Movement
42. Ratnayake D. A. Ceylon Youth Leagues Federation
43. Renganathan M.
44. Rodrigo W. G. Sri Lanka Eksath Guru Sangamaya
45. Santhakumar G. Students Assembly Moratuwa University
46. Santhikumar L. Malayaha Makkal Iyakkam
47. Sathiyapala S. Government United Federation of Labour
48. Seneviratne Keerthi Ceylon Estate Staffs' Union and Ceylon Plantation Services Union
49. Shanmugthasan N. Ceylon Communist Party
50. Silva J. D. Sri Lanka Eksath Guru Sangamaya
51. Siriwardene A. M. F. SCM
52. Sinderalingam P.
53. Tampoe Bala Revolutionary Marxist Party
54. Tampoe M. Democratic Workers Congress
55. Thangasamy S. Agricultural Workers Congress
56. Thiagarajah S. Ceylon Trade Union Federation
57. Thirugnanatheepan R. Hatton Social Action Centre
58. Thirunavukarasu R.
59. Thirunavukarasu V. GCSU
60. Uyangoda J.
61. Walgama K. S. Students Union Moratuwa University
62. Wickremasuriya May CMU
63. Wijesinghe Vernon CMU
64. Wimaladasan Movement for Inter-Racial Justice & Equality Northern Region
65. Yogeswaran S. Federation of Tamil Trade Unions

Paul Caspersz

Chairman

Movement for Inter-Racial Justice & Equality

25.8.79

Appendix E

HUMAN RIGHTS DAY IN JAFFNA

It was appropriate - and significant - that the most active observance of Human Rights Day this year should have been in emergency ruled Jaffna. It was also significant that the day should have been the occasion for the first North-South collaboration on human rights issues in many years. The call to observe the day by fasting and prayer, followed by a public meeting, came from the Jaffna branch of the recently-formed Movement for Inter-Racial Justice and Equality, whose President, Fr Paul Caspersz headed a contingent of delegates including many Sinhalese from MIRJE (pronounced 'Merge') and its constituent organisations in the South who travelled up to Jaffna for the day.

At the Nallur temple sacred to Goddess Kali, Mrs Amirthalingam led a group of female devotees (ranging from old ladies to little girls) in singing devotional songs during the fast, followed by a complaint to the Goddess, sung to a traditional melody, about the events of the last few months. Having heard Mrs Amirthalingam singing in her rich and powerful voice for four hours (without even a sip of water), an observer from the South remarked that as an emotional and musical experience, that alone was worth the visit to Jaffna.

There was a much smaller congregation at the ecumenical service at the Roman Catholic Cathedral, and Fr Caspersz, in his sermon, raised the question: What can the tiny Christian minority (whose leaders were conspicuous by their absence) do to safeguard human rights? His answer was to recall the story of David and Goliath. He also quoted "the programmatic manifesto" delivered by Jesus, the young Jewish carpenter, at the

synagogue in Nazareth. That, he said, was the result of being filled with the Spirit: anger against unlawful arrest, imprisonment and torture, and a passion for equality and justice for one's people.

MIRJE's organisers regarded it as an achievement that a small group of Muslims - including an MMC - also participated in the fast and prayer at their mosque.

At the afternoon's public meeting there were speeches in three languages from MIRJE delegates from the South and representatives of trade unions and social and political organisations in Jaffna. Bala Tampoe, who made a speech free of political sloganising and exactly pitched to the occasion and the consciousness of the audience, congratulated the people of Jaffna on what he called "a good beginning". M. Sivasithamparam, while expressing satisfaction at the presence of visitors from the South, pointedly reminded them that for many years the Tamil-speaking people had fought their struggles for their rights with hardly any voices being raised in the South to support them. Glancing at MIRJE's banner, he said the fundamental "justice and equality" the Tamil-speaking people wanted was the right to determine their future.

Resolutions adopted at the meeting called for the lifting of the state of emergency, the repeal of the Anti-Terrorist Act and the implementation of the Social Disabilities Act, protested against acts of torture in violation of the Constitution and demanded action against those responsible.

