
தீர்மானம்
கிடைத்தது

இதற்கு



Dr. K. Kumarasamy
Divisional Secretary
Vali North,
JELLIAPALAI

VII වැනි සැසි වාර්තාව - 1980

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REPORT OF THE PRESIDENTIAL COMMISSION OF
INQUIRY INTO THE INCIDENTS WHICH TOOK
PLACE BETWEEN 13th AUGUST AND
15th SEPTEMBER, 1977

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**REPORT OF THE PRESIDENTIAL COMMISSION OF INQUIRY
INTO THE INCIDENTS WHICH TOOK PLACE BETWEEN
13th AUGUST AND 15th SEPTEMBER, 1977**

REPORT OF THE PRESIDENTIAL COMMISSION OF INQUIRY
INTO THE INCIDENTS WHICH TOOK PLACE BETWEEN
13th AUGUST AND 13th SEPTEMBER, 1917

HIS EXCELLENCY JUNIUS RICHARD JAYEWARDENE,
PRESIDENT,
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

YOUR EXCELLENCY,

In pursuance of the provisions of section 2 of the Commissions of Inquiry Act (Chapter 393), I was appointed Your Excellency's Commissioner on 9th November, 1977, for the purpose of inquiring into and reporting on the following matters :—

- (1) to ascertain the circumstances and the causes that led to, and the nature and particulars of, the incidents which took place in the Island between the 13th day of August, 1977 and the 15th day of September, 1977, and resulting in—
 - (a) death or injury to persons ;
 - (b) the destruction or damage of property belonging to, or in the possession of, any person, or any State Institution or the State ;
 - (c) the robbery or theft of any such property ;
- (2) whether any person or body of persons or any organisation, or any person or persons connected with such organisation—
 - (a) committed or conspired to commit ;
 - (b) aided or abetted in or conspired to aid or abet in the commission of ; or
 - (c) in any manner assisted, encouraged, or were concerned in or conspired to assist or encourage in the commission of, any of the acts referred to in paragraph (1) ; and
- (3) to recommend such measures as may be necessary—
 - (a) to rehabilitate or assist in any other manner the persons affected by such acts ; and
 - (b) to ensure the safety of the public and to prevent the recurrence of such incidents.

I have the honour to submit my report setting out my recommendations on the Terms of Reference.

I Remain,
Your Excellency's Most Obedient Servant,

(Sgd.) M. C. SANSONI,
Commissioner.

HIS EXCELLENCY JUNIUS RICHARD LAYWARDENE
PRESIDENT
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Your Excellency,

In pursuance of the provisions of section 1 of the Commission of Inquiry Act (Chapter 383), I was appointed Your Excellency's Commissioner on 25th November, 1977, for the purpose of inquiring into and reporting on the following matters:—

(1) to ascertain the circumstances and the causes that led to and the nature and particulars of the incidents which took place in the Island between the 13th day of August, 1977 and the 15th day of September, 1977, and resulting in—

- (a) death or injury to persons;
- (b) the destruction or damage of property belonging to, or in the possession of, any person or any State institution or the State;

(c) the robbery or theft of any such property;

(2) whether any person or body of persons or any organisation or any person or persons connected with such organisation—

- (a) conspired or conspired to commit;
- (b) aided or abetted in or conspired to aid or abet in the commission of; or
- (c) in any manner assisted, encouraged, or were concerned in or conspired to assist or encourage in the commission of any of the acts referred to in paragraph (1); and

(3) to recommend such measures as may be necessary—

- (a) to rehabilitate or assist in any other manner the persons affected by such acts; and
- (b) to ensure the safety of the public and to prevent the recurrence of such incidents.

I make the honour to submit my report setting out my recommendations on the Terms of Reference.

I remain
Your Excellency's Most Obedient Servant

(Sd) M. C. SARSON
Commissioner

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P. O. No. N. 143/77.

By His Excellency WILLIAM GOPALLAWA, President and
Commander-In-Chief of The Republic of Sri Lanka

W. GOPALLAWA.

SEAL

To: MILIANI CLAUDE SANSONI, ESQUIRE,

GREETINGS:

WHEREAS it appears to me to be necessary to appoint a Commission of inquiry for the purposes hereinafter mentioned:

Now, therefore, I, William Gopallawa, President, reposing great trust and confidence in your prudence, ability and fidelity, do, in pursuance of the provisions of section 2 of the Commissions of Inquiry Act (Chapter 393), by these presents appoint you, the said Miliani Claude Sansoni, Esquire, to be my Commissioner for the purpose of inquiring into and reporting on the following matters:—

- (1) to ascertain the circumstances and the causes that led to, and the nature and particulars of, the incidents which took place in the Island between the 13th day of August, 1977 and the 15th day of September, 1977 and resulting in—
 - (a) death or injury to persons;
 - (b) the destruction or damage of property belonging to, or in the possession of, any person, or any State Institution or the State;
 - (c) the robbery or theft of any such property:
- (2) Whether any person or body of persons or any organization, or any person or persons connected with such organization—
 - (a) committed or conspired to commit;
 - (b) aided or abetted in or conspired to aid or abet in the Commission of; or
 - (c) in any manner assisted, encouraged, or were concerned in or conspired to assist or encourage in the Commission of, any of the acts referred to in paragraph (1); and
- (3) to recommend such measures as may be necessary—
 - (a) to rehabilitate or assist in any other manner the persons affected by such acts; and
 - (b) to ensure the safety of the public and to prevent the recurrence of such incidents.

And I do hereby authorize and empower you, the said Commissioner, to hold all such inquiries and make all such investigations, into the aforesaid matters as may appear to you to be necessary, and require you to transmit to me within three months from the date hereof, a report thereon under your hand, setting out the findings of your inquiries, and your recommendations :

And I do hereby direct that such part of any inquiry relating to the aforesaid matters, as you may, in your discretion, determine, shall not be held in public :

And I do hereby require and direct all State Officers and other persons to whom you may apply for assistance or information for the purpose of your inquiries and investigations to render all such assistance and furnish all such information as may be properly rendered and furnished in that behalf :

And I do hereby declare that the provisions of section 14 of the aforesaid Commissions of Inquiry Act, shall apply to this Commission.

Given at Colombo, under the Seal of the Republic of Sri Lanka, this Ninth day of November, One Thousand Nine Hundred and Seventy-seven.

By His Excellency's Command,

(Sgd.) H. C. D. WIJESINHA,
Secretary to the President.

CHAPTER I

EVENTS PRECEDING AND FOLLOWING THE DISTURBANCES OF AUGUST AND SEPTEMBER, 1977

1972-1973

The political party which was called the Federal Party was in existence from 1952. It became the Tamil United Front from 14th May, 1972, and it later became the Tamil United Liberation Front on 14th May, 1976. The Muslim United Front also joined it. The T.U.F. and the T.U.L.F. (as I call them) figured prominently in the evidence, particularly after the Republican Constitution was promulgated in May, 1972.

02. Mr. W. T. Jayasinghe, who was Secretary, Ministry of Defence and Foreign Affairs from 27th July, 1972 to 24th July, 1977, has spoken about the situation in the North after May, 1972, and mainly about the activities of the T.U.L.F. He stated that, having attacked the new Constitution, the party leaders publicly burnt copies of it, an event admitted by Mr. Amirthalingam to have occurred on 2nd October, 1972; party supporters also committed acts of violence against politicians who had supported that Constitution, such as Mr. Kumarasuriar (a Minister of the then Government) and Mr. Rajan Selvam and their families. The party, he added, also carried on a campaign to bring about the breakdown of law and order in the North. He referred to murders, attempted murders, the manufacture of firearms, and other unlawful acts.

03. The Police consequently recommended that detention orders should be made against about 50 persons between 1972 and 1974, and it was significant that while such orders were in force the acts of violence stopped. It was, therefore, reasonable to presume that the violence had been caused by those who had been taken into detention.

04. Mr. Amirthalingam admitted that when the 1972 Constitution was promulgated, the T.U.L.F. called a hartal or day of mourning on which the party members dedicated themselves to the aim of winning liberation. He also admitted that on that day black flags were flown, schools were boycotted by their pupils, and buses were stoned.

05. A protest meeting was held in Jaffna, presided over by Mr. Chelvanayakam, on 24th May, 1972. Mr. Amirthalingam and Kasi Anandan spoke at it.

06. The latter said that "the 6 Tamils who voted for the new Constitution would not die by illness, by accident, or by natural causes, but would meet their death by some other ways". Mr. Amirthalingam said: "There

will be a day for the Tamils also to use arms. Therefore, it is very necessary that they should have friendly relationship with certain organisations in foreign countries". A Police report of the meeting was produced. In his evidence Mr. Amirthalingam stated that what he said was "We are not going to use arms but a future generation may have to fight it out". I prefer to accept the report made by the Police.

07. Kasi Anandan was taken into custody on 10th June on a detention order, after he made that speech; and A.S.P., P. V. W. de Silva recorded his statement on 3 days in October and November, 1972 when he was under detention. Mr. P. V. W. de Silva was instructed on 11th June to investigate those speeches and to find out whether there was any connection between two incidents of shooting early in June and T.U.F. activities. He spoke to a spate of violence after 24th May and one political group which was responsible for the crimes, including one Sathiyaseelan.

08. Violence in the North from 1972 is a matter to which Mr. A. S. Seneviratne (who was Superintendent of Police, Jaffna from November, 1975 to September, 1977) has also spoken. He produced evidence to show that there was a militant Tamil Youth group there, which was bent on violence from that time. Circulars dated 8th June and 14th June, 1972, were issued by the Superintendent of Police, C.I.D. (S.B.) and the Superintendent of Police, Jaffna, respectively.

09. The former circular mentioned 2 incidents which took place in June: (1) on 4th June at about 7.30 p.m. 2 Tamil persons went in a taxi to the residence of Mr. Kumarakulasingham, V.C. Chairman, Nallur, who was a supporter of the then Government. They walked into his house, and one of them fired a revolver at him at point blank range, injuring his head. They got away in the same taxi, and subsequently the taxi driver was found shot dead and his taxi burnt. (2) On 7th June night 2 Tamil persons walked into the Colombo residence of Mr. A. Thiagarajah, M.P. for Vaddukodai. One of them shot at but missed him, and they both escaped in a taxi.

10. The circular stated that these 2 incidents indicated the existence of certain assassination squads, formed with the object of eliminating pro-government Tamil politicians and possibly other persons also. The Police were instructed to be on the alert to meet the threats to the security of the country.

11. The latter circular of 14th June mentioned that the militant Tamil youth group in the North were determined to do bodily harm to Tamil politicians and public servants who supported the Government. It referred to recent incidents of shooting and throwing of hand-bombs, and the necessity to round up the gang. Mr. Seneviratne stated that action was taken against them by detaining them in consequence of statements made

by them. Statements made by arrested persons to Police Officers regarding these and other incidents have been led in evidence, and they will be referred to shortly.

12. Under cross-examination by State Counsel, Mr. Amirthalingam stated that he had heard that hand-bombs had been thrown at the house of Mr. Visvanathan (who was a member of the L.S.S.P. which was then a party in the coalition Government which enacted the 1972 Constitution). He had also heard of the shooting of Mr. Kumarakulasingham, a supporter of the S.L.F.P. and of the attempted murder of Mr. A. Thiagarajah. He admitted that he knew one Sathyaseelan, an undergraduate who had organised a movement against Standardization, and who, he said, had ever since been arrested after every incident. Others whom he knew as having been arrested many times were, he said, Ariyaratnam and Sivakumaran.

13. Mr. J. D. M. Ariyasinghe who gave evidence was Superintendent of Police, Jaffna, from 1st January, 1973 to 30th October, 1975, having succeeded Mr. R. Sunderalingam. He claimed that the main threat to law and order during his period in office came from militant youths who committed violence for political motives. He related how Mr. C. Kumarasuriar (then a Minister) had to go to Velanai School to open a Sub-Post Office, on 15th January, 1973. Mr. Ariyasinghe made security arrangements that day. He saw Mr. and Mrs. Amirthalingam and Messrs. Sivasinghamparam, Kadiravelupillai and K. P. Ratnam near Velanai; and after he had spoken to them, they went on to a private land. When the Minister passed them, cries of "Traitor go back" were heard, and black flags were waved.

14. At about 8.00 p.m. Mr. Ariyasinghe was at the meeting and was told that 2 Policemen at Mankumban had arrested 2 suspects carry 25 sticks of dynamite, at a place which the Minister had to pass when he was on his return journey. The 2 suspects were Gnanasekarem alias Ranjan and A. Thason. A third suspect who ran away but was arrested later was Tissaveerasingham. The 2 arrested men had 2 detonators attached to wires and 10 batteries, with which they admitted they had intended to blow up a culvert when the Minister passed that way.

15. Mr. Ariyasinghe stated that investigations showed that the youths mentioned by him belonged to a youth group which supported the Tamil United Front, as he preferred to call the party during his term of office in Jaffna. Mr. Amirthalingam admitted that he organised the black flag demonstration, but denied knowledge of the attempted attack with explosives. It would be seen that the waving of black flags when Ministers of the then Government visited Jaffna was a regular pastime of the T.U.F. leaders. Messrs. Keuneman, George Rajapakse, N. M. Perera were thus

greeted: and Mr. N. M. Perera had a special reception in the shape of a hartal and hunger strike, which meant that shops were closed, and the schools were boycotted because the students were intimidated.

16. The investigations of a special unit revealed, said Mr. Ariyasinghe, that Ponnadurai Sathyaseelan was a person giving instructions. At one time he was the leader of the Manavar Peravai, and also an unemployed science graduate. He was arrested on 23rd February, 1973, by F. S. Perampalam (who was killed with Inspector Bastiampillai in Murunkan in 1978). He has since escaped to Canada. But his statement which has been produced in evidence revealed his activities concerning politically motivated crimes. He was questioned by A.S.P., P. V. W. de Silva assisted by P. S. Perampalam, and he revealed 30 other suspects who had associated with him, and were arrested. He also revealed several conspiracies which were entered into in 1972, and which I shall refer to presently.

17. Mr. Ariyasinghe stated that he had received information, before Mr. Kumarasuriar's visit took place on 15th January, 1973, of certain youths having made preparations to prepare bombs in the kitchen of the Kondalady Vairavar Temple in order to disrupt a meeting which Mr. Kumarasuriar was to attend at Gurunagar in February, 1972.

18. In that connection the Police had arrested certain suspects who had made statements. Acting on that information and realising that there was a danger of violence during the Minister's visit on 15th January, 1973, Mr. Ariyasinghe made elaborate security arrangements for that visit.

19. I shall now deal with the statements of Sathyaseelan and other arrested persons made to A.S.P. de Silva and other Police Officers in 1973, most of them relating to incidents which occurred in 1972. As the statements which I shall be referring to are mostly confessions, and as objections had been taken to their being produced in evidence, I intend to set out the principles upon which I acted when I allowed them to be produced.

20. It is a well established principle of the law of evidence that a statement made by a person outside the witness box is inadmissible against anyone except the maker of the statement. If the statement amounts to a confession, i.e., an admission made at any time by a person accused of an offence, stating or suggesting the inference that he committed that offence, that confession is not admissible unless it is proved to be voluntary. "Voluntary" in this context means that the confession was made without any inducement, threat or promise having caused it.

21. The person who made the confession may give evidence to show that the confession was induced by a person in authority, or another in the presence and with the sanction of such person in authority. The

tribunal dealing with the matter will, after hearing any evidence that is tendered, accept or reject the confession. If accepted, it becomes *prima facie* evidence.

22. Where there is evidence of a conspiracy, words spoken or acts done by any of the conspirators while the conspiracy is on a foot are relevant against all the conspirators. The reason is that the agreement which is the foundation of the conspiracy makes all the conspirators agents of each other for the purpose of carrying out the common agreement. But if the conspiracy has ceased to be on foot, any statements made by any conspirators thereafter will not be evidence against other conspirators, because the agency will have ceased to exist as against the others. But the statements or confessions, if admitted in evidence, will be *prima facie* evidence against the persons who made them.

23. Since many of the statements made by the persons under arrest in this matter were made to police officers, an objection to their admissibility was taken under Section 25 (1), Evidence Ordinance, which states : " No confession made to a Police Officer shall be proved as against a person accused of any offence ".

The short answer to that is that none of the makers of the confession is, so far as the proceedings of this Commission are concerned, accused of any offence. I am not trying anyone in these proceedings on any charge of having committed an offence. This Commission has no criminal jurisdiction.

24. A more pertinent answer is provided by section 7 (d) of the Commissions of Inquiry Act, Chapter 393, which states : " Notwithstanding any of the provisions of the Evidence Ordinance (a Commission appointed under this Act shall have the power) to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings ". I, therefore, over-rule the objection to the admission of confessions made to Police Officers by the arrested persons.

25. Another objection to the admission of the confessions was raised on the ground that the makers of the confessions should have been noticed to appear before the Commission, in order that they may raise any objections they might have wished to raise in regard to the admissibility of the confessions alleged to have been made by them. No such notices were issued, mainly for the reason that the Commission was not aware of the whereabouts of any of the makers. Nobody, not even the attorneys at law who raised this objection, considered it fit or necessary to move for notices on the makers. I made it clear that if they wished to appear before the Commission, I would be willing to hear them ; and I have no

doubt that the publicity given to the proceedings of the Commission would have brought that intimation of my decision, to hear them if they appeared, to the notice of any of the makers who were desirous of appearing.

26. It was stated by A. S. P. de Silva that P. Sathyaseelan, who made the first confession and set a foot the questioning of many other suspects, was in Canada. His address was not furnished by anybody. It may well be that others who made statements have also left the Island. Mr. Amirthalingam's son was stated to have taken up residence in England. Any of them who are in this Island would, I am satisfied, have appeared if they had any intention of assisting this Commission in its inquiries.

27. In any case, I am satisfied that if I hold any confession or statement made in the course of the Police inquiries to be admissible, it is not necessary that the person who made it should have notice that it was going to be produced in evidence. As I have already said, the contents of the statement will be only *prima facie* proof of what was said by the maker. It is *prima facie* evidence against him. The position in which he stands is the same as that of any other person mentioned in the evidence before me, who has not been noticed or asked for his explanation or answer in respect of any allegation made against him. My findings on such evidence will not be any higher than that a *prima facie* case has been made out, if I accept that evidence. It will be open to such persons, if further proceedings are taken against them, to appear and answer and rebut, if they desire, the allegations or charges that may be made in such further proceedings. The findings that I make in these proceedings will be based on such evidence as I have heard. I do not think that they are conclusive and final on any issues that may be raised in future proceedings.

28. Looking at the matter from a practical point of view, it seems to me that if I had to issue notices on every person against whom any evidence or allegation has been put forward, before I come to make any findings on the truth or falsity of such evidence or allegation, this Commission will not complete its tasks for some years, if then.

29. The most important statement produced in evidence is that of P. Sathyaseelan. He was produced before Inspector P. V. W. de Silva (as he then was because he was not promoted to the rank of Assistant Superintendent of Police till 1st September, 1973) by P. S. 4209 Perambalam and S. I. Martin at the C. I. D. Office, Colombo, at 3.35 p.m. on 23rd February, 1973. Mr. de Silva commenced his interrogation of the suspect at 4.30 p.m. that day and continued until 8.20 p.m. The interrogation was resumed on 25th February at 11.30 a.m. and continued until 1.30 p.m. Ten pages of C.I.D. numbered sheets show what was recorded up to that point.

30. He was questioned further on 26th and 27th February, but his statement was not recorded. Mr. de Silva stated that on those 2 days he made the suspect understand that he was satisfied that he was speaking the truth, because he would otherwise have lost confidence in Mr. de Silva. When he felt that the time was ripe to do so, he confronted the suspect with Mathiyaparanam's statement on 28th February.

31. The record of the interrogation commences again at 9.30 a.m. on 28th February. It shows that the suspect was confronted with the statement made by M. Mathiyaparanam on 7th July, 1972 to the Nallur Police (according to Mr. de Silva's evidence). It is recorded that the suspect then stated that his original statement was incorrect, and that he was aware of the persons who were responsible for most of the incidents which occurred in Jaffna, in 1972 and 1973. He was prepared to make a clean breast of what he knew. His statement thereafter was recorded until 1.00 p.m., after an adjournment for lunch it was resumed at 1.30 p.m. and continued till 4.30 p.m.

32. On 2nd March the statement was recorded again from 10.00 a.m. to 1.00 p.m.; resumed at 1.30 p.m., and the inquiry was adjourned at 3.30 p.m. for the day. The inquiry was resumed on 4th March at 10.00 a.m. and adjourned at 1.30 p.m., resumed at 2.00 p.m. and adjourned for the day at 7.40 p.m. It was resumed on 7th March at 9.00 a.m., when Mr. de Silva instructed P. S. Perambalam to question the suspect further about the descriptions, of the other suspects mentioned by him in his statement; also about their haunts, associates and their likely present whereabouts in the event of their not being in their respective houses. When the inquiry was resumed at 2.45 p.m. on 7th March, the statement of P. Sathyaseelan was further recorded. He stated that he was arrested by C. I. D. Officers on the morning of 23rd February and produced at the C. I. D. Office that same evening, since when he had been detained at the C. I. D. Office. The suspect's statement concluded after about 2 further pages of typewritten matters were recorded.

33. I might state that altogether 45 pages of typewritten matter are covered by the recorded statement. Except for the first 10 pages, which are handwritten, all the other pages are typewritten and are signed at the bottom of each page by the suspect. P. S. Perambalam was the typist, who also assisted in the interrogation; he also interpreted the entire statement recorded each day to the suspect, who has, according to the record, admitted that it was correct.

34. Mr. de Silva stated, under cross-examination by Mr. Shanmugalingam, that Sathyaseelan expressed his willingness to make a voluntary statement and showed no reluctance about making one. He also stated

that all the other statements recorded by him and Inspector Bastianpillai were made voluntarily and willingly. He pointed out that Mr. Ariyasinghe stated in evidence that he visited the investigation room very frequently.

35. Mr. Ariyasinghe stated, under cross-examination by Mr. Shanmugalingam, that he met Sathyaseelan twice in the C. I. D. Office, and the latter spoke to him on a number of matters. On neither occasion did he complain of any harassment by the Police; nor did Mr. Ariyasinghe notice anything unusual in him to indicate that he had suffered at the hands of the Police. Those two occasions which he met Sathyaseelan were, first, about two days after his arrest, and subsequently a week after his arrest. He was arrested in the early hours of 23rd February, and brought to Colombo.

36. Mr. Shanmugalingam questioned Mr. Ariyasinghe about Inspector Bastianpillai also, and whether he was aware of a general complaint that the latter used third degree methods and harassed suspects. He replied that there had been allegations made on platforms, and once or twice in Parliament, to that effect. He added that as S.P., Jaffna, during that period, under whom the Inspector was working in the Special Unit, he was never at any stage informed of such a thing, nor was any complaint made to him to that effect. Mr. Ariyasinghe also stated that he had occasion to question a large number of suspects. He also used to go and check up on their food. None of them complained to him of any harassment by Inspector Bastianpillai, nor did he notice any injury on them.

37. Mr. de Silva was able to speak on his own behalf and deny any suggestions that statements or confessions recorded by him were not voluntary. I accept his evidence. Inspector Bastianpillai was murdered in 1978 and is therefore unable to deny the suggestions made that he used third degree methods. Mr. Ariyasinghe's evidence is in the Inspector's favour. If there had been any such unfair methods used, the best persons to have spoken about that would have been the suspects who made confessions. But not one of them has chosen to come forward and substantiate the allegations against the Inspector. It is not suggested that they are all dead. Their whereabouts would be known to persons who were their associates, but nothing has been disclosed on that subject. On the evidence before me I hold that the confessions made to Inspector Bastianpillai were also voluntary. The records of those confessions which I shall refer to are signed by him and the suspects, and that is sufficient proof of their authenticity. I shall now refer to some of the confessions which have been produced.

38. (1) Sathyaseelan referred in his confession to a conspiracy to throw hand-bombs at Mr. C. Kumarasuriar, when the latter attended a reception in appreciation of his appointment as a nominated Member of Parliament. It was to take place on 12th February, 1972. The suggestion was made to

him by one Senathirajah, he said, from whom he received Rs. 25. He conveyed the idea to one Sothilingam, who agreed to manufacture the bombs and asked for Rs. 10 which was given to purchase ingredients for that purpose. A suitable place had to be found for the manufacture of the bombs; and Sathyaseelan said that he and one Sivarajah went to Mathiaparanam's house to obtain his assistance. The plan was to make the bombs on the morning of 12th February, as the meeting was to be held at Gurunagar later that day.

38A. Mathiaparanam suggested the Kondalady Vairavar Temple as a suitable place and added that the key of the kitchen there was with him. On the morning of the day of the meeting, according to Sathyaseelan, he along with Rajakulasuriyar, Kuvendrarah and two others who were to make the bombs went to the Temple; and the ingredients for making the bombs were carried in a cane basket.

39. At the Temple, he said, he found Mathiaparanam, Sivarajah and Sothilingam. The kitchen was open, and the makers of the bombs went into it with the basket; Sathyaseelan, Mathiaparanam and Sothilingam were in the library of the Temple. At some point of time, 7 or 8 persons ran up shouting "catch them, catch them", whereupon Sothilingam, Mathiaparanam and Sathyaseelan bolted away.

40. Sinniah Kuvendrarah was questioned by Sub-Inspector Vigneswararajah on 3rd and 4th August, 1973, at the Upper Bungalow, Fort, Jaffna. His recorded statement has been produced, but I am not taking it into account as the Sub-Inspector is no longer in the Island, having gone to Dubai. His involvement in the conspiracy has also been spoken to by Mr. Rajakulasuriyar who made a statement to the Magistrate, Jaffna, on 9th July, 1972, which has been produced.

41. According to that statement, Kuvendrarah informed Rajakulasuriyar of the intended throwing of bombs at Mr. Kumarasuriar at a meeting at Gurunagar to be held on 12th February, 1972, evening. He also introduced Rajakulasuriyar on the 12th morning to Sathyaseelan; and when Sathyaseelan asked Rajakulasuriyar whether the latter was prepared "to undertake this job", he agreed to do so.

42. Later that day, Rajakulasuriyar met Kuvendrarah by agreement and they went together to the Kondalady Vairavar Temple: Sathyaseelan and Mathiaparanam later joined them, and there were two other persons also there. Rajakulasuriyar left them and went out to have his lunch together with Kuvendrarah, and on the way back Sothilingam came up to them and told them that everything had gone wrong and Sathyaseelan had run away.

43. On 10th July, 1972, M. Mathiaparanam made a statement to the Magistrate, Jaffna, which has been produced. He stated that he met Sathyaseelan, who was brought by K. Sivarajah, on 11th February, 1972. Sathyaseelan asked him for the key of the kitchen of the Kondalady Vairavar Temple in order to keep something there, and he agreed to give it. They met by agreement at the Temple library on the 12th morning, and he gave the key to Sathyaseelan. Later, when Sathyaseelan and Kuvendrarahah and Mathiaparanam were talking to each other outside the Temple, Sathyaseelan told Kuvendrarahah to cut the electric wire at the meeting at Gurunagar; and that he (Sathyaseelan) would provide a car and a person to throw a hand-bomb at the meeting platform. Mathiaparanam protested against such conduct, but when Sathyaseelan threatened him he agreed to join them. I need not refer to the rest of that statement.

44. It is clear that there was a conspiracy between Sathyaseelan, Rajakulasuriyar and Mathiaparanam to make and throw hand-bombs at Mr. C. Kumarasuriar—when he attended the meeting at Gurunagar on 12th February, 1972.

45. (2) Another conspiracy which Sathyaseelan referred to in his confession on 28th February was to tamper with the high tension towers at Murugandy. He stated that on 20th May, 1972, he went to Maniam's house at Neeraviady. He there met Kasi Anandan, Anandavinayagam, Senathirajah, Amarasingham, Jeyam and Maniam. Anandavinayagam there said that the 22nd should be observed as a day of mourning and the Jaffna Peninsula should be kept in darkness on Republican Day. All those present unanimously agreed to the suggestion. Maniam said that Jeyam was a former employee of the Electricity Board who could attend to that; and Jeyam said he knew the nuts and bolts that should be removed to bring down the electric towers at Murugandy and he had the necessary tools.

46. On the 21st, said Sathyaseelan, he went to Maniam's house where Maniam and Anandavinayagam were; Jeyam came with spanners. Maniam went out and brought a car driven by Rajalingam. At about 2 p.m. these five persons set out and picked up Amarasingham on the way: they drove up to a point 2 miles from Mankulam junction, and leaving Rajalingam in the car they walked to the towers.

47. Jeyam and Maniam, he said, removed the nuts and bolts from three towers, but from one of those three they were able to remove only some of the nuts and bolts. The towers did not fall. They returned to the car and drove back to Jaffna. He subsequently learnt from the newspapers that the towers had collapsed. The statement made by Velupillai Subramaniam alias Maniam to Inspector Bastianpillai at the Upper Bungalow,

Fort, Jaffna, starting at 4 p.m. on 31st July, 1973, has been produced. It is recorded there that he was asked if he knew Sathyaseelan, and whether he had gone with him to Mankulam in connection with damaging the high tension towers. His reply as recorded was that he knows Sathyaseelan since some months prior to May 1972, and also Kasi Anandan who introduced him to Sathyaseelan after a meeting to protest against the New Constitution. He then proceeded to make his statement, which was recorded, regarding the trip to Mankulam on 21st May.

48. At a certain point, a portion of Sathyaseelan's statement and a portion of Amarasingham's statement were read to him, and he was informed that the statement so far made by him and recorded was incorrect. The record then reads: "Maniam at this stage stammers and is not in a position to explain himself. He informs me that he had made some mistakes in his statement as he has forgotten the incident. He wants time to recollect the incident and make the statement tomorrow. Now the time is 6.30 p.m. Inquiry adjourned. The statement so far made is read over, explained in Tamil and admitted to be correct. The time is now 6.45 p.m.". There are signatures of the Inspector and V. Subramaniam at the foot of the statement.

49. On the next day at 10 a.m. the recording of the statement was resumed. Subramaniam is recorded as having stated: "I made a statement yesterday, in which I have concealed certain material facts. I am now prepared to make a clean breast of all what I know. I am after breakfast. I have no complaints to make regarding the treatment meted out to me. I slept early last night and I am fit to make a statement. In my statement yesterday I have stated that Sathyaseelan brought in a person to the car when it stopped at Kilinochchi which is incorrect."

50. Then follows a different version, when he stated that it was 18th May when Kasi Anandan introduced Sathyaseelan to him, and that he had not met Sathyaseelan prior to that or seen him before. He then stated that he met Sathyaseelan the next day at Amarasingham's cycle shop on being called there by Sathyaseelan. Anandavinayagam, a boy called Jeyam and Amarasingham were in the shop.

51. Sathyaseelan told him there that 22nd May, 1972, should be observed as a day of mourning and the Jaffna peninsula should be in darkness. He and Anandavinayagam agreed, as the Constitution was not in any way favourable to the Tamil speaking people. Jeyam then said that it was a simple matter if the tower at Mankulam was dismantled, and he knew how it should be done.

52. Sathyaseelan, Anandavinayagam and he decided to go and dismantle the transmission tower, and Sathyaseelan asked him to engage a car. At about 11.30 a.m. the next day those there and Jeyam left by car, driven by Rajalingam. They got out of the car (except Rajalingam) and walked to the towers. Sathyaseelan and Jeyam removed nuts and bolts but the

tower did not collapse. They walked about a mile to the car. Where Sathyaseelan informed Rajalingam what they had been doing, the latter found fault with Subramaniam and said that he would not have come on such a mission if he had known.

53. About 3 weeks later, Subramaniam said, there were no lights in Jaffna, and he subsequently read in the papers that the Mankulam tower had collapsed and sabotage was suspected. He added that he did not meet Senathirajah or Kasi Anandan at Amarasingham's shop when they planned to cause damage to the tower.

54. I find that there is a *prima facie* case against Sathyaseelan, Jeyam, Maniam *alias* V. Subramaniam and Anandavinayagam that they conspired to tamper with these high tension towers and in fact caused damage to them. Mr. de Silva stated in evidence that the towers collapsed on 11th June 1972, and Jaffna was in darkness that day.

55. (3) In his statement to Mr. de Silva, Sathyaseelan stated that about a week after Republic Day, 1972, when he was at Amarasingham's cycle shop, Anandavinayagam and Maniam came there and told him that Sivasothy master was supporting the government and hand bombs must be thrown at his house. Sooriyakumaran, Kuvendrarakajah and Amarasingham heard what he was told about Sivasothy. Maniam gave Sathyaseelan Rs. 20 and asked him to purchase potassium and monosilin, and asked him to hand over those two items to Sooriyakumaran to manufacture the hand bombs. Sathyaseelan said that he gave the money to Kuvendrarakajah because the latter said he knew from where those articles can be purchased : and about an hour later he returned with two parcels which he opened and handed over to Sooriyakumaran.

56. He stated that Sooriyakumaran ground the monosilin in the cycle shop, but when he wanted to make the bombs there Amarasingham objected as it was a rented house. Sooriyakumaran said he would make them in an open stretch of land at Ariyalai and hand them to Amarasingham, and the gathering dispersed.

57. On the following day, he stated, he returned to Amarasingham's shop. The latter showed him 4 hand bombs in 4 bottles. At about 7.30 p.m. Anandavinayagam, Periyathamby and Amarasingham removed two bombs saying that they would throw them at Sivasothy master's house ; it was Amarasingham who carried them in a paper bag. Those three rode off. About 15 minutes later Amarasingham and Periyathamby returned, and the former told Sathyaseelan and Maniam that "the former" threw 2 bombs at Sivasothy's house while Maniam watched.

58. (4) Amarasingham's statement to Mr. de Silva on 23rd March, 1973 also refers to a conspiracy to throw bombs at one Viswanathan's house and how he handed over two bombs for that purpose to Kirubainathan as agreed between himself, Maniam, Sathyaseelan and Sooriyakumaran. He also

mentioned that it was agreed that the house of Sivasothy should be bombed. Sooriyakumaran made the bombs (four in all) and they were kept in Amarasingham's shop. Amarasingham admitted that he handed over one more bomb the next night to Anandavinayagam to be given to Nithyanandan with instructions to throw it at Sivasothy's house. He has also admitted in that statement that he handed over a bomb to Nithyanandan, who told him that Senathirajah wanted it to throw at the house of Sunderarajah. The reason given was that Sunderarajah had garlanded a Government M.P. who had come to Manipay.

59 Sathyaseelan has not mentioned any agreement with Amarasingham or the other person mentioned by Amarasingham, to bomb Visvanathan's house. He stated that about 4 or 5 days after Sivasothy's house was bombed, he asked Amarasingham about the two unused bombs, and the latter replied that he accompanied Kirubainathan to Visvanathan's house and Kirubainathan threw the two bombs at that house.

60. On these two statements of Amarasingham and Sathyaseelan respectively, it must be held that Sathyaseelan was not a conspirator in the matter of bombing Viswanathan's house. I find that there was a conspiracy between Sathyaseelan and Amarasingham to bomb Sivasothy's house. ✓

61. (5) The statement made by V. A. Kirubainathan on 25th September, 1975, which has been produced, does not implicate Sathyaseelan as a party to an agreement to bomb Viswanathan's house. It does contain a confession by Kirubainathan that he threw a bomb at Viswanathan's house, having obtained it from Sivakumaran. I ought to add that apart from the signature V. A. Kirubainathan appearing on every page of this confession, there are no other signatures on this production. It is not apparent, on the face of it, who recorded the confession, a matter which should not have been left in doubt.

62. (6) In his confession to Mr. de Silva, Sathyaseelan gave details of an attempt to murder Mr. Kumarakulasingham, V.C. Chairman, Nallur, and the murder of a taxi driver in the course of the same transaction. Those events took place on 4th June, 1972. He stated that he did not agree to the plan, and took no part in it.

63. K. Sivarajah was interrogated by Mr. de Silva at King's House, Jaffna on 9th March, 1973, for two hours from 1 p.m. and at 3 p.m. the recording of his statement commenced. When he spoke of a suggestion that Mr. Kumarakulasingham should be killed, he stated that he refused to be a party to it. Mr. de Silva then informed him that Sathyaseelan had described in detail the manner in which Mr. Kumarakulasingham and the taxi driver were shot at, and informed him that he should speak the truth, and asked him why Sathyaseelan should implicate him falsely. The suspect's reply was that there was no reason he could think of.

64. In point of fact, Sathyaseelan did not state that the account of this incident—which he said he had heard from one Kannady—involved Sivarajah. I consider it wrong for Mr. de Silva to have told Sivarajah that Sathyaseelan had implicated him in the shooting incident, and thereby induced him to believe that there was no way out of the situation he found himself in except by confessing his guilt.

65. There are many decisions of the courts in England on similar questions, where a suspect has been induced to make a confession which he was not prepared to make. It has been held that in every criminal case a judge has a discretion to disallow evidence, even if in law it is relevant and therefore admissible, if such admissibility would operate unfairly against an accused. In considering whether admissibility would operate unfairly, one would certainly consider whether it had been obtained in an oppressive manner, e.g., by force or against the wishes of an accused or by false representations or by a trick or by bribes or anything of that sort. In regard to statements made in answers to the police and to alleged confessions, a strict rule applies; for there is a fundamental principle of law that no answer to a question and no statement is admissible, unless it is shown by the prosecution not to have been obtained in an oppressive manner.

66. It has been said that the final test of admissibility must be the general one applicable to the admission of confessions—was or was not the confessor's will swayed by external impulses improperly brought to bear upon it, which negated his freedom of volition. It is not, of course, improper to confront a suspect with a witness who implicates him or to read to a suspect a statement made by such a witness; for that is quite different from making a false representation as to what a witness has actually stated.

67. I therefore decline to take into account the statement made by Sivarajah to Mr. de Silva, and there remain to be considered on these incidents the statements made to Inspector Bastianpillai by C. Thanapalasingham and C. Sabaratnam.

68. With regard to the statement of C. Thanapalasingham, I find that the record of it reads: "73.03.10 at 10 a.m. at King's House, Fort, Jaffna. Inquiry resumed. Note. I have questioned the suspect from 9.30 a.m. till now. He now admits having taken part in the conspiracy to shoot the Chiraman of V.C. Nallur. Shooting the taxi driver and also the V.C. Chairman and then bombing the taxi thereafter. I now proceed with his statement. Name—Chelliah Thanapalasingham states. I made an incorrect statement to you yesterday. I am now prepared to make a clean statement of the incident in which I figured in. I remember the incident in which a taxi driver was killed, V. C. Chairman, Nallur, shot at and taxi burnt.

69. It is obvious, on a reading of this record, that the suspect had made a statement the previous day to Inspector Bastianpillai. That statement is part of what he stated, and it should have been produced along with what he stated on 10th March (the next day), but it has not been produced. This omission is a fatal irregularity. It has for very many years been the law that when a confession is produced the whole confession must be taken into consideration even though it contains matter favourable to the accused, although different degrees of credit may be attached to the different parts. It is for the court or tribunal, and not for the police, to say where the truth lies in the different versions; and to produce the entire statement is the only method of ensuring that this is made possible.

70. On this particular matter there only remains to be considered the statement of C. Sabaratnam recorded by Inspector Bastianpillai on 12th March, 1973. He stated that in mid 1972, he was invited to join some persons (whom he named) to shoot Mr. Kumarakulasingham because he had garlanded Mr. Arulampalam who has supported the new Constitution, and people of that type would ruin the Tamil community very soon. He agreed to join them.

71. He spoke to having bought Rs. 5 worth of petrol, kept watch on Kumarakulasingham's movements, joined the other conspirators and travelled with them in a taxi to where the V.C. Chairman was shot at Thinnavelly.

72. The statement of C. Pathmanathan recorded by Mr. de Silva at King's House, Jaffna, on 10th and 11th March, 1973, has been produced by that officer. I have to point out that this again is only a part of a statement in which he inculpatates himself. The record shows that he was being questioned earlier than 3 p.m. on 10th March, and what has been produced is only his statement made from that time. The earlier part of the statement has not been produced. For the reasons I have already given, I am not prepared to act on this latter part of the suspect's statement. The entire statement should have been put in, so as to enable me to judge what part of it I should be willing to accept, and what part I should reject.

73. Owing to the flaws which I have pointed out, I am left only with the confession of C. Sabaratnam. There is no evidence before me, on which I can act, of a conspiracy.

74. (7) Another matter which Sathyaseelan confessed to in his statement to Mr. de Silva was a conspiracy to shoot Mr. Thiagarajah, M.P. for Vaddukoddai. He stated that about 1st June, 1972, Senathirajah told him that Thiagarajah was supporting the Government and therefore he should be shot; and he asked Sathyaseelan whether he could engage anyone to do that, and he would finance the persons and provide the firearms.

75. Subsequently, Sathyaseelan said, he met one Jeevarajah and asked him if he could help, and the latter agreed if he got the assistance of two others. Sathyaseelan said he informed Senathirajah, who gave him Rs. 100 and promised to have a firearm ready. Sathyaseelan and Jeevarajah went to Colombo where they met Boopathy, who agreed to help. Jeevarajah and Sathyaseelan returned to Jaffna. Sathyaseelan said that Senathirajah gave him two .38 revolvers and 7 or 8 rounds of live ammunition. One of the revolvers got damaged when Suriyakumaran was testing it.

76. Sathyaseelan, Jeevarajah and Tissaveerasingham next went to Visvamadu to a forest where some target practice was carried out. The revolver and 4 remaining rounds were given to Jeevarajah, and it was agreed that they should next meet near the Pillayar Kovil, Wellawatte, on the following Friday.

77. Sathyaseelan said that he met Jeevarajah as arranged, and Boopathy was also at the place where they met: with them was Niranjan who had also agreed to join in the plot. All four of them walked to Thiagarajah's house and reached it at about 6.30 p.m. He saw Jeevarajah and Boopathy entering the house: soon afterwards they came running to Galle Road, and together with Niranjan the three of them drove off in a taxi.

78. Boopathy Balavadiwetgaran made a statement to Inspector Bastianpillai at C61, Paget Road, Colombo, starting at 2.15 p.m. on 15th March, 1973. He was asked whether he knew a person called Sathyaseelan, and he replied that he came to know him in 1970 when there was a procession organised by the Tamil student union called Tamil Manavar Peravai.

79. He stated that he met Jeevarajah in January or February 1972 and they became friendly. They agreed that they would do anything on behalf of Tamils and Tamil speaking students after the draft Constitution was presented in Parliament.

80. On the day before this particular incident he, Jeevarajah and Sathyaseelan met. Sathyaseelan said that the traitors who voted for the new Constitution should be done away with, and Thiagarajah should be shot, and Jeevarajah and he (Boopathy) should go and interview Thiagarajah. Jeevarajah would shoot him while Boopathy talked to him. They arranged to meet next day near the Wellawatte Temple at about 6.30 p.m.

81. The next evening they met as arranged and there was another person who he thought was called Nirthakumar. Jeevarajah had the revolver, and Sathyaseelan was to follow the other 3 (who went in a bus) in a taxi.

82. After talking to Thiagarajah, Boopathy left him and Jeevarajah entered his room. Boopathy heard 2 revolver shots while he was coming down the stairs. Jeevarajah and Boopathy entered a taxi near which Nirthakumar was standing, and the three of them drove off to Wellawatte.

83. The statement ended at 7.00 p.m. and was read over to the suspect who admitted it to be correct.

84. A statement made by T. Jeevarajah made to the C.I.D. on 9th June, 1974, at 8.35 a.m. had been produced by Mr. de Silva. It begins "Recalled states. I have written out a portion of my involvement in the shooting of Mr. Thiagarajah last night. I have dated and signed what I have written last night. I now continue from where I have left when the inquiry was adjourned".

85. The statement then continues for 5 typewritten pages, and appears to have been recorded by Inspector Bastianpillai. It is, therefore, only the concluding part of the statement that has been produced, instead of the entirety which should have been produced.

86. Although Jeevarajah has admitted in the part of the statement produced that he fired two revolver bullets at Mr. Thiagarajah and then ran down the stairs and into the waiting taxi. I do not know what he had stated in the earlier part of his statement. In his situation I do not consider it safe to act on only the latter part of his statement.

87. Statements made to Inspector Bastianpillai by S. Sabalingam on 3rd May, 1973, and by Y. Balakrishnan on 6th May, 1973, have also been produced. They have both confessed that they joined the other conspirators, who have been mentioned by me, in the plan to shoot Mr. Thiagarajah.

88. I am left with the confessions of Sathyaseelan, Boopathy, Sabalingam and Balakrishnan, and I find that these four conspired to shoot Mr. Thiagarajah, M.P. for Vaddukodai.

89. (8) In his lengthy statement to Mr. de Silva, Sathyaseelan said that during the period when the incidents he had referred to occurred, Maniam told him that they must have some hand bombs ready to be used when necessary. Maniam gave about Rs. 25 to Anandavinayagam to purchase the ingredients necessary to manufacture the bombs, and the latter went out and returned with two parcels which he said contained monosilin and potassium. They were given to Amerasingham who placed them on top of an almirah in his cycle shop where they had gathered.

90. On the following day, when he went to that cycle shop, Sathyaseelan said he saw Kanagaratnam and Suriyakumaran grinding some explosive powder on the floor of the rear room: he too assisted them in the work. The powder was parcelled and handed to Amerasingham.

91. Some days later he said he read in the papers, that this cycle shop had been raided and Amerasingham had been arrested for unlawful possession of explosives.

92. Nagarajah Amerasingham was questioned by Mr. de Silva on 23rd March, 1973; and he said that about 2 or 3 days prior to the arrest of Anandavinayagam, Manian gave Anandavinayagam some money and asked him to bring ingredients necessary to manufacture hand bombs. Anandavinayagam brought back 3 parcels, 2 of which contained crystals while the third contained pamphlets for school children. Amerasingham said that he kept the parcels on top of his almirah in the front room. Sooriyakumar also brought him a parcel containing an ingredient of hand bombs. He learnt later that Sooriyakumar and Kanagaratnam had been grinding ingredients for the making of hand bombs in his premises, and he saw three parcels containing the ingredients on top of his almirah.

93. Amerasingham also stated that on 12th July, 1972, the Police searched his house and recovered the three parcels containing ingredients for the manufacture of hand bombs which were left by Sooriyakumar and Kanagaratnam.

94. He also admitted in his statement that he had handed a hand bomb to Nithiyanandan, and about two days later he learnt that bombs had been thrown at Sunthararajah's house.

95. Velupillai Subramaniam's statement to Inspector Bastianpillai has also been produced. He was questioned from 31st July, 1973. On 2nd August, he stated that Anandavinayagam came to his house one morning, and asked him to buy ingredients to manufacture hand bombs. Sathyaseelan, he said, had earlier told him that some bombs should be made to threaten Sivasothy and Viswanathan, so that they would not support the Government further. Subramaniam admitted that he gave Anandavinayagam Rs. 10 for the purpose much later than the bombing of Sivasothy's and Viswanathan's houses. V. Subramaniam, this suspect, has also been referred to as Maniam.

96. On the statements of Sathyaseelan, Amerasingham and V. Subramaniam, I find that they conspired to manufacture hand bombs which were in fact manufactured and kept in the possession of Amerasingham, and were used to cause damage to property.

97. The information which was supplied by Sathyaseelan in his statement to Mr. de Silva, and the further information he gathered from the other suspects who were arrested in consequence of Sathyaseelan's statement, confirmed the opinion he had held that the acts of violence in 1972

were politically motivated. The youths who participated in the offences with which I have just been dealing were, on their own admissions, doing so on political grounds against persons who they considered were supporting the then Government against the Tamils and the Tamil United Front.

98. I have referred to instances where police officers who did their duty were called traitors by leaders of the T.U.F. The youths who followed the leaders of that party, and were praised on many an occasion for doing their duty by the party, were in my opinion correctly referred to as the spearhead of that party. The material that has emerged out of the statements made by them shows clearly who was responsible for the violence that prevailed between 1972 and 1977.

99. It is not surprising that the Government decided to detain the youths who were suspected of being a security risk. And their sympathisers were the leaders of the T.U.F., naturally, because they were working in unison to achieve their common aim of discrediting the Government. Statements made by these youths while they were in custody show plainly who was responsible for many unsolved crimes. It is unfortunate that delays in different quarters resulted in their not being brought to trial.

100. Mr. Bartlett, in his written submission for the Federation of Tamil Trade Unions, has referred to the confessions which were marked as being "just pieces of waste paper with no probative value of any kind". He has erred in saying that Mr. P. V. W. de Silva did not record any of the confessions, and this has led him to argue that there was no evidence that they were voluntary, and therefore they should be rejected.

101. He has also stressed the rule of natural justice which requires a party to be noticed and heard. I have dealt with this point already. If Mr. Bartlett had furnished the address of any of the makers of the confessions, he would have assisted the Commission to carry out the requirement he based his argument upon. But he need not fear that all is lost so far as the makers of the confessions are concerned, because my findings in regard to only voluntary confessions which have been produced are not final, as I have stated earlier. An officer who is dead cannot be called to say that he recorded a confession, but I am satisfied that Inspector Bastianpillai recorded those which have been authenticated by his signature.

102. Mr. Bartlett has also protested against the leading of the evidence of certain Police and Army Officers by Senior State Counsel after 15th June, 1979. It is correct that I had, long before that date, stated that I

intended to end the sittings of the Commission on that date. But Mr. A. C. de Zoysa applied to lead the evidence of public servants and named personnel who had been involved in incidents that had been spoken to.

102A. It was in accordance with the rule of natural justice, to which Mr. Bartlett had referred in respect of the confessions, that I allowed further time in consequence of Mr. de Zoysa's application. To have refused it would, as it turned out, have resulted in clear injustice, as anyone reading the evidence will see. Senior State Counsel led the evidence of the public servants; and I am glad he did so, and relieved me of the burden of listening to witnesses who would not have had the advantage of being led by a lawyer when they gave evidence. I saw no reason to punish those witnesses merely because Mr. de Zoysa did not appear for them.

103. This is a convenient stage for me to make some comments on the criticism of Senior State Counsel, Mr. P. Tennekoon, appearing in the written submissions of the T.R.R.O. For many months, from 24th April, 1978 until the termination of the hearings on 10th December, 1979, he appeared on the directions of the Attorney General to assist me in my work as Commissioner. Until he came on the scene Mr. G. P. S. de Silva, Deputy Solicitor General, had performed that task.

104. Both Mr. Silva and Mr. Tennekoon were in constant touch with me and sought my views and advice daily, and I wish to acknowledge my indebtedness to them for the valuable assistance and information given by them in the course of my inquiries and investigations.

105. If it is suggested that Mr. Tennekoon appropriated to himself the powers given to me by the Commissions of Inquiry Act—and I think I detect a subtle, though vague, suggestion of that sort in the submissions—I consider it an entirely wrong and mischievous suggestion.

106. Mr. Tennekoon has been criticized for the lapses and shortcomings of witnesses who gave evidence at their own request, such as Mr. N. Canakeratne and the High Priest of the Naga Vihara; for not producing a Police report on a meeting, which was not in his possession and could not be traced for a very long time; for watching the interests of public officers against whom evidence was given, and leading their evidence in answer to that evidence, so that their case may not go by default; for the failure of Police officers, who were sent to make notes of speeches at election meetings, to comply strictly with the instructions governing the procedure to be followed by them. There were other matters also which were made the basis of criticism in the written submissions of the T.R.R.O.

107. I have considered these complaints, and I am not accepting them as justified. Mr. Tennekoon showed in many instances that he was mindful of the interests of both the Tamils and the Sinhalese, and not only of the

Sinhalese, as has been sought to be made out against him. It is an unfair charge that has been made, that he showed himself to be biased against the Tamils or the T.U.L.F. or any other body or person. Naturally, he considered it his duty to see that all relevant evidence that would assist the Commission was led. He led evidence of confessions made by violent youths; of election speeches made by speakers who advocated the use of violence to attain their political aims; of breaches of the law by persons who carried on a campaign of lawlessness in pursuit of their avowed intention to embarrass and paralyse the Government of the day; and of other similar matters which would not have endeared him to the persons under attack or their sympathisers. If he considered it necessary to present his case as State Counsel with earnestness, vigour and persistence, he was entitled to do so. He was entitled to use every legitimate means to assist the Commission to arrive at a just conclusion, and to lead all the evidence he considered relevant to establish the truth, at an inquiry in which there were many highly controversial questions to be investigated and decided.

108. In pursuance of Sathyaseelan's statement 8 persons were arrested on 9th March, 1973. They were Mavai Senathirajah, K. Sivarajah, T. N. Kumarasamy, Thanabalasingham *alias* Chetty, C. Padmanathan *alias* Kannadi who ran a radio shop, Chandrakumar, R. Ratnakumar and M. Balaratnam. Consequent to their statements, said Mr. Ariyasinghe, 3 others were arrested, viz.: T. Satharatnam *alias* Bada, A. Boopathy *alias* Balavadvetkaran and T. Rajalingam. All 12 were produced in the Magistrate's Court, Colombo, on 24th March, 1973 and detained.

109. Mr. Ariyasinghe further stated that on a statement by Padmanathan *alias* Kannadi, two revolvers, one locally made gun and 14 rounds of .22 ammunition were recovered from his house at Kodikamam; and on a statement by M. Balaratnam two rounds of .303 ammunition, one 12 bore empty cartridge, and 23 rounds of ammunition of different calibres were recovered from a place in Visvamadu where they had held shooting practices against kumbuk and other trees, after the attempt on Mr. Thiagarajah's life in Colombo had failed.

110. On Padmanathan's statement a further recovery was made of a 12 volt battery at Point Pedro in a pond containing 5 revolvers and 118 rounds of ammunition of different calibres.

111. On a statement made by Tissaveerasingham who was arrested on 15th March, 1973, regarding an attempt to assassinate Mr. Kumarasuriar on 15th January, 1973, one Ganesharatnam was questioned and the Police recovered 25 rounds of ammunition buried in his garden. By August 1973, said Mr. Ariyasinghe, there were 41 youths in custody.

112. Mr. Ariyasinghe referred to a hunger strike in the District Court, Jaffna premises on 15th March, 1973. A large number of youths were there from 7.00 a.m. to 6.00 p.m. It was a working day. Pamphlets against attending school were distributed. Among the participants were Mr. and Mrs. Amirthalingam, Messrs. V. N. Navaratnam, V. Tharmalingam, V. Anandasangari and other Members of Parliament.

113. I was astonished to hear that these persons, some of whom are lawyers, had the audacity to use the premises of law court in this illegal demonstration. They should have been dispersed or arrested and dealt with for contempt of Court, in addition to being prosecuted for any other offences they might have committed. Not only were they flouting the laws of the land. They were also persuading children not to obey their school teachers and to keep away from school. No wonder that discipline and respect for the law had, as the evidence shows, been steadily eroded. Lawlessness and criminal behaviour were being elevated to become a way of life. The Police, whose duty it is to see that laws are enforced and obeyed, were being defied. They would have formed their own opinions of leaders who acted in this fashion, but they would no doubt have resolved that they would under any circumstances do their duty, whoever the offenders may be.

114. Mr. Ariyasinghe has stated that the Police did not arrest T. U. F. leaders who distributed pamphlets contrary to Emergency Regulations. He thought that, like the showing of black flags, the offence was trivial and the Police had more important work to do. He was probably correct in his estimation of the situation; but there did come a time when the operation of the maxim '*de minimis lex non curat*' had to be suspended in order to make it known that a Police Officer does not always exercise his discretion in the way offenders expect of him.

115. It was on this occasion also that, according to Mr. Ariyasinghe, Mr. Amirthalingam's son, Kandeepan, was arrested for preventing children attending school. He was released after a warning, along with 2 others named Vignarajah and Ehamparam.

116. Another incident referred to by Mr. Ariyasinghe was the seizure of a boat by a Navy Patrol on 31st March, 1973, close to Point Pedro. There were 20,000 detonators in it, and 9 persons were arrested as carriers. A.S.P. Perera and Inspector Bastianpillai went to India to inquire into this case of attempted smuggling. 2 suspects Yogachandran *alias* Kuttimani and Gnanakumalam, were arrested later and kept in detention, but they were released when the Emergency ended. They were, according to Mr. Ariyasinghe, both T.U.F. supporters.

117. Mr. Amirthalingham admitted that on 22nd May, 1973, which was Republic Day, the T.U.L.F. organised a hartal and day of mourning, and the rising sun flag which was its emblem was hoisted in many places. On that day, said Mr. Ariyasinghe a bus was party burnt at Kovil, and palmyrah logs were placed on the railway lines in order to derail trains. Around that date 49 buses were attacked and damaged, about 6 buses were burnt, a number of railway carriages were damaged, and the lion flag was lowered and burnt in several places.

118. He mentioned that in such cases when the Police went to investigate they came across a wall of silence. Even in the cases of murder of Police Officers which took place in daylight at market places, road junctions and similar places, no witnesses came forward to help the Police though they would have seen what took place. It as a notorious fact in Jaffna that even when murders occur, no evidence is forthcoming, because witnesses fear the consequences. Mr. Ariyasinghe mentioned one person who dared to give information without fear. He was one Nadarajah who ran a petrol shed at Urumpirai who told Mr. Ariyasinghe in Sinhala "We are not afraid of these youngsters, it is a disgrace to the Tamil people when these things happen".

119. There were two attempts on Nadarajah's life. One was when he was stabbed from behind by two youths when he was cycling. They confessed to the crime. The other was when bombs were thrown at him in his petrol shed and he had a narrow escape. Subsequently he was killed by bombs which were thrown at the petrol shed.

120. Mr. Ariyasinghe made a comment which I consider important enough to go on record. He stated that it was the T.U.F. party that was intimate with the youths; all the suspects who were arrested were supporters of the T.U.F. and admitted that in their statements; and up to date no condemnation of the murders and other crimes had been forthcoming from the T.U.F. or T.U.L.F. leaders except for what they have said in Parliament. Even when Mr. Duraiappah was murdered and the supporters of the Government called upon the T.U.L.F. to condemn such incidents, there was no condemnation by them, nor did any of the leaders of that party attend the funeral.

121. Mr. Ariyasinghe referred to a Federal Party convention held at Mallakam on 9th September, 1973. It was addressed by Mr. Amirthalingham who called upon Tamil youths to rise up as Garibaldi called upon the youth of Italy. All he could offer them immediately was assaults by the Police, threats by the Army, jail life, suffering and may be even heroic deaths. Once there are passed they will have a free Tamil Eelam.

122. Until 5th October, 1973, there were several meetings of the Party at which the Police were condemned for taking youths into custody for demonstrating against the Government, though nothing was mentioned about the violence committed by them. It should have occurred to the speakers on those occasions that if demonstrations alone were the reason for such Police action, many T.U.F. leaders would have been detained and that there were more compelling reasons for the action taken against those youths.

123. Mr. Ariyasinghe stated that, at a meeting held at Karainagar he heard Messrs. Sivasithamparam and Amirthalingam referring to Messrs. Duraiappah and Thiagarajah as traitors, while a youth who spoke said that Inspector Bastianpillai was a traitor of the Tamils for having taken youths into custody, and when he comes to that area he will know what would happen to him. At a meeting at Gurunagar Mr. Ariyasinghe claimed to have heard Mr. Sivasithamparam speaking about Inspector Bastianpillai in the same tone.

124. During October 1973, there was a civil disobedience movement at which, Mr. Ariyasinghe said, postage stamps were cut and deliberately used on letters which were posted to the Prime Minister, with the name and address of the senders written along with an invitation to arrest them. Mr. Amirthalingam also referred to this non-violent demonstration of civil disobedience.

125. On November 1973, there was, Mr. Ariyasinghe said, a 24-hour hunger strike which was joined by hundred in every electorate. It was in support of a demand that all detainees should be released. There were no disturbances during that strike.

126. When Senior State Counsel suggested to Mr. Amirthalingam that the Tamil youths were kept in detention because they were considered a security risk, the latter replied that it was done purely to catch them and to show them that if they dared to speak of their rights they would be locked up; he termed it a vindictive measure against those youths, adding that they were periodically taken out and tortured. It is easy, of course, to make such charges. It is another matter to lead evidence to prove them. There is also the evidence led by Senior State Counsel that many of the youths who were under detention had made confessions to Police officers, to which I shall refer later.

127. Mr. Amirthalingam did, however, admit that there were incidents of violence during the period 1972 to 1974, and that several youths were, from time to time, taken into custody in that connection.

128. One more incident of 1973 mentioned during Mr. Ariyasinghe's evidence was the arrest of D. Selvarajah on suspicion of robbery of a car from Achchuveli and of gold jewellery from a shop in Jaffna. He confessed that he and his associate Thangadorai wanted to take Rs. 10,000 worth of gold to India to be sold, and to bring back arms for the Tamil Liberation Movement. It was stated by Mr. Ariyasinghe that it was very common for suspects to escape to India in high powered boats which can get there in 2 or 3 hours.

129. The first incident of the year 1974 was the I.A.T.R. Conference which ended on 10th January. I shall refer to it in some detail in another part of this Report. It was followed by two acts of arson involving buses, and assaults on Policemen that same night. Mr. Ariyasinghe said that after the Magistrate had made his order on the inquest, the latter was threatened on 18th February and he complained about that to Mr. Ariyasinghe.

130. Arising out of the incidents of 10th January, there was a bomb attack on A.S.P. Chandrasekera's jeep when he was travelling in it on 7th February. There was another bomb attack, by some youths, on 20th March when he was in his jeep. One of those youths was Sivakumarth, who attempted to shoot Mr. Chandrasekera with a pistol which did not fire. Mr. Chandrasekera has spoken of these incidents in giving evidence.

131. This same Sivakumaran had been arrested by the Police in September 1973 at the Nallur Kandasamy Kovil during the festival after he had assaulted a constable. He was charged, but failed to appear in Court in answer to the summons; he died before he could be arrested for failing to appear.

132. I might complete the story of this young man as given in evidence. On 5th June, 1974, at about 1.00 p.m., the Kopay Police received information that the People's Bank was to be attacked and a party of Policemen went in that direction. On receiving information that the suspects were running towards Neeveli, the O.I.C., S.I. Wijesundera, proceeded in that direction in his jeep. He then followed Sivakumaran who was one of the group, and Sivakumaran fired 2 shots at him which misfired. Wijesundera went up to Sivakumaran with his sub-machine gun and there was a struggle. When Wijesundera took him into custody, Sivakumaran drank some poison which he took from his waist and died that evening in hospital. A post-mortem examination was held next day.

133. From the time of his death, almost all the T.U.F. leaders including Messrs. Amirthalingam, V. N. Navaratnam and Selvadurai gathered and organised the funeral. All shops in the Peninsula were closed and pamphlets were distributed calling for a day of mourning. The funeral took place on 7th June. Just before the body was removed from the house,

seven youths cut their fingers and placed pottus of blood on the deceased's face, and hundreds of youths then did the same. T.U.F. leaders and about 15,000 others were there. Ever since, his mother was given a prominent place in the T.U.L.F. Women's Front. A pledge was taken by those present in the formula "In the name of Sivakumaran, in the name of his soul and body we undertake to continue the struggle to gain independence for Tamils, and until we gain that we will not retreat or rest". The struggle which this young man had carried on it should be added, was not a non-violent one. Thereafter, on 5th June every year his death has been commemorated by T.U.L.F. leaders and a statue has been erected in his honour by the T.U.L.F. Youth Organisation.

134. A third attempt on A.S.P. Chandrasekera's life was foiled on 21st June, 1974, when a parcel bomb was recovered on a statement made by C. Mahendran, who was arrested in connection with an attempt to rob the Kopay Rural Bank.

135. Mr. Ariyasinghe stated that Mr. Chandrasekera was due for promotion in September 1973 but it had been held up for some reason though he should have got it in 1973 when he was on the security staff of the Prime Minister. It was not true to say, as some have alleged, that he received it while he was in Jaffna, for the work he did at the I.A.T.R. Conference on 10th January, 1974.

136. On 13th January, 1974, a hartal was organised in protest against alleged Police excesses. Buses were attacked and damaged, telephone wires were cut, a bus was hijacked and an attempt was made to burn it. The unofficial Commission of Inquiry appointed by the so-called Citizens Committee of Jaffna to inquire into the incidents of 10th January, commenced its sitting on 2nd February. A bomb exploded on 8th February in a bus which was close to where Mr. Anura Bandaranaike was addressing a meeting at Tellipalai, and on 9th February there was a hartal and fast organised by the T.U.F. and its youth movement opposite the Muniappar Kovil. Mrs. Amirthalingam addressed the gathering, making references to Mr. Chandrasekera as the person responsible for the deaths on 10th January, and to Mr. Duraiappah being a traitor who was behind the incidents of that day. Mr. Ariyasinghe spoke of these matters from a report which he had received. He added that during that hartal there were the normal features of the closing of shops, boycott of schools, throwing of stones and other acts directed against public property such as attacks on buses, removal of railway lines and burning of railway carriages.

137. On 21st May, the 4 suspects, Thanabalasingham, K. Sivarajah, S. Ratnakumar and C. Padmanathan, escaped from the Anuradhapura jail in which they had been detained. On 22nd May (Republic Day) the rising sun flag was hoisted, and there were incidents of violence as usual to celebrate the day.

138. Mr. Ariyasinghe stated that on 8th September the T.U.F. held a meeting on Jaffna Esplanade which he attended. Mr. Amirthalingam appealed to the crowd there to boycott the forthcoming visit of the Prime Minister, which was to take place on 5th October, in the name of Sivakumaran, those who died at Veerasingham Hall, and those who were detained in custody.

139. On 29th September certain Tamil youths who were supported of the T.U.F. were arrested and 2 unlicensed guns, 10 rounds of SLR and LER ammunition, 8 cartridges and a machine for filling cartridges were recovered at Gurunagar from them.

140. Between 8th September and 2nd October a series of meetings were held by the T.U.F. where pamphlets were distributed and propaganda was spread urging the people to boycott the Prime Minister's visit. Just prior to that visit, among other incidents, some bombs were thrown at a heavy truck of the Kankasanturai Police. The truck was damaged, but no one was injured. Bombs were also thrown at a Kachcheri jeep. Dynamite was exploded in the house of Mr. V. Ponnambalam, the Communist Party leader of Jaffna, who interpreted the Prime Minister's speech in Tamil at a public meeting. Mr. Duraiappah was openly supporting the Government. On 2nd October lighted dynamite was thrown at the Chankathanai Railway Station the roof of which was partly blown off, and a bomb was exploded in the Grand Bazaar, Jaffna.

141. On 4th and 5th October there was an hartal organised by the T.U.F. during which shops closed and school children boycotted their schools. On the 4th there was a silent march by youths to the Nallur Kandasamy Kovil where they observed a hunger fast. The T.U.F. leaders joined them in the march. On that day bombs were exploded in the Jaffna Bus Stand.

142. Mr. Ariyasinghe also mentioned that on 3rd October stones were thrown at bus 22 Sri 2223 at Vasavillu and it was damaged, and a jeep 4 Sri 9473 was damaged by bombs at Mavittopuram; On 4th October truck 33 Sri 8902 was attacked; and on 5th October stones were thrown at bus 23 Sri 4304.

143. On the nights of 27th October and 31st October respectively two significant incidents which occurred in Madras may well have had a close connection with the violence that was taking place in Jaffna. One was the attack on the office of the Deputy High Commissioner of Sri Lanka, and the other was the attack on the Maha Bodhi Society Headquarters. Reports on these incidents furnished by the Director of the International Criminal Police Organisation, Indian Branch, and the Superintendent of Police, C.I.D., Madras, were produced by Mr. Ariyasinghe.

144. In respect of the bomb attack with high explosives on the Deputy High Commission 3 accused were charged before the Assistant Sessions Judge, viz. (1) Raju Kandeepan son of Asirvathan *alias* Amirthalingam, (2) Anandan, son of Arunachalam and (3) Albert, son of Sivalingam. In respect of the bomb attack on the Maha Bodhi Society premises, the above named 3 accused and Sandeesh, son of Subramaniam, were charged before the same Judge. They all pleaded guilty to the charges and each was fined Rs. 100, in default one month's rigorous imprisonment. All, except Sandeesh, were also sentenced to imprisonment till the rising of the Court.

145. Mr. Ariyasinghe stated that after further inquiry it was learnt that Sandeesh was Kanagasabey Sivarajah who escaped from Anuradhapura Jail on 21st May, 1974. Ananda, son of Arunachalam was Amirthalingam Ananda Anandakumar of Chunnakam, Albert, son of Sivalingam was Kirubainathan of Arlay who was an accused in the Duraiappah murder case, and Raju Kandeepan, son of Asirvathan *alias* Amirthalingam has been proved to be the son of Mr. Amirthalingam the T.U.L.F. leader.

146. On 17th November, 1974, laboratory of Urumpirai Hindu College was broken into, and dangerous chemicals such as potassium cyanide and potassium chlorate were stolen. 4 suspects between the ages of 14 and 17 were arrested. On a statement made by one of them, all the items were recovered buried in his back garden.

147. To complete the events of 1974, Mr. Ariyasinghe mentioned the highway robbery of Rs. 91,000 belonging to the M.P.C.S. Tellipalai, by armed youths who travelled in hijacked car. Mr. Yatigammana, a Police Officer who was on traffic patrol, gave chase and he was shot at through the wind-screen. Mr. Ariyasinghe explained that the Police do not take arms with them unless they anticipate trouble after receiving specific information. Mr. Yatigammana happened at the time to be returning from Mallakam Courts and followed the hijacked car after receiving information.

148. Mr. Jayasinghe has stated in evidence that detainees were released in 1975, and violence began again culminating in the murder of Mr. Duraiappah on 27th July, 1975. He was a prominent supporter of the S.L.F.P. Government. Mr. Ariyasinghe's evidence bears this out as I shall proceed to show.

149. On 3rd January, 1975, a group of released youths headed by Kasi Anandan arrived in Jaffna. They had been kept in detention from 1972, 3 others, Balaratnam, Thasan and Gnanasekeram arrived with him, but from the report made by the Police and produced in evidence he was clearly the most distinguished guest. A large crowd including Messrs. Chelvanayakam and Amirthalingam received them at the Railway Station,

and they were later garlanded on the platform and carried shoulder high to the T. U. L. F. Party Office. Mr. Ariyasinghe was present, though not in the midst of the thousands who gathered there.

150. Mr. Chelvanayakam in his speech on that occasion stated that Kasi Anandan was arrested because he had said "What is wrong with a race which ruled in the past, being desirous of ruling itself again"; he was detained in jail for no reason for over 2 years, and Tamil people consider him a hero. Kasi Anandan said that he had learnt from others who were in custody that they were tortured very badly. He also said that if Mr. Amirthalingam so orders, even 5000 youths were prepared to enter jail. Mr. Ariyasinghe gave the T.U.F. credit for having co-operated with the Police on 7th January, when nominations were received for the by-election to the K.K.S. Constituency, and during the period 7th January to 9th February when the by-election campaign was carried on.

151. On 10th January a commemoration ceremony was held regarding the deaths at the I. A. T. R. Conference the previous year. It started with the laying of wreaths by T. U. F. leaders and youths. Among those present were Vartharajah, Kasi Anandan, and Mr. and Mrs. Amirthalingam. Mr. Ariyasinghe said that he refused permission for procession, and his order was obeyed.

152. On 9th May there was an explosion on the wall of Naga Vihara caused by dynamite. No suspects were traced in that matter. On 10th May the T. U. F. held a meeting at Karainagar at which Mrs. Amirthalingam said that Inspector Bastianpillai had tortured Tamil Youths. She said also "If Tamil Nadu is achieved I do not know what would happen to the traitor" (Meaning Bastianpillai). Slogans had also been written on the walls of the A.S.P.'s home at Kankesanturai threatening him with death. He was inquiring into politically motivated crimes.

153. On 11th May a large number of Tamil youths came to Jaffna after they were released from detention. Mr. Ariyasinghe stated that their leader was Mava Senathirajah who moved closely with Mr. Amirthalingam and played a leading role in the T. U. L. F. He was the leader of the T. U. L. F. Youth Front at one stage. There also arrived Rajakulasooriyar Sabaratnam and 2 other youths. As before, Mr. Chelvanayakam and T. U. F. leaders were present to welcome them with garlands, and they were carried to a place where speeches were made. Mavai Senathirajah in a Speech said that he had learnt certain revolutionary ideas from the detainees from the South, and he would carry on the struggle. He was prepared to go to jail, and he would reorganise the youth activities.

154. From that time up to July 1975, there were a series of events which showed that these youths did not honour their undertakings on which they were released, namely, that they would not participate in active politics and violence.

155. On 18th May a car was robbed by 4 youths at Valvettiturai, at the point of revolvers; they admitted their guilt and stated that they did it to get arms for the Liberation Front.

156. On 19th May, youths who travelled in a hijacked car attempted to rob a bank at Tinnevely (the M.P.C.S. Rural Bank). They were armed with revolvers and seized the Bank Manager. As they did not obtain the necessary keys they abandoned the attempt. This offence too was committed for political reasons.

157. On 20th May, there was a meeting on the Jaffna Esplanade at which loud speakers were used, lasting from 6.20 to 9.10 p.m.; it was organised by the T.U.F. and about 5,000 persons were present. A report of that meeting was sent to the O.I.C., D.I.B., Jaffna, that same night. Mr. Ariyasinghe stated that it was tape-recorded. According to that report Mavai Senathiraja spoke of having been released by the Sinhalese Government, but he was prepared to enter jail over and over again in the freedom fight. He referred to the Tamils having no alternative but to take up arms to gain their independence, and to disobey Mr. Chelvanayakam's 'Ahimsa' call, to liberate themselves from the grip of the Sinhalese. He also said that the paramount duty of the Tamil youths today was to fight for independence, and for this they must join the Tamil Youth Front. Mr. Kovai Mahesan, Editor of Newspaper 'Suthanthiram', praised the T.U.F. for courageously conducting a "Defy the Law" procession, and said that a rare opportunity will come to the Tamils on 22nd May, to make their protest by participating in a procession. I might mention that Mr. Amirthalingham claimed that his party had nothing to do with this newspaper, but this editor has been seen by Mr. Ariyasinghe attending number of T.U.F. meetings. Mrs. Amirthalingham appealed to the mothers to play their part in the independence struggle by taking part in hundreds and thousands in the proposed unauthorised procession and meeting. Mr. Amirthalingham referred in his speech to the Vietnamese having fought for independence for 30 years with the help of Communist countries with modern arms against American imperialism. As things are now, Tamils will be forced to fight like Vietnamese. Now it has come to a stage, he said, when it is time to jump into the battle field. The freedom struggle of the Tamils will one day be like Cambodia or Vietnam, and the struggle now is leading towards that.

158. He also said that 10 Tamils were shot and killed but no inquiry was held; instead the officer concerned was promoted. It was obviously a reference to the I.A.T.R. Conference tragedy, but it is necessary to remark

that *nobody* was shot, only seven persons died of *electrocution* that day, a Magistrate held an *inquest*, and Mr. Chandrasekara was not promoted for the part he played in that incident. I do not wish to comment on political licence which is not totally absent on political platforms, but such exaggeration as I find here should, I think, be avoided.