— Lanka Guardian, Vol 2 No 17,

1 January, 1980

(with permission of the Editor)

Appendix F

CONSTITUTION OF THE MOVEMENT FOR INTER-RACIAL JUSTICE & EQUALITY

1. Name and Address

The name of the organization shall be 'The Movement for Inter-Racial Justice and Equality' and its principal registered office will be in Colombo.

2. Aims

The aims of the Movement shall be to promote inter-racial justice and equality, in accordance with the following principles:

1. Equality of all rights among the various racial and linguistic groups in the country.
2. Opposition to communalism and racial injustice and discrimination in all their overt and covert forms.
3. Opposition in the area of inter-racial relationships to all anti-democratic policies and procedures of government, all repressive legislation and repressive action of the security forces.
4. Upholding in the area of inter-racial relationships of democratic and civil rights and human liberties.
5. Upholding of the rights to full and free citizenship of all the people of this country, including the Tamil people on the plantations and elsewhere.
6. Opposition to racial discrimination against estate workers and others in the fields of employment, education, housing and health.

7. Fostering the union of workers and peasants of all races in the struggle for inter-racial justice and equality.

3. Membership

- (a) All organizations and persons agreeing with the aims of the Movement, as set out in Clause 2, are eligible to be members of the Movement.
- (b) The founder members of the Movement will be those organizations and persons who have signed the Press Release of 25 August 1979 and/or subscribe to the Constitution as adopted at the meeting of 7 December 1979.
- (c) Other organizations and persons subscribing to the aims of the Movement, as set out in Clause 2, may apply for membership on the form prescribed by the Committee and will be enrolled on acceptance by the Committee.
- (d) The Committee will have the power to suspend and/or recommend to a General Meeting the expulsion of any office bearer or member whose conduct is deemed to be prejudicial to the interests of the Movement, such suspension or recommendation for expulsion should be ratified by a majority of the members present and voting at the General Meeting immediately subsequent to such suspension or recommendation for expulsion by the Committee. Notice of such resolution for suspension or recommendation for expulsion shall be given in the written announcement of the Meeting to Members.
- (e) An organization which is a member of the Movement may authorize any representative of itself to act on its behalf in any matter involving the functions of membership of the Movement.
- (f) The membership fee shall be Rs 120/- per year for organizations and Rs 12/- per year for persons, payable if so desired in equal monthly or quarterly instalments.

The Committee is, however, authorized to reduce this fee in cases where it is, satisfied that a member is unable to pay it.

- (g) Any member who has not paid membership fees for a period of one year shall forfeit the rights of membership.

4. Committee

- (a) The Committee shall be the Coordinating Body of the Movement. It shall carry out all decisions taken by the Movement at a General meeting. It shall be authorized to act on behalf of the Movement in all matters that may arise between General Meetings of the Movement, subject to its actions being reviewed or varied, if thought necessary, by the next General Meeting.
- (b) Where the Constitution is silent on any point or issue arising, the Committee may interpret and determine such point or issue, and report to the next General Meeting.
- (c) The Committee shall have the power to frame the relevant rules and procedures for the discharge of the functions of the Movement through its registered office.
- (d) The Committee shall consist of the following: President, Vice-President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and twelve other committee members.
- (e) Any vacancies arising during the year between Annual General Meetings shall be filled by nomination by the Committee, such nomination being subject to ratification at the General Meeting immediately following.
- (f) The Committee shall hold office for one year.
- (g) The quorum for meetings of the Committee shall be nine.
- (h) The Committee shall meet at least once a month.