159. Mr. Amirthalingam claimed that the political creed was founded on non-violence. He has not always adhered to this tenet. Mr. Chelvanayakam referred to the pacts that had been entered into with the previous governments and said that the Sinhalese do not want the Tamils to live together with them and they had pushed the Tamils to making a demand for separate state. He appealed to the gathering to give their wholehearted support to the policy of separation.

160. On Republic Day, 22nd May, the T.U.F. organized a hartal and civil disobedience. All processions had been banned during the period of the Emergency, but the T.U.F. which, as is obvious throughout the evidence which I have been setting out, wilfully disobeyed Emergency Regulations and other laws, started a procession from their office. The Police blocked it, and the processionists squatted on the road, as Mr. Amirthalingam has admitted, roads are meant for the movement of traffic and pedestrians, and not for squatting on. If a procession is unlawful, the processionists should disperse. Mr. Ariyasinghe said he was present there. The law breakers then started a meeting with the usual speeches.

161. In the course of those speeches, he said, the Police were referred to as dogs. He also saw some youths throwing slippers and pebbles at Police Officers. Insults were hurled at the Police. But they kept quit so as not to provoke a greater breach of the peace. Mr. Ariyasinghe was asked by State Counsel whether complaints were made by members of the public. He said that a large number were made during his time, and they were looked into. No complaints of torture were made by any suspects or their relatives, while he was Superintendent of Police, Jaffna.

162. Mr. Ariyasinghe produced a report dated 28th June, 1975, sent by him to P.I.G. (Range III) on the subject of "information of National Security importance concerning activities of Tamil Liberation Front". It begins by stating; "Some extremist Tamil Youth led by the popular youth leaders Thambidurai Muthukumaraswamy of Nallur, Pushparajah of Myliddy (both released recently from detention) and Vartharajah of Vannarponnai, Jaffna, have formed themselves into a Tamil Liberation Front with the ultimate objective of liberation of the Tamil areas in Sri Lanka to form a separate state."

163. "They have openly expressed that they will follow the path of the late militant youth leader Ponnudurai Sivakumaran of Urumpirai. They have expressed that the Ahimsa and conciliatory policy will not achieve anything, and they should follow a more forcible policy even with violence to attain their objective. Numbers of Tamil insurgent suspects released from detention have joined hands with this group.

164. "There is also information from a reliable source that, Thanabala-singham alias Chitty who escaped from Anuradhapura prison on 21.5.74, when he was in remand in connection with politically motivated crimes of murder and robbery, and who is also suspected in connection with the case of robbery of cash Rs. 92,000 from M.P.C.S., Tellipalai, was also seen at Kondavil in the vicinity of the Railway Station armed with a revolver and showing signs of possessing much money.

165. "There is also information that one of the other suspects who escaped with the first named from Anuradhapura, namely, Sivarajah alias Ratnakumar, who was also involved in the two bomb incidents at Madras and charged and convicted, had left Madras on 27th May, 1975, in order to attempt illicit entry to Sri Lanka. Chitty and his associates who are dedicated to the Tamil Liberation Movement apparently have much funds by the robberies and by smuggling with the capital earned from the robberies."

166. Reference will be made by me later to the killing of Police informants, in addition to the killing of Police officers. It is not surprising that those who are dedicated to the use of violence in order to achieve their objectives, should also be willing to use violence to destroy those who stand in the way of their accomplishing their aims. The Police will not be able to tackle a subversive movement, such as the T.U.L.F. and the Youth Movement which has figured prominently in the evidence, without receiving the assistance of informers. The youths realized this and they took action to destroy those informers.

167. Certain reports made by officers of the District Information Bureau to the Police Headquarters in Colombo have been produced. I am satisfied that such reports were genuine and were in fact made by officers whose identity it is necessary for the Police to keep secret. When it became a common practice to kill Police Officers who move about in uniform, and Police informers who are willing to take the risk of conveying information that will assist the Police to uncover an underground movement, it was essential that the identity of the officers of the District Information Bureau should not be disclosed. It was clear to me that the activities of the youth

movement had not ceased even up to the time when Senior State Counsel was leading the evidence of Police officers at the closing stages of this inquiry. I was not prepared to risk the lives of officers who can only carry on their valuable work if they can do it secretly.

168. The next incident of importance mentioned by Mr. Ariyasinghe was the murder by shooting of Mr. Duraiappah on 27th July. It has been proved that seven persons were charged in that connection but they were all acquitted. I see no point in referring to the evidence regarding persons who were suspected as the verdict of acquittal is conclusively in favour of those in whose favour it was returned.

169. When cross-examined by Mr. Shanmugalingam, Mr. Ariyasinghe admitted that Standardization, the Constitution of 1972, the I.A.T.R. incident of 1974, unemployment and the cost of living contributed to unrest among the youths. Sathyaseelan was the president of the Unemployed Graduate's Union. Mr. Ariyasinghe also stated that there was sense of grievance and frustration that existed, and if that was sorted out it would help the Police to maintain law and order. But he was clearly of the view that a large number of youths had been taken into custody on information received that they had committed thefts of cars and been involved in robberies of banks, Government establishments and Co-operative Stores. The information received was also that these acts were being done in order to find funds to buy arms in order to kill persons who were regarded as traitors to the Tamils. The persons who were suspected as participants in violence were taken into custody as security risks.

170. Questioned about allegations of torture and third degree methods said to have been used by Inspector Bastianpillai, Mr. Ariyasinghe said that while the Inspector was working under him in Jaffna for some time, he was never at any stage informed or complained to against the Inspector. He had occasion to question a large number of suspects and he used to visit them and check up on their food; but no one complained to him of any harassment by the Inspector nor did he notice any injuries on them. Despite the allegations not a single witness gave evidence in proof of them.

171. Mr. Shanmugalingam also cross-examined Mr. Ariyasinghe on the attitude of the Police toward the public. The witness denied that there was a general reluctance on the part of the public to go to a Police Station, or that persons who go there are humiliated. He admitted, however, that certain Police officers have the human weaknesses of the society from which they come. Only a certain percentage can be disciplined to become ideal Police officers. There are black sheep in the service, that is why there are stringent disciplinary rules and why strong disciplinary action is taken. He said that 25 officers were interdicted by him during the period he was

in Jaffna. After the 1971 insurgency, he said, a large number of recruits was taken in without checking on their background. Their training period was shortened from six months to less than three months and in March 1973 he got 104 recruits of that type who had to be given further training by him. He did not accept a suggestion made by Mr. Shanmugalingam that there had been a deterioration in the standard of discipline and of observed by junior officers to their superiors. This view was that the T.U.L.F. were looking for opportunities to find fault with the Police.

172. Questioned by Mr. Wijetunga, Mr. Ariyasinghe gave some particulars about the Police officers who had helped him in his work and were murdered after he had left Jaffna. He said that Inspector Bastianpillai had helped him in most of the inquiries into politically motivated violence. On statements made by suspects, they recovered firearms and a large quantity of ammunition; located places where shooting practices had been done and recovered pieces of lead and pellets. The major role in the Duraipappah murder case had been played by Inspector Bastianpillai.

173. Sub Inspector Perambalam and P.C. Balasingham and P.C. Siriwardene who had helped that Inspector were also murdered at the same time on 7th April, 1978.

174. There was Inspector Pathmanathan who investigated the I. A. T. R. Conference incidents and led evidence at the inquest. He also investigated a number of incidents of political violence such as the Puloly Bank robbery and he played a large part in the Duraipappah murder case. His motor car was burnt in his garage, the doors which were blown off by explosives on 21st August, 1977, as Mr. Seneviratne has stated. He was killed on 6th May, 1978.

175. P.C. Karunanidhi, another victim of murder on 14th February, 1977, had also played an important part in the investigation of the Duraipappah murder and arrested some of the suspects, viz., Kalapathy and Kirupakaran.

176. Two constables Nos. 753 and 6105 bearing the same surname Shanmuganathan were also murdered on 15th May, 1977. They had played a leading part in the Puloly Bank robbery inquiry and investigated the murder of P.C. Karunanidhi.

177. Inspector Kumaru, who had been Mr. Ariyasinghe's personal assistant in Jaffna and had done many very confidential inquiries, was also done to death after his retirement, on 12th June, 1978.

178. Mr. Ariyasinghe's view was that the murders of Police Officers followed a pattern and were closely associated with the politically motivated crimes. It is certainly significant that the great majority of them were

Tamils; they had inquired into politically motivated crimes, they were well acquainted with the suspects who were involved in such offences, and there was good reason to believe that both in the opinion of the T.U.L.F. leaders and the members of the Youth Front, any Tamils who worked for the Government or supported it were considered traitors to the cause of Tamil independence.

179. I consider that if a motive for killing this unprecedented number of Police Officers is to be looked for, it is to be found in the political struggle. A Police Officer has a duty to preserve the peace by day and night, to prevent crimes of all degrees, and to apprehend offenders. His powers and duties are directed not to the interests of the Police, but to the protection and welfare of the public. He often has to exercise a discretion in carrying out his duty of enforcing the law, which is a duty he owes to the public.

180. I have been going through some of the more important parts of the evidence regarding incidents that occurred during the political struggle of the period until the end of 1975. I shall now refer to the evidence concerning the years 1976 and 1977 until the middle of August 1977. A question that will arise for consideration is whether the use of force or violence, by persons who sought to achieve a particular political objective, has been proved.

181. It has been said that in a democracy the use of force for such a purpose is perhaps the worst crime of all, because it undermines freedom, which some people believe is more important than life itself.

182. Before I leave Mr. Ariyasinghe's evidence, I wish to refer to his views about the operation of the so-called liberation movements in the world. After he left Jaffna, he was in the Police Staff College in England, where he listened to lectures and had discussions with some eminent personalities from the Defence Ministry and from the Institute of Study of Conflicts. That Institute, he said, was fully devoted to the study of terrorism and other liberation movements in the world.

183. His view was that such movements have a pattern. They all start with various outward forms of protests; democratic forms like hunger strikes, the appearance of slogans and such lawful methods of protest. As he pointed out, the evidence shows that in Jaffna numerous slogans appeared during his stay there, such as "The dogs who betray will be shot", "We don't want the Sinhalese Government", "We will destroy the traitors", "Let the Sinhalese Republic be destroyed", "One Race, One Religion, That is the Tamil Nation," Mr. Egodapitiya's evidence also

contained instances of slogans written on the hospital wall in front of the house of Mr. Yogeswaran, M.P. This is to show that they stand for peaceful activities, but they have a wing that goes on using violence, starting with traitors who pass on information.

184. Propaganda is carried on for a time, from house to house in order to win over the people, and in other ways. They also try to have confrontations with the authorities, particularly the Police or the Military, trying to show that these forces are harassing them. By doing this, they try to rouse the feelings of the people against such forces and to discredit them. World propaganda is also carried on, in an effort to get organisations outside the country to support them.

185. Attempts are then made to get arms from such organisations, and once they are sufficiently armed, they openly challenge the authorities, and strike.

186. Mr. Ariyasinghe stated that in many countries, such as Cambodia, Israel, Vietnam, Cyprus and Thailand similar patterns were followed. He was struck by the similarity of the pattern in Jaffna, though he had not realised it when he was stationed there. He was puzzled then, that people who preached non-violence could resort to undercover activity in helping the youths. They publicly practise deception until they are ready to strike.

187. I have dealt at some length with the evidence of Mr. Ariyasinghe because he struck me as a conscientious, fair and able Police Officer on whose evidence I can rely.

188. I have also been puzzled by the rousing welcome receptions with which the leaders of the T.U.I.F. greeted the released detainees. No distinguished member of that party could have expected to be received with greater enthusiasm. The case presented by Senior State Counsel was that these youths, who were suspected of violent crimes and of being security risks, were in fact active members of that party or its supporting Youth Organization, and they should be treated as one group. The youths compared the spearhead of the party, dedicated to the commission of violent crimes against all persons who opposed the aims of the party or supported its opponents or hindered the achievement of the party's objectives.

189. Much has been said by the party leaders of their dedication to non-violence, ahimsa, suffering violent treatment at the hands of their opponents, and other such ideals as Mahatma Gandhi preached in his campaign for Indian Independence. He wanted his followers to be

a disciplined body of persons who would patiently bear the worst treatment they might receive from the Police and the government. He was disappointed that he could not inculcate his ideas upon them. Mr. Amirthalingam has every reason to be equally disappointed; and I have often wished, while listening to the evidence, that he had lectured his followers and admonished them in the strongest terms, when they so frequently cast the teachings of Mahatma Gandhi to the winds.

190. Mr. Seneviratne, who succeeded Mr. Ariyasinghe as Superintendent of Police, said that he was faced with a situation brought about by political motivation due to the T.U.L.F. asking for a separate state. About 42 of the more fanatical and dedicated youths were in custody when he went to Jaffna. The Police had to take counter measures to maintain law and order, because the activities of the youths as regards burning public property, throwing bombs, attempting to assassinate people and threatening them had brought the situation in the North to a low level. So the youths in return took measures to render the Police ineffective and murders of Police officers were the result. On 7th April, 1978, while this Commission was sitting in Jaffna, a team of Police officers led by Inspector Bastianpillai and including him, were murdered at Murunkan; the others killed at that place were Sub Inspector Perambalam, Balasingham and P. C. Siriwardene.

191. The Police have often been described by T. U. L. F. speakers as "an army of occupation of the Sinhalese Government", said Mr. Seneviratne, they were spoken of as acting against the Tamil people. The result was that the Police received no assistance from the public. Nobody would come forward to give evidence because the youths terrorised the general public; Tamil Police officers were spoken of by them as traitors when they conducted inquiries into politically motivated offences; and Sinhalese Police officers were obstructed in their work and received no co-operation in any way.

192. Two Police stations, at Achchuveli and Nelliady respectively, were closed. Two Tamil Members of Parliament were partly responsible for that step being taken, although Mr. Seneviratne considered that those stations were necessary. Yet another Station, at Nallur, had to be closed because the landlord, namely the Temple authorities, decided that it desecrated the temple.

193. Mr. Seneviratne mentioned an attempt by the T.U.L.F. to break the law by going in procession on 10th January, 1976, to commemorate the incidents at the I.A.T.R. Conference. He had the procession dispersed despite Mr. Amirthalingam's protest as General Secretary.

194. On 15th May, again after a Convention at Vaddukoddai, the T.U.L.F. attempted to go in a procession to Moolai. It was stopped, and the processionists travelled in lorries for some distance and again went in procession. The Police baton charged them and dispersed them. P.C. Amaraweera was injured in an attack by the crowd. Mr. Seneviratne, who had led the Police in those incidents, said that he went to meeting place at Moolai when Mr. Amirthalingam was speaking in Tamil. Having switched over to English, he said "Mr. Seneviratne, S.P. Jaffna I am telling you that what happened to Duraipappah will happen to people like you also". Mr. Amirthalingam stated in evidence regarding this incident that he merely warned the Police that they would be responsible if there was a breach of the peace, as he had heard that they were trying to deflate the tyres of the vehicles in which the gathering had come there. I prefer to believe Mr. Seneviratne on this conflict of evidence. Mr. Amirthalingam may have been in a confident and aggressive mood, with about 50,000 of his supporters in the audience listening to his warning to the Superintendent of Police.

195. He asked, when questioned about this incident, why he was not prosecuted if he threatened Mr. Seneviratne. The latter's explanation, given by him in evidence, was that if he did so his stay in Jaffna would have been very uncomfortable. Very many breaches of the law had to go unprosecuted, because the Police had plenty of work on their hands and could not spend their days in Courthouses.

196. On 22nd May, Republic Day, there was another confrontation between the Police and the T.U.L.F. Pamphlets were distributed in breach of the Emergency Regulations. Mr. Seneviratne said that some Members of Parliament and Mr. Amirthalingam were arrested for that at the Market Square. He also referred to the distribution of pamphlets in Courthouses, causing a disturbance of the Court proceedings. In practically every Courthouse, he said, this was done by the party members including Mr. Chelvanayakam, Q.C. It resulted in the Courts having to adjourn. I say again that such contemptuous actions, particularly when committed by lawyers, deserved the sternest condemnation and punishment. It may have seemed to them the surest way of attaining martyrdom for the sake of their political objective. But what happened when there was a prosecution for breach of the Regulation against the distribution of pamphlets?

197. Mr. Amirthalingam stated in evidence that the day was observed as a day of mourning and a day on which the Tamils dedicate themselves to winning liberation. He was put on trial for distributing pamphlets. Mr. G. G. Ponnambalam, Q.C. and Mr. Tiruchelvam, Q.C. and 67 lawyers, he said, appeared for him. It is common knowledge that the validity of the Emergency Regulations was questioned, and the 3 High Court Judges held

that they were not properly framed and acquitted him. An appeal filed against that decision was withdrawn by the Attorney-General. Mr. Amirthalingam, it may be said, obtained his acquittal on a point of law which he was entitled to do.

198. But it struck me that Mahatma Gandhi, whose leadership and example have so often been referred to, would have spurned to follow the course pursued by Mr. Amirthalingam; for the Mahatma proclaimed that Civil Disobedience was his object and the course of action he had decided to follow. He gave the government of India ample opportunities to prosecute him for breaches of the law, he submitted himself to the penalties prescribed by the laws he broke, he went to prison on innumerable occasions, and on one memorable day when he was brought before a Magistrate he urged that he should be given the maximum penalty, for that was the only way the Magistrate could properly carry out his duty. The Mahatma never permitted any lawyer to adduce arguments against the validity of the laws he intentionally broke, nor indeed (as far as I am aware) did he permit any lawyer to appear for him and try to secure his acquittal.

199. Mahatma Gandhi fought for independence, but throughout his life he preached and practised non-violence. As Viscount Samuel said of him: "Protest, persuasion disobedience if need be; *but not force, not killing of opponents, not outrage, not rebellion*—that was and is his message. It is conduct that is essentially religious, in the best sense of that often misused word——-what other man, looking back on his record, can survey achievements such as these . . . leadership in uplifting the spirit and exalting the dignity of a vast nation; leadership in showing the world of today and of tomorrow that the greatest results in the field of public affairs can be won by the sheer power of the human spirit, without the brutality of force". This was the tribute paid by one great statesman to another whom he acknowledged as a true leader.

200. On the evidence I have already set out, and further evidence which I shall set out, what right has Mr. Amirthalingam to claim, when questioned about the usual day of mourning on 22nd May, 1973, "Our action was essentially and fully peaceful, and to the best of my knowledge there was no violence. Our actions did not involve violence anywhere". Does he wish me to believe that in the face of the prolonged and almost continuous campaign of civil disobedience carried on by the T.U.L.F. and its associated youth movements which involved murders, acts of arson, attempted murders, bombings, acts of mischief done against public property, forcible prevention of children attending school on the so-called days of mourning and hartals, forcible closing of shops, intimidation of witnesses who could have spoken to various crimes, killings of persons who were brave enough

to give information to the Police regarding breaches of the laws of the land, violence against Police Officers who were brave enough to carry on their public duties in spite of all efforts to destroy them, and, most regrettable of all, the failure of his party members to openly condemn the commission of such crimes or to express their sympathy towards the victims, he believed it was all done peacefully and without violence?

201. I have digressed from my account of the events which Mr. Seneviratne was describing, because I wished to emphasise the difference between the practice of the Gandhian principles professed by the T.U.L.F. and the practice of them by Gandhi himself. It was said of Gandhi that "he was an entirely new kind of rebel, filled with love and devoted to non-violence, always faithfully warning his opponents of what he was going to do before he did it". He wished to introduce religion into politics, for he believed that "those who say that religion has nothing to do with politics do not know what religion means. Politics without religion are a death-trap because they kill the soul". The T.U.L.F. carried out their campaign of Civil Disobedience year after year in their own way, and they probably thought that by doing so they would achieve their goal of a separate state. To my mind, they were creating a very bad impression on the successive governments that ruled Sri Lanka and the rest of the people of the country, because the use of force and violence is not the lawful or constitutional way to win a fight for freedom. The use of the label "Gandhian" to describe the methods by which they intended to win their struggle is completely unjustified, for there is no similarity whatever between their methods and the methods prescribed by that great man. No religion worthy of that name tolerates violence. It is quite wrong to think that it is permissible to use violence to achieve political aims, or that Gandhi would have countenanced such a method.

202. In 1976 the non-aligned nations held their Conference at Colombo from 4th to 22nd August. The T.U.L.F. chose this period to indulge in a campaign of violence presumably to draw the attention of the world leaders who attended it to the plight of the Tamils in Sri Lanka. The method adopted was to commit criminal offences in Jaffna; such as burning buses and railway carriages, blowing up a transformer at Mavittapuram, and other acts against government property, and even an attempted murder of Mr. Arulampalam on 4th August. Mr. Seneviratne has mentioned 3 instances of railway carriages being set on fire and 4 instances of C.T.B. buses having been attacked in the same way. In one case he said, the Police had to fire when a bus was stopped, the conductor's collections were looted, and the bus set on fire.

203. If the purpose of the T. U. L. F. was to attract the attention of visitors to Sri Lanka, they also have proved to them that there was a part of this island where there prevailed a brazen disregard of the law, and public property was wilfully destroyed, by the enemies of peace and order.

204. Mr. Seneviratne referred to 4 bank robberies which were committed in 1976 and 1977. On 5th March, 1976, the bank at Puttur was robbed, and cash and jewellery valued at 6 lakhs stolen. On 10th May, 1976, the bank at Puloly was robbed, and cash and jewellery valued at 8 lakhs stolen. A Police team which included Inspector Pathmanathan, P. C. Karunanidhi and P. C. Shanmuganathan recovered a part of the stolen articles. On 8th September, 1977, a bank at Navanthurai was robbed, and on 12th September, 1977 a bank at Atchuvely was robbed during communal disturbances.

205. On 6th July, Mr. Seneviratne reported to the D. I. G. Police that a movement named the Tamil Eelam Liberation Organisation consisted of violent youths who had the backing of the T. U. L. F. and was the strong arm of the T. U. L. F. although the T. U. L. F. did not openly accept them. I consider that Mr. Seneviratne was justified in taking this view.

206. A report dated 31st July, 1976, was sent by an officer of the District Intelligence Bureau, Jaffna, to the Superintendent of Police, I. S. D. Colombo. It described a "reception meeting to the released Tamil youths at the T. U. L. F. Office, Jaffna", on that same day. It states that "15 youths were released from detention recently, out of which 12 of them attended this reception meeting on being invited by the T. U. L. F. and T. Y. F. (which means Tamil Youth Front). Mr. A. Amirthalingam offered each of them a Rising Sun flag by putting the flags on their shoulders".

207. The report gives a "gist of the speeches", and I quote from it (1) Mr. V. N. Navaratnam, M.P., said that "the Government was made to believe by the pro-government personalities that if the youths were arrested and detained, every activity by the youth and by the T. U. L. F. then) will cease.....and the subsequent happenings had made the government to believe that they have under-estimated the strength and support to the youths from the youth population. He posed the question, whether the government was able to put down the activities of the youths after having those youths in detention for years. No he said, instead situations became worse, and even today thousands of youths are eagerly awaiting a day to enter jail having committed political actions. He said that the youths need not fear, but listen to the orders of the leaders, and act in a non-violent way when the green light is switched on".

203. (2) Mr. M. Sivasithamparam, Secretary General, said that "more than the leaders, those youths who are here are heroes, because all Tamil leaders have not entered detention camp and endured hardships as those youths have suffered. He said that the youths who have now been charged for Duraippah murder will be definitely saved by the Tamil Attorneys-at-Law, and they are awaiting the day of the case. Youths need not fear to enter the liberation struggle, as the leaders will lead them. Only thing is for the youths to follow their footsteps".

209. (3) Mr. A. Amirthalingam, General Secretary, said that "that case that is now going on in Colombo against the Tamil leaders has a different aspect, and the youths charged for Duraippah's murder has another aspect. These youths have been given false charges and fabricated ones, and it is the duty of the T.U.L.F. to contest the case and expose many things arising out of it. The case against the leaders has become a world known one, and it is a victory for the Tamils. He said, as planned out, the Fast unto Death of the Tamil youths in detention will take place on 5th August, 1976, if the government fails to maintain charges on them or release them before the 6th. He said this fast is going to create another history to the Tamils. He said during the fast by the youths in detention is in progress, the Tamils and Tamil youths outside here should not enjoy, but must be alive to the day by day position of the fasting youths. He said the T.U.L.F. leaders are always prepared to run to the rescue of the youths".

210. Can the relationship between the T.U.L.F. and the youths be made plainer? I consider that those speeches show plainly that the T.U.F. or T.U.L.F. were entirely in sympathy with the activities of the youths, and those activities would not cease as a result of their detention but would become worse (Mr. Navaratnam). Moreover, the youths who had been detained were described as heroes, those charged with the murder of Duraippah would be definitely saved by the Tamil Attorneys-at-Law, and the leaders would lead the youths in the liberation struggle (Mr. Sivasithamparam). Further, the T.U.L.F. will contest the case against those charged with the murder of Duraippah, and the T.U.L.F. leaders are always prepared to run to the rescue of the youths (Mr. Amirthalingam).

211. It would not be out of place to refer to an incident which, according to Mr. Seneviratne, S.P., occurred opposite the Jaffna Police Station on 21st August, 1976.

212. Mr. Amirthalingam complained that in 1976 he and Mr. Sella-thambu, then M.P. for Vavuniya, and a number of lawyers had gone to the entrance to the Jaffna Fort in order to visit the prison inside the Fort.

They went to meet some young men for Killinochchi who were been released from prison that day. They were refused entry by the Police on duty, so they turned back.

213. He said that as they passed the Police barracks, stones were thrown at his car. He went to the S.P.'s Office and complained to the S.P. The latter treated him in an off-hand manner and told him to make his complaint to the Reserve P.C. While he was making his complaint, some policemen from the barracks and others from the Jaffna Stadium came out and attacked his car, in which his wife was seated, and damaged it. He himself was assaulted by a constable when an A.S.P. was by him. He complained that although the assailant was identified, no proper action was taken.

214. Mr. Navaratnam, M.P., stated that this was the last straw on the camel's back in Police-public relations. He was one of the party which went with Mr. Amirthalingam to gain admission to the Fort that day. He thought that if the same action had been taken as was taken, at about the same time, after an eminent lawyer was assaulted by the Police at Moratuwa Police Station, the incidents that followed in August 1977 would never have occurred.

215. Mr. Seneviratne gave his version of what had happened. He said that on that day Mr. Amirthalingam, Mr. Yogeswaran (who were not M. P.P. then) along with 2 M.P.P., Mr. Dharmalingam and Mr. Sellathambu, tried to enter Jaffna Fort, which is an area which can be entered only on a permit which they did not have. They had gone in order to receive, garland and take away some youths who were being released from prison after they had served sentences for disturbing the proceedings of the Magistrate's Court, Killinochchi.

216. They were refused admission, and on their way back Mr. Amirthalingam complained at the Police Station that some object had been thrown at his car in which Mrs. Amirthalingam was travelling. Mr. Seneviratne said that he asked A.S.P., J. M. Perera, to record the complaint. But as Mr. Amirthalingam wanted the statement to be recorded in the Information Book, P.C. Selladorai recorded the statement of the members of the party in the information Book on the S.P.'s instructions. The S.P. left for his residence while they were being recorded, and he was not present when the car was damaged and Mr. Amirthalingam was assaulted, but he returned on hearing those incidents.

217. An identification parade of 107 Policemen was held, but none of the witnesses could identify the assailant. However, 2 civilian clerks informed Mr. Seneviratne that they identified P.C. Ranasinghe as the assailant. He was interdicted forthwith, and after protracted proceedings he

was dealt with departmentally and dismissed with effect from 27th January, 1978, although the disciplinary inquiry was held on the day of the incident, and Mr. Amirthalingam gave evidence at the inquiry.

217A. Having heard both versions of this matter, I am satisfied that the action taken by Mr. Seneviratne was sufficient in all the circumstances and nothing more could have been done to deal with the breach of discipline on the part of P.C. Ranasinghe. The delay in completing the disciplinary proceedings was not due to any default of Mr. Seneviratne.

218. Nobody should condone any breach of discipline by a Police Officer, and it has not been condoned in this instance. Mr. Amirthalingam and Mr. Navaratnam should be satisfied with the outcome of the action taken promptly, even though the delay to terminate the proceedings was unfortunate.

219. I have no doubt that Mr. Amirthalingam himself felt that a criminal prosecution of the culprit would not succeed, or he would have commenced proceedings in his own name as he was entitled to do. Being a lawyer he would have appreciated the difficulty of following such a course.

220. A report by the O.I.C., D.I.B., Jaffna to the S.P., I.S.D., Colombo dated 12th September, 1976, describes the arrival of Mr. Amirthalingam, Secretary-General, T.U.L.F., at Jaffna, on the previous day by train. A gathering of about 1,000, mostly youths, was there. He was garlanded and carried to the front verandah. Speeches were made by Mr. N. Sivasithamparam and Mr. Amirthalingam, and I give some extracts from them.

221. Mr. Sivasithamparam said that the T.U.L.F. had indicated to the world the unity of all the Tamils in Ceylon. Whatever the government may do to crush their movement by enacting laws, the Tamils have proved that they can overcome these by defeating them. He appealed to the youths to be disciplined and to carry out instructions of the leaders of the T.U.L.F.

222. Mr. Amirthalingam said that the victory in the case was a victory for all the Tamils in the Country. The case had made history by proving that the government had carried on all sorts of illegal activities. Foreign papers and radios were anxious to know about the case and the result, because similar situations prevailed in some of those countries. He gave his lawyers credit for the result. The Tamils were able to win the case because of their intelligence, hard work and ability. Immediately after the case they had gone to Welikada Prison and met the youths in custody and informed them of the victory and assured them that the T.U.L.F. will do their best to pull them out. He also said that they have got the first victory over Duraipappah's case.

223. He said that in the coming months there will be unrest in the country and there will be some trouble in the South, and that calamity must be made use of by Tamils to intensify their movement. Till such time as the youth are called upon, the youths must be disciplined and wait for orders. The leaders were prepared to undergo any consequences—imprisonment, fine or forfeiture of property, and when the time comes the youths must be prepared even to kiss the rope.

224. If further evidence of the relationship between the T.U.L.F. and the youths is sought, it will be found here.

225. Mr. Seneviratne referred to robberies of guns which went on continuously. He also referred to two thefts of chemicals in 1976, one from the Hindu College, Urumpirai, and the other from Kankesanturai. They were probably used in the manufacture of explosives.

226. Coming to 1977, the Emergency lapsed on 17th February, and the youths who were in custody were released, apparently on 16th February. There was a reception to them that day at Jaffna Railway Station, and a report of this event was made by members of the District Intelligence Bureau to the O.I.C. of the Bureau, Jaffna, on the following day.

227. It states that at about 3.25 p.m. P. Sathyaseelan, S. Senathirajah alias Mavai Senathirajah of Maviddaporam, P. V. Tissevirasingham of Uduvil, T. Jeevarajah of Chavakachcheri and N. Anandavinayagam alias Vannai Anandan of Vannarponnai arrived at the Station. The train, which was fully crowded mostly with youths who had Rising Sun flags, was late by two hours because the youths were stopping it by pulling the communication cord at stations, to enable the general public to garland and receive the released youths.

228. When the released youths got out of the train they were decorated with Rising Sun flags instead of garlands, and carried to the outer verandah of the station. Speeches were then made by four persons, and I quote from the report.

229. Mr. A. Amirthalingam said that he was glad to receive these youths after their detention for 4 years. No one knows what will happen at any time, therefore the youths must be disciplined and extend their support to the T.U.L.F.

230. S. Senathorajah alias Mavai Senathirajah said that he had suffered a lot in detention, and hereafter his duty will be to work for the liberation of the Tamil people by achieving Tamil Eelam. He said that to achieve Tamil Eelam he is even prepared to take up arms. Even now he is prepared to go back to jail. He appealed to the youths that they should be disciplined under the leadership of Amirthalingam.

231. P. Sathyaseelan said that he had come out of jail after a period of 4 years, and even now he is prepared to go back to jail. But his ambition is to fight for the liberation of the Tamils and a Tamil Eelam achieved. He wanted the youths to get united under the T.U.L.F. banner and join in numbers to enter jail during the struggle for Tamil Eelam.

232. N. Anandavinayagam alias Vannai Anandan spoke about his sufferings in Jail, especially during the fast unto death They decided to end the fast after a letter from S. J. V. Chelvanayakam was handed to Kasi Anandan, in which he appealed to the youths to break the fast because he could not lose youths whose services were needed by the Tamils at that time.

233. After this speech the gathering dispersed and the released youths were taken in the motor vehicles of the leaders. The crowd that assembled was about 700.

234. The "fast unto death" which has been mentioned by Anandavinayagam in his speech was, according to letters produced in evidence, started by the detainees on 5th August, 1976. On 12th August, a letter was sent by Mr. Chelvanayakam to the Prime Minister in which he stated that the decision of the youths in detention was that only a group of five of them could vary the decision to fast. Those five were Kasi Anandan, Senathirajah, Anandavinayagam, Muthukumarasamy and Sathyaseelan. He asked that he and two others be allowed to meet those five. On 15th August, Mr. Chelvanayakam wrote to the Commissioner of Prisons expressing his great relief that the Commissioner has been "able to persuade the young men concerned to take milk once a day". On 16th August, the Prime Minister informed Mr. Chelvanayakam that those who were detained were security risks, and there was no necessity for anyone's intervention. On 24th August, the Prime Minister's Secretary informed Mr. Chelvanayakam that the detenus had given up their fast.

235. I have considered the reports made of the speeches delivered on 31st July, 1976 and 16th February, 1977, when the T. U. L. F. leaders welcomed the youths on their release from detention. It is clear to me that the T. U. L. F. and the youths who had been in custody were in league, as parts of one movement dedicated to the winning of independence and establishment of a separate Tamil State. It is also clear that the youths were ready and willing to use arms in the pursuit of their aims, and Mavai Senathirajah's speech is a proclamation of their intention to do just that. There are other parts of the evidence which lend support to my view.

236. Mr. Seneviratne spoke to thefts of firearms in 1977 between 15th August and 2nd September, giving the following particulars:—

On 15th August, at Kokkuvil a gun was robbed.

On 16th August, guns were robbed at Urumpirai.

On 17th August, a revolver, 2 rifles and 3 shot guns were stolen from Valvettiturai Customs House; a rifle and a revolver were stolen from the Point Pedro Customs House; 13 guns, 4 revolvers, one pistol and a sword were stolen from Chavakachcheri Court House; a gun was robbed at Araly West; and a Naval party led by Sub-Lieutenant Lingam detected the transport of 3 guns in a van which had been robbed.

On 18th August, a gun belonging to one Fernando was robbed at Chundikulam.

On 19th August, 2 guns were stolen at Atchuveley.

On 20th August, one revolver and 20 round of ammunition were stolen from Point Pedro Excise Station.

On 24th August, a gun was robbed at Chunnakam.

On 2nd September, a gun was stolen in Jaffna.

237. Another grave offence was committed on 18th August, viz., the theft of chemicals from M.P.C.S. Stores at Mathagal. The quantity was described as being sufficient to manufacture 30,000 hand bombs, or to destroy the entire Jaffna Peninsula.

238. Other incidents that happened in the North and elsewhere during the period 13th August to 15th September, 1977, upon which I have been asked to report, are dealt with elsewhere in this Report.

239. It is when dealing with the causes that led to the incidents of that particular period, and the measures that may be necessary to prevent the recurrence of such incidents, which I have also been asked to report on, that I have found it necessary to mention incidents that have occurred both before and after that period.

240. It seems to me that, before I consider the measures necessary to prevent the recurrence of incidents such as those of August and September 1977, I have to inquire into the developments that have occurred since that period. Have the relations between the T. U. L. F. and the youth movement on the one hand and the Police and security forces on the other improved? Has the situation in regard to the maintenance of law and order deteriorated, and are further measures necessary to ensure peace in the North or anywhere else in the Island?

241. I have already mentioned the murders of 9 Police Officers (including retired Inspector Kumaru). More were to follow. On 5th December, 1978, P. C. Kingsley Perera and P. C. Satchithananda were killed during the Nallur Bank robbery. 3 more were murdered by terrorists, for that is what I would choose to call them. They were P. C. Gnanasambandan of the C.I.D.

on 1st February 1979, when he was inquiring into the destruction by fire of an "Avro" aeroplane belonging to the Government owned Air Ceylon ; P. C. Sivanesan killed on 21st March, 1979 ; and Inspector Gurusamy on 1st July, 1979. The last named officer gave evidence before this Commission in Jaffna, in 1978.

242. Such brazen defiance of the criminal law cannot be disregarded by the authorities responsible for preserving the peace and the security of the State. Stringent, even severe, measures are necessary to stamp out the prevalence of such heinous crimes. Hatred for the so-called "army of occupation" or "Police dogs" and those who assisted them to trace the criminals cannot possibly justify murder ; and no decent, responsible person will, encourage or show any sympathy for the evil-minded men who broke the law with impunity.

243. It is both regrettable and significant that no sympathy or regret was expressed by the T.U.L.F. or by the terrorist youths over the deaths of these officers. Equally disturbing is the fact that none of these murders has been solved, no culprits have been traced, and no evidence has been forthcoming in regard to the circumstances under which the murderers did their foul deeds. What is indisputable and points the finger of guilt against the T.U.L.F. and their youthful allies as the culprits, is that in meeting after meeting held by the T.U.L.F. and their associates the speakers have repeatedly attacked the Police and referred to them as "Police dogs". Not a single case has been mentioned where any Sinhalese has used this term of abuse against the Police in the Northern Province.

244. I may comment again at this point on the T.U.L.F. claim to be following the Gandhian ideals and principles. Nothing could be further from the truth. I quote from a letter which Mahatma Gandhi wrote to the Viceroy (Lord Irwin) on 2nd March, 1930 : "My personal faith is absolutely clear. I cannot intentionally hurt anything that lives, much less human beings even though they may do the greatest wrong to me and mine. Whilst, therefore, I hold the British rule to be a curse, I do not intend harm to a single Englishman or to any legitimate interest he may have in India". I suggest that those who profess to follow Gandhian ideals and principles should ponder over those words and try to live according to those principles.

245. Having completed the grim story of the murders of Police officers, I might mention 3 cases where Police informants were killed in 1978. On 14th January, one Thangarajah, an informant of Inspector Thamotherampillai, was killed ; on 14th November, an informant Poopalasingham who gave certain information regarding the detention of the "Avro" aircraft was killed ; and on 13th December, another informant named Selvaraja was killed after he gave information about the Nallur Bank robbery. On 21st March, 1979, a Police informant T. Amirthalingam was shot dead.

246. When Mr. Amirthalingam was being cross-examined by Mr. Wijetunge, he was asked about the Tiger Movement which came into prominence after the 1977 communal disturbances. He admitted that there had been a certain number of violent acts which had taken place in the North, but he could not find that there was such a movement in existence. He denied that it was a part of the T.U.L.F. and relied on statements made by Brigadier Ranatunge and Superintendent of Police Egodapitiya to the effect that the violent youth movement was not supported by, or connected to, any political movement.

247. Brigadier Ranatunge giving evidence stated that he was in command of the Jaffna Peninsula from May 1978, till the end of May 1979. He had visited Mr. Amirthalingam on a number of occasions and discussed the security situation, among other things with him.

248. He denied that he told Mr. Amirthalingam that there was no connection between the terrorists in the North and any political party in the North. He did tell Mr. Amirthalingam that he had information that the T.U.L.F. had connections with the Tiger Movement, obviously referring to the Liberation Tigers of Tamil Eelam which was prescribed by law.

249. On 3rd April, 1979, he gave an interview to the local pressmen of Jaffna, who questioned him, when he was asked whether there is any political party or politician backing the Tigers or terrorists, he replied that the matter was under investigation and he could not say whether there was any connection; he also said that he did not expect any movement to give any support to them, or did he expect that anybody would like to see atrocities and harm being committed by them.

250. When he saw the report in the newspaper, he gave his observations on it to the Army Commander on 4th April.

251. Brigadier Ranatunge also stated that the Intelligence Division of the Army sent him intelligence reports, from which he learnt that there was a connection between the T.U.L.F. and the Terrorist Movement in the North.

251. He mentioned that Army personnel are not welcome in the North, and are referred to as an Army of occupation, and the Police are referred to as Police dogs. The leaders made frivolous and baseless complaints against the Army even in peaceful times, but in other parts of the country where he had commanded troops, he had received a lot of co-operation from the people of the area.

252. He also observed that prior to the outbreak of violence in August 1977, there were large number of Sinhalese people residing in the North, but after those disturbances the great majority of them have not returned.

because they are afraid to risk their lives. They feel that they are not wanted there, and they have problems about getting places in which to live. On this point, Mr. Egodapitiya has said that the Sinhalese population in his time of service there was 1,162 out of a total population of about 780,000.

253. I do not think that Mr. Amirthalingam is entitled to claim that Brigadier Ranatunge was of the view that the violent youth movement or the Tiger Movement had no connection with the T.U.L.F.

254. Mr. Egodapitiya, a senior Superintendent of Police with 33 years of service, was S.P. Jaffna from 5th July, 1978 to 5th May, 1979. He has mentioned some of the crimes committed during his stay there, and I shall refer to them.

255. In July, 1978, a retired public servant, Mr. Thuraisingham, was shot dead on his verandah. Four days later, Mr. Arulampalam who was living two door away, was shot at by a gang that attacked his house, but he escaped by running into his house.

256. The evidence of Mr. Egodapitiya showed that Mr. Arulampalam was a close supporter of the S.L.F.P. government and had been the Political Authority for Jaffna during its regime. Five attempts were made on his life; and on the advice of the Police he went to live in a safer part of the country, Colombo. He had opposed the T.U.L.F. in politics, and I think it is clear that he was the target of his political opponents.

257. Four cases of robbery were next mentioned by Mr. Egodapitiya. Two of them on C.T.B. buses, one of a cigarette company van where Rs. 15,000 was taken at revolver point, and the fourth where the Tinnavelly Post Office was robbed of about Rs. 10,000 also at revolver point.

258. On the night of 7th September, 1978, a C.T.B. bus was attacked; the attackers took the money which the conductor had, and the bus was set on fire. Then followed the robbery of school teachers' salaries in a school at Point Pedro, and an attack at Inuvil on a railway station by an armed gang who stole the station master's belongings, gagged him and put him into a room.

259. On 5th December, 1978, the bank at Nallur was robbed, 2 constables were killed and a third constable shot and injured, and over a million rupees stolen.

260. A hiring car was stopped by a youth, and later two more youths entered it. They tied up the car driver and put him into the boot of the car. A Co-operative Society Manager taking Rs. 3,000, presumably to a bank, was stopped by these persons who robbed him of the money.

261. Mr. Egodapitiya rightly said that the attacks were mainly directed against State establishments and employees, such as Co-operative Stores, Banks, School teachers, Railway Stations and their employees. The culprits were in search of large sums of money, and were defying the government. Youths were usually the persons who acted in defiance of the laws, even to the extent of killing the Policemen who were the guardians of the law. He made the point which has been made by other Police Officers, and which I consider a very significant feature in the catalogue of crimes, that the T.U.L.F. leaders were noteworthy absentees at the funerals of murdered Police Officers. What is more, those leaders never expressed sympathy with the deceased relatives, or disapproval of the acts of the criminals who committed those crimes. Even when offences went unsolved through the absence of witnesses, did the leaders of the community urge that it was the duty of citizens to assist in the investigation of offences, and that those who had any information or knowledge of the offences should go forward and state what they know? Is that not a duty cast on the leaders who wish to see offenders brought to book? Why are leaders who are so vociferous on other matters reduced to silence on such occasions?

262. Mr. Egodapitiya was questioned about an interview he gave the Press in order to find a way of improving the conditions then prevailing in the North. It also concerned the statement made in Parliament by Mr. Amirthalingam, that Brigadier Ranatunge and Mr. Egodapitiya had stated that there was no connection between any political party and the terrorist movement in Jaffna.

263. The witness's answer was that on 27th March, 1979, the Press had asked him whether the T.U.L.F. was behind the criminal activities. In reply, he told them that he could not give a direct answer to the question. He explained to them the background of the youth activities from about 1972, the involvement of the youths in criminal acts, the difficulty of apprehending them, the absence of eye-witnesses and direct evidence about the incidents. In these circumstances, while there was nothing directly to indicate that the youths were connected with any political party, it had to be remembered that the T.U.L.F. had not condemned the actions of the youths; if they had condemned them, the public of Jaffna may help to solve the crimes. The witness also produced a copy of the letter he wrote on 5th April, 1979, to the D.I.G. (Administration) in similar terms. I think there is much significance in the witness's position that, by not condemning the actions of the youths, the T.U.L.F. is at least failing in its duty to do its utmost to obtain the co-operation of the public in reducing crime, particularly as it claims to have the support of a majority of the inhabitants of the North.

264. The witness has referred, in his letter to the D.I.G., to the reception given by the T.U.L.F. leaders to Senathirajah when he was released from custody. He gave his reason for that by stating that the T.U.L.F. were

using the youths for their political ends. By so stating, it seems to me that the witness has expressed the view that there is a connection between the T.U.L.F. and the terrorist movement, for the youths comprise the terrorists. In fact he so admitted, in answer to Mr. Goonetilleke little later.

265. From 1st to 7th February, 1979, school children were made to boycott their schools during the Independence anniversary celebration, when the Prime Minister of India was in Sri Lanka on a State Visit. I strongly feel that school children should not be used as weapons or tools by one or the other parties to a political dispute. Those who indulge in such unworthy tactics display their ignorance of the true purpose of education. To force a child to show disrespect for the national flag, or the government of the country, is to start him on the road to becoming a traitor to his country. Many great writers have said that "moral education is impossible without a habitual vision of greatness"; "the vision of greatness is communicable and all education requires such habitual vision".

266. School children have keener minds than some politicians think, and I am sure that they would have little respect for men who used compulsion to keep them away from their schools and exhibited such slogans as "you have been made President to make this beautiful Lanka a cemetery". If you cannot rule the country, get out"; "if the Tamils rise up the Sinhalese race will be exterminated"; let us rise against the Sinhalese government. We shall definitely achieve a Tamil State of our own"; "those who betray the Tamil race will be food for the Tigers" and other such puerile expressions of hate. According to Mr. Egodapitiya about 50,000 students did not attend schools during that period; the T.U.L.F. did not condemn this compulsory absence: and this sad state of affairs occurred in a part of this Island, where, at one time, education was given pride of place.

267. Mr. Egodapitiya further stated that in March 1979, a bus was way-laid and a mail bag containing Rs. 20,000, was robbed. Two constables who tried to interfere were shot at. That incident was in the Kilinochchi area. He mentioned that in every such politically motivated case which was taken to Court, T.U.L.F. M.P.P. who are lawyers appeared and defended the accused. This gave the public the impression that those accused are backed by T.U.L.F. politicians, and the accused had the feeling that the politicians will protect them. The speeches of welcome made, when the youths returned to Jaffna from detention in jail, certainly went beyond the reception which a lawyer doing his professional duty by his client would accord the latter. Those receptions clearly show that T.U.L.F. leaders, including T.U.L.F. lawyers, were closely connected politically with those youths.

268. Mr. Egodapitiya and Mr. A. S. Seneviratne referred to the stringent disciplinary action taken in the Jaffna peninsula against Policemen by their superior officers, in order to eliminate any possibility of false charges being made by public. There had been interdictions and dismissals of

officers who had been guilty of breaches of discipline. But there had also been attacks on Police officers which caused them to live in a state of fear. They had been killed, and up to the time of his giving evidence he felt that the situation was continuing to deteriorate.

269. I have already expressed my own view, which is that the T.U.L.F. and the youth movement which was responsible for a great deal of violence in the Northern Province were closely connected with each other. It does not matter much by what name any group of youths chose to call themselves; what is important is that certain named youths who were taken into custody having been suspected of violence and as being security risks, have received the enthusiastic support of the leaders and other members of the T.U.L.F. when they were released; and the speeches made by T.U.L.F. leaders and the members of the group taken into custody have made it clear that they are very closely connected and have the same aims, and are dedicated to working together to achieve their aims.

270. Mr. Amirthalingam stated under cross-examination by Mr. Wijetunge that he had categorically stated in Parliament that the T. U. L. F. dissociated themselves from the acts of violence in the North in the name of the so-called youth league. I can only say that this disclaimer is entirely inconsistent with the proved association of the T. U. L. F. and prominent youth movement members, who have appeared together on many occasions and expressed their close association with each other. I have no sympathy with persons who say one thing in Parliament or in the newspapers and say the exact opposite when they find themselves in the company of persons with whom they are accused of associating.

271. There have been many occasions on which Mr. Amirthalingam has stated that the T.U.L.F. and the youths should work together and the youths should extend their support to the T.U.L.F. The youths in their speeches made on occasions when T.U.L.F. leaders were present, have explicitly stated, that they were prepared to take up arms. When a report of a speech made by Mr. Amirthalingam, appearing in the newspaper "Suthanthiram" of 10th August, 1977, containing the words "if peaceful means fail, we will get support from anywhere anyone, and even if there is bloodshed we will achieve our freedom", was put to him, he admitted that the substance of his speech was contained in those words. He tried to make out that the blood was to be shed by him and his supporters. I do not accept that interpretation. There had been numerous speeches made from T.U.L.F. platforms which show that violence was one method, which would be adopted if other means fail. Their very actions in holding meetings at which youths made speeches using the language of violence show that non-violence was not their only means of achieving their aims.

272. Mr. Yogeswaran in his evidence said he was aware that a bomb was kept in or flung into Mr. Duraiappah's car ; that in 1972 the house of Sivasothy (a L.S.S.P. supporter) was bombed, as also the house of Attorney Viswanathan ; and that in July 1975, Mr. Duraiappah was shot and killed. He admitted that on 30th July, 1977, at Valvettiturai he said in a speech that Tamil youths were in forefront of the Tamil Liberation Movement. He also remembered the time when a large number of Tamil youths were taken into custody for alleged participation in several political crimes ; he welcomed them on their release and return to Jaffna. He was aware that several Tamil youths were taken into custody in connection with Bank robberies and other robberies in Jaffna.

273. He stated in evidence that a Tamil State is a definite reality, though the government would not grant it. The Tamils will be a hindrance to the progress of the government owing to recurring communal disturbances. "We cannot help it, if there is chaos", he added. It was a "Sinhalese government" because it was elected by Sinhalese to look after Sinhalese interests. So far as the Tamils are concerned, it is a foreign government which has no right to govern the Tamil people. "We hope the police would arrest us," he added "and we would fill the jails and make it impossible for the government to rule us in the North and East". These strong expressions of disloyalty were spoken deliberately and were no doubt carefully weighed.

274. I shall now give a few instances of the advocacy of violent methods to achieve freedom from reports of election meetings held during the general election campaign of 1977. (1) At a T.U.L.F. meeting held on 11th July, 1977, at Pandarikulam in support of the candidature of Mr. Sivasi-thamparam for the Vavuniya seat, one Pusparasa used these words : "This is an election where the T.U.L.F. will be contesting. If the demands of the T.U.L.F. are not acceded to, the arms and ammunition in the hands of the Tamil youths will explode".

(2) At a T.U.L.F. meeting held on 13th July, 1977, at Nochimootai in support of the same candidate, one Santhathiyar in the course of his speech said : "If our T.U.L.F. cannot achieve our demands by peaceful means, we will have pacts with foreign countries to get weapons and fight against those police who arrested us, these prisons where we were tortured, and those courts where injustices were done to us. By doing this we will achieve our rights".

(3) At that same meeting a speech was made by Pushparasa already mentioned, in which he said : "If any member of the T.U.F. or a T.U.L.F. member of Parliament of the National State Assembly caused a split of the party by joining with any other party or government and betrayed

us, what happened to Alfred Duraiappah will happen to them". The same speaker also said : "Every mother who sends her son to the battle front... Tamil Eelam will dawn on the blood from the battle field and the tears of the mothers who are at home". These speeches were recorded by Inspector Kandasamy, then at Vavuniya, who reproduced the words used by the speakers in Tamil. I accept his record as a correct version of what was said by the speakers.

(4) Retired Inspector Nathan, who was also then in the Vavuniya Police Station, has produced a record of statements made at a T.U.L.F. meeting held on 13th July, 1977, at Pathiniymylankulam, also in support of Mr. Sivasithamparam's candidature. Pushparajah stated during his speech "This is the last election for Tamils in Sinhala Sri Lanka. If the independence of Tamil Eelam cannot be obtained by peaceful means, the youngsters are prepared to gain the same by use of weapons. If any member of the T.U.L.F. or any T.U.L.F. M.P. betrays the Tamils, what happened to Duraiappah will happen to him". He further stated that "he had no belief in elections. He believed in forcible achievement of rights".

(5) At the same meeting Mrs. Annaletchumi Ponnudurai, the mother of Sivakumaran who has been mentioned elsewhere in this Report, stated : "Every mother should send a son to the battle front. It is on the bloodshed by him and the tears of mothers, the freedom of Tamil Eelam will dawn".

Inspector Nathan recorded these speeches in Tamil, and I accept his record as a correct version of the speeches.

(6) An officer of the District Intelligence Bureau who gave evidence in camera, stated that on 30th May, 1977, he attended a meeting of the T.U.L.F. at Veemankamam, which was held to commemorate the late Mr. Chelvanayakam. He made notes of a speech made by Mavai Senathirajah in Tamil during which that speaker said : "Our father Mr. Chelvanayakam has since 1947 sacrificed his wealth, his body and his life for the sake of the Tamil people. It is our misfortune that we failed to win a Tamil State of our own during his life time. We will follow his course of action and establish a Tamil State. If such means fail, we will definitely wage war and set up the State".

275. There is no question that the speaker was urging that if the peaceful means followed by Mr. Chelvanayakam failed to establish a Tamil State, they will wage war in order to set it up. "War" in that context is not a peaceful struggle, but a violent one.

(7) Another officer of the District Intelligence Bureau who gave evidence in camera stated that he covered a meeting of the T.U.L.F. held on 19th July, 1977, at Vyaparamoolai in Point Pedro which was addressed by ten

speakers. He produced notes of a speech made by Kanaga Manoharan, in support of the T.U.L.F. candidate Mr. K. Thurairatnam. The speaker said : "For us Tamils a separate State is a must. We must fight for it. If the path of non-violence fails, we will definitely establish a Tamil State even by waging war by force of arms. Nobody can prevent that."

(8) This officer also produced notes of a speech made by Mavai Senathirajah at that meeting, he said, "A Tamil State is a must for us. We can never achieve this objective by following the path of non-violence. This can be achieved only by waging war by means of weapons. After this election we will have to take up arms and fight". The officer had made notes in Tamil which was the language in which these speeches were made. I am satisfied that he correctly recorded what was stated by the speakers.

(9) Another officer of the same Bureau who gave evidence in camera said that he covered a meeting held by the T.U.L.F. on the beach at Valvetiturai on 30th July, 1977, for the purpose of according a reception to the victorious M.P.P of the T.U.L.F. at which a speech was made by Kasi Anandan. He recorded that speech in the course of which the following was said : "The path of non-violence will never be of any help in achieving our independence. We can achieve our independence only by waging war with weapons. For this purpose our youths must flock to us in their thousands".

(10) Another speaker at that meeting was Mr. A. Amirthalingam whose speech was noted by this witness, in the course of which he said : "All this time we got no opportunity to fight for our rights. I see that our youths are ever ready to fight with arms. We will tell you when the time comes. Then you will come forward".

276. I am satisfied that this speech also was correctly recorded in Tamil, the language in which it was made. It directly contradicts Mr. Amirthalingam's claim that he has never made any inflammatory statements, and that anyone who says he did he has been tutored to perjure. He claimed, in evidence, that he had stated in Parliament that his party dissociated themselves from acts of violence ; but it is obvious that he was consorting with youths who repeatedly said and showed, that they would resort to violence and in fact did so. As far back as 24th May, 1972, at a protest meeting against the 1972 Constitution held by the T.U.L.F. Kasi Anandan's words "Those who voted for this Constitution will not die a natural death" surely should have shown Mr. Amirthalingam that the methods favoured by the Tamil youths were far different from the Gandhian methods, where this struggle for freedom was concerned.

277. I want to make it quite clear, that what is objectionable and worthy of condemnation in the speeches from which I have quoted, is the expression of views which encourage and instigate the use of violence and weapons in the bid to obtain a separate State. So far, as the population of the whole Island is concerned, the claim to a separate State is unpopular and will be resisted by the majority community. Intolerance and persecution of those who hold and express minority opinions, is wrong. So also is the killing of those who oppose or obstruct the achievement of the aims which a minority desires to achieve. It must be remembered that violence or the advocacy of it begets violence, and that is one lesson which the disturbances of August and September, 1977, should have taught us all.

03. Shortly before the Convention, a new organisation called the Muslim United Front had joined the T. U. I. T. after a shooting incident in Pattalam where a few Muslims were killed. They joined apparently on the basis that Tamils include all those in Sri Lanka whose mother tongue is Tamil.

04. The Joint Secretary-General of the T. U. I. T. wrote to the then Prime Minister on 25th May, 1978, in reply to a statement made by her on 22nd May, about the civil disobedience campaign of the T. U. I. T. "ours is a non-violent civil disobedience movement. According to the tenets of Gandhi's teachings we shall suffer whatever stern action you propose to take. History has shown such sacrifices triumph in the end."

05. According to Mr. Anura Kumara, the Northern and Eastern Provinces will comprise the new State, and the movement had the support of a large number of Muslim organisations including the Muslim United Front. Maps which have been produced show that on the West also a part of the North-Western Province, including Pattalam will be included in Eelam. He relied on the manifesto issued in Tamil, and an English translation of it in connection with the General Election of 1977. It attacked the Republican Constitution of 1972 which, it says, "has paved the way for majority community, the Sinhalese, to usurp in full under a facade of sovereignty of the people the totality of political power in this country."

CHAPTER II

THE CIRCUMSTANCES AND THE CAUSES THAT LED TO THE INCIDENTS OF AUGUST AND SEPTEMBER, 1977

(a) A matter which has been mentioned, in the evidence, as a cause of the communal disturbances, was the demand for Tamil Eelam, a separate and independent sovereign State for the Tamil-speaking citizens of Sri Lanka.

02. The political resolution unanimously adopted at the first national Convention of the T. U. L. F. held at Vadukoddai on 14th May, 1976, presided over by Mr. Chelvanayakam, is that "restoration and reconstitution of the free Sovereign secular, socialist State of Tamil Eelam based on the right of self-determination inherent to every nation, has become inevitable in order to safeguard the very existence of the Tamil nation in this country". It was the first time such a demand was made, and the party which till then had been the Tamil United Front changed its name to Tamil United Liberation Front. The essence of the resolution, according to Mr. Amirthalingam, was for the restoration and reconstitution of a separate Tamil State that existed at the time of the European conquest of Ceylon in 1505.

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05. According to Mr. Amirthalingam, the Northern and Eastern Provinces will comprise the new State, and the movement had the support of a large number of Muslim organisations including the Muslim United Front. Maps which have been produced show that on the West also a part of the North-Western Province, including Puttalam will be included in Eelam. He relied on the manifesto issued in Tamil, and an English translation of it, in connection with the General Election of 1977. It attacked the Republican Constitution of 1972 which, it says, "has paved the way for majority community, the Sinhalese, to usurp in full under a facade of sovereignty of the people the totality of political power in this country".

06. The T. U. L. F. Manifesto mentions certain grievances of the Tamils, such as the Citizenship Laws of 1948, the Sinhala Only Act of 1956 and the elevation of this law to constitutional status in the 1972 Constitution. Colonisation schemes started by the government in the "traditional Tamil homelands", education and employment opportunities in the public sector and elsewhere.

07. Liberation will be achieved, according to the Manifesto, by the Tamil-speaking members of the National State Assembly forming themselves into the National Assembly of Tamil Eelam drafting a Constitution for a new State, and bringing that Constitution into operation "either by peaceful means or by direct action or struggle".

08. It is significant that non-violence is not mentioned, and that two alternative methods have been mentioned as and when peaceful means fail. One is entitled to comment on the omission to mention that principle on which the new Constitution was to come into operation, and on the ambiguity of the alternative principles which are given equal place with "peaceful means". The ambiguity of the language in which the alternatives are clothed is surely unfortunate.

Mr. Amirthalingam explained that "peaceful means" meant negotiation, "direct action" meant Sathyagraha, "struggle" meant civil disobedience. But the words "peaceful means" would, if one had no reservations to hide, cover both Sathyagraha and civil disobedience; while "direct action" and "struggle" are elastic terms which are capable of as many interpretations as anyone could imagine; and most important of all is the non-inclusion of any reference to following the tenets of Gandhi's teaching.

09. Mr. Amirthalingam admitted that if the Constitution of 1978, which declares that the Republic of Sri Lanka is a Unitary State, cannot be amended by peaceful means, Sathyagraha and Civil Disobedience will follow after due notice has been given to the Government. Certain civil laws will be broken in a peaceful manner, and arrest and incarceration will be courted. No blood, he said, will be shed by violence on the part of his party; but his party was prepared to shed their own blood when violence is used against them.

10. I think Mr. Amirthalingam's position is that his political party, of which he is the Leader, is making a claim which it seeks to win by political and peaceful means. It hopes to persuade the Government and people of Sri Lanka to recognise the Justice of the claim and grant it, following the method prescribed in the 1978 Constitution for an amendment of any provision of the Constitution.

11. I emphasise that the decision of the T.U.L.F. claim to set up a separate State will then have to be a political one, pursued on legal and constitutional lines. There is no other method that can possibly be consi-

dered, or followed, if the demand is that the Constitution should be amended. The only way to amend the Constitution is by persuading and convincing Members of Parliament that the amendment should be allowed. If this fails, then there is no possibility of the claim to Eelam succeeding. And let it be clearly understood beyond any manner of doubt, that any other method of achieving the separate State is unlawful and unconstitutional.

12. I have, perhaps, laboured the point which I have been stressing. But it seemed to me that the view I have taken is not generally conceded by members of the T.U.L.F.. For instance, Mr. Sampanthan stated that the Tamils have no allegiance to the Constitution of the Democratic Socialist Republic of Sri Lanka; they did not participate in framing it, and they have not accepted it. He explained that he took the Oath of Allegiance to it merely for the effective performance of his duties as a Member of Parliament, to use Parliament as a forum for the vindication and achievement of the objectives of his party, and in order to retain his seat. At the same time he stated that his party would not violate the Constitution.

13. He claimed that although the Constitution declares that Sri Lanka is a Unitary State, there are two nations in it, which for centuries occupied certain territories; and that it was the British rulers who, for purposes of administrative convenience, brought these territories together. He admitted that the claim that the Constitution does not bind Tamils is not tantamount to a free licence to violate the laws of Sri Lanka. He asserted the right of the Tamils to canvass against the Constitution and to create public opinion against it by lawful means; and by all democratic means to raise objection to the Constitution, which he termed "a Constitution of Sinhalese Imperialism". He pinned his hopes on "the ability of the Sinhalese people, in whom he has the utmost faith, to think correctly, fairly and justly".

14. I was glad to hear Mr. Sampanthan state that he had always said that speeches advocating violence are against the policy of the T. U. L. F.; and to hear him express his horror of pamphlets which urged the Tamil people to burn the Sinhalese devil, because the Tamils of Trincomalee do not behave in an inhuman way.

15. I presume, however, that Mr. Sampanthan approved of the alternative methods of bringing the Constitution of Eelam into operation as stated in the Manifesto of his party. I refer to direct action" and "struggle", which even as interpreted by Mr. Amirthalingam would include civil disobedience and the breaking laws. Gandhi himself did not hesitate to break laws, in pursuance of his civil disobedience campaign.

16. Mr. Yogeswaran made it quite plain that the constitutional methods of achieving Eelam was not the only method so far as he was concerned. "A Tamil State is a definite reality, though the Government would not grant it",

and "We cannot help it, if there is chaos", he said. He foresaw recurring communal disturbances, defiance of the foreign Sinhala Government, chaos, jails filled with Tamils, and a state of near anarchy in the North and East because the Tamils will make it impossible for the Government to rule them.

17. It is a far cry from the constitutional amendment method advocated by Mr. Sampanthan wholeheartedly, and by Mr. Amirthalingam perhaps with reservations and reliance on civil disobedience, to the uncompromising, lawless, and defiant struggle for independence planned and advocated by Mr. Yogeswaran. During the General Election campaign speeches have been made at T.U.L.F. meetings, both by T.U.L.F. members and members of the Youth Movement which was closely associated with the F. U. L. F. to the effect that Eelam will be set up, if necessary by resort to violence. This aggressive attitude necessarily alarmed and antagonized the Sinhalese, who would not have been slow to react to such a threat when the appropriate moment came.

18. Another ground on which the Eelam demand would have caused resentment among the Sinhalese, or many of them, was the assertion in the Vadukoddai resolution that from the dawn of history the Sinhalese and Tamil nations have divided the possession of Ceylon between them.

19. This claim has been challenged, and it has been asserted that from the dawn of history the Sinhalese and Tamils had been living together in Sri Lanka. It would therefore be correct to say, according to the Venerable Pannaseeha Maha Nayake Thera, that the whole of Sri Lanka is the traditional homeland of the Tamils and the Sinhalese and the other communities that have lived in it.

20. If one were to look for the causes of the August upheaval, the two matters I have just mentioned may be among them. Nobody can seek to justify the violence that occurred. All one can say is that if the violence was occasioned by provocative language used in speeches made at public meetings, or by putting forward claims which are hotly disputed, it may be considered unwise to persist in such a course of conduct.

21. Since the claim to establish a separate State has been consistently maintained up to the present day, I should like to make a few observations on the wisdom of pursuing such a policy. I must state at the outset that I make no claim to be historian, so that I am not qualified to decide the validity of the demand for Eelam. But I make a few observations on the subject since it is closely connected with the matters I have inquired into.

22. It seems to be generally accepted that there had been wars between the Sinhalese and the Tamils, sometimes arising out of invasions by Tamils from South India, or as a result of attacks which Sinhalese from Sri Lanka

made in South India. Necessarily, there was a state of uncertainty as to the particular areas over which the Tamils and Sinhalese respectively ruled. Even the T.U.L.F. manifesto speaks of "this background of alternating fortunes".

23. The Manifesto claims that from the beginning of the 13th century "the territory stretching in the western seaboard from Chilaw through Puttalam to Mannar and thence to the Northern Regions and in the East, Trincomalee and also the Batticaloa Regions that extended southwards up to Kumana or to the Northern banks of the river Kumbukkan Oya were firmly established as the exclusive homeland of the Tamils. This is the territory of Tamil Eelam. For several centuries before the advent of Europeans to Ceylon in the 16th Century, the Tamils have been living in this territory under their own kingdom. Tamils reigned supreme in this country with their own national colours and their own military forces. The Portuguese who for over a century were at times entering into treaty relationships with these Tamil kings and at other times meeting them in losing battlefronts finally, in the war of 1619 captured the Tamil King Sankili Kumaran and took him to Goa, where he was hanged".

24. This claim has been disputed; though even if it were established, I do not think it would establish the present T.U.L.F. claim. The Venerable Pannaseeha Maha Nayaka Thera in his Memorandum states: "In the 15th century the kingdom of Jaffna came under the direct rule of the king of Kandy with his seat at Gampola, and the power of the Ariya Chakravarti was broken by Alakesvara..... The T.U.L.F. Manifesto ignores Alakeswaran and also Sapumal Kumaraya later Bhuvaneka Bahu of Kotte who ruled in Jaffna".

25. There is also an article by Dr. C. R. de Silva, now Professor of History in the University of Peradeniya, entitled "History and Tamil Eelam" in which he admits the Tamil claim but with qualifications. I shall quote from it at some length. He states: "A separate kingdom centered in the Jaffna peninsula existed in Sri Lanka from about the early 13th century to 1619. During certain periods within these four centuries this kingdom was the most powerful in Sri Lanka, and for a brief space it even seized the western seaboard almost up to the environs of Colombo. The Portuguese coming to Sri Lanka often used the word Ceylao to denote only that part of Sri Lanka South of the Tamil Kingdom.

"But for most of the 400 years of its existence it was small and rather weak kingdom confined to the Jaffna peninsula and its environs. It never wielded power over the present Eastern province which the T.U.L.F. claims is part of "the traditional homeland" of the Tamils. Nor was it always

independent, for it often acknowledged the sovereignty of the dominant power in South India, and it was once overwhelmed by a Sinhala army from the South.

"But what is most significant is that the Tamil kings of the North did not really think of themselves as separatist rulers of a Tamil Kingdom. They, like all Sinhalese kings, aimed ultimately at being Chakravartis, monarchs of all Sri Lanka. It is the later historians (including myself) who have for the sake of convenience written somewhat misleadingly of Kings of Kotte, Kandy and Jaffna. Their inscriptions show that all those rulers considered themselves as rightful and potential kings of a united Sri Lanka.

26. "Indeed, on concentrating their gaze on the reality of a fragmented policy in Sri Lanka in this 400 years of period of our history, the T.U.L.F. leaders might well have to come to under-estimate the strength of the ideal of a united Island—an ideal fashioned during the first 1,500 years of our history, generally termed the Anuradhapura period, and kept alive by historical writing thereafter. It was an ideal strong enough to persuade the Western colonial rulers—Portuguese, Dutch and British—to place the Northern areas not in the headquarters of their possession in South India but in Colombo.

"But this ideal of unity can be preserved only upon a foundation of justice. Instances of discrimination on the basis of race, language and religion have been rare in our history—at least up to recent times. Tamils rose to high positions under Sinhalese rulers, and Sinhalese willingly accepted the Nayakkars from South India as their rulers. Sinhalese kings set up inscriptions in Tamil as well as in Sinhalese. For many centuries Sinhalese and Tamils have lived in peace and friendship side by side. However, unless justice and fairplay are ensured, the idea of unity might soon be belied by the reality of disunion.

"Contemporary conflicts must be solved by examining the problems of the present with the vision of the future. An understanding of the past could help if we are ready to see the whole picture and not just the portions that suit one's case. Our history is so long and varied that anyone can find instances of division, injustice, conflict and even hatred if he looks hard enough—but are these to be the foundations of our future?"

27. It is also important to remember, as Robert N. Kearney has written, that "by the end of the 19th century a considerable part of the Island, including both Sinhalese and Tamils, had been under common foreign rule for three centuries, and the entire Island for nearly a century had lived under a single colonial administration" (Communalism and Language in

the Politics of Ceylon—Duke University Press—1967). From 1619, when the Portuguese came, it has continued to be undivided until the present day, and it was only in 1976 that demand for a division was made by the T.U.L.F.

28. It is true that there have been occasional outbursts of violence between the Sinhalese and the Tamils in 1956, 1958, 1961 and 1977. Except for these, they have lived amicably together in all parts of the Island for centuries along with the other communities. They have built their places of worship, their sacred monuments, their religious statues, and planted their sacred trees all over the Island from North to South, and East to West. Pilgrimages take place throughout the year to the many shrines without interruption, with millions of devotees belonging to the four principal religions of the World—Hinduism, Buddhism, Christianity and Islam—taking part.

29. Nothing was further from the minds of the people of Sri Lanka throughout its history than a division of the country, under which a separate area or areas will belong to a particular racial or language group. There has always been freedom of movement from any part of the country to another, for every inhabitant treated it as his own as well as everyone else's and was proud to belong to it and to own it. All races and religions regarded the entire Island as their common home for no part of it was separately owned by any group. Anybody was free to settle and live undisturbed anywhere, and to exercise and enjoy all the rights of a citizen to the fullest extent. The establishment of a separate State to be owned and governed by any particular group of the people will affect and diminish the rights, powers and privileges which are already vested in the entire population. It cannot be permitted, and it will be strenuously resisted, unless the entire nation gives its consent to such a change. Such consent will, if I have correctly read the mood and the temper of the nation never be given; and any attempt to establish a separate State will inevitably result in civil war and endless bloodshed.

30. The Sri Lanka Tamils, as I call them to distinguish them from the Indian Tamils who are not citizens of Sri Lanka, from about 11.3 per cent. of the entire population of the Island, according to the 1978 Handbook of Statistics. They do not all live in the area of the proposed new State. The Rev. Fr. Tissa Balasuriya O. M. I. in an article published in "Race Relations in Sri Lanka" (April 1978) had discussed the T. U. L. F. demand for Eelam. I understand him to have stated there that the area of Eelam is about one third of the land surface of the whole Island and in 1971 it was occupied by only about two million persons, or less than one sixth of the entire population; it will have a coast line of about three-fifths of the entire coastline; and about 85 per cent of the entire population will be cramped into two-thirds of the entire land surface.

Further points made by Fr. Balasuriya are :

- (1) The problem of landlessness, which is already acute in the North Central, South-Western and Central parts of the Island will become even more acute than it is. There will also be enormous economic distortion which will cause havoc to the economy and to social harmony ;
- (2) At the last General Election 67 per cent of the voters in the Eastern Province cast their votes against the T.U.L.F., so that this party cannot claim that it received a mandate for Eelam in respect of that province. In the Northern province 68.5 per cent of the voters cast their votes for the T. U. L. F. It is debatable whether this would constitute a mandate for Eelam ;
- (3) There will be land frontier about 400 miles long which would entail a waste of personnel and funds on both sides of it, to guard it and prevent smuggling ;
- (4) It is not at all certain that Tamils now living outside the proposed new State would wish to move into it or become citizens of it. Their future will be in jeopardy.
- (5) The Island's water supply is derived mainly from the central highlands, and this can be a major source of conflict in the event of a division between the Northern and Southern provinces ;
- (6) The demand for Eelam has not been entirely based on peaceful arguments. Provocative speeches have mentioned the likelihood of help, including arms, being obtained from foreign countries ; disparaging remarks have been made against the Sinhalese and the "Sinhalese government" ; the references to the Police Force as "Police dogs", and to the Army as an "army of occupation" were naturally resented by the Sinhalese who, it can be confidently stated, are definitely opposed to a division of the Island. It cannot, therefore, become a reality.
- (7) The increase of population which created unemployment and landlessness has affected the Sinhalese. Thus began the colonising of parts of the Northern, North-Central and Eastern areas of the Island by Sinhalese since the population there was not so dense. This scheme of colonisation has been resented by the Tamils who claim those areas as their "traditional homelands". This attitude has been resented by the Sinhalese who claim that they are entitled to settle in any part of the Island, which is the common home of all its citizens.

31. Before I conclude my observations on this demand, I should refer to the incidents of 10th January, 1974. A great deal of emphasis was placed, in connection with the demand for a separate State, on the incidents which occurred in Jaffna on 10th January, 1974. The International Association of Tamil Research held its Conference there from 3rd to 9th January; and it was decided by the organizers that a public meeting and distribution of awards should be held on the 10th in the Veerasingham Hall.

32. Dr. K. Mahadeva, the General Secretary of the Conference, met Mr. Chandrasekera, A.S.P., on the 10th morning and later they both met Mr. Ariyasinghe, S.P. It was agreed that Dr. Mahadeva should send the S.P. the programme and the list of speakers at the meeting in making his application for a permit to use a loud speaker. Both Police officers had inquired whether a person called Janatharan was going to speak, and they were informed that he would not be a speaker. It was agreed that this person should speak.