5. Functions of Office-Bearers

The functions of office-bearers shall be as follows:

- (a) The President or in his/her absence the Vice-President shall preside at meetings of the Movement and of the Committee and in the absence of both any member elected by the Meeting shall preside
- (b) The Secretary shall summon all meetings of the Movement and Committee, shall keep minutes of meetings and a register of members and shall perform any other functions entrusted to him/her by the Committee,
- (c) The Treasurer shall be responsible for the collection, maintenance and disbursement of all funds of the Movement, which shall be deposited in a Bank in the name of the Movement to be operated on by the Treasurer and President or Secretary, and shall be managed by the Treasurer subject to the direction of the Committee in accordance with the rules and regulations of the Movement.
- (d) The Treasurer shall be responsible for the issue of receipts on behalf of the Movement for all moneys received and for the Statements of Accounts as and when required.
- (e) The funds of the Movement will be subject to an annual audit by an auditor appointed by the General Meeting.

6. General Meetings

- (a) General Meetings of the Movement shall be summoned when considered necessary by the Committee or within fourteen days on a requisition signed by a number of members at least equal to the quorum prevailing at any time.
- (b) At any General Meeting of the Movement, an organization which is a member of the Movement may be represented by one or more authorized representatives, provided, however, that on any motion or resolution not more than five representatives authorized for this purpose by the organization shall be entitled to vote.

(c) Notice of at least seven days shall be given for all General Meetings of the Movement.

7. Annual General Meetings

(a) Annual General Meetings of the Movement shall be held each year in the month of October,

(b) Notice of at least fourteen days shall be given for all Annual General Meetings of the Movement,

(c) Clause 6 (b) shall apply also to Annual General Meeting.

(d) The Committee for each year shall be elected at the Annual General Meeting.

(e) The audited accounts of the Movement for the preceding financial year shall be presented at each Annual General Meeting.

8. Quorum

The quorum for all General Meetings and Annual General Meetings shall be two fifths of the total registered membership or 50, whichever is less.

9. Voting

The voting at meetings of the Committee or the Movement will be by show of hands.

10. Branches

(1) The Movement may establish Branches at Regional Level consisting of members of the Movement to further the aims of the Movement, and such Branches may elect Branch Committees to conduct the activities of the Branches.

(2) The Branch as well as the Branch Committee may take whatever initiative they consider appropriate to further the aims and objects of the Movement.

(2) (a) However neither the Branch nor the Branch Committee is empowered to enter into any contract or

agreement that may impose financial and other liabilities on the Movement with any individual or Organization without obtaining authority from the Committee of the Movement.

- (3) The Committee may recommend the expulsion of a Branch Committee to the General Meeting if they consider that the said Branch or Branch Committee is acting in a manner detrimental or contrary to the aims and objects of the Movement. Notice of resolution of recommendation for expulsion shall be given in the written announcement of the Meeting to members.

11. Amendments

Any amendment to the Constitution of the Movement may be made only in the following manner:

- (a) The Committee or any member desirous of moving an amendment to the Constitution shall give notice of such motion in writing to the Secretary, who shall include the motion in the agenda for the General Meeting and give notice of it in the written announcement to members of the Meeting.
- (b) Such a motion shall be adopted if passed by a two-thirds majority of members present and voting at the Meeting.

12. Dissolution

The Movement may not be voluntarily dissolved except by resolution passed by a two-third majority of members present and eligible to vote at a Special General Meeting convened for the purpose. In this event, all debts and liabilities legally incurred should be fully discharged, and the remaining funds divided among organizations and persons proportionately to the dues paid.

MIRIE
APPLICATION FOR MEMBERSHIP

Name Organization

Address

I We support the aims and objects of MIRIE and wish to join
Affiliate to MIRIE and enclose Rs..... being subscription
for.....

.....
Date

Signature

Membership Fees:

For Individuals: Rs 12.00 per year

For Organizations: Rs 120.00 per year

Payable in instalments

Make cheques etc. payable to MIRIE

Within one month the Committee will notify you of the
acceptance of your application.

30, Puspasana Mawatha

Kandy.

MIRJE
APPLICATION FOR MEMBERSHIP

Name/Organization

Address

I/We Support the aims and objects of MIRJE and wish to join/
affiliate to MIRJE, and enclose Rs..... being subscription
for.....