33. The letter applying for the permit has been produced; it was signed by Mr. V. S. Thurairajah, Chairman, Cultural Programme. It bears the endorsement made by A.S.P. Chandrasekera, as follows:

"I have issued a L/S Permit subject to the following conditions:—

- (1) The meeting will be held only inside Veerasingham Hall using only the public address system therein;
- (2) Only those mentioned in the application dated 10.1.74 made by Mr. V. S. Thurairajah will speak;
- (3) Every speaker is prohibited from making any political or controversial speech."

I have no doubt that a permit containing those conditions was issued by the A.S.P. and it was agreed that these conditions should be complied with by the organizers of the meeting.

33A. The significance attached to Janatharan was because he was considered a "Security risk" to this country, and he was a foreigner. A notice was served on him by H.Q.I., Nanayakkara on the 10th evening requesting him to present himself to A.S.P., C.I.D., Colombo, for questioning. He was not a delegate to the Conference, nor an invitee.

34. The meeting commenced in the Veerasingham Hall. Dr. Mahadeva spoke there and thanked everybody, including the Police officers, for their excellent co-operation during the conference. By 8.00 p.m. it was decided that it should be continued in the outer compound of the Hall, because the crowds outside the Hall were trying to enter it.

Arrangements were made accordingly. A platform consisting of two tables was prepared, 5 loudspeakers were installed outside on a pandal that stood on the compound, and the crowd assembled outside the Hall.

35. The Magistrate, in the course of his findings upon the inquest proceedings, refers to Janatharan having appeared inside the Hall, at the closing stages of the meeting which was held inside, very near the platform. From there he was taken outside the Hall, and some youths hoisted him on the tables which served as a platform to the accompaniment of thunderous applause.

36. Dr. Mahadeva then saw Janatharan for the first time, and realizing that the Police might intervene he asked Janatharan to get down from the platform. The latter's reply was: "If you ask me to get down, your troubles will be more". Professor Vithiananthan, Chairman of the Organising Committee, also asked Janatharan to get down but the latter did not comply with the request. Nor did he comply when Mr. Thuraiarajah made the same request to him. Mr. Amirthalingam, when asked to use his influence to get the uninvited guest to step down, replied evasively, "We will wait and see".

37. Dr. Mahadeva was afraid that Janatharan would speak, because the latter refused to get down and continued to stand on the platform talking to his supporters. What is more, he exchanged garlands with Mr. Amirthalingam to the applause of the crowd. So, Dr. Mahadeva left the meeting and tried to telephone to the A.S.P., in order to avoid any misunderstanding with the Police; but he failed to contact the A.S.P. On returning to the meeting he found Janatharan sitting close to the platform.

38. In the meantime, the A.S.P. had been informed by H.Q.I., Nanayakkara, that the crowd was blocking the road opposite the Hall and Janatharan was on the platform. The A.S.P. then decided to go to the venue of the meeting and get the organisers to ensure that order was maintained. As he failed to get near them owing to the crowd, he returned to the Police Station and came with a Police party. Stones and bottles were thrown at them and the A.S.P.'s jeep was attacked and damaged. He then ordered the tear gas party that accompanied him to use tear gas, and it was used until the crowd dispersed.

39. Two Police constables were found to be seriously injured, and they were sent to hospital. In the stampede after the tear gas attack, people in the crowd lost their belongings. The most serious consequence was that seven persons were electrocuted, and died before they were taken to hospital. They had fallen near the railings that separated Veerasingham Hall from the road. It would appear that some electric wires has been accidentally dislodged.

40. I have followed the Magistrate's findings in summarising the events of that night. He has referred to the evidence of several witnesses who testified at the inquest; and if I may say so with respect, I am perfectly satisfied that he has carefully considered all the relevant facts and circumstances before coming to his conclusion on the main issues.

41. He has held that the electric wires were dislodged under accidental circumstances, and not as a result of Police officers shooting them down as some witnesses had claimed. In deed, he has unreservedly held that not a single rifle bullet was fired, on the strength of Mr. Ariyasinghe's evidence to the effect that he had checked on this matter specifically.

42. In regard to the conduct of the Police, he held that they had to intervene and stop the violation of any of the conditions specified before permission was granted to hold the meeting. I would say that the Police intervened not because the meeting was held outside the Hall, but because they had a reasonable apprehension that Janatharan would speak. The Magistrate has held that "it was this imminent possibility that caused Police intervention". It was not necessary that Janatharan should start his speech to justify Police action. The Police were entitled to act when, in their judgment, a reasonable man would come to the conclusion that he was about to speak. The relevant circumstances were: his standing on the platform, his refusal to leave it when requested by three officials to do so, his being welcomed by a crowd of supporters, his being garlanded, and his general attitude of behaving as if he was a very important guest (even though uninvited) who could act as he wished and not as the officials desired.

43. The Magistrate also held that the hostile attitude of the gathering towards the A. S. P. and the Police party when they entered the venue of the meeting, the damage caused to the A. S. P's jeep, and the injuries inflicted on the Policemen, rendered the tear gas attack to disperse the hostile elements a necessary step. I do not consider the throwing of stones and bottles at Police officers, by a crowd numbering thousands, a peaceful demonstration. The Police were entitled to pursue their aim which was to prevent any attempt by Janatharan to speak: and they were not bound to run the risk of receiving serious injuries at the hands of a hostile crowd, who had been addressed through a loud hailer and asked to disperse, but acted in disorderly manner instead.

44. I was referred by Mr. Bartlett to sections 80 of the Police Ordinance, Chapter 53. If he had studied it carefully he would have seen that no person can use or operate a loudspeaker in a public place, unless he is authorised to do so by a permit issued by a Police officer who is an Assistant Superintendent of Police or of higher rank than that. Further, if there is any

contravention of the conditions of the permit, any Sub-Inspector or Police officer of a higher rank than that may order the person in control of the loudspeaker to discontinue its operation. On failure to comply with such order, any Police officer may seize and detain the instrument. Arguments that such conduct would have contravened the constitutional right to freedom of expression and was unlawful will not do. The Constitution itself places restrictions and limits on that fundamental right.

45. There was no necessity for the Police party to do nothing until Janatharan began to speak. The circumstances proved show that if the police waited for that to happen, they would never have reached the platform in time to stop him speaking. He would have contravened the conditions imposed by the permit, and the damage which the conditions sought to avert would have been done.

46. It was reasonable conduct on the A.S.P.'s part to try to reach the organisers and give them timely warning that it was their responsibility to see that Janatharan did not speak. He could not reach them because of the dense crowd. So he returned to the Police Station and made another effort to reach the platform, taking with him a Police party and a tear gas squad to ensure that he would not fail again. When the crowd obstructed him and his party, he ordered that tear gas be used. What happened thereafter was not his fault. And it is absurd for anybody to say that he was responsible for anyone's death by electrocution. Mr. Amirthalingam said in evidence before me that an electric wire had been shot down by the Police, but I do not accept that statement in view of Mr. Ariyasinghe's evidence that although four rifles were carried by the Police party with ammunition, the rifles had not been fired nor had any ammunition been used. As he inspected them, his evidence establishes this point. Mr. Ariyasinghe's evidence also was to the effect that the tear gas guns and grenades fired by the Police could not have dislodged the wire. He had received training in England in riot equipment, and I consider him competent to express such an opinion.

47. Mr. Ariyasinghe mentioned an incident which occurred while Inspector Pathmanathan was leading evidence at the inquest. At one stage Mr. Amirthalingam got up and said to the Inspector something to this effect, "You are also a Tamil. You are a traitor", in a rather offensive tone. Whether the tone was offensive or not makes no difference to the objectionable nature of the remark. It bordered on contempt of Court, and I am not surprised that the Magistrate was offended, and ordered Mr. Amirthalingam to leave. The latter was allowed to remain after he apologized to the Court. The incident indicates the degree of hostility felt by the T.U.L.F. leader towards a Tamil Police officer who was discharging a public duty.

48. It was Mr. Amirthalingam's view expressed in evidence before this Commission, that the refusal of the then government to appoint a Presidential Commission to inquire into the seven deaths and the conduct of the Police which, he said, led to those deaths, was a prime cause of the demand for a separate State. A further deterioration in the relations between the public and the Police is said to have begun as a result of A.S.P., Chandrasekera, having been promoted shortly afterwards.

49. The promotion was not, in my opinion, a result of Mr. Chandrasekera's conduct in this incident: it was a step in his career that had been decided upon much earlier, but had been delayed by the failure of the administration to take action promptly. Mr. Ariyasinghe made that clear. If, as I am satisfied, the Magistrate's findings and verdict were unimpeachable, I see no justification for the appointment of a Presidential Commission, or a condemnation of the Police action.

50. I was asked to consider the Report of the unofficial Commission of Inquiry, appointed by a meeting of citizens of Jaffna held on 21st January, to inquire and report on the incidents of 10th January. That Commission heard the evidence of certain witnesses, but none of the Police officers appeared before it. Naturally, the Commission was not in as good a position as the Magistrate to arrive at a correct finding on the facts. Having read their report, I feel that they had been deprived of the benefit of hearing an essential part of the incidents that took place. On the other hand, I have heard A.S.P., Chandrasekera, who was a very necessary witness at any inquiry which was to be held to ascertain all the relevant facts. I find that he was justified in taking the action he did. He had received orders from the then D.I.G., Mr. Van Twest, that Janatharan should not be allowed to speak at any meeting, even though he claimed to be the President of the World Tamil Organisation.

51. Even on 9th January, when there was a pageant in which vehicles and floats paraded, Mr. Chandrasekera heard someone addressing the crowd from a vehicle: it was Janatharan, who appears to have been a compulsive speaker. He was warned by Mr. Chandrasekera not to do that, and he disappeared thereafter, only to reappear on the 10th. He had gone to a temple at Kayts and addressed a gathering of youths. He came that evening to the Veerasingham Hall and the venue of the open air meeting. If anything should have been known by the politicians of Jaffna, it was that this man was an undesirable alien and a perfect nuisance, whose very presence at the open air meeting should have been prevented by everyone who wished the meeting to be a success. Instead of garlanding him, Mr. Amirthalingam should have asked him to withdraw from that place, at least when the organisers asked him to speak to Janatharan. He must, I think, have later regretted his inaction.

52. (b) Mr. Amirthalingam in his evidence mentioned, as a deep seated cause of the 1977 disturbances, the Elara-Dutugemunu struggle which occurred in the second century B.C. He attributed to this ancient episode a racial feeling that the Tamils were an inferior breed over whom the Sinhalese were born to rule.

53. The Rev. Fr. Paul Caspersz S.J. also mentioned this as being a remote cause of the disturbances. He said that it was very unfortunate that Sinhalese children grew up with the knowledge of certain stories about Dutugemunu which are anti-Tamil while remaining relatively ignorant of other stories about him which could powerfully help the cause of inter-communal justice.

54. He cited the story in the Mahavamsa that "Soon after Elara's death at his hands, Dutugemunu caused the drums to be beaten, and having summoned the people, he himself celebrated the funeral rites for King Elara at the spot where he had fallen. Dutugemunu burnt the body, built a monument, and ordained worship. Even in his day the princes of Lanka, when they drew near to the place of Elara's tomb, were wont to silence their music because of the continuous worship of the tomb". The Mahavamsa accepts Elara as a great and righteous king, respected by his subjects. Rains were said to come in due season owing to him. It was only in the 20th Century that this story was used as communal propaganda.

55. The Bishop of Kurunegala has stated in his Memorandum that the writing of history, rather than emphasising the conflict of Sinhala-Tamil relations and the ideology based on the Dutugemunu-Elara episode, should aim at stressing the confluence of Sinhala-Tamil relations. He rightly stressed that the joint efforts of Tamil and Sinhalese national leaders to win independence during 100 years should be publicised. The Ceylon Institute of National and Tamil Affairs has in its Memorandum drawn attention to school text books which sow the seeds of communal trouble and create an attitude which is to be deplored. They ought to be written with care and they should avoid distorting historical facts and highlighting matters which tend to portray one community as superior to the other.

I have no doubt that these valuable suggestions should be accepted and given effect to.

56. (c) I wish to refer to the Memorandum sent by Dr. Wijesundera, Consultant Physician, General Hospital, Kandy, together with the Presidential Address given by him at the 14th Annual Conference of the Sri Lanka Paediatric Association on 30th September, 1977. Dr. Wijesundera also gave evidence, and I intend to make use of all this material in what follows.

57. His view is that much of the conflict between the Sinhalese and the Tamils is due to the play of the herd instinct on an alleged ethnic difference between the two races, viz. that the Sinhalese are Aryans and the Tamils Dravidians, whereas the fact is that the Sinhalese are as much Dravidians as the Tamils. As a Sinhalese nurtured on the Aryan myth, he said he realised how much it is responsible for the disdain and hostility of the Sinhalese towards the Tamils.

58. His strategy for communal harmony is to regard the Sinhalese and the Tamils as one herd. In his Address he had said that every face in a mixed crowd denied an ethnic difference between the two races, and one also realizes that the Sinhalese and the Ceylon Tamils resemble the South Indian people more than the North Indians. Measurements show no differences in physical structure.

59. He referred to some aspects of an ethnic study he had made of the Sinhalese and the Tamils, and their relationship to South India. I shall refer to them now.

(1) He pointed out a close identity between Sinhalese, Ceylon Tamil, and South Indian names, while there is hardly any such identity with North Indian names.

(2) The Sinhalese find it easy to learn Tamil, and the Tamils to learn Sinhala. There are basic similarities between the languages.

(3) There is the same custom between South Indians and Sinhalese in regard to marriages between the children of a brother and sister. New Year customs, marriage customs, superstitions, the konde of the older generation, and the simple, dignified national dress are all the same among the Sinhalese and the South Indians.

(4) There is an equal prevalence of Hb, D and E in Sinhalese and Tamils. ABO blood group distinction also shows no statistically significant difference.

The conclusion he has come to is that if the Sinhalese are Aryan, the Tamils are as Aryan as the Sinhalese. If the Tamils are Dravidian, then the Sinhalese are as Dravidian as the Tamils. But he thinks that it would be more accurate to call the Tamils the Tamil speaking Sinhalese, and the Sinhalese the Sinhala speaking Sinhalese.

60. It would take too long for me to go deep into his Address, but I wish to quote the following paragraphs in it before I pass on to his observations on the subject of Religion :

"We Sinhalese should be proud of our Dravidian ancestry" (In his evidence he mentioned that the Dravidians belong to a civilisation going as far back as 3,000 B.C.) "The great longing shown by some of our

countrymen to be a little more Aryan, to be little more North Indian, a little more fair, is pathetic and degrading—Some of the greatest patriots and Buddhist leaders of recent times have been from the more recent additions from South India to the Sinhala peoples: Puran Appu, Pediris, Megettuwatte Gunananda and Munidasa Kumaratunga, the Sinhalese genius—

“We no doubt have a debt to North India for giving us Buddhism. But Buddhism came to Lanka from South India. Some believe Mahinda was a brother of Asoka. He was a Buddhist missionary in South India. The Tamils did occasionally devastate our capitals. It was a part of war. But the debt to South India for much of our cultural influences, agricultural methods (the system of tanks and irrigation is a Dravidian method) and for replenishing and increasing the numbers of Sinhala Buddhists, overshadows these episodes of war. South India also produced two of the great names in Buddhism—Buddhagosa and Acharya Dharmapala.”

61. Can the breach between the two communities be healed? Dr. Wijesundera said: “In the context of today’s international politics which is still one of national tribalistic competition, it is necessary to encourage a separate tribalism common to the whole Island”. He also said: “It is fortunate that we Buddhists are in practice Hindu Buddhists, so that we kneel side by side with our Tamil brethren in the same kovil, in the same temple”. And he concluded his Address with these words: “If what I have said today causes even a minor storm, I will be gratified. I could then say with Rabindranath Tagore, “Truth raises against itself the storm that scatters its seed broadcast”.

62. There is much to be learnt from Dr. Wijesundera’s contribution to the subject of inter-communal relations. If I may add another saying of Rabindranath Tagore, it is this: “The deepest source of all calamity in history is misunderstanding. For where we do not understand, we can never be just”. Inspired by the belief that justice and understanding went together, and between them could establish peace, he created the nucleus of an international University, Visva-Bharati, 1921, where the East would “collect its own scattered lamps and offer them to the enlightenment of the world.”

63. Two historians have also spoken of the affinity which has long existed between the ancient religions and races of Sri Lanka. Dr. Paul Peiris said long ago: “Everyone must concede that the chief influence which has been exercised on the Sinhalese Court throughout its history was the Dravidian influence of South India. I am of opinion that long before the arrival of Vijaya the country had been fully occupied by Dravidian races”.

64. Mr. James T. Rutnam more recently said : " We are all heirs to the national legacy of Sri Lanka. We find Buddhist monuments in Jaffna ; we also find Hindu shrines and temples throughout the Island. Some of the greatest Buddhist were Tamils "

65. While I was recording evidence in Jaffna I came across an article, the author of which I cannot remember although he was a historian, in which the following statements appeared :

" The earliest known religion of the people of Sri Lanka is Hinduism. Buddhism came later with the conversion of King Devanampiya Tissa in the 3rd century B.C. Some ancient ruins of a Siva Devale found at Anuradhapura confirm that even there Hinduism thrived. Pandukabhaya, grandfather of Devanampiya Tissa, was a devout Hindu. Evidence is abundant in history as to how even Buddhist Kings of Sinhalese kingdoms patronised Hinduism ardently, even in the later periods of history. Munniswaram was demolished by the Portuguese in 1578 : King Kirti Sri Rajasinghe of Kandy renovated it in 1753."

66. Let us pay more heed to these features of our Island's history, and dwell longer on our common heritage, than on occasional differences which have arisen in recent times. We shall then be in a position to rebut and condemn the speeches of those who aim at creating racial and religious discord.

67. (d) A remote cause of the disturbances, mentioned by Fr. Caspersz, was the immigration of Tamil workers from South India in the 19th century, after George Byrde started his coffee estate in Gampola in 1825.

68. They provided cheap labour for the British owned tea, coffee and rubber estates in the hill country. But they were isolated from the Sinhalese villages although they lived in close proximity to them, because they were never encouraged to mix with the permanent inhabitants. They were regarded as aliens, treated like slaves, housed like cattle, and over-worked. All this resulted from their not being regarded as a part of the people of this Island.

69. Hence arose communal strains and suspicions between the Sinhalese and the Indian Tamils, of whom the large majority were plantation workers in a handicapped and backward position, deprived of citizenship and civic rights. As the Memorandum of the Ceylon Workers Congress states :

" They have been isolated from the main stream of economic development, education and social upliftment. The tremendous contribution made by them to the economy of the country has been taken for granted " In the plantation areas those estates which

were attacked and in which the Indian Tamil resident labour suffered most were estates surrounded by newly planted settlements in particular".

70. But a commendable change has been effected by the Constitution of 1978 whereby persons of Indian origin have for the first time been treated as equals with Sri Lankan nationals by descent, and will no longer be treated as second-class citizens. They can now enter the mainstream of national life.

71. (e) A connected grievance was the Ceylon Citizenship Act of 1948. It deprived hundreds of thousands of Indian Tamil estate workers of their citizenship and their right to vote, which they had enjoyed since the grant of universal franchise in 1931. It was stated that in the 1947 General Election, 7 Tamil Members of Parliament were elected by these workers in the hill country. This legislation, Mr. Amirthalingam stated, caused Mr. Chelvanayakam to leave the Tamil Congress in 1949 and to found the Federal Party.

72. (f) Another legislative measure which caused resentment and fear among the Tamils was Official Language of 1956. It contained no recognition of the use of Tamil, while Sinhala was given a primary and distinctive place as the one official language of Ceylon. The Tamils felt that it was an affront to their language and culture which had been reduced to a state of inferiority, and that they were to be only second-class citizens of the country. Acting on Gandhian lines the Tamil leaders staged a protest in a non-violent manner by doing sathyagraha on the Galle Face Green when the legislation was being debated. They were fully entitled to do so, because it is a democratic right which every citizen in a democracy may exercise. The Sinhalese mobs attacked and used violence, which was an indefensible interference with a peaceful demonstration. Stern action by the Police on that occasion would have been entirely justified, and it would have been a salutary lesson to the public that peaceful methods of opposing measures which are not approved are lawful, while the use of violence is not. Other action taken by the Tamil leaders in protest was to start Tamil medium schools when the Government introduced Sinhala at the medium of instruction in the North.

73. A compromise was attempted by the Bandaranaike-Chelvanayakam Pact of July 1957, relating to the use of Tamil, the setting up of Regional Councils, and Colonisation Schemes. It was, however, unilaterally abrogated by Mr. Bandaranaike in April 1958, due to political pressure by the Sinhalese. There followed the communal riots of that year.

74. The Tamil Language (Special Provision) Act of 1958 provided for the use of Tamil in the Northern and Eastern Provinces for certain purposes, and for the making of Regulations to make that Act effective. But the Regulations were not published until 1966, and even then they were not implemented because the S. L. F. P. government took the view that the Regulations had no legal validity. No Regulations of any legal force have since been made.

75. In 1962 the Tamil leaders issued postage stamps of their own making, in protest against the actions of the government. This also was peaceful step in accordance with the principle of non-violence, though it was none the less unlawful.

76. Another compromise was attempted by the Senanayake-Chelvanayakam Pact of March 1965, relating to the use of Tamil, the establishment of District Councils, and the granting of land under Colonisation Schemes in the Northern and Eastern Provinces. No action was taken to implement it, and even the District Councils Bill had to be withdrawn by Mr. Senanayake owing to political opposition.

77. A further blow to the use of the Tamil language was dealt by the Constitution of 1972, which did not give it any special recognition as an official or national language. When the Tamil United Front rejected the Constitution and presented a six-point demand to the S. L. F. P. Government, it was ignored.

78. Thus arose the T.U.L.F. National Convention of 14th May, 1976, and the Resolution passed by it, to which I have referred at the beginning of this section of this Report.

79. When the Constitution of 1978 was being drafted, the T.U.L.F. was invited to join the Select Committee, but it refused. This was unfortunate, because the grievances which they complained of could have been discussed then, and some remedial action may have been taken. Such a discussion could have served, to some extent, as a Round-Table Conference, because the only other opposition party returned to Parliament, the S.L.F.P., was represented on the Select Committee.

80. After this recital of some of the grievances of the Tamils, I cannot but sympathise with the complaint made by Mr. Amirthalingam, that although the Tamils had tried hard to get justice for their community, they found that pacts were made only to be broken.

81. I do not think Mr. Amirthalingam had in mind the satirical observation of Jonathan Swift that "promises and pie crust are made to be broken". The true cause to my mind was political rivalry. When the S.L.F.P. Prime Minister made a pact, the U.N.P. defeated any attempt to fulfil the promises it contained. When the U.N.P. Prime Minister later made a pact, the S.L.F.P. adopted the same obstructive attitude. The pious intentions of every Prime Minister were thus brought to naught, even though he felt that there were real and genuine grievances which had to be looked into and corrected.

82. I agree with Fr. Caspersz that Tamil should have been recognised before 1978 as a national or even as an official language. He said that it was unfortunate that the two major Sinhalese political parties had both fallen victims to that sort of communalism, which did not allow the Tamils the same right in their language as the Sinhalese have. Instead, Sinhala was the only language enshrined in the Constitution of 1972.

83. The Rev. Fr. Bernard, O.M.I., was Vice-Rector and Lecturer at the National Seminary, Ampitiya, when he gave evidence. He regretted that attempts which the Tamils had made, to arrive at peaceful solutions of their problems with the Sinhalese, had failed. He regretted the introduction of Sinhala as the only official language, and the bringing of Buddhism into politics. They introduced, he said, overtones of race and religion, and thus arose two nations where there had been one; thus arose the tendency of thinking about separate State, because they thought that they did not belong to the one nation. With tension building up between the two communities, any person who had a plan to cause trouble could light the spark with false rumours.

84. I appreciate Fr. Bernard's frank expression of his views, but I think that the duty of the State to protect and foster the Buddha Sasana enacted in Article 9 of the 1978 Constitution is not too wide a provision, seeing that the same Article assures to all religions the rights granted by Articles 10 and 14 (1) (e). Those Articles provide for freedom of thought, conscience and religion and the freedom to have or to adopt a religion or belief of his choice, as a fundamental right of every person; and also the freedom to manifest his religion or belief in worship, observance, practice, and teaching either by himself or in association with others, and either in public or in private.

85. As regards Language, a considerable change has been effected by the beneficial and wide-ranging provisions of Chapter IV of the Constitution of 1978. For the first time, it recognizes Tamil as a National Language (Article 19) and Articles 21 to 25 provide for its use as a medium of instruction, as a language of legislation, administration and of the Courts, and requires the State to provide adequate facilities for its use in accordance with those provisions.

86. Steps should be taken without delay to implement those provisions, so that it will not be thought that the recognition given to Tamil is an empty thing.

87. It is significant that this elevation of the Tamil language, to a level which it should have reached much earlier, has been effected without any opposition or cries of protest. This and many other changes effected by the new Constitution should and would help to establish racial, religious and national harmony. Statemanship and a sense of justice have prevailed over the earlier political extremism.

88. (g) Fr. Caspersz and Fr. G. Nallathamby referred to another proximate cause of the disturbances—the Swabasha policy introduced in English-speaking schools in the 1940s. They are both experienced educationists, competent to speak on this subject.

89. They condemned the segregation of school children and school teachers in different language streams. That policy divided the communities from top to bottom with disastrous consequences. The teachers became, said Fr. Nallathamby, “segregated teachers” who had no broad outlook; and with their narrow outlook they were unable to teach their pupils that there should be friendship and a common outlook, free of communal differences, among all of them.

The same opinion was expressed by the Progressive Tamils in their Memorandum. It stated: “The educational system, particularly in secondary schools, made the youth in their formative years to think on communal lines. Students were put in water-tight compartments, and were not given sufficient opportunities to mix with others of different communities—Teachers too moved in water-tight compartments in the same school, particularly those who had mainly Sinhalese or Tamil training in their respective Training Colleges. Though learning in the mother tongue is good for the student, opportunities must be provided for students and teachers to mix freely with members of other communities”.

90. (h) What struck me as a striking explanation of the unfortunate events of August 1977 and those which preceded them was hinted at by Dr. Godfrey Gunatileke, Director of the Marga Institute, Colombo, in a talk he gave on 4th February, 1976. “The main source of communal conflict”, he said, “is the fierce competition for elite positions in our society. This competition is exacerbated further owing to the fact that it takes place in a situation in which economic growth is slow and the growth of those sectors which generate demand for professional and other services at a high level of educational attainment proceeds at a very faltering pace. In this context the protest will be naturally spearheaded

by that segment of the minority community which had geared itself economically and socially to supply the manpower, ranging from junior administrative and clerical activities to the higher professions—the Ceylon Tamil community in and originating from the Jaffna peninsula—.

“The processes of social and political change that occurred within the country in the fifties and sixties effectively debarred this community from entering those sectors of activity which it had traditionally organised itself to enter—. It is true that in the case of Sri Lanka's society as a whole, free education and engendered expectations of upward social mobility which were inevitably frustrated and which resulted in social tensions which even now threaten the entire system—. “For the mass of the educated youth, the main characteristics of the problem are fundamentally the same for all communities. The breakthrough can occur only through a rapid expansion of the economy which is also supported by a change in the structure of expectations and the absorption of the young work force in highly productive income yielding activities other than those to which the traditional expectations had been geared. When all this has been acknowledged, still within this general context the problem of the elites in the minority communities, particularly the Ceylon Tamil community, is a special one. National policies have tendered to create conditions which the minorities see as a special set of disabilities, and a discriminating structure which handicaps them in the competition for the elite positions.”

91. Fr. Caspersz has given evidence on the economic causes of the communal conflict. He said: “Every job given to a Tamil seems to a Sinhala youth to be a job taken away from him, and every job given to a Sinhala youth seems to a Tamil youth to be a job taken away from him. This is one of the causes of frustration, especially to a Tamil youth, because we all know that Tamil youths are ambitious, hard-working and persevering. It is not easy for us to see how much of the Tamil sense of grievance is imaginary, and how much is real. But I have no doubt that much of it is real, and something effective must be done to remove even the imaginary grievances”.

92. The Bishop of Kurunegala's view is that the primary cause of the communal conflict was the inability of a stagnant economy to provide sufficient employment, and an adequate standard of living, to the rapidly growing population. Arising from this, communal animosity was heightened, underlying fears were increased, and provocative racial memories were reactivated. The remedy for this was to expand the economy so as to provide employment and a better standard of living for Sinhalese and Tamils alike.

93. Economic welfare, it is clear, is the key to communal harmony. The unemployed, the needy, and the uneducated—these are the main elements of mobs bent on looting and destruction. They joined evil-minded leaders because they have nothing better to do.

94. (i) The damage that had been done to the sacred and ancient Buddhist places in the Northern and Eastern provinces would, I think, have been a cause of the communal disturbances.

95. It is indeed regrettable that this should have happened; and it is equally regrettable that after the disturbances began, many Hindu temples were attacked and suffered considerable damage.

96. Evidence given by the Venerable S. Saranakirthi Thero of the Seruwavila Vihara, Mr. M. H. Sirisoma (Assistant Archaeological Commissioner), Mr. S. E. Ratnayake (retired Sergeant, Royal Naval Police, Trincomalee), and correspondence which passed between the Government Agent, Trincomalee, the High Priest of Seruwavila, and the Archaeological Commissioner establish that a large Bo tree had stood at the site of the present Koneswaran Temple in 1949. There was also a large rock near it as an altar for the offering of flowers. The tree was cut in August-September, 1964, and a cement platform is all that is there now. I am unable to accept the evidence of Mr. Sampanthan, M.P., that there had not been a Bo tree at that site.

97. Another sacred Bo Tree had stood at Kiliveddy, one mile as the crow flies from the ancient Seruwavila Temple. It had a girth of 75 feet, a large stone altar for offerings, and moonstones round it. From April 1976 its branches were being cut, until the entire tree was cut: in April 1977 it was uprooted by Tamils, and the excavation was filled up and cemented. The Venerable Saranakirthi Thero has spoken to these matters. He stated that Buddhist pilgrims were highly provoked by these acts, and by the building of a new Hindu Kovil on that site. The justification for these acts, suggested on behalf of the Kovil authorities, was that the roots of the hallowed Bo tree were undermining the old Kovil which stood next to it.

But it was surely not necessary to take the extreme step of totally destroying the tree. It struck me as a wanton act of mischief, which refuted Mr. Sampanthan's claim that the Hindus respect the "arasa maram" (Bo tree) and would not wantonly cut it down.

98. Mr. Sirisoma gave evidence regarding damage done to Buddhist monuments and buildings excavated at Kuchchaveli, Tiriya and Sembimale. I gathered from the evidence that the peaceful relations that had existed between the Sinhalese and Tamils up to 1970 were harmed by communal speeches, and acts such as the Kiliveddy desecration resulted.

99. Mr. Sirisoma mentioned that the practice of damaging ancient Buddhist monuments started only 5 or 6 years prior to the date of his giving evidence; previously people had, and showed, devotion towards them. He thought that they were being incited to do those acts, and there was a pattern of such damage in the Northern and Eastern areas of the Island. By contrast, he pointed out that in Polonnaruwa, within the Archaeological reserve of 1,500 acres, there are 17 Hindu Temples, and no damage had been done to them. Kovils and Viharas both existed unharmed, an essential condition if peace is to prevail.

100. (j) The spreading of false rumours throughout the country, after the commencement of the disorders in Jaffna, figured very prominently as a cause of disturbances starting in different areas. I shall draw attention to some examples.

(1) Mr. J. Senaratne stated that on 6th August, when he was at the Fort Railway Station in Colombo, before entraining for Jaffna, he heard that an Asst. Superintendent of Police had been shot. When he reached Anuradhapura at about 1 a.m. on the 17th, Tamil passengers in his compartment and the Station Master's office were attacked and robbed. When he remonstrated, one of the attackers told him "you dont know what is being done to our people in Jaffna"

(2) Fr. Nallathamby, Mr. Harsha Gunewardene and many other witnesses spoke to having heard the rumour that bodies of Sinhalese girls had been cut up and sent from Jaffna in fish boxes. Mr. Gunewardene said that he heard the rumour at Elephant Pass on his journey from Jaffna to Anuradhapura in the convoy carrying University students on the evening of 17th August.

(3) Mr. V. Ragunathan, Executive Engineer, Maha Illupallama, stated that on 17th August about 70 or 80 Sinhalese attacked his quarters shouting "Our People are being killed in Jaffna".

(4) Several Tamil witnesses, including Mr. K. Sivasubramaniam, Signal and Telecommunication Inspector, C. G. R., Mr. S. Sathasivam, Head Guard C.G.R. and Dr.R. Devendran who were in Anuradhapura on the night of 17th August, related the alarming stories of what had happened to the Sinhalese in Jaffna as told them by Mr. Liyanage, S.P., after his return from Jaffna. Mr. L. M. Poulrier District Mechanical Inspector, C.G.R., described how the violence began at Anuradhapura Station on 17th August at about 1.30 a.m. when train No. 70 arrived from Jaffna. He heard shouts in

Sinhala, from the train, "Don't allow the Jaffna train to go. They are murdering our bretheren in Jaffna. People are killed like dogs." Bottles were then flung at train No. 69 which came from Colombo, and passengers in it were attacked.

(5) Mr. C. Ramachandran, Accountant, Mahaweli Development Board, Kalawewa, stated that when he drove to Anuradhapura on 17th August, he heard a rumour that 3 Policemen had been shot in Jaffna. This resulted in disturbances in Anuradhapura that day, and the Police allowing looting to take place in the town. When he was driving back, he heard at Talawa that 10 Policemen had been shot dead in Jaffna. When he reached Maha Illupallama he heard that 12 Policemen had been killed. When the Project Manager and others, including himself, were taken in a Police jeep to Kekirawa Police Station for their safety, they found that 4 or 5 Policemen there were drunk: and one of them told the witness, "My sister, brother and mother are in Jaffna, if anything happens to my family, I will become a dangerous murderer".

(6) Witness Mr. Power in evidence stated that a false rumour spread in Maharagama, that P. C. Bandara, had been killed in Jaffna, resulted in 2 members of the Power family living in Maharagama being killed by mobs who attacked their home on 20th August.

(7) Mr. V. N. Navaratnam, M.P., stated that doctors at the Anuradhapura and Kurunegala hospitals had told him that doctors in Jaffna had refused to attend to Sinhalese patients: and they asked him how, in such a situation, they could be expected to look after Tamil patients.

(8) A false radio message was sent from the Jaffna Police Station on 17th August at 11.00 a.m. to the I.G.P., Colombo purporting to be from the S.P., Jaffna. It stated: "Today 4 C.T.B. buses set on fire. Naga Vihara is being attacked. Crowd collected at Railway Station, Jaffna, to attack incoming passengers. Situation, serious". It was calculated to create alarm and anger in the minds of persons who treated seriously and in view of other false rumours that were in circulation, it could have done incalculable damage all over the Island.

101. Many more such examples have appeared in the evidence and it is clear that the spread of the incidents which began in Jaffna to other parts of the Island was mainly due to false rumours that the Sinhalese in Jaffna had been attacked by the Tamils there and even murdered.

102. I do not think that adequate steps were taken at the very first opportunity to defuse the situation, by pointing out in the press, the radio, the cinema and every other possible medium, that the rumours were false and mischievous. Action should also have been taken to name reliable persons who had verified the facts and found the rumours to be false. Rumour-mongers should be flushed out, arrested and confined so that they may be prevented from doing further damage.

103. (k) Another matter which could have been a cause of the disturbances was the insulting and inflammatory nature of some of the speeches made by Tamil speakers supporting the cause of the T. U. L. F. during the election campaign of 1977 and soon after.

104. I need not repeat what I have said elsewhere in regard to the statements made in speeches at meetings held on 11, 13, 19 and 30 July by Pushparasa, Santhathiyar, Mrs. A. Ponnudurai, K. Manoharan, Mavai, Senathirajah, Kasi Anandan and Mr. Amirthalingam. I have no doubt that those who heard those speeches, or heard accounts of what was stated in the course of those speeches, would have strongly resented that statements made as much as they would have resented the numerous statements made on other occasions when the demand for a separate State was repeatedly referred to.

105. Senior State Counsel produced statements alleged to have been made by Tamil speakers at other meetings, and called several Police Officers to prove that they had made records of such statements. I have decided not to accept that evidence because there had been a failure to comply with the imperative provisions of Circular No. 8 of 31st May, 1977, sent to all Police Stations by the D. I. G. Elections. It was stipulated there that a contemporaneous note of the utterances made at meetings should be made in the Crime Note Book. Instead of this procedure being followed, notes were made in many instances on pieces of paper; and later, at some other place and time entries were made in the Note Books, and the original notes made on pieces of paper were destroyed. It is not a practice I could countenance, since it opened the door to abuse; whereas the instructions given in the Circular were intended to ensure accurate recording of the actual statements at the time they were made.

106. A different practice obtained in the case of members of the District Intelligence Bureau who do not carry Note Books, but make notes on loose sheets of paper. Such notes are typed later in the form of a report, after which the sheets of paper are destroyed. I was prepared to accept their contemporaneous notes so made and the reports which were typed from them.

107. I should refer here to evidence led as to statements alleged to have been made by Mrs. Amirthalingam at a meeting held by the T. U. L. F. at Vavuniya on 3rd June 1977. 3 witnesses called—S. Appuhamy of Mamaduwa, A. D. A. Seneviratne of Vavuniya, and K. Suddahamy of Perappammaduwa—stated that they heard her say that the Tamils must swim in the blood of the Sinhalese, and that she will be able to sleep only when she wears shoes made out of the skins of the Sinhalese. Undoubtedly if such statements had been made by her, they would have evoked hatred between the two communities, which would have led to the outbreak of violence. Their evidence has been contradicted by Mr. Sellathambu, M.P. for Mullaitivu and Mr. Sivisithamparam, M.P. for Vavuniya both of them said that they were present at that meeting, that Mrs. Amirthalingam spoke at it, but that she never used such language in her speech. Mr. Amirthalingam who said that he was also present, also denied that his wife uttered such words. He said that it was against their culture to say such things, and especially for a lady to do so.