.....
Date

.....
Signature

Membership Fees:

For Individuals: Rs 12.00 per year

For Organizations: Rs 120.00 per year

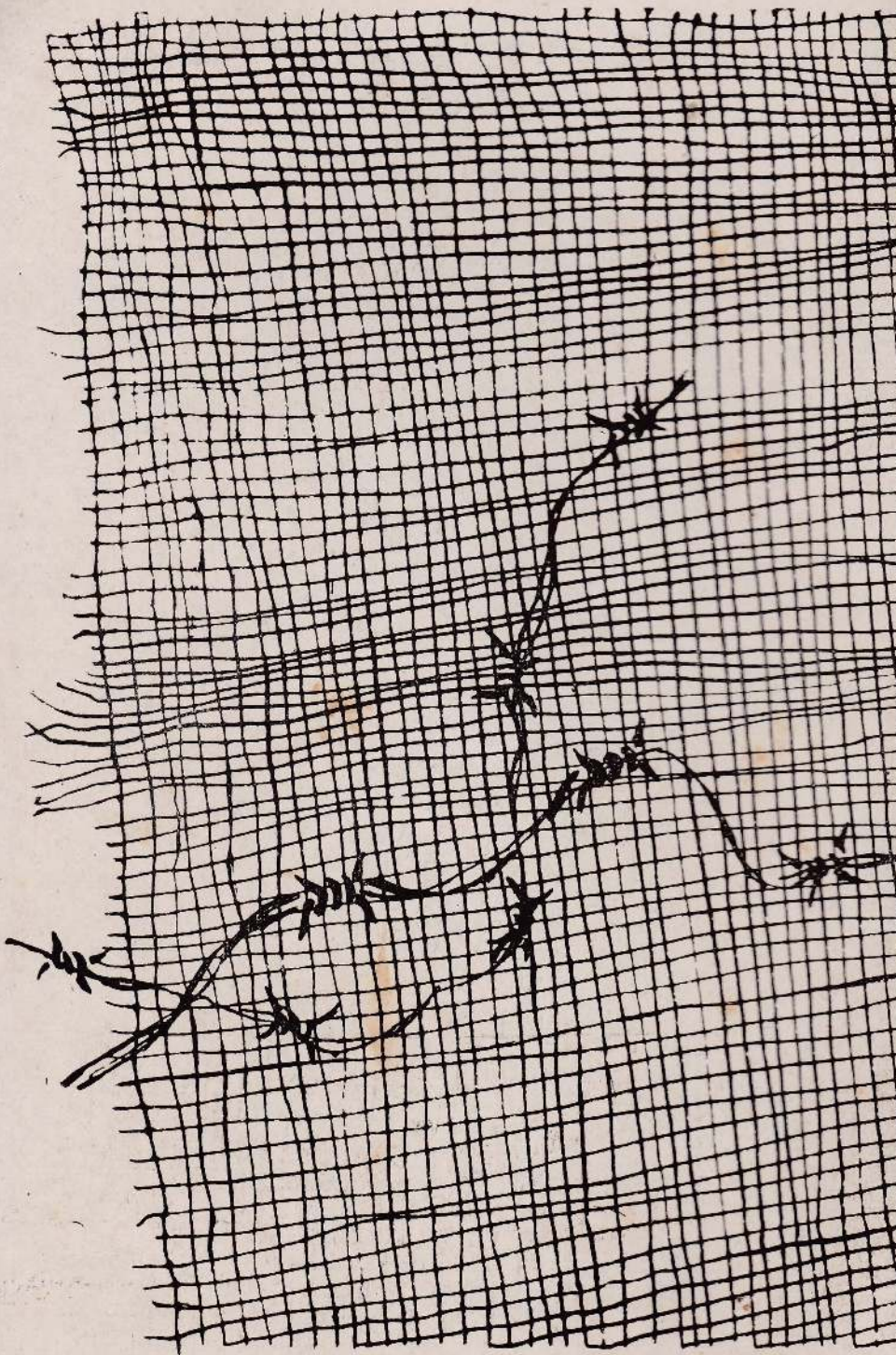
Payable in instalments.

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30, Pushpadana Mawatha
Kandy.





EMERGENCY 1979