I prefer to believe the 3 Members of Parliament on this matter.

108. Evidence was also led in regard to another meeting held in Jaffna on 4th July, 1977, close to the Naga Vihara, in support of the candidature of Mr. Yogeswaram. The Venerable Nandarama Thero, Chief Priest of that Vihara, stated that he heard Mrs. Amirthalingam making a speech there, in the course of which she said that she could not sleep until she cut the Sinhalese and swam in and drank their blood. He also stated that Mr. Amirthalingam in his speech said that the Sinhalese population in Jaffna was not sufficient to make a sambol, and that all Sinhalese must be assaulted and chased away from Jaffna.

109. The witness also stated that he heard Mr. Yogeswaram say that the Tamils will not be content till they skin the Sinhalese and make slippers with their skins; and that he also heard another unidentified speaker say that one month after the elections, they would walk over the bodies of the Sinhalese and establish their State. All this the witness claimed to have heard from his temple because the meeting was held very close to it and loudspeakers were used. He also stated that the Police were at the meeting, recording speeches.

110. When the witness was being cross-examined by Mr. Bartlett, Counsel asked Senior State Counsel to produce the Police report of the speeches because that would be the most acceptable evidence of what was said by the speakers. Senior State Counsel said that he had already asked the Police to produce the report and make it available to him.

111. The witness stated that the news of these statements referred to by him had spread to the Southern Province and other areas of the country, and that was also an important factor in the communal disturbances of August, 1977.

112. The witness finished his evidence on 1st September, 1978, but the Police report on this meeting had not yet been made available to the lawyers.

113. On 20th April, 1979, Mr. Yogeswaram was recalled and he contradicted what the Chief Priest had stated. He said he remembered the public meeting held near the Naga Vihara on 4th July, 1977, in support of his candidature: it was the only meeting held there. He was present, but neither Mr. nor Mrs. Amirthalingam attended it or spoke at it, though he himself did. He denied that he made the filthy statement attributed to him by the priest.

114. Mr. Shanmugalingam at this point again asked that the Police report of this meeting be produced. Senior State Counsel replied that if it was available it would be produced. On 23rd April, 1979, while Mr. Yogeswaram was being cross-examined by Mr. Gunatillake, Mr. Shanmugalingam informed me that he had received the Police report of the meeting on the previous day.

115. The report was produced and marked on 23rd April, 1979. It is a report on an election propaganda meeting held on 4th July, 1977 at 74, Stanley Road, Jaffna, organised by Mr. V. Yogeswaram for the T.U.L.F. and lasting from 7.10 p.m. to 10.30 p.m. It contains a list of 15 speakers. Neither Mr. nor Mrs. Amirthalingam is mentioned in that list. This was obviously the report that Mr. Bartlett and Mr. Shanmugalingam had been pressing for. It corroborates Mr. Yogeswaram's evidence, and I informed Counsel on that day that Mrs. Amirthalingam need not be called to contradict the evidence given to prove that she had spoken at that meeting.

116. Mr. Amirthalingam gave evidence for the second time on 25th April, 1979 and subsequent days. He denied that he or his wife said the filthy things attributed to them at the Vavuniya meeting held on 3rd June, 1977, although he admitted that they had both spoken at it. He also denied that he or his wife attended the meeting held near the Naga Vihara on 4th July, 1977, and he said that it was a diabolical lie if anybody said that they attended or spoke at it.

117. I consider the evidence led in rebuttal of the priest's evidence, including the Police report, sufficient to disprove the priest's evidence on this matter.

118. I shall now deal with other witnesses who implicated Mrs. Amirthalingam in statements she was alleged to have uttered at other meetings. G. Dharmadasa, a bakery owner, who claimed Rs. 85,000, as damages over an attack on his bakery, said that he listened to speeches made near Punkankulam Railway Station about 15 days before the election. Neither Mr. Amirthalingam nor Mr. Sivasithamparam the candidates for Nallur, made any remarks against the Sinhalese, according to the witness. He had a different tale to tell against Mrs. Amirthalingam and a young girl who also spoke. He said he heard Mrs. Amirthalingam and a young girl who also spoke. He said he heard Mrs. Amirthalingam say "the Sinhalese people should be killed and beaten and they should be skinned, and until we wear slippers out of their skin we will not sleep". The young girl, he said, spoke saying "the Sinhalese should be caught." We should swim over their blood and create a separate Tamil State". The witness admitted that he had not told any body about having heard these statements, before he gave his evidence.

119. Mr. Amirthalingam denied that his wife uttered such words, and I believe him. Mr. Shanmugalingam at this stage asked Senior State Counsel to produce the Jaffna Station reports for which he had asked earlier, and the latter gave his assurance that no such speeches had been recorded by the Police. This took place on 25th April, 1979. I reject the evidence of witness G. Dharmadasa.

120. A witness E.J.P. Babysingho referred to an election meeting held by the T.U.L.F. on 15th July, 1977 outside the Trincomalee Town Hall which he attended. He claimed to have heard an announcement over the loudspeaker that the next speaker would be Mrs. Amirthalingam. He said that he did not know her, and he was only going on the announcement he had heard. He then proceeded to state what the next speaker said, which included such statements as "We will not allow the Sinhalese to stay here. We will skin them. Shoes will be made from Sinhalese skins. We will drive them out of Trincomalee beyond Habarana". Finally, he said, Mr. Sampanthan spoke but no blood curdling threats were uttered by him.

121. In reply to these allegations, Mr. Amirthalingam said in evidence that although he had attended meetings at Trincomalee, his wife did not. Mr. Sampathan in his evidence also stated that Mrs. Amirthalingam did not attend any of his meetings. I prefer to believe them. A witness K. A. Dharmapala, whom Senior State Counsel called to prove an attack on the Jaffna Branch of Laksala, was a willing witness, when he was cross-examined by Mr. Karunaratne, against Mrs. Amirthalingam. He stated that she spoke before the General Election at a meeting held at the Muthavali Maidan. Although he admitted that he had not mentioned to anybody that he had heard her, he stated under cross-examination that he heard her say "We will swim in the blood of the Sinhalese and fight for our rights".

122. Another witness W. J. E. Fonseka also said he had heard speakers at T.U.L.F. meetings near the Naga Vihara, near the level crossing near Stanley Road and near the Sinhala Maha Vidyalaya made the following statements: "We will not sleep until we swim in the blood of the Sinhalese"; "The Sinhalese must be killed, skinned, and slippers must be made"; "Sinhalese who are here are not sufficient to make a sambol"; "We will walk over the dead bodies of the Sinhalese and form our Tamilnad". He did not say who had made these statements, because he was at some distance and heard them through a loudspeaker.

123. The last witness I shall refer to on this subject is G. Karunawathie. She stated that she heard speeches at a meeting held in support of Mr. Yogeswaram, through a loudspeaker and about 10 fathoms from her house. She heard one speaker say that the Sinhalese should be killed and slippers made out of the skin, but she did not identify the speaker. Mr. Yogeswaram, she said, was present at the meeting when the statement was made.

124. I have considered the evidence led on this subject through all the witnesses I have referred to. I am satisfied that none of these "filthy statements", as they were correctly described, were made at the T.U.L.F. meetings mentioned. I accept the evidence of the T.U.L.F. leaders who repudiated the allegations that such expressions were used. It is remarkable that not a single police report supporting the allegations is available. It seems to me that there has been a conspiracy to implicate T.U.L.F. politicians by accusing them of having made such shocking statements which they never made. It was a dangerous and evil conspiracy which was calculated to damage Sinhalese-Tamil relations, and if any Police Officer heard any of these statements he could not possibly have omitted to make a record of them.

125. It was urged that the making of such statements and others of a similar type can be a cause of outbreaks of violence. They certainly can be that. It is however, a question of fact in each case whether a provocative or insulting statement was made. I have thought it necessary to examine the questions of fact and give my conclusions.

through the Officer-in-Charge at the Station had asked them to go to the carnival to arrest the accused, no reference to this was made in his entry in the Information Book. He also admitted that they had tried to go in ahead of those who were already in the queue, because they were there on official business. I am satisfied that there was an argument at the gate with Mr. Kulasekaram, followed by an assault and a threat. But I do not attach much importance to the incidents of the 12th and 13th, because they were isolated incidents having no connection with each other or with what happened subsequently.

CHAPTER III

THE NATURE AND PARTICULARS OF THE INCIDENTS WHICH TOOK PLACE BETWEEN 13th AUGUST AND 15th SEPTEMBER, 1977

This question is set out in Section I of the Terms of Reference, and I shall answer it by taking the different towns and districts where the incidents occurred separately.

JAFFNA

The only significance of the date 13th August is that it was the final night of a Carnival and Exhibition held in St. Patricks' College grounds. At about midnight there was a clash there between some carnival visitors and some Policemen from Chavakachcheri who had gone there in civil clothes. Two Policemen were injured and admitted to Hospital.

02. According to Dr. J. P. Philips, an organizer of the carnival, there had been an incident there on the 12th night also, when some Policemen from Anaicottai had tried to enter the grounds without paying the entrance fee. Mr. Kulanayagam, who was in charge of the gate, said that he persuaded the Policemen to buy children's tickets at Re. 1 each instead of adults' tickets at Rs. 2. after an argument with them. They scolded him for this, and later assaulted him and threatened him. H.Q.I. Gunasekera stated that on the 13th morning Dr. Philips informed him that some Policemen from Anaicottai had tried to enter the carnival grounds without tickets. He learnt, after inquiry, that the Policemen had gone there in search of two accused persons. P.C. Basnayake, who was attached to Anaicottai at that time, stated that he and 3 other constables had gone to Jaffna that night in search of two persons charged with robbing. Having failed to find them, they went to the carnival in search of them. They paid Rs. 2 each for admission, and nothing took place that night. He denied that there was an argument at the gate. Under cross-examination he admitted that although the Officer-in-Charge at the Station had asked them to go to the carnival to arrest the accused, no reference to this was made in his entry in the Information Book. He also admitted that they had tried to go in ahead of those who were already in the queue, because they were there on official business. I am satisfied that there was an argument at the gate with Mr. Kulanayagam, followed by an assault and a threat. But I do not attach much importance to the incidents of the 12th and 13th, because they were isolated incidents having no connection with each other or with what happened subsequently.

03. Although Mr. Amirthalingam, M.P. for Kankesanthurai, and Mr. Yogeswaram, M.P. for Jaffna, stated that they received complaints on 14th August of Policemen assaulting members of the public on the roads of Jaffna, no complainant or eye-witness has given evidence of any such assault. I do not, therefore, find that any assault took place on the 14th. But it has been proved that on the 14th night P.C. Bandara was shot and injured at Puthur by unidentified persons, when he was on patrol. He was admitted to Jaffna Hospital at 2.15 a.m. on the 15th.

04. Turning to the events of the 15th, Mr. Yogeswaram stated that he received information at 5.15 a.m. of 3 cases of assault by Policemen. Evidence of only 2 cases of assault has been given by 2 injured persons. I have no doubt that they were assaulted early that morning, but I am not satisfied that the assailants were Policemen.

05. One case was that of S. Jesudasan, a C. T. B. conductor, who stated that when he was walking to work, he was hit by 5 Policemen with batons near Muneswaran Temple junction; when he fell, he was pushed into a pond. He then saw them attacking a cyclist and a pedestrian. A Postman took him to the Police Station on his bicycle and gave information of the assault. The Police sent him in a vehicle to the Hospital. His statement was recorded by Inspector Senathirajah in the Ward, and it has been produced. He has stated that he was followed, while he was walking by 5 persons "Wearing white shirts and cream coloured shorts. All were armed with batons". He gave the time of the assault as "about 4.25 a.m.", and said he was struck 4 blows with the batons.

He mentioned no names of the assailants, and said "I believe they are Police officers because they had short hair cut and their behaviour". I think the time of the assault must be taken into consideration, because it is highly improbable that he could have identified the weapons used, with accuracy. Nor is it proved, on his statement, that any of his assailants was a Policeman for his reasons for saying so are valueless. I am not surprised that A.S.P. Noordeen, after inquiring, decided that there was no evidence against any particular person.

06. The other alleged case of assault by Policemen was that of young man of 19 years, S. Thurairajasingham. He stated that he was riding his cycle from Koddady to Jaffna, and at about 4 a.m. he saw a group of Policemen in civil clothes near the Regal Theatre. Two of them attacked him with batons, and when he was running away a Policeman hit him on his head. He was taken to the hospital and warded at 5.05 a.m. He was there for two days.

07. His statement was also recorded by Inspector Senathirajah and it was produced. He stated that his sister took him to hospital, and that the incident took place about 4.15 a.m. He also stated that he did not know the identity of his assailants, adding "It was dark and even if they are produced before me, I cannot identify them". I need not repeat the reasons I gave in Jesudasan's case. They apply to this case also. It will not do for either witness to say that his assailants were policemen who used batons. If he could not identify them, he would not have, in the circumstances, even identified the weapons used. I therefore do not find that any assault was committed by any Policemen on the 15th.

08. A witness L. A. Savarimuttu, who said that he was a retired public servant and a newspaper reporter, stated that he met Mr. A. S. Seneviratne, S.P., by appointment at 3.30 p.m. on the 15th and that they discussed the carnival incidents and the assault on Jesudasan. Mr. Seneviratne, according to this witness, then mentioned an incident at Kopay when a Policeman had been shot and injured in his hand and told the witness that the Tamils were going to pay dearly for that act.

09. Mr. Seneviratne has entirely denied that such an interview took place. He stated that he was at the hospital that afternoon, having gone there to visit P.C. Bandara, and he then went to Kopay Police Station where he was both before and after 6.15 p.m. He also stated that he never met Mr. Savarimuttu.

10. I find from the medical evidence that P.C. Bandara was shot in the thigh and the pellet was still there when he was in hospital. If he was attached to Kopay Police Station, or if Puthur is in the Kopay area, and if he was the Policeman Mr. Savarimuttu was thinking of, he was not shot in the hand. Moreover, I have grave doubts as to whether an experienced Superintendent of Police such as Mr. Seneviratne, would have been so indiscreet as to talk to a newspaper reporter in the terms mentioned, for it would not have made pleasant reading in the newspaper. Taking all these matters into consideration, I am not satisfied that such an interview took place.

11. I might mention that the shooting of P.C. Bandara was not the first such incident in Jaffna, and was therefore not a matter to arouse great interest in a newspaper reporter. In February, 1977, P.C. Karunanidhi was shot dead, and in May 1977, two constables bearing the same surname Shanmuganathan had been shot and killed.

12. In view of the recital of events from the 12th night to the early morning of the 15th which I have given according to the evidence placed before me, I do not quite understand why Mr. Yogeswaram thought it

necessary to send telegrams about unprovoked and high-handed attacks by the Police, and 3 persons with serious injuries having been admitted to hospital, to the Deputy Minister of Defence and the Inspector-General of Police. He asked in them that immediate measures be taken to bring the tense situation under control and full inquiry. The most serious incident during the period I have mentioned was the shooting of P.C. Bandara, the fourth case of shooting of a Policeman that year, but the Police did not make a fuss about it.

13. A.S.P. Noordeen has stated, and I accept his statement, that P.C. Bandara was on duty with 2 other Constables when he was shot. The assailant was not identified because he must have run away, as usually happened after such a shooting. But Bandara, not unnaturally, felt insecure in the hospital and was anxious to leave it. H.Q.I. Gunasekera ordered Inspector Gurusamy to remove him, and he was brought to the Police Station on the 16th morning. Gurusamy acted in a foolish and irresponsible manner in carrying out the order. He failed to obtain the permission of the Superintendent of the hospital or a Doctor who was treating this patient. He did not speak even to the Nursing Officer in charge of the Ward. The Bed Head Ticket was removed by him and the Nursing Officer was just in time to recover it from Bandara after getting him to write on it that he was leaving of his own accord.

14. This type of behaviour by Gurusamy and his subordinates may have been one cause of the spreading of malicious rumours from Jaffna to Colombo, to the effect that the Doctors in Jaffna were neglecting Sinhalese Policemen in the hospital. There was absolutely no ground for such rumours, and I am perfectly satisfied that the Doctors in the hospital acted with all due care and attention towards all their patients, irrespective of race. It has been made clear by the Senior Police officers who gave evidence that the only reason for Bandara's removal was his fear to stay in the hospital. Bandara remained at the Police Station until he was sent by Mr. Seneviratne to Anuradhapura hospital by car on the 16th at 9.00 p.m., arriving there at 4.30 a.m.

15. It is necessary now to complete the story of what happened on the 15th, and I shall mention some matters which were proved in evidence as regards Police movements, as recorded in the Information Books of the Jaffna Police Station. H.Q.I. Gunasekera has stated that on the 15th night a party of Policemen with P. S. Liyanage left the Police Station at 12.30 a.m. to patrol the town, and returned at 3.35 a.m. According to the entries in the Information Book, they saw about 100 persons breaking Neon signs and lights near the Bus Stand, and those persons then ran in different directions. They also saw a crowd damaging a small boutique

near the new Regal Theater, but failed to arrest them. They also found that some persons had gone to the Old Market, damaged baskets and vegetable stalls, and assaulted people in that market and left. The stallholders were unable to identify them. The Police party took into custody 22 persons loitering in the town. These entries, the H. Q. I. said, were seen by him at 6.20 a.m. when he reported at the Police Station on the 16th.

16. From all these pieces of evidence and the next 2 items I shall mention it is plain that there were parties of Jaffna Policemen out on duty, who detected offences being committed by criminal elements. Attempts have been made, and I shall soon refer to them, to inculcate the Jaffna Police over the incidents that occurred on the night of the 15th and the early morning of the 16th. Charges have been levelled against them by politicians, on statements said to have been made to them by members of the public, that the fire in the Old Market was started by Policemen, and that goods in that market were smashed, name boards and statues and motor vehicles damaged, by Policemen. The evidence on which these charges have been made is quite insufficient, and I say so after a careful consideration of all the evidence.

17. Another matter spoken to by the H.Q.I. was that at 2.30 a.m. on the 16th he was informed that the T.U.L.F. office had been damaged. Inspector Clement Perera said he went at 3.20 a.m. and made inquiries till 6.15 a.m. He found that an attempt had been made to set fire to the building. No culprits were traced.

18. The H.Q.I. also stated that another Police party of six men had left the Station at 9.50 p.m. on the 15th by jeep, on receiving information about smuggling.

19. One more witness has spoken to what he saw and heard on the 15th night. He was P.C. 6030 Gerara who was then attached to Delft. He spent that night in the Police barracks or bachelors inside Jaffna Fort. He stated that at about 1 a.m. on the 16th he saw constables moving about; they told him that they were going out on duty, and they left. At about 7.00 a.m. when he was at the Bus Stand, he heard some talk about Policemen having come to the Old Market, set fire to mats and assaulted people at about 2 a.m. He returned to Delft that morning. About 5 days later, he said, he informed S.I. Thamotherampillai and other Police Officers of what had happened on the 15th night. Such talk heard at the Bus Stand proves nothing.

20. On the 16th morning at about 5 a.m., said Mr. Yogeswaram, a number of persons came to his residence and informed him that about 10 Policemen in Khaki shorts and shirts had set fire to the mat shops in the Old Market at about 1.40 a.m. smashed goods in the shops there, damaged name boards and statues in the streets, and also damaged motor vehicles garaged in

Muneswaran Road. He telephoned to the Government Agent Mr. Wijepala and informed him, and was told by the latter that he was going on circuit to Mulangavil Farm. He also telephoned to Mr. Amirthalingam. Mr. Wijepala has confirmed that Mr. Yogeswaram telephoned to him about the Police having tried to burn some shops in the Old Market, and the people there having chased them away and that he asked Mr. Wijepala to contact the Superintendent of Police, because he had failed in an attempt to do so. Mr. Wijepala stated that he also tried and failed; and when he telephoned the Police Station he was informed that the Station could not contact the Superintendent: so he telephoned to A.S.P. Noordeen and conveyed Mr. Yogeswaram's information, and asked him to go to the S.P. and keep things in check.

21. Mr. Seneviratne, S.P. stated in evidence that he was in Jaffna from the 14th evening after returning from a conference held in Colombo, but his direct telephone line was not working. However, his extension line from the Police Station to his residence was working, and so was the telephone in his office at the station. There is some mystery about the failure of Mr. Wijepala and also Mr. Amirthalingam to contact Mr. Seneviratne through the Police Station. Mr. Wijepala also failed to contact the Additional G.A., Mr. Joseph, until he had first contacted his Office Assistant Mr. Ganesh. He then informed Mr. Joseph that he was going on circuit and asked him to stand by.

22. At 12 noon Mr. Wijepala received a message from Mr. Joseph that there was a lot of trouble in Jaffna, so he returned to Jaffna by 1.15 p.m. He was then told that everyone in the Kachcheri had struck work, and that the Defence Secretary, Army Commander, I.G.P. and D.I.G. were in town.

23. Mr. Amirthalingam, having failed to reach the S.P., telephoned to Mr. Werapitiya, Deputy Minister of Defence and the Prime Minister and informed them of the situation as conveyed by Mr. Yogeswaram about 6 a.m., that on the 15th night Policemen had set fire to the mat shops in the market. He then telephoned to the Police Station and said that he wanted to speak to the S.P. within 5 minutes. He said that the S.P. did telephone to him within 5 minutes, and appeared to be very surprised when Mr. Amirthalingam told him about the situation.

24. The S.P. said that he telephoned the I.G.P. and the D.I.G. and spoke to them. The I.G.P. has supported him on this point.

25. Mr. Yogeswaram has stated that he went to the Old Market and saw that a portion of it had been burnt, and that shops, name boards and statues had been damaged; and when he and Mr. Kathiravelupillai, M.P. for Kopay, then walked along Muneswaran Road, he saw that cars had been damaged. He then returned home at about 8 a.m.

26. A.S.P. Noordeen has denied that Mr. Wijepala telephoned to him that morning at his residence, or conveyed to him what Mr. Yogeswaram had said, or asked him to go to the S.P. and keep things in check. I prefer to believe Mr. Wijepala on this matter. There was a significant statement in his evidence regarding his conversation with Noordeen, viz., that when he informed Noordeen of Mr. Yogeswaram's information to him, Noordeen told him that a Policeman had been shot on the 14th night. Noordeen had unfortunately failed to do any of the things which Mr. Wijepala had asked him to do, and that may have induced him to deny the conversation.

27. Noordeen in evidence stated that at about 8 a.m. he was driving to his office at the Police Station through Hospital Road. He saw about 2,000 persons on the road, no buses were running, and all shops were closed. He saw Mr. Yogeswaram and Mr. Kathiravelupillai in the town. He said the Old Market was then on fire. A man with a gun hit his windscreen and damaged it, but he drove on to the Police Station. On the way, near Veerasingham Hall, 2 Policemen informed him that a mob had snatched their guns when they were guarding a Bank: he took them with him to the Police Station.

28. Noordeen stated that he formed the view that "an unruly mob had taken possession of the town". He was at the Police Station with the S.P. when Mr. Amirthalingam came there, and he complained to Mr. Amirthalingam of the attack on his jeep and said that he had sent a Police party to deal with the situation. The S.P. received a message at that time, that the Police had opened fire and killed 2 persons.

29. Mr. Joseph, Additional G.A. confirmed having received Mr. Wijepala's request to stand by. He said he tried to contact the S.P. or A.S.P. or H.Q.I. but none of them were at the Police Station, and even at 8 a.m. they were not there. He received several telephone calls about a fire in the market, shooting, and the situation getting worse, and between 9 and 9.30 a.m. he passed on the information to the Ministry of Defence and the Ministry of Public Administration. He also stated that he received, early that morning, a letter dated the 16th written to the Government Agent which was sent to him as the latter had left the town. It was from 3 Trade Unions of the Jaffna Kachcheri who complained that "the Police in Jaffna had committed atrocities on the innocent public from last night, causing damage to public properties. Normal life has come to a standstill. The officers are unable to travel to their respective work places safely. As a protest against the Police authorities the members of our Unions in all officers in the District have decided to go on strike till the issues involved are satisfactorily resolved. We demand a public inquiry into the whole incident".

30. The Special Commissioner of the Municipal Council, Mr. Sivagnanam, stated that he went to the Power House at 7.30 a.m. and saw a crowd running to it: they told him that they went there owing to a clash between the Police and the public. At 9.15 a.m. the caretaker Sinnathamby informed him that the vegetable market was on fire, and the police were obstructing the people inside from extinguishing it. He informed Mr. Joseph in order to get help to extinguish the fire.

31. At about 10.00 a.m. the caretaker informed Mr. Sivagnanam that a shop in the New Market was on fire. The latter failed to obtain water bowsers from the Army at Palaly, and so did Mr. Joseph when he applied to the Army and the Navy for bowsers.

32. I go back now to the point when Noordeen reached the Police Station that morning after the attack on his jeep, taking with him 2 Policemen whose guns had been snatched from them by a mob. He also saw the Old Market on fire and a large crowd on the road. He decided that for these reasons which he also conveyed to the H.Q.I., he should order the H.Q.I. to sent out six armed parties of Policemen. His order was obeyed, one of the parties consisting of Noordeen and 5 Policemen. The other 5 parties were commanded by the H.Q.I., Inspector Ramanayake, S.I. Mendis, S.I. Khan and S.I. Sampson—all in vehicles.

33. 2 constables, Satanathapillai and Ramupillai, stated that they were at the Police Station when the alarm bell was rung on the 16th morning on A.S.P. Noordeen's orders. He came there and shouted that Police Officers were being attacked in the bazaar.

34. He ordered the Policemen who came to collect rifles and ammunition from the Armoury. It is plain that the regulations governing the issue of rifles and ammunition have not been strictly obeyed. P.C. Weerasena who was in charge of the Armoury stated that he merely noted the number of the rifles and the Policemen to whom they were issued on a piece of paper. P.C. Augustine, when he resumed duties at 9.00 a.m., entered these details in the Rifles Movement Register. The rounds of ammunition issued and removed by each man were also entered in the Register.

34A. It would appear that 15 rounds were not returned, and it may be inferred that they were fired that morning.

35. If the situation was considered urgent, and speed in the issue of rifles and ammunition was thought necessary, I think the failure to obey the Regulations may be excused. It was A.S.P. Noordeen's view that action should be taken without delay, and I am unable to say that he was wrong in his estimation of the situation. H.Q.I. Gunasekera also appeared to have taken the same view.

36. The H.Q.I. in his evidence gave details of the personnel of the six armed parties which Noordeen had ordered. He stated that by about 8.45 a.m. he and his party had arrived at the hospital. At the entrance to Hospital Road he found concrete blocks placed on the road, and these had to be moved out to enable him to proceed. About 500 to 1000 persons had gathered there: they were unruly and abusive, and had to be moved on by the Police. He then went to Power House Road, where he found that the Police had fired on a mob and had injured 2 persons. The Old Market was still on fire, and it was then about 9.45 a.m. The Forage Stores in the New Market was also on fire.

37. He spoke to finding road barriers at junctions and other places, burning tyres and burning barrels of diesel oil obstructing the roads, and so did Noordeen. There is no doubt that these and other obstructions such as concrete blocks were put there by persons who did not want motor vehicles, including Police vehicles or Army vehicles, to use the roads. One view expressed by the witnesses was that the public put them there because they considered that the Police were moving about and causing havoc in the Market area. But these obstacles could not all have appeared after the Police came in armed parties: most of them must have been put there before the Police arrived, in anticipation of the Police coming. And why should it have been thought that the presence of the Police would lead to havoc or disorder? I am inclined to the view that those obstacles were placed on the roads by persons who were bent on mischief, and who did not want the Police to come there and restore order. There are always elements amongst the public who dislike the presence of the Police, because the Police have at their disposal the means of putting a stop to unruly conduct and unlawful behaviour.

38. One unfortunate consequence of the placing of these barriers consisting of burning tyres and other burning materials was that, when the Police removed the barriers by throwing them aside to clear the roads, they inadvertently caused one or two fires in shops. N. Selladurai, proprietor of Gowries Forage Stores in the New Market, said that Policemen put burning material near the door of his shop. Other shopkeepers also said they saw Policemen lifting burning tyres and throwing them at the shops. Obviously the Policemen were not pyromaniacs performing in front of the Jaffna Public, but Police officers intent on clearing the roads of obstacles which should not have been there. That is the reason that Noordeen gave for Policemen using their rifle butts to get rid of the burning tyres. They had a duty to perform to clear the roads of mobs, to clear away the road blocks and obstacles which had unlawfully been placed on the roads by unauthorised persons, and to restore order even if the citizens thought that they could be in control and dispense with the Police who are the legally empowered authority to maintain order. If

members of the public in Jaffna thought that if they blocked the roads with burning tyres and barrels of the oil they would paralyse the Jaffna Police force, they made a serious error. It was quite wrong for anybody to erect such obstacles as though the roads were his private property and the Police were there to be controlled by him.

39. I think the Gowrie Forage Stores was the only shop in the New Market to have been burnt. The Old Market, however, was completely destroyed by fire, and the evidence seems to point to two outbreaks of fire in it. The first is mentioned by a witness A. Sothilingam who said he had a grocery stall in the Old Market. When he was sleeping there on the 15th night he saw about 15 persons come and set fire to a shop there. They wore white banians, Khaki shorts, and had their heads covered with towels or handkerchieves, and they left after damaging some shops. He and some others put out the fire. He does not say who they were, and I see no reason for guessing. If it suggested that they were Policemen, I cannot accept the suggestion on such vague evidence. It should not be thought that all unidentified law-breakers should be presumed to be Policemen. The presumption of innocence extends to the benefit of all persons, including Policemen.

40. The second outbreak of fire at the Old Market is mentioned by N. Ehambaram who had a shop in it. He said that he was in his shop not on the 15th night but only on the 16th morning, when Policemen came there 3 times and assaulted and chased the people in that area. There were burning tyres at the C. S. K. junction, which the Policemen lifted and threw at the mat stalls in the market, causing fires in many shops in the vicinity. Shopkeepers in Grand Bazaar, such as K. Sadajan, S. Sivagnanam, A. C. M. Kareen have given evidence. I consider that they were referring to Policemen who caused fires by removing inflammable materials from the road not deliberately but in order to clear the roads of obstructions placed by members of the public. Not only the Old Market, but also the row of boutiques on the other side of the gravel road running by it, may have been burnt either as a result of such action justifiably taken by the Police, or by mobs bent on looting and arson. I do not consider it necessary to follow the movements of the six armed parties throughout that morning. They were busy trying to control the crowds or mobs as some may prefer to call them—who had gathered at various points in and around the market area. I have heard the evidence of some of the Police officers who had to take action against mobs that behaved aggressively or unlawfully. Some ordered the men who were in their jeeps to fire, at mobs which refused to disperse and continued to be defiant and hurled missiles at the Police. It seems to be agreed that altogether four persons died of gunshot injuries—2 in Power House Road, one in Kanathiddy Road, and one at the Wellington Theatre Junction.

41. Mr. Yogeswaram complained that at about 9.30 a.m. that morning when he was in his house, about 15 or 20 armed Policemen including P. S. Aloysius, whom he knew, entered his verandah and abused him in obscene language. They left when he ordered them out. Mr. S. Thambidurai, a retired. District Judge, corroborated his evidence.

42. A repetition of such unruly behaviour was complained of, as having occurred later that morning, the offenders again being Policemen. About 4 constables in Khaki shorts and banyans walked in, he said, and one of them abused him. When he ordered them out, they left.

43. Such unruly behaviour on the part of Police Officers deserves severe condemnation. If they had been identified and a complaint made against them, an inquiry would necessarily have been held. Only P. S. Aloysius was identified out of the 20 or 25 Policemen who have been complained against, and I have to decide the correctness of the complaint against him.

44. Mr. Yogeswaram said that he complained to Mr. Huurulle, the D.I.G. and the Co-ordinating Officer, but no action was taken. If the complaint was made, there must be some good reason for no action having been taken, of which I am unaware. I have heard the evidence of P.S. Aloysius, a Police Officer, with 26 years service in the force.

He said that on the 16th, he and 7 other constables accompanied S.I. Mendis in an armed party. They left the station at about 8.30 a.m. for Wellington Theatre Junction, where they fired at a mob. From there they went to the Bus Stand, where they stayed till 7.30 p.m. He admitted that his party passed Mr. Yogeswaram's house that morning on their way out from the Police Station, but at no stage did he or the other Police Officers enter that house or abuse Mr. Yogeswaram. So far as he knew, no complaint had been made against him to anybody. In view of this state of the evidence, I am unable to say that the allegation against P.S. Aloysius has been made out.

45. I now refer to 5 cases of alleged shooting by the Police on the 16th morning, none of which proved fatal.

(1) S. Vartharajah stated that at about 8.30 a.m. he was walking towards Wellington Theatre Junction to reach his work place. He saw 4 Policemen arriving at the junction and firing at a crowd. He received a bullet on his right knee. He was taken to hospital, where his right leg was amputated below the knee.

(2) T. Suriyakumaran was walking at about the same time to work. He ran with other people who said that the Police were chasing them. After he passed Wellington Theatre he received a Police bullet near his right elbow and was taken to hospital.

- (3) S. Kailasapillai was walking along Kasthuriar Road about 10 a.m. when he received a bullet in his right upper arm. He said that the shot was fired by a Policeman immediately after Mr. Amirthalingam was assaulted.
- (4) S. Gopalakrishnan was returning home along Kasthuriar Road about 8.30 a.m. when he received a bullet through his right wrist.
- (5) K. Edirimanasingham was walking towards Hospital Road. He saw a crowd being chased by the Police and he too ran. A Police bullet pierced his right thigh and he fell. He was removed by the Police to hospital, where he stayed for 5 months, and he was wearing a steel brace.
46. At about 10.30 a.m. Mr. Amirthalingam, Mr. Yogeswaram and 2 others went by car towards the old market. They stated that near the hospital they were confronted by a line of 20 to 30 Policemen pointing their rifles at them. The H.Q.I. shouted to his men not to shoot and to let them proceed. They then walked up and found that some of the constables wore shorts and banyans, while others in uniform were not wearing their numerals.
47. Mr. Arimthalingam stated that he reprimanded A.S.P. Noordeen, who was also there, for saying falsely that bombs had been thrown at the Police. Soon afterwards, he said 2 constables who were behind him hit him, one with his rifle butt and the other with his hand. Mr. Yogeswaram stated that he did not see the assault, but he heard Mr. Amirthalingam shouting in protest. Mr. Arimthalingam stated that the crowd shouted, on seeing him being assaulted, and 4 Policemen behind him fired over their heads. A.S.P. Noordeen denied that the Police fired at that stage.
48. H.Q.I. Gunasekera gave the time of this incident about 1 p.m. but I would say it was before noon. He spoke to Mr. Amirthalingam having complained of an assault by a Policemen and pointed out a Policemen, who was standing about 10 yards away, as the assailant.
49. The alleged assailant was P.C. Wijedasa Perera, who had been in the armed party which A.S.P. Noordeen took with him. He said that Mr. Amirthalingam pointed him out to Noordeen, and Noordeen ordered him to go to his jeep. He denied the charge of assault. No inquiry was held against him.
50. Having considered this matter, I think the reason that no inquiry was held and no action taken against this constable is that there was no eyewitness to the alleged assault. Mr. Amirthalingam stated that constables who were behind him assaulted him, and it is therefore doubtful if he was

in a position to see who the assailant was. When he spoke to the I.G.P. about the matter, he was told that no one was identified as the assailant, which amounted to his saying that nobody came forward as an eye-witness. It was therefore pointless prosecuting P.C. Wijedasa Perera.

51. Mr. Joseph, Additional G.A. stated that he went towards the new market in a van with 4 other public officers at about 10.15 a.m. Opposite the hospital the crowd informed him that they were trying to extinguish the fire there, but the Police were obstructing them. Opposite the bus stand there were 15 to 20 constables across the road, pointing their rifles at his van. When he and his officers walked towards the constables, they continued to point their rifles, and it was only after 2 members of his party shouted "Government Agent" and put their hands up that the rifles were lowered. Noordeen admitted that he did not approach this party: he said he did not see Mr. Joseph there.

52. Mr. Joseph said he saw Mr. Amirthalingam there, the new market was ablaze, but nobody was allowed to approach it to extinguish it. There is some dispute as to whether efforts were made at that stage to put out the fire, the Police Officers claimed that water was being used for that purpose. But Mr. Joseph clearly felt that there was insufficient action being taken, as his conduct at the Airport a little while later shows. He went there to meet Mr. Jayasinghe, Secretary for Defence, the Army Commander, the I.G.P. and the D.I.G. who arrived at about noon. Mr. Liyanage, S.P. Anuradhapura, also accompanied them. Mr. Joseph had the impression that the Police were preventing members of the public from extinguishing the fire in the new market. That impression may have been caused by the Police also trying to control the crowd that had gathered there, and with that object keeping the crowd at some distance from the new market where the fire was raging.

53. If one had formed the opinion that the Police had caused the fire, one would conclude that any action taken by the Police was taken in order to make the fire blaze more fiercely, such as the throwing of inflammable material off the roads and unintentionally causing fires to start. That may have been the impression made on witnesses who blamed the Police for the fire in the new market.

54. The visit by those high-ranking officers from Colombo was probably caused by telephone calls made by Mr. Amirthalingam to the Prime Minister that morning and by Mr. Navaratnam, M.P., to Mr. Werapitiya, Deputy Minister for Defence, to the effect that there had been rioting and Police firing and that the Police had gone berserk.

55. Mr. Joseph stated that he again asked the local heads of the Army and the Navy for their assistance to extinguish the fire, when he met them at the Airport, but he received none. When he met Mr. Jayasinghe and the Army Commander he informed them of the fire; and when the three of them reached the Army Camp, the Army Commander immediately ordered 100 soldiers to go to the scene and told the local Navy Commander to send whatever bowzers were available, with sailors, from Kayts.

56. The officials who arrived by air went to the market. Mr. Jayasinghe said that part of it was burnt down (that was probably the old market and the shops near it) and part was burning (which was probably a shop in the New Market). He saw tyres burning at various points on the road, and concrete blocks placed round the market place. There were crowds on the roads at a distance. Mr. Amirthalingam told him that the people had collected at the market; and for fear of the Police coming there and attacking them, they had placed burning tyres and barricades, but the Police threw these inflammable things into the market. I have already expressed my views on this matter.

57. Mr. Senanayake, then I.G.P., said that when he went to the market people told him and the others there that the Police had set it on fire. This is, no doubt, a reference to the throwing of inflammable things.

58. There is also the evidence of Mr. Liyanage, S.P. Anuradhapura, as to what he saw. He said that several miles from the town, possibly at Urumpirai junction he noticed a stack of burning tyres on the road. They had been pushed away to clear the way for the official party. He also saw diesel barrels on fire in the town itself. When he reached the old market it had been completely burnt out, and a row of boutiques which were separated from the old market by a gravel road had also been burnt. At the new market he saw a smouldring fire on which the Police, army and civilians were throwing buckets of water. By then the Army bowzers had also come there.

59. From there, he said, the party went to several other places in the town Laksala had been looted; the C.W.E. was being looted and people were running away with goods; a Police jeep had been burnt and gutted completely; 2 or 3 bakeries owned by Sinhalese had been looted or burnt; the B.M.C. had been looted. He noticed there that there were gun shot marks on some of the glass panes, and tins of paint had been punctured. A Police truck had also been burnt. This evidence corroborates the evidence of eye-witnesses who spoke to movements of mobs on the streets, intent on destroying, burning and looting on the 16th morning. If the Police took action against them by firing at them after a warning to disperse, innocent victims who are at the scene cannot claim redress in such cases of justifiable homicide. Sight-seers must be prepared to suffer in such situations.

60. A conference was held at the residency after the visit to the market and after the fire had been extinguished. The official party and Members of Parliament attended it. A curfew was proposed by the authorities, for that night. The Members of Parliament objected, stating that they feared that the Police would act irresponsibly under cover of darkness and unobserved by the public. No curfew was, therefore, imposed.

61. The visiting officials, except Mr. Liyanage, returned to Colombo at about 3 p.m. by air. The D.I.G. returned to Jaffna next morning. Mr. Liyanage left Jaffna next evening at about 7 p.m. by road.

62. Evidence was given by Mr. Amirthalingam that Policemen at the market were not wearing their numerals even though they were in uniform. The Police Officers, including Mr. Noordeen and Mr. Gunasekera, denied this allegation. I am satisfied on the evidence given by other witnesses, such as Dr. Dassanayake, S.H.S., and Dr. Amerasingham, Medical Superintendent of the Hospital, that there had been breaches of the Regulation which requires Policemen to wear their numerals when they are in uniform. The obvious reason for this is that they can be identified by their numerals, even if they are seen for the first time by a witness.

63. Allegations of other instances of breaches of the Regulations, and misconduct, have been made by witnesses against Police Officers and I shall now refer to them.

64. E. Pathmarajah, a market supervisor, said that when he was closing the gates of the market that morning a Police truck arrived there. A constable hit him on his head and he fell. Then 2 other constables hit him on his knee and ankle. He was taken to hospital and stayed there for 2 weeks and received outdoor treatment for a further 3 weeks.

65. Mr. T. Subramaniam, Branch Manager, M.P.C.S. Jaffna, said that 2 or 3 truck loads of Policemen stopped outside his office that morning. They got out with their rifles and fired in all directions. Bullets struck a window of his office. They then hit the cycles belonging to the office employees with their rifle butts. Mr. V. Kulanayagam, Supervisor, M.P.C.S., gave similar evidence about this incident.

66. Dr. K. Balasingham, Obstetrician and Gynaecologist, Jaffna Hospital, said that he came to the hospital gate that morning on hearing about the trouble in town. He saw 3 constables in uniform getting out of a van with large stones in their hands and throwing them at a pharmacy situated opposite the hospital. By 7 p.m. that day 29 injured persons were hospitalised and there were 4 deaths.

67. A businessman, Mr. M. R. Joseph, said he saw A.S.P. Noordeen driving a jeep very fast through a crowd towards the bus stand. He next saw several jeep loads of Policemen, in uniform and in plain clothes, with sten guns and rifles getting down at the bus stand and going in all directions assaulting people. He next heard the A.S.P. shouting "shoot them like dogs. It is either they or we". About 15 minutes later 3 jeeps stopped opposite his residence, which is opposite the hospital. H.Q.I. Gunasekera was in one, S.I. Sampson in another, and constables in the third.

68. The witness said he saw constables throwing stones at his residence and damaging window panes, while the H.Q.I. and the A.S.P. were watching. He heard these officers saying "U.N.P. pandam holder, go and inform". They left after about 15 minutes.

69. In answer to this witness' evidence, Mr. Gunasekera admitted that he and his party of Policemen were opposite Mr. Joseph's house, and that S.I. Sampson was also there. He has characterised Mr. Joseph's evidence as false. He has denied the alleged stone-throwing and the damage caused.

70. In the situation that arose in the market and hospital areas that morning the Police had to take firm and quick action to restore order to control mobs, to clear the roads and to deal with gangs of looters and fire-raisers. To some outlookers their actions may have appeared to be unnecessarily rough. Some witnesses such as Dr. Balasingham and Mr. Joseph have described the situation as "a reign of Police terror". Law-abiding citizens would probably have resented seeing armed parties of Policemen travelling fast along the roads and they may have thought that unnecessary force and strong-arm tactics were being used by some officers and men. But at such a time when fires had been raised in the old market and boutiques had been consumed by such fires there was no time to act cautiously and slowly. I think that there may have been excesses in the conduct of some Police officers, because they could not stop to consider exactly how they should act to restore order. At a certain stage as I shall show when I deal with the evidence of other witnesses a state of mob rule seemed to exist. That situation had to be dealt with sternly and with the use of force. I am doubtful whether Mr. Joseph's evidence can be accepted in its entirety. Some of it seems to me to give an exaggerated account of what he saw.

71. A hospital overseer S. Thilagar and his children have given evidence against the Police which I shall refer to. He was at work while his children stayed at house that morning. Having heard that a party of Policemen had entered his house and removed his .22 rifle which was licensed, he returned home at about 11.30 a.m. His children then informed him that the Police had come there, assaulted his son Rajakumar and

removed his rifle. When he tried to get his his rifle back from the Police he failed. If his and his children's evidence is accepted the Police acted unlawfully in removing the rifle.

72. I have considered the evidence including the evidence of Inspector Gurusamy. The latter denied that he went to Thilagar's house on that day, or that he had any part in the removal of the gun. I hold that the rifle was removed by one of the party of Policemen who entered that house despite the protests of the children, and that Gurusamy was present when it was removed. The daughter Varmi spoke to the removal and to Gurusamy telling her that the rifle would be sent back.

73. When evidence relating to this incident was led at Jaffna, it was never disputed that the rifle which was produced before me bearing No. 41830 and licensed in his name belonged to Thilagar. It was also not disputed that the same rifle was produced by S.I. Mendis and marked in inquest proceedings No. 4878 M. C. Jaffna in respect of a shooting incident near the Wellington Theatre junction on 16th August. Some 18 months later S.I. Mendis giving evidence before me stated that the rifle he removed from the side of the road and produced at the inquest was an unlicensed .22 rifle bearing no number. He said it was lying on the ground outside Geetha Engineering Works near Wellington Theatre junction.

74. I rejected S.I. Medis's evidence as to the finding of the rifle in question. I hold that the rifle was in fact removed from Thilagar's house unlawfully. Subject to any order the Magistrate may make in proceedings No. 4878 it seems to me that the gun should be returned to Thilagar.

75. Another case of unlawful Police conduct that day was spoken to by Mr. S. Suntharalingam, then Registrar of Magistrate's Court, Kebitigollawa. He left his residence at Point Pedro that morning to travel to his station. At Vavuniya, having seen many Tamil refugees returning from Anuradhapura, he decided to return home. He came in a lorry along the Jaffna-Point Pedro Road when 7 or 8 armed Policemen stopped the lorry at the Naga Vihara junction at about noon. They first hit the windscreen and broke it and then damaged other parts of the lorry with their rifles. Finally, they pushed the occupants out of the lorry and hit them with their rifles. The witness was hit on his left knee and sustained fractures of his leg. When he gave evidence he was still unable to walk. Witness V. M. Ponniah also spoke to this incident and to Policemen at that junction stopping cyclists and damaging their cycles.

76. Two bus drivers described their experiences with the Police on 16th August. V. Nagamany who was driving bus 23 Sri 4598 at 4.00 p.m. from Kondavil Depot to the Jaffna Bus Stand said that he passed the Railway crossing near the Nurses Quarters and came up to a jeep 23 Sri 6901 containing 5 or 6 Policemen in uniform. They placed 2 cycles on the middle of

the road and ordered the witness to drive over them. When he refused Inspector Walter Perera repeated the order and a Policeman pointed his rifle at the witness. Through fear, he said, he obeyed the order. When he reached Hospital Road, the Police did not allow him to proceed, so he returned to the Depot.

77. V. Selvarajah was driving bus 23 Sri 4615. He said that at Victoria Road junction Inspector Walter Perera and 4 or 5 Policemen in uniform ordered him to drive over some cycles which they placed on the road. He also saw the Policemen chasing people along the road. He ran out of the bus and hid, until things became quieter. He took the bus back to the Depot on the orders of Mr. Thiagarajah, Depot Superintendent.

78. Mr. Thiagarajah has explained that he was asked to arrange transport for hundreds of people who were stranded at the hospital. The bus crews refused to work owing to Police assaults on the public, and he himself saw Policemen chasing people towards the hospital.

79. He persuaded the bus crews to drive about 20 buses to transport school children to their homes, and 10 buses to transport people from the hospital. He followed the convey of 10 buses, and near Victoria Road junction he saw people running on the road because the Police were assaulting them; and he also saw damaged cycles lying on the road. So he ordered the bus crews to drive the buses back to the Depot.

80. I shall refer now to damage done by mobs to Government and private establishments on the 16th. When Mr. Amirthalingam was being cross-examined by Mr. Gunatilleke, it was suggested to him that the damage done to Laksala, Salusala, C. W. E., Sinhalese bakeries and houses was caused by the T.U.L.F. youth movement. His reply was that the Police set fire to the market, and shot and killed people; he was assaulted near the market, and it was a calculated move to provoke the crowds; and before the crowds could do anything, the Police shot people at random. Noordeen and the H.Q.I. tried to prevent it, but others continued to shoot. That is why, Government shops were attacked; It was a natural reaction to Police deeds, viz. assaults on innocent people and the setting fire to the market.

81. I do not accept Mr. Amirthalingam's explanation of the many cases of looting and damage done to Government institutions, bakeries owned by Sinhalese and houses occupied by Sinhalese. I am satisfied that such looting and causing of damage began early that morning, and was not a result of the fires that were begun in the market. Mobs had gone into action, and had also taken care to place obstructions on the roads, in order to prevent the Police moving speedily to check their criminal activities.

82. Shortly after the sitting of the Commission commenced at Colombo early in August, 1978, Senior State Counsel called a witness W. J. E. Fonseka. He stated that his son owned a workshop named "Geetha Diesel Engineers", which a mob attacked and destroyed on the morning of 16th August. When he went to it that morning at about 9 a.m. he heard that there had been clashes with the Police. 3 bombs were thrown into the workshop and they exploded. By then the place was being looted by a crowd of 50 or 60 persons, and the total damage done to it was more than 3 lakhs. I have no doubt that his evidence about the attack on the workshop by a mob, and the extensive damage done to it, is true.

83. It has also been corroborated by witness T. Meepage who had been a resident of Jaffna since 1967, while Fonseka had there for over 55 years. Meepage owned 2 motor repair works in August, 1977, one at 42/1, Clock Tower Road and the other at 375, Clock Tower Road. He stated that he saw "Geetha Diesel Engineers" being attacked at about 8 a.m. on the 16th, the attackers being led by one Hensman and his younger brother. He also saw the Building Materials Corporation being attacked at about 11 a.m. by Tamil mobs. He saw the Police coming there and firing in the air; they were attacked by a crowd of 1,500 to 2,000 persons with missiles, and they left because they could not control the crowd. The gun shot marks mentioned by Mr. Liyanage could have been caused by Police firing.

84. The witness also spoke to having seen the Crown Bakery and a jeep, which was opposite the Bakery, being burnt. I accept his evidence. His evidence also referred to the damages he suffered in his own workshop at 375, Clock Tower Road during his absence from Jaffna. A bomb had exploded there, killing one Bharatidasan. When he returned to Jaffna on 15 September, he found over 2 lakhs of damages had been inflicted.

85. H. E. Simon was a dealer in motor spares and a motor car repairer in Jaffna for 17 years. His business was called "National Diesel Engineering" and it was on Sivan Kovil Road. Most of the State-owned vehicles were repaired there.

86. He stated that on 16th August, he had 4 vehicles belonging to the Police Department and some other government vehicles in his garage. When he was going there that morning he saw fires burning, and concrete posts lying on the road.

87. Shortly after he arrived at his garage, a crowd of Tamils rushed in and removed a Police truck by force and set fire to it. He telephoned to the Police, but they were unable to come there. He left Jaffna on 28th August, and returned after a few days. On his return he found that 2 of his vehicles

had been burnt, and valuable parts removed from another. His house had been damaged by explosive and building materials burnt. He found both government and his personal property were lost.

88. K. A. Dharmapala was the watcher of Laksala, which was run by the Department of Small Industries. He stated that at about 9.30 a.m. on 16th August, a crowd of about 50 Tamils ordered him and the other employees to leave the premises. They then broke into the shop and looted it.

89. Mrs. P. Somadasa was in charge of the Jaffna Branch of Laksala. She stated that she could reach it on 16th August, because the bus she was travelling in was stopped by a crowd. She went to the Kachcheri and met the Assistant Director there and returned home. She stated that she went again at 1 p.m. and told the Government Agent that she heard that Laksala was being attacked. On the 18th she went near Laksala, she saw a large crowd. Furniture, fittings, showcases etc., had been piled up on the road outside. A crowd inside were helping themselves to the goods and removing them. The iron safe had been put into a well. Tyres had been burnt on the road. She saw no Policemen there.

90. Witness G. Dharmadasa had a bakery at 32, Kanagaratnam Road, Ariyalai called "Dharmasiri Bakery". He had been a baker in Jaffna from 1951 to 1977. When he was in his bakery on the 16th afternoon, he saw an armed crowd approaching it. He ran to a Tamil friend's house in the next compound.

91. His van was damaged. When he returned to his bakery half an hour later he found a packet containing Rs. 18,000 (which he later reduced to Rs. 10,000) missing from his table drawer; 4 cycles had been damaged and thrown into a well; and his showcases were damaged. He informed the Police that evening.

92. K. Balasingham was working as an Executive Assistant at the Building Material Corporation in August 1977. He stated that on the 16th at about 1.30 p.m. about 50 to 60 persons, all Tamil speaking, attacked the show rooms which had been closed that morning. The contents were thrown on the road, from where people took them away. He informed Police that evening. This witness' evidence was not contested.

93. P. Sithamparanathan stated that he was a Watcher attached to the Education Department, Jaffna, in 1977. On the 16th he was on night duty. At about 9.30 p.m. all the street lights were extinguished, but the lights in the office were on. About 30 or 35 Tamil speaking persons entered the premises, damaged a car and a van belonging to the Department which were parked there, and set fire to both vehicles. I accept this witness' evidence.

94. Mrs. K. Elvin Fernando gave evidence as to how she and her husband, a carpenter, had lived in Jaffna from 1972. He made furniture and other items for sale to the furniture shops there. Their house was at 25/5, Adampan Road, and about 6 other Sinhalese families lived near them. Their landlord was a Tamil named A Podikappan. She stated that on 16th August evening 4 stones were thrown at their house, so they spent that night at the Timber Corporation Depot. When they returned to their house on the 17th morning they found that persons had entered it through the roof and removed all their belongings including the carpentry tools, clothing, furniture and jewellery. All the relief they received was Rs. 50 from the D.R.O., Jaffna.

95. Sarath Abeysekera stated that his father ran the "Chandra Bakery" at Station Road, Jaffna, for over 40 years. He himself had run it for 4 years until 16th August. On that day his employees left, and he closed it because he heard that Sinhalese shops and government institutions were to be attacked. That morning about 75 persons entered his Bakery through the rear entrance, and smashed the furniture, showcases etc., so he vacated it. He identified Nagarasa, a railway employee, as one of the attackers. He left for Anuradhapura, and on his return he found that his Bakery had been burnt.

96. G. C. Avis Appu was the owner of the "Crown Bakery" at 81, Kasthuriar Road, Periakade, Jaffna for over 40 years. On 16th August, when he was upstairs, a crowd broke in. They set fire to tables, almirahs, bags of flour, etc., on the road. He continued to stay upstairs, while his employees ran to a Tamil School Master's premises and returned after the crowd had gone away. Although 10 Tamil persons went upstairs, they did nothing to the witness. The crowd, undoubtedly Tamils, confined their activities to damaging or burning property. A Tamil helped his son to restart the business.

97. G.Dhanapala was carrying on a Bakery business in Jaffna from 1951. In August he ran it and a tea kiosk at Karaliya junction with 9 employees. On the morning of 16th August, having heard that the "Crown Bakery" had been attacked, he ordered the bakery and tea kiosk to be closed. Before that could be done, about 50 Tamil persons came there in a C.T.B. bus and entered both places of business and ransacked them, while he and his employees ran through the rear door to a Tamil neighbour's house.

98. To close this chapter of incidents which occurred on 16th August I shall mention another case of shooting of Policemen which took place on the 16th night. A mobile patrol had been sent at 9 p.m. to provide security for the Police married quarters at Pannai, about 200 yards from

the Jaffna Police Station. 2 constables—P.C. Alwis and P.C. Nandasiri—were travelling with others in a jeep, and on their return journey they were shot and injured by unknown persons near the prison. They refused to go to Jaffna Hospital for treatment owing to the tense communal situation. Mr. Liyanage, S. P., who had come to Jaffna from Anuradhapura that day, tried to get even a male nurse from the hospital to come to the Police Station to treat the injured constables. The Medical Superintendent was not able to help, because medical staff were authorised to treat only patients who were in the hospital.

99. Alwis received 3 injuries, one of which was a pellet which entered his spine at the back of his neck. The jeep and a rifle of a constable were also damaged by the rifle fire.

100. At 10.25 p.m. the Superintendent of Police, Jaffna, sent a message to the I.G.P. and the D.I.G. stating that the injured have to be necessarily removed to Colombo due to the situation here. He asked that an aircraft be sent immediately to transfer them to Colombo. A plane was sent that night from Colombo to Palaly Airport, to which the injured men had been sent, but owing to navigational difficulties it could not land; it returned to Colombo. The injured men were taken to Tellipalai Hospital, where a Tamil Lady Doctor attended on them, and at noon on the 17th they were flown to Colombo. Alwis was in hospital for 12 days, and received outdoor treatment for 49 days.

101. On the 17th at 11 a.m. a radio message was sent from Jaffna, purporting to be from the Superintendent of Police to the I.G.P. It stated: "Today 4 C.T.B. buses set on fire. Naga Vihara, Jaffna, is being attacked. Crowd collected at Railway Station, Jaffna, to attack in-coming passengers. Situation serious". It was a false message because none of the incidents mentioned had happened.

102. At 11.15 a.m. another message was sent to the I.G.P., as follows: "Further to my message of just now please cancel this message. Further message will follow". Inspector Gurusamy admitted that he ordered this message to be sent, having learnt of the previous false message.

103. But a question which was raised, and which I have not been able to decide, was as to who was responsible for the sending of the false message. Each of the witnesses, whose names transpired in this connection, denied that he was responsible. P.C. Kumarasamy stated that he was instructed by H.Q.I. Gunasekera to send it, the latter having said to him, "write this down and transfer this to the Radio Room". He wrote it down and passed it on to Radio Operator Jacob by going to the Radio Room himself.

104. H.Q.I. Gunasekera denied that he gave the message to P.C. Kumarasamy. He said he first heard of this false message on 5th September 1977, when A.S.P. Noordeen was holding an inquiry into the sending of the message. He attributed the false implication of himself by P. C. Kumarasamy to the fact that 7 charges of breach of disciplinary regulations had been made by him against Kumarasamy.

105. Inspector Gurusamy contradicted P.C. Kumarasamy's statement in evidence that Gurusamy was presented at the time H.Q.I. Gunasekera dictated the message to Kumarasamy. He stated that after he was questioned by the Radio Communication Centre, Colombo, about the false message, he sent the later message cancelling the false one. He sent it in the name of the S.P., Jaffna, although the latter did not authorize or even know of the cancellation. In this state of the evidence, the sender of the false message cannot be identified. It was sent with mischievous intent, and could have created an ugly situation. The usual spate of rumours began, with exaggeration playing its part as the spread from mouth to mouth.

105A. Mr. Bartlett in his written submission states "There can be no doubt that that false message was transmitted with the complicity of the D.I.G., Mr. Ana Seneviratne, the S.P., Mr. A. S. Seneviratne, and the H.Q.I. Mr. Gunasekera, who were then in their stations at the time it was transmitted". There is not a shred of evidence to support this submission and I reject it as quite unfounded.

106. When the Venerable K. Nandarama Thero, Viharadipathi of the Naga Vihara, reached Anuradhapura by bus on 20th August, he was told by the High Priest of Isurumuniya Vihara that the latter had heard that he had been murdered and his body was hanging on a tree. The rumour had also been spread that the Naga Vihara had been burnt. Accordingly, in order to dispel these rumours, the Venerable Nandarama Thero gave a Radio talk at the request of Colonel Rodrigo, the head of the Army in Anuradhapura.

107. On 21st August, the I.G.P., in order to correct false rumours which were spreading over the country, sent a message to the Officers-in-charge of all Divisions and Districts in the following terms: "I have received information that some mischievous elements are spreading false rumours that several Police Officers have been killed in Jaffna. This is wholly baseless and completely false. Only 2 Police officers received slight gunshot injuries on 17th August and they are totally out of danger. Take action against anyone responsible for these false rumours. Please inform all ranks of this message. Headquarters Stations please reply to sub-stations".

108. Publications in the newspapers from 20th August for several succeeding days have been produced. The Daily News of 20th August had the following item: "It is evident that various groups and individuals are deliberately inciting people to loot, violence, arson and murder by spreading false and malicious rumours regarding incidents purported to have taken place in the North, especially to the Jaffna Campus Sinhalese students", said 3 University teachers of the Jaffna Campus. "The Jaffna Campus was closed for all students, on Wednesday, the 17th instant, because of the tension prevailing there as a result of clashes between the Police and civilians. More than 400 students, together with members of the academic staff, left Jaffna that afternoon in special C. T. B. buses and all of them reached Anuradhapura safely that night. The following day special C. T. B. buses again took students to destinations such as Kurunegala, Kandy and Colombo. We too travelled in these buses and reached Colombo last night".

109. The 3 teachers were Mr. Harsha Gunawardene, Department of English; Mr. D. H. Sugathadasa, Department of English; and Mr. D. Thiranagama, Department of Geography.

110. On 22nd August an important message went out from the I.G.P. to all Officers in charge of Divisions and Stations giving the text of the Prime Minister's message which was: "All Army and Police personnel should take the firmest action under the law to deal effectively and promptly with cases of violence. The whole country is depending in this crisis on the Police and the Services to restore and maintain law and order. Do not have the slightest fear to take the firmest action under the law. I will uphold acts of all Army and Police personnel in all cases of arson and looting."

111. Evidence has been led about two conferences which were held in the Kachcheri on the 17th, one at about 11.00 a.m. and the other in the evening. The D.I.G., S.P., Jaffna, S.P., Anuradhapura, Heads of Departments and others were at the morning conference.

112. Mr. Thiagarajah, Depot Superintendent, C.T.B., was asked why buses were not being operated, and he replied that the bus crews were afraid of the Police. He was asked to arrange for the University students to be transferred to their homes.

113. Dr. Dassanayake, Superintendent of Health Services, stated in evidence that he told those present that there was a threat of a strike by the minor staff of the hospital, because a large number of Policemen were not wearing their numerals, and a Policemen had assaulted a Mortuary Labourer on the 16th evening.

114. He asked the D.I.G. to fulfill 5 conditions before he sent a Policeman to the Hospital, viz. :

- (1) he should bring a letter from the Officer-in-charge of the Police Station, (2) he must be properly clad and wear his numerals, (3) it must be stated in the letter whether he is armed or unarmed, (4) he must get permission from the Medical Superintendent, (5) he must be at his place of duty and nowhere else.

115. These conditions, he stated, were agreed to by the D.I.G. but when Dr. Dassanayake was called to this Hospital that afternoon and went into a room there, he found Inspector Walter Perera holding an inquiry in the presence of a Sergeant and 2 constables, none of whom was wearing his numerals. He accordingly wrote a letter of protest to the Superintendent of Police. The latter stated in evidence that he did not receive the letter. Although Mr. Liyanage stated that at no stage of that conference did Dr. Dassanayake mention that Policemen had been on duty without their numerals, I see no reason to reject Dr. Dassanayake's evidence on the matters mentioned by him.

116. Both Mr. Seneviratne, S.P., and H.Q.I. Gunasekera denied that Policemen were moving about in uniform without their numerals. On the other hand Inspector Gurusamy admitted that Policemen were in town without their numerals, and Dr. Amarasingham stated that he saw many constables in the Hospital premises without their numerals. I accept the evidence of the last two witnesses, which corroborates Dr. Dassanayake's evidence.

117. On the 17th, Dr. Dassanayake received a threat from an anonymous caller that he would be shot like a dog. On the 18th he drove to Vavuniya and on the way his windscreen was damaged by a stone and a passenger was injured. On the 19th, he went to Colombo through Anuradhapura, having obtained leave till the 23rd. He went to work at Anuradhapura for a few days and was shocked at the conditions in the Hospital Mortuary. He found the entire health services there at a standstill, with only 5 out of over 40 Doctors working, and only 3 out of 47 Institutions in the area functioning.

118. I shall now refer to incidents that took place on the 17th. J. Liyanage, Driver of van 22 Sri 4209 belonging to Air Ceylon was driving it to Palaly Airport that afternoon. Some persons, who he thought were Tamils, threw stones at it from behind. On his return journey to Jaffna, people standing on either side of the road threw stones at it and damaged it.

119. S. Ponnambalam was the driver of jeep 31 Sri 8124 belonging to the Government Agent, Jaffna. It was being used in August by Mr. Logeswaram, Deputy Director of Planning. On the 17th, Ponnambalam drove it to Annacottai at about noon. At Ottumadam junction the jeep was obstructed by a taxi placed across the road, and he was dragged out of the jeep by 6 young men, and pushed into a drain. They snatched the switch key from him and drove away in the jeep. He stated that they were all Tamils. The jeep was later found burnt near the Kaithady bridge. His evidence was not contested.

120. 3 employees of the Multi-Purpose Co-operative Society, Chankanai, have given evidence of offences committed on the 17th.

121. V. Kanagasabai stated that he was Manager of Co-operative Store No. 24. That afternoon a gang armed with guns came by jeep and looted the store. They wore masks and did not speak, so he could not identify them. The jeep was 31 Sri 384.

122. K. Vigneswaran was Manager of Store No. 25, which a gang came and looted. He could not say whether they were Sinhalese or Tamils. They were armed and came in a jeep bearing the number already mentioned. They wore masks.

S. Paramagurusamy was Manager of the Store at Araly East. A gang wearing masks came and looted the store without speaking. He could not say whether they were Sinhalese or Tamils.

123. G. Karunawathie and her husband, N. Carolis, had been living in Jaffna for many years, in complete harmony with the Tamil residents. He was a Watch repairer. She noticed signs of uneasiness and excitement on the morning of the 17th. There were crowds at the Railway Station and the Naga Vihara. She therefore sent her children that morning to the Police Station, and she and her husband followed them there. They spent 3 days there. On the 17th evening, when she went to her residence she found that almirahs had been forced open and their contents stolen as well as clothes, the children's school books and 4 clocks belonging to her 4 daughters. The furniture was damaged and burnt.

124. They left Jaffna, but they hoped to return there some day as they had many friends among the Tamil families.

125. An incident in which some Policemen were involved has been described as having taken place on the 17th afternoon. Mr. Thiagarajah, Depot Superintendent, C.T.B., stated that when he returned to his office at 1 p. m., his assistant informed him that he had received a telephone message to the effect that bus 22 Sri 2227 had been hijacked by constables opposite the Naga Vihara. The witness said he tried but failed to contact the Jaffna Police and the G. A., so he informed Mr. Yogeswaram.

126. The bus in question returned to the Depot at about 2.15 p.m., and the driver and conductor reported matters to him. He went with them to the Kachcheri, where the D.I.G., S.P., G.A. and others were, and the details were related to them.

G. James the Driver, stated in evidence that when he was driving the bus 22 Sri 2227 that afternoon from Kurikaduwa to the Depot at Kondavil, Policemen stopped it at Naga Vihara junction. 15 to 20 Policemen entered it and ordered him to drive to Kannathiddy Road and stop there. The Policemen went to a jewellery shop, broke into it, broke almirahs and show-cases and carried chairs and tables to the road and damaged them. Books and papers were also taken to the road and burnt. A table fan was also taken out of that shop and left on the road. He further stated that the Policemen then broke into a jewellery shop across the road from the first shop, brought out documents and books and burnt them, and also took out a suitcase from that shop.

127. The constables then entered the bus with the fan and the suitcase and ordered him to drive back to the Vihara. In all 2 shops were looted, he said. He added that none of the constables wore a numeral.

128. The Conductor, S. Selvarajah, who stated that he stayed in the bus throughout the incident, corroborated the driver in the sense that things were brought out of two shops and set on fire. He also said that a fan was brought out of the first shop attacked and a suitcase out of the second shop. They both stated that the second shop to be attacked was opposite the first shop.

129. It should be noted that neither of them said anything about the buildings having been set on fire; or that a fire started in the first shop attacked spread to the two shops adjoining it on either side. The only fires they have spoken of are fires started by the Police party with broken furniture and books and papers.

130. The evidence of two jewellery business owners which was led subsequently does not quite tally with the evidence of the two bus employees. A. Kanagasabapathy, who stated that he was the proprietor of A. K. M. Jewellers, said that his shop was on one side of Krishna Jewellers, while a photography business owned by one Kadiravel was on the other side. He and his workmen were in his shop on the afternoon of the 17th, when about 5 Policemen came in a bus and broke into his shop and Krishna Jewellers and Kadiravel's shop. They were in uniform, carried guns, but had no numerals. They assaulted him and his workers. They took the jewellery which he had completed on orders and they also took the gold and jewellery which he was in the process of making. They destroyed the utensils and tools used for that work and threw them on the road. They also took a table fan. They smashed his showcases and pictures.

131. The witness also stated that they acted in the same way at Krishna Jewellers and also broke into Kadiravel's shop. They then set fire to Krishna Jewellers premises first by bringing something like a mattress into the shop and setting fire to it. That fire spread to the witness' shop and to Kadiravel's. Attempts were made to put out the fire in his shop but they failed, so the occupants ran away.

132. K. Murugamoorthy gave evidence. His firm, Diamond House Ltd., of which he was Managing Director, was on the same side of the road as A. K. M. Jewellers and Krishna Jewellers. All the jewellery shops were closed that day, he said, but he was on the balcony of his shop when he saw a bus stopping at the junction of Kankesanturai Road and Kannathiddy Road. He saw more than 10 Policemen getting out, wearing uniforms and carrying rifles and walking along Kannathiddy Road firing at the buildings.

133. He said he saw them breaking into Krishna Jewellers; and breaking the furniture into pieces and throwing them out and setting fire to them on the road. They came out with a suitcase. Then he saw Krishna Jewellers premises on fire and that fire spread to A. M. K. Jewellers and to Kadiravel's premises.

134. He next stated that he saw the Policemen entering "a third shop", which they broke into. Though he did not speak of the Policemen breaking into A. M. K. Jewellers shop or taking things out of it and burning them, or removing a fan from there, I presume that would have been the second shop.

135. The "third shop", according to the witness, was across the road from A. M. K. Jewellers and Krishna Jewellers and it was called Vel Jewellers. He said he saw the Policemen break into that shop too, and they went to the bus carrying a suitcase. He identified one of them as having worked in the Traffic Branch of the Jaffna Police and his name was Gunaratne.

136. The witness stated that while they were trying to put out the fire after the Policemen had left, another truck-load of Policemen came there shooting. The people ran and he saw a man falling during the shooting, behind Krishna Jewellers. Army personnel later came there and took his body away.

137. I shall digress for a while to deal with this shooting incident. I accept this witness' evidence about a man having been shot and killed by the Police. He is supported by the inquest proceedings in M. C., Jaffna No. 4880. The Magistrate returned a verdict of homicide by gun shot injuries and forwarded the record to the Director of Public Prosecutions who returned it with the remark "No action".

138. Inspector Clement Perera, who inquired into the death, stated that nobody disclosed how the deceased came by his death. He stated that he was accompanied on his visit to the scene by P. S. Appai and 2 constables who had come to Jaffna on special duty. He said that he was not accompanied by P. C. 1119, Sattanathapillai.

139. I refer to this because Sattanathapillai when giving evidence much earlier said that he accompanied Inspector Perera to the scene, and that witness Kandasamy came forward there and made a full statement which the Inspector did not record.

140. I prefer to believe Inspector de Silva rather than Sattanathapillai. The latter's numeral has been introduced into the notes of inquiry made by de Silva by what is clearly a subsequent alteration, written over another numeral which had been originally written, de Silva said that the alteration was not made by him and I accept his statement. The alteration has not been initialled.

141. Sattanathapillai also made what I consider a false statement, when he said that de Silva told him that the Superintendent of Police, Mr. Seneviratne, asked de Silva to put the blame for the shooting on the Army.

142. I consider him to be a false witness on other matters also, who introduced a lot of prejudicial hearsay into his evidence. Some instances of this are (1) his statements that a meeting of Police Officers including S.P. Seneviratne, Inspectors, Sergeants and Constables was held at the S.P.'s house on the 15th night; (2) that after the meeting they made an entry about going to Pungudutivu but went to the Market instead and set fire to it at 1.30 a.m. with sprayers filled with oil; (3) that D. I. G. Seneviratne at an Instruction Class held on the 13th or 14th said that "All Tamil P.C.C have contributed to the T. U. L. F."—a statement which A.S.P. Silva said was not made. I entirely reject P. C. Sattanathapillai's evidence.

142A. I reject as unfounded the attempt to implicate D. I. G. Seneviratne, as having made charges against Tamil Police Officers of having contributed to the T. U. L. F. It was suggested that he held Instruction Classes in many parts of the Island, where such charges were made. There is no proof at all that he did so.

143. I return to the incidents which occurred on Kannathiddy Road. I have considered the versions given by the driver and the conductor on the one hand, and the jewellers on the other. They appear to me to be irreconcilable. The Policemen who came in the bus have, to my mind, been falsely implicated in respect of the burning of Krishna Jeweller's shop, Kadiravel's shop and A.K.M's shop. A false allegation has also been made by K. Murugamoorthy that the Policemen were firing at the buildings as they walked from the bus. Another false allegation is that they broke into three shops. The bus employees have mentioned only two, and those would have been Krishna Jewellers and Vel Jewellers, accordingly to their version.

144. About a year after the evidence of the witnesses I have referred it was given, 3 other jewellery shop owners were called by Mr. Karunaratne.

145. One of them was B. A. Matheshamy who ran a jewellery workshop on that road. He stated that on the 17th morning he saw his workshop and the establishments of the other 2 witnesses D. Liyanawaduge and B. W. Piyasena being broken into. The three of them went with the Police to the Naga Vihara and he did not return to the scene that afternoon.

146. Witness B. W. Piyasena stated that he saw his Jewellery shop and Matheshamy's Workshop being attacked at about 10 a.m. by persons who took showcases, almirahs, etc., out of his shop and smashed them on the road. He too went to the Vihara after that.

147. He went on to state that at about 2 p.m. after hearing that North-Ceylon Jewellers Shop (owned by the father of D. Liyanawaduge) was being attacked, he and Liyanawaduge went in a bus with Policemen and others and saw a crowd damaging the 3 establishments of Matheshamy, himself and North-Ceylon Jewellers; but all the Tamil owned shops were intact. He took his fan, Liyanawaduge took his bag, and they returned to the Vihara.

148. It seems unlikely that with a crowd on the rampage attacking their shops, this witness and Liyanawaduge would have ventured to rescue a fan and a bag. According to the bus driver and conductor these are the articles that were saved from destruction by the Policemen.

149. D. Liyanawaduge also spoke of seeing an attack by an armed crowd on B. W. Piyasena's shop at about 10 a.m. The crowd was shouting abuse about the Sinhalese. He and others were taken by the Police in a truck to the Vihara at about 12 noon. On learning later that his shop was being attacked, and as he wished to go to it, he stated that some persons near the Vihara stopped a bus which was on its way to the Bus Depot. He and some others appealed to the driver to take them to his shop and the driver and conductor raised no objections; so 12 to 15 persons, including 6 or 7 Policemen with rifles, went in the bus at about 2 p.m. to Kannathiddy Road. He said that he saw his shop, Piyasena's shop, and Matheshamy's shop being looted and damaged by a crowd. He took his travel bag, Piyasena took his table fan, and they all returned in the bus to the Vihara at about 2.30 p.m.

150. I have grave doubts about this story. It is most unlikely that a bus driver and his conductor would have agreed to go on this unauthorised journey when they were on their way to the Depot. Even the number

of the bus has not been disclosed. There was no urgency that required the bus crew and the Policemen to make this trip. The time at which the journey is said to have been made was much later than the time at which the Depot Superintendent learnt of the hijacking which was reported to him.

151. I hold that the hijacking spoken to by the C.T.B. employees did take place and that the Policemen who went in their bus were guilty of mischief in respect of the 2 shops, Krishna Jewellers and Vel Jewellers—I do not accept the alleged burning of the shops by the Policemen. Burning and looting had begun on the 16th morning as I have already mentioned, and the events of the 17th were a continuation of those unlawful activities by mobs in spite of the attempts of the Police parties to stop mob lawlessness. Indeed, though it has been suggested that mobs bent on looting and destruction of Government and private property were only provoked into doing so because the Police had set fire to the market on the 16th morning, I reject that suggestion. The rioting and destruction by mobs began, in my opinion, before the Police had time to clear the roads of inflammable material.

152. It also seems to me that the burning tyres, concrete slabs and burning oil in drums had been placed in various spots as a preparation for rioting and looting by persons who were bent on unlawful action. It is significant that Mr. Liyanage saw burning tyres several miles from the town. I do not think that was intended to hinder the movement of Police parties in Jaffna around the market: it was more probably meant to obstruct the movement of Police from outside the town into the town to restore order and stop lawless activities. Witness W. E. Simon saw fires burning and concrete posts lying on the road when he was going to work on the 16th morning. It was shortly after he reached his garage that a crowd removed a Police truck from there and set fire to it.

153. Further incidents of the 17th in which the Police figure should be mentioned, and I accept the evidence of the witnesses who spoke about them. Mr. Amirthalingam stated that the University authorities had asked that some Members of Parliament should visit the students on the Campus, because they had been confined to it from the 16th morning. Accordingly, the Members, for Uduppiddy, Jaffna and Manipay left by Car. At the Naga Vihara junction Policemen broke the flag on the car, took out a tin of petrol and threw it away and ordered the party to turn back. He stated that they informed him and he informed the D.I.G. Mr. Navaratnam, M.P., said that he too complained about this and the next incident to the D. I. G. who said he would make inquiries. The next incident near that junction was spoken to by Mr. Thambidurai. He said that he was travelling in the

car of Mr. Navaratnam, Attoreny-at-Law; 5 or 6 Policemen standing on the road levelled their guns at the car when it approached them and Mr. Navaratnam stopped the car. The Policemen then struck it several times and smashed the rear window and front windscreen.

154. Mr. Anandamoorthy, Municipal Electrical Engineer, stated that at about 11.30 a.m. on the 17th he was riding his motor cycle near the same junction when some Policemen stopped him. He told them who he was, and proceeded. They stopped him again and ordered him to dismount and asked him whether he knew Sinhalese. He answered 'yes' in Sinhala. They hit his cycle with a rifle butt and damaged it. He was assaulted and told by them to wheel his cycle.

155. Mr. Sivagnanam, the Special Commissioner, stated that on the 17th afternoon he was driving his car from Tinnavelly to Jaffna. At the same junction he was stopped by a road block of seats and benches across the road and 8 to 10 Constables, armed and in uniform. He told them who he was. One Constables hit the bonnet of the car with the butt of his gun. He was asked to open the boot of his car. He said he was going to office. Having been warned by them "last time, don't come this side", he was allowed to leave.

156. P.C. 5890, Nadarajah went to that same junction, wearing a verty and shirt. He was probably mistaken for a civilian, because he was hit with batons by Constables who were not members of the Jaffna Police force and who were wearing uniform without numerals. He complained to H.Q.I. Gunasekera who immediately telephoned and ordered the Constables to stay within the Vihara premises.

157. Mr. Joseph, Additional G.A., referred in his evidence to the conference held on the 17th evening where it was brought to the notice of Mr. Hurulle and Mr. Werapitiya (for the second time that day) that the Police had hijacked a bus, broken into Jewellery shops and looted them. He stated that the D.I.G. pooh-poohed the idea and refused to accept it.

158. Mr. Amirthalingam also stated that when he was at the Airport on the 17th evening on his way to Colombo, he received a message from Mr. Yogeswaran and Mr. Navaratnam, M.P.P., about the hijacking of a bus by Policemen, and the breaking into and stealing from Jewellery shops. He said he conveyed this message to the D.I.G. who was also there and the latter replied that the Police would not have done that and there was no C.T.B. bus anywhere on the road.

159. Mr. Amirthalingam said that when Mr. Hurulle and Mr. Werapitiya arrived by air, he informed them also about the message he had received.

159A. Mr. Amirthalingam has stated that the D.I.G. also told him that the troubles had gone to Anuradhapura and Kurunegala—tomorrow it will spread to Colombo and other places; it will be worse than 1958. I have been asked to say that this proves the D.I.G.'s involvement and complicity. I refuse to do so; he may well have been making a forecast from information that he had received and shared his view with Mr. Amirthalingam.

160. It should not be assumed by anybody that Police officers are incapable of breaking Regulations, or misconducting themselves. Evidence led in support of allegations made against them should be carefully considered, like any other evidence, and either accepted or rejected after all the evidence has been heard. It is wrong to prejudge any complaint.

161. A conference was held at King's House by the Co-ordinating Officer, Mr. Rajasingham, on 19th August. Remembering past misbehaviour on the part of the police, Mr. Navaratnam, M.P., stated that he, Mr. Yogeswaram and other invitees attended it only after they were assured that there would be no repetition of that. Yet, as they reached the Fort gate after the conference, Policemen started hooting them. They had to drive along a road which was lined on both sides by hooting Policemen up to an important road junction.

162. When this incident was mentioned to Mr. Wijepala, Government Agent, the next day, he consoled Mr. Navaratnam by saying that it had happened to him also in front of Inspectors, the A.S.P. and the S.P. Mr. Wijepala in the course of his evidence confirmed that he was hooted on 21st August, when he was returning after a visit to the Co-ordinating Officer. He said that it was organised hooting, which lasted from the entrance to the Fort to the Police Station.

163. H.Q.I. Gunasekera stated under cross-examination that Mr. Wijepala was hooted near the Stadium only, opposite the Police Station, by bus crews, refugees and possibly the Anuradhapura Police, and not by Jaffna Policemen. I prefer to accept Mr. Wijepala's version. He placed the starting point of this disgraceful episode at a much earlier spot—the entrance to the Fort. Mr. Gunasekera also denied that hooting by the Police occurred when Mr. Navaratnam and Mr. Yogeswaram were returning from King's House on the 19th August. I cannot accept his denial. Nobody would want to speak of being hooted if such a thing did not take place. It is essential that laps of this kind on the part of the Police should be dealt with instantly and severely, but this does not appear to have been the practice in Jaffna at this time. Whatever may be the reason for which the Police acted in this fashion, and I am glad to say that it is a comparatively rare occurrence, a member of a disciplined force has no excuse whatever if he acts as the witnesses have described.

164. On 18th August morning, two C.T.B. employees, K. Balasubramaniam (a welder) and Rr. Kandiah (a driver) complained at the Depot that they had been assaulted near Ariyakulam junction. They also complained to A.S.P. Jayasuriya at the Kachcheri when Mr. Thiagarajah took them there. Conditions in Jaffna continued to be unsettled.

165. Witness R. A. Karunawathie was living in Colombuthurai Colony since 1958. She stated that on the night of 18th August, a tractor came towards her house, and she ran and hid in a Tamil house. Thereafter her house and 3 other houses belonging to Sinhalese were burnt down, and she left Jaffna for good. The attackers, she said, were shouting in Tamil and were Tamils.

166. A similar complaint was made by another resident in that Colony Mrs. K. P. Caldera, who was married to a Tamil. She stated that her house was set on fire on 22nd August, 1976. She reconstructed it, but it was again destroyed, and not a single Sinhalese person's house was left there.

There was a dispute as the desirability of establishing a Colony in Colombuthurai, called Mamiam Thotam, or Amerasekerapura after the Government Agent who established it. It was, in fact a Housing Scheme which Mrs. Caldera said was started for 125 Sinhalese and 200 Tamil families. I can see no objection to such a scheme. Both communities have a right to live in Jaffna or any where else in this Island, as they have always done.

Mr. Amirthalingam, however, seemed to think that the Sinhalese who were settled there were comparatively wealthy. I doubt this, because the Government Agent would have satisfied himself that the persons chosen were deserving of the allotments given to them.

Mr. Yogeswaram wanted a scheme by which 100 per cent Tamils would be settled in Tamil areas and 100 per cent Sinhalese in Sinhalese areas. I consider this a wholly impracticable and undesirable suggestion. It would be an extension of the evil system of segregation in schools, where the children of different communities worked and played isolated from each other. The idea is, I suppose, to keep the communities apart i.e., no Sinhalese Colonies in the North and no Tamil communities in the South, a rule which, if it is followed, would be on the ground that Sri Lanka cannot be a united, multi-racial and multi-lingual country. It is not a rule which has ever been followed in the Island, and I would not recommend that it be adopted in the terms suggested by Mr. Yogeswaram.

Over and over again witnesses have spoken to the fact that the two races have lived together for hundreds of years on the friendliest terms, except for occasional outbursts of violence which have quietly died down. Such outbursts, while they are to be deplored, should not be treated as irremediable disasters.

As regards the Colombuthurai Housing Scheme, it appears that the Sinhalese were forced to abandon their houses and allotments, and it is regrettable that Mr. Amirthalingam and Mr. Yogeswaram should seek to justify such a forcible ouster. I think the dispossessed victims should be resettled there, if they are willing to return.

167. Evidence has been led regarding disturbances which occurred in the Jaffna University Campus from 16th August until the Sinhalese students left Jaffna on the 17th afternoon.

168. Mr. M. Puthirasigamany was the Chief Security Officer of the Campus from November, 1975. He stated that the students returned, after the vacation, on 15th August and lectures were given that day.

169. At noon on the 16th he saw 10 to 15 Tamils youths pelting stones at the Security hut, and demanding that the Sinhalese students be sent out of the Campus.

170. Another crowd came to the gate, armed, at about 3.00 p.m. The witness heard the report of a gun. He ran in that direction and saw that his clock had been smashed, 2 guns had been removed, and 2 telephone receivers damaged. The students spent that night in the Camps: the Army were there from 7.30 p.m. till 4.45 p.m. on the 17th.

171. On the 17th the Sinhalese students were transported to Anuradhapura in 14 buses. Most of them took their belongings with them. Before they left, nobody informed him that any Sinhalese student had been attacked or injured.

172. Dr. K. Indrapala was looking after the duties of the President of the Campus from 1st to 20th August. He stated that the students left it at about 4.00 p.m. on the 17th, having been confined to the Campus from the 16th morning. No Sinhalese students were attacked either at the Vadukoddai or at the Tinnevely premises, and no one was injured or harmed before they were transported.

173. Mr. P. H. D. Gunawardene, Instructor in English, also stated that no Sinhalese student was injured or harmed. He travelled in the convoy of buses that left Jaffna on the 17th afternoon and reached Anuradhapura at about 10.30 p.m. They left Anuradhapura on the 18th and reached Colombo that night.

174. He said that rumours of Sinhalese students having been cut into pieces were heard by him at Elephant Pass, and had reached Anuradhapura before he arrived there. The Government Agent was asked to send a radio message contradicting the rumours, and several newspapers which the witness produced contradicted the rumours from the 20th onwards.

175. On the evidence of the last three witnesses, there is every reason to be satisfied that no Sinhalese students were injured in or near the Campus. It is also clear from the evidence of Mr. K. P. Wijesurendra, who functioned as Additional Registrar of the Jaifna Campus till 17th August, that not a single Sinhalese girl student was touched or molested in Jaffna during that period. Dr. M. U. de Silva, who accompanied the convoy, stated that at Medawatchchiya he heard a rumour that the students had been assaulted, and he contradicted it.

176. Evidence was given by two Sinhalese students of the University about some Tamil youths having assaulted them on the 17th.

177. Mr. K. W. T. Talagune stated that he was taken from the house of Mrs. Jeramiah to the house of Mrs. Sathasivam on the 17th. 5 other students joined him at the latter place. A Tamil crowd entered that house, and he along with 2 other students, Osmund Fernando and Galagoda, received injuries from the crowd, all of which were non-grievous injuries and amounted only to contusions. He also companied that cash and cloths belonging to him were removed.

178. Osmund Fernando stated that on the 17th morning he went to Mrs. Sathasivam's house with 5 other students including Talagune. A crowd of Tamil youths attacked them there and removed their belongings. At 1.30 p.m. they were conveyed to the Campus, and they left that evening for Anuradhapura. His injuries were trivial.

179. A matter which was inquired into for some time was an attack by 2 persons on an undergraduate of that Campus named R. S. Marasinghe. It took place on 1st March, 1977, and he received serious stab injuries in his abdomen, and injuries inflicted with a cycle chain on his face and head. He became partly paralysed and he will have to spend the rest of his life in a wheel chair. It is a sad case because he suffered and is still suffering a great deal.

180. The only question I intend to consider is whether the matters he has spoken to fall within the terms of this Commission. I hold that they do not.

181. It is regrettable that when he was a patient in Jaffna Hospital some misadventure overtook him, and undid all the good work done by the Doctors there. I am sorry for him and I hope he will receive some State aid. I was informed that a prosecution was pending in the Magistrate's Court of Chankanai over the attack on him.

182. The Venerable Weerambuwe Wimalabarathy, Incumbent of the Buddhist Centre, Jaffna, gave evidence about the difficulties he experienced as a Buddhist monk living in Jaffna since 1972. He complained that he had been assaulted once by youths in February, 1976 and told to leave Jaffna ; he was abused by Tamil youths while walking on the public road in March and May, 1977 ; the Buddhist Centre building was wilfully set on fire and the cadjan roof was burnt on 5th July, 1977.

183. The most serious incident of all was the burning of the Refectory of the Centre on the night of 19th August, while he was seeking refuge at the Naga Vihara. He left Jaffna for Anuradhapura on 24th August, and on 13th September, on his return to Jaffna he gave information to the Police.

184. I accept his evidence of the incidents. I regret very much that a priest should have been treated as disgracefully as he was.

185. He produced two hand bills which purport to have been issued by the T.U.L.F. One of them requests all self-respecting Tamils to participate in the hoisting of the Rising Sun flag by Mr. Yogeswaram, M.P., on 7th September, 1978, at T.U.L.F. Headquarters, and to boycott all schools, events and celebrations on 7th, 8th and 9th September. The other urges all Tamils to boycott celebrations connected with the coming into force of the new Constitution on 7th September, 1978, and not to allow their children to show respect to the National Flag or sing the National Anthem on that day.

186. I have expressed by condemnation of this involvement of children in political struggles and the boycott of schools. They should not, in my view, be used as pawns in the contest between the lawful government of this Island and those who are seeking to divide the country. It is wrong for any party to encourage lawlessness amongst the youth, in their effort to achieve their aims ; and to induce school children to disobey their teachers by keeping away from school is to start them on the road that leads to law-breaking and terrorism. More alarming than the handbills was a pamphlet, of which this witness produced a photostat copy, which he said he had seen during the 1977 elections and which was circulated by the T.U.L.F. It states "All join to set fire to the Sinhalese devils", and contains a photograph of Mr. Yogeswaram. It is a highly inflammable and objectionable document.

Mr. Yogeswaram said he did not issue it, and the publisher did not inform him of it before he published it. I hope he published a disclaimer and gave it wide circulation; or he would have risked having his name linked with a thoroughly objectionable document which, I have no doubt, was calculated to rouse racial strifes and might well have contributed to the disturbances of August 1977.

137. On the 19th August, night, according to K. Nagarajah, a security officer C.T.B. who was on night duty at the Jaffna bus stand, two armoured cars stopped opposite the Leo Cool Bar. The occupants looted it and the cars then left. On a later trip, they stopped opposite the Amble Cafe. Army personnel forced open the Cafe door and smashed a radio. They removed a wall clock and bottles of sweets. The witness was supported by S. Nawarasa, Manager of the Cafe.

138. Mr. Amirthalingam stated that on that night an all Island curfew was in operation. Under cover of the curfew, all the statues of Tamil Scholars had their heads broken.

139. On the 20th night also, accordingly to P. Gunaratne, a security officer, C.T.B., Rani Watch Works was damaged and goods removed from it. There was also evidence that 2 armoured cars came near the Somasunderam Pulavar Statue opposite the bus stand; 2 men climbed up to the statute, and one damaged the head while the other damaged the arms.

190. The last incident in Jaffna occurred on the 26th night when a whole row of shops adjoining the bus stand were completely burnt down. There was no evidence as to who was responsible for this crime.

191. There were a few instances where persons running a bakery or shop left places of business when the trouble started. On their return they found that damage had been done to them, but they could not say on what date the attacks were made. I shall refer to some of these cases. G. Abeysekera was running a canteen at the Tinnevely Division of the Jaffna Campus. On 17th August, he closed it and returned to his village in the South. When he returned to it 2 months later, he found that it had been broken into and his private belongings removed and some show cases damaged.

192. He stated that he also owned 2 bakeries in Jaffna, one at Kaithady and the other opposite the hospital. On his return, he found both damaged and articles missing. They were named Asoka Bakery and Janaka Bakery. It is doubtful whether he can recover compensation for any loss he suffered, because he was uncertain as to when the damage was done. It may have been after 15th September. I also feel that he was exaggerating his losses.

193. Another such instance was the bakery of E. A. Guneris who had run a bakery in Jaffna for over 40 years. In 1977 he ran one named "Central Bakery" at Sinnakade, which he had started in 1964, and ran till 17th August.

194. On that day he learnt that the bakery near the railway station had been burnt down, so he went to the Police Station for protection. After 4 days there and in the Temple, he went to Anuradhapura. He returned 2 months later, and found that everything in his bakery had been removed, the bakery kitchen was destroyed and all the furniture, equipment and utensils had been stolen.

195. He was 74 years old, but he restarted his business in the same premises and lives there with his daughter and son-in-law.

196. There is also the case of David Sirisena who owned a shop at Chunnakam for 20 years. When he and his family were in the house of a friend Mr. Swaminathan on the night of 18th August, a Sinhalese came there with bleeding cut injuries. They all went to the Police Station that night, and on the 19th they went to the Naga Vihara. From there they went to Matara. He was later informed that his shop had been burnt by 3 or 4 Tamil persons.

197. M. A. Saranagama, who had served the Ceylon Petroleum Corporation for 16 years in Jaffna, left for Anuradhapura on 20th August. When he returned on 11th September, he found that all his furniture had been taken out of his house and burnt. He informed the Police about it and returned to Colombo. On 27th December, he was ordered to return to Jaffna which he did.

198. A group of 5 witnesses gave evidence of losses that they and others had suffered in a fishing village called Champiyanpattu. The nearest Police Station to it is at Pallai.

199. One T. H. Bastian Silva owned lands and houses there, including a bakery, petrol shed, boutique, mill and fishing wadiyas. There was evidence that they were all damaged during the August 1977 disturbances.

200. Witness W. A. Fonseka, an accountant, estimated the damages at over one lakh. All Bastian Silva's account books were burnt, and over 2 lakhs of debts due to him became irrecoverable in consequence. He relied on a letter written by Mr. Thurairatnam, M. P. certifying that the damages mentioned had been suffered.

201. Another witness G. Wijeweera stated that he had worked as a clerk under Bastian Silva, and then became his lessee of a bakery. He left the bakery on 19th August on advice given by the Police and went to Anuradhapura. On returning about a month later, he found the bakery damaged, and the books and records relating to many advances given to fishermen lost.

202. P. K. Edwin Silva had run a dry fish business there for 32 years. He and other residents were taken to the Police Station after receiving threatening post cards. They left all their belongings behind. When they returned on 27th September they found that their wadiyas had been burnt and their goods stolen. He recommenced his dry fish business in 1978 on a land belonging to a Tamil lady who is married to a Sinhalese.

203. W. M. Loku Banda was running a tea boutique at Pallai in August 1977. When part of it was burnt, he left for his village on 17th August. When he returned shortly afterwards, everything had been stolen. He continued to stay there despite threats he received in October 1978.

204. Finally, N. Wickramasooriya who had been in the fishing trade at Champiyanpattu, spoke about his uncle having received threatening post cards which he showed to the Pallai Police. The Police took no action, and return the post cards to him.

205. I have no doubt that in all the cases I have set out, regarding incidents in Champiyanpattu, the aggressors were Tamils.

206. A bus Driver named K. A. Dharmasena had worked for the C.T.B. since 1967. On 3rd September 1977, he drove his bus from Jaffna to go to Matale, leaving at 8.40 a.m. At Yakachchiya, almost 7 miles from Elephant Pass, a young Tamil who was seated behind him pointed a pistol at him and ordered him to stop. He was then shot 3 times on his chest and left arm, and he collapsed. Everyone in the bus ran away.

207. He was able to drive to the Elephant Pass barrier, from where the Police took him to Kilinochchi Hospital. He was transferred to Jaffna Hospital and then to Colombo Hospital on 6th September.

208. He is unable to use his left arm and cannot drive any more. He has a young family. He complained that he had not received any remuneration or gratuity. I brought this case to the notice of the Chairman, C. T. B. for his consideration, because I thought it was a matter which called for early redress.

COLOMBO DISTRICT

Colombo Fort

I start my recital of events in Colombo with a shocking story.

(1) Two Postmasters who were working at the Central Mail Exchange in McCallum Road related their experiences. Mr. S. K. Balasubramaniam stated that he had been working there for 6 years as a Supervising Officer. On 19th August, he and 7 other Supervising Officers, of whom 7 were Tamils, were working in the mail room along with 200 minor employees. At about 12.30 a.m. on the 20th the lights in one section were switched off. Mr. Kana-galingam, Chief Supervising Officer, made arrangements to light Petromax lamps; but before they could be lit, the lights in the other sections also were switched off by the minor staff who then started to assault the Tamil Supervisors. They first used mail bags and then chairs, as weapons. Mr. Balasubramaniam said that he was hit on his hand and head, and fell unconscious. He was dragged along the floor into the foreign mail room. Mr. Mahaarachi took the other Supervisors into that room and locked it. By doing that, said Mr. Balasubramaniam, that officer saved their lives.

The matter was reported to their superiors, and the Chief Postmaster and the Postmaster-General came there on the 20th at about 6 a.m. The Maradana Police also came there. When Tamil officers reported for duty that morning, they were severely assaulted in the presence of their superior officers. More was to follow. From the entrance gate they were told to crawl up to the rear entrance of the mail room and all this was done in the presence of those Superior Officers and the Police Officers.

A Police van arrived there and the injured Tamil officers were taken away to the Maradana Police Station. The Police officers there, displaying callousness which has been displayed on other occasions during this period, asked them "Are you all for sale?"

Most surprising of all is this witness' evidence that no action had been taken against their criminal subordinate officers who attacked them that day. On the contrary, those subordinates are still working there; and I am not surprised that this witness, like others placed in his position, does not wish to work again in that mail room.

(2) Mr. T. Somasunderam, who also gave evidence, was working in the Central Mail Sorting Room. When he arrived for work at 8 a.m. on the 20th he was informed of the earlier incidents, but he could not leave because the crowd was all round him. He went into the Mail Room where he thought he would be safe. He was pushed and assaulted, and he fell—all this happened in the presence of the Deputy Chief Postmaster, Mr. de Silva. He went to the Fort Police Station, then to the Accident Ward, and to the Dental Institute where he was warded for 4 days with a broken jaw. He

next went to Jaffna where he was operated upon. He too refused naturally to return to work at the Mail Room where his assailants were still working. He lost some belongings, and should receive compensation.

(3) Even at 11 a.m. on the 20th the thugs in the Central Mail Exchange were still on the rampage. Mr. G. Selvarajah, Postmaster and Signaller, Central Telegraph Office, went close to the Exchange and asked a man where his uncle Nadarajah was working. The man went inside the Office and the next thing was that the witness was being dragged into the Exchange and attacked simultaneously. He stated that about 100 persons assaulted him. His shirt was removed, he was stabbed with a knife, and hit on his head with a baton. He escaped, and was taken by the Police to the General Hospital for treatment. He claimed compensation in Rs. 25,000 because he is unable to concentrate or to study, his leg is disabled owing to an injury to his knee, and he limps when he walks.

(4) Mr. K. Sivakolandu was at this time a Supervising Officer in the Foreign Parcels Office, on the 2nd floor of the G. P. O. On 20th August, at about 9 a.m. he was supervising work at the Customs Package Section. Out of a crowd who came up to the counter, 4 or 5 persons—all Postal employees—went inside. The witness identified B. L. Perera, a porter in the Department, as one of those who then assaulted him with his fist. The witness then jumped over the counter and ran into the Air Mail checking section, also on the 2nd floor, and checking officer Peiris who was there locked the door. A Police Inspector was summoned, but the attackers were not there when he arrived. The witness went to the Fort Police Station and made a statement.

The witness went to Jaffna but returned when he received an ultimatum from his Department. He asked that B. L. Perera be transferred. Instead of that reasonable request being granted, Perera was kept there and promoted to Peon. The witness, strangely enough, was transferred to Central Mail Exchange, the battleground of the earlier incidents. When the witness gave evidence before me, he was still working there: and to make matters worse, 2 weeks before he gave his evidence a Supervisor, Mr. Kandasamy, was hit on the head there during an electricity failure at night. As the witness stated, the communal problem was still existing. All I can say is that it will exist and worsen, if those who have acted as the minor staff of this Department are said to have acted, are pampered and promoted.

Pettah, Hulftsdorp, Kotahena, Mutwal

(1) I have referred, when I wrote about incidents of Rikillagaskada, to the death of Periannan Sivalingam (husband of Mrs. S. Nageswari) caused by burns which he received in a shop called "Alpine Stores" in Old Moor Street, Pettah, which was set on fire on 24th August.

(2) K. Arunachalam, a trader of Gasworks Street, Pettah, said that he went to his shop on the evening of 23rd August after a week's absence from it. He found it had been looted. His loss was Rs. 25,750 out of which the Social Services Department had paid him Rs. 300.

(3) K. Nagesh was the Cashier of a hotel 2nd Cross Street, Pettah. On 20th August at about 6 p.m. 3 youths entered it. One of them threw a hand bomb which exploded. Showcases were damaged, cash stolen, and bottles were broken on the witness' head causing injuries. He was warded in the General Hospital for 3 days. His employee Sathasivam was murdered near the Pettah market.

(4) A. Thambirajah had traded in Hulftsdorp Street, Hulftsdorp, near the Law Courts for 52 years. His shop was called "Thambirajah Stores" which was managed by M. Subramaniam. On 23rd August, when the shop was opened, said the Manager, a crowd demanded "Kappam" from him so he closed the shop. That evening it was set on fire at about 8.30 p.m. after it was looted. Loss amounted to Rs. 46,000.

(5) K. Sangarajah, a trader of Jampettah Street, Kotahena, had a son Nagarajah. The latter went to the Pettah on 23rd August to make purchases for his own Oilman Stores business which he ran in the Pettah. At 11 a.m. that day the witness heard that his son was in hospital and went to see him. His son told him that he was with a companion Ramachandra who was first attacked, and then he himself was attacked, by a gang who inflicted 21 injuries. His son died in the hospital about 4 to 6 weeks later.

(6) S. Kanagasingham was living in Mutwal. He stated that on 22nd August, several Tamil houses in his area were attacked by Sinhalese. The next day when he returned home at 1.30 p.m. he found that his house had been attacked and looted, and his wife and other occupants injured.

(7) S. F. Xavier was a Translator in the C.T.B. On 22nd August, when the curfew was on, a gang entered his neighbour's house in Mutwal and looted it, so he went to a Sinhalese house for shelter. On the 23rd when he went back to his house, which was also in Mutwal, he found it had been completely looted. He complained that although a curfew was declared, no effective control was maintained to see that it was observed.

(8) Mr. A. Thayaparasingham, a clerk in the Port Tally and Protective Services Corporation, was at work on 20th August, when some of the employees of the Corporation assaulted him. When he went later to his room in house No. 112, Aluthmawatte Road, Mutwal, he found it had been looted. He went to the refugee camp and thence to Jaffna where he arrived on 8th September.

On 8th October, he wrote by registered letter asking for a transfer to Trincomalee. He was transferred as from 15th November, but he did not receive the letter transferring him. He later received a letter on 8th November, informing him that the earlier transfer was erroneous, and was cancelled. He then wrote a letter dated 28th November, by registered post, to which he received no reply. All he got thereafter was a notice of vacation of post. He now asks that the notice of vacation of post be cancelled, and that he be transferred to Trincomalee and paid his back wages. He deserves to have the confusion that has overtaken this correspondence examined sympathetically.

Slave Island

Three witnesses who suffered losses over attacks on their houses which were in Wekande Road, Slave Island, have given evidence.

(1) Mr. K. Nagarajah, Chief Clerk, C.W.E., was living in No. 58/4. It was attacked on 21st August, and looted at 7 p.m. He lost everything which was in it and he estimated his losses at Rs. 35,000. He found it impossible to work thereafter with his former colleagues who were hostile to him, so he asked for a transfer to Jaffna. Instead of that, he received a notice of vacation of post on 24th November, 1977. He now asks for 10 years' salary as compensation, having served 17 years with the possibility of working for another 15 years.

I am in sympathy with his appeal, as I do not think it was reasonable under the circumstances to expect him to return to his former post.

(2) Mr. K. Poothathamby was Assistant Postmaster, Pettah. On 22nd August, at about 7 p.m. his house was attacked and his belongings removed. He went to the refugee camp at Bambalapitiya, and was later attached temporarily to Chunnakam Post Office and then to Manipay Post Office. He has asked for a permanent transfer to Jaffna as he is not willing to return to Colombo.

(3) Mr. V. Nadarajah, a draughtsman in the Buildings Department, Colombo, was living in his own house No. 65, Wekande Road. On 22nd August, an armed crowd came there at about 7 p.m. and threw hand bombs at the front door. The house caught fire, and he and his family fled to nearby shanties for shelter. He went to Jaffna, and when he returned 2 weeks later he found his house had been razed to the ground. The house was worth 1½ lakhs, and the occupants lost belongings worth Rs. 28,000.

The experiences of two travellers by train, one from Slave Island to Dehiwela and the other from Maradana to Slave Island, will be related here.

(1) Mr. G. S. Rajanayagam, Credit Controller, Colombo Commercial Co. Ltd., was travelling by train from Slave Island to Dehiwela on 19th August. He left Slave Island at 6.30 p.m. A crowd in his compartment assaulted him saying that he was a Tamil, and Tamils were beating up Sinhalese people in Jaffna. He was robbed of his wristlet watch and Rs. 2,000 cash before he reached Dehiwela.

(2) Mr. R. J. Francis, who was living at Horape, Ragama, travelled daily by train to the Fort Station. On 24th August, he travelled in that way, but before the train left Maradana Station a group of young men entered his compartment. After the train moved out, one of them slapped him and all the others joined in the assault. He lost 4 teeth. They did not allow him to get out at the Fort Station, and continued the assault on the journey to Slave Island. He got out there with difficulty, and complained to the Police.

Borella

Mr. M. G. Karunakaran, who was unemployed, was living in Cotta Road, Borella. On 23rd August, he heard a knock on his door, and on opening it he saw his landlady and 12 armed thugs there. They threatened him and his family, and obtained his wife's and mother's jewellery and other belongings. He said that the landlady poured oil on the contents of the wardrobe which were taken out and set on fire. He suffered losses. He made a complaint to the Police regarding this incident.

Athurugiriya

Mr. M. Ramasamy was living in Athurugiriya, about 10 miles from Colombo. On 24th August, he reached his house from Colombo, where he worked, at about 6 p.m. At about 9 p.m. he heard a gun shot, and a crowd then surrounded his house. The curfew was on at the time. While he was in his room 2 men, Sirisena and Berty, entered it and inflicted 32 cut injuries on him. All the occupants of his house including his children were injured, except his wife. His house was damaged and looted. The Police took him to Hospital, where he stayed for 15 days. He mentioned to the Police the name of 5 assailants who were known to him. They were arrested, but no action had been filed when he gave evidence: the papers were said to be with the Director of Public Prosecutions. His damages exceeded Rs. 60,000. His gun and his wife's jewellery were stolen. He mentioned that the Sinhalese Manager of a Petrol Shed helped by offering to take him to Hospital.

Hendala, Kelaniya, Ragama, Ja-ela, Negombo

(1) Mr. G. Arumugam was living in Hendala for 11 years. Owing to threats he had received, the police were patrolling the area. On 20th August when the curfew was on, his house was attacked by a mob which had earlier attacked other houses. His old father had 3 fingers cut off, and was later killed; the witness' thumb was cut off; his sisters were cut with knives. When the mob tried to set fire to the house, the police arrived. His losses were assessed at Rs. 70,000. A criminal case was pending over these incidents. Rs. 12,900 had been paid as compensation for his father's death. He praised the good work done by O.I.C., Karunasena and other officers there.

(2) Mr. R. R. Ramadas was living in Hendala in his own house for 13 years with his family. On 20th August, an armed mob attacked his house but did not loot it, although they entered it. It was looted subsequently, as the witness discovered when he returned to it on the 30th. His losses amounted to Rs. 15,000. Although a case was filed, and he had given the names of several persons he identified, he said only one accused was convicted, and he was bound over.

(3) Manonmani, daughter of Rengasamy, was living with her parents at Bollegala, Kelaniya. Her father dealt in old bottles and newspapers. On 20th August at about 6 p.m. a gang entered the house, carrying weapons, and ordered her parents to leave. The parents left. About $\frac{1}{2}$ an hour later the same gang, consisting of 8 persons, entered the house and closed the front door. The witness ran out through the rear door but was seized and raped by 2 men, whom she knew by sight because they had gone past her house previously. She informed the Police on the 21st, and she was taken to the hospital and examined. An identification parade was held, and she identified a man named Quintus, who worked in a tile factory. It appeared that Quintus was identified by 3 witnesses at the identification parade which was held in the Magistrates' Court, Hulftsdorp. Another suspect named Nimal appears to have been absconding since the incident occurred. I made inquiries into this matter as it was a serious offence which was alleged by the witness. The case is M.C. Colombo No. 63761. Long after the inquiries by the Police the Information Book extracts had still not been sent to the Director of Public Prosecutions. I fear that this type of delay, and casual treatment of offences, is all too common, as I discovered during my hearings.

(4) Mr. S. Rajendran, who was attached to the C.W.E. in Colombo, built a house at Ragama with a loan of Rs. 10,000. The house was attacked at about 11 p.m. on 20th August by a crowd who entered it. A man named Harold and another named Evappu used force on his daughter and himself. He mentioned the names of 6 intruders to the Kandana Police.

Owing to injuries, he was admitted to the Ragama Hospital. The attendants and other patients there showed their hostility to this unfortunate man and his family, so he left the Hospital on the 22nd and finally went to Jaffna.

(5) Mr. J. A. Phillips of Kopiyawatte, Ragama, had a poultry farm. On 26th August a gang of Sinhalese attacked his house and stole all 66 fowls which were in his farm, and the valuables in his house. He mentioned the names of 3 attackers to the Police who, he said, recovered a number of the stolen articles, and 28 fowls. When he gave evidence the articles were still in the custody of a Court, but he had not received summons in any case. He estimated the value of the stolen things at Rs. 85,000.

(6) K. Thanabalasingham, a trader of Ja-ela, heard on 20th August that his shop there had been looted. He went on 20th September and found that goods worth Rs. 22,000 had been removed.

(7) K. Masilamany, also a trader of Ja-ela, had a shop in Station Road. On 18th August a crowd of armed Sinhalese first attacked a large Tamil shop named Liberty Stores, and then the witness' shop at about 4 p.m. Cash amounting to Rs. 3,000 and goods were stolen. His total loss was about Rs. 6,000.

(8) K. Suntheralingam was carrying on a textile shop in Green Street, Negombo, in a building which contained 4 Tamil shops. His stock was worth Rs. 90,000. On 19th August his shop was attacked at 6.35 p.m. by a Sinhalese mob, and he ran away. On the 20th he found that his shop had been looted and smashed up. He stated that about 10 or 12 Tamil shops in Negombo suffered in the same way.

Dehiwala

(1) Mr. S. Ganesh was living in Hill Street Dehiwala, with his family. On 22nd August at about 8 p.m. when they were at home an armed gang entered it. They cut him on his shoulder and wrist: his wrist was amputated when he was in Hospital for 3½ months. His wife was stabbed on the chest, and her infant child was also injured. His brother Rajamany was cut on his head. He produced medical certificates relating to himself, his wife and his brother. He made a complaint to the police.

His house was looted, and he suffered damages on that account. He has received compensation in Rs. 8,950, but he states that this is inadequate because he cannot work anymore as a typist, and he is unemployed.

(2) Mr. N. Selvarajah, an Inspector in the Telecommunications Department was living in Dehiwala. He had a poultry farm adjoining his house in August 1977. On the evening of 23rd August about 60 thugs entered the farm and stole all the birds in his absence: his neighbour informed him about that. He suffered damages in consequence.

(3) B. M. Ponniah had an Oilman Store business opposite the Roundabout at Dehiwala for over 30 years. On 20th August thugs entered his shop at about 6 p.m. and smashed it up. He closed his shop on the 21st and went to the refugee camp. The building, which belonged to him, was burnt. He sold it for Rs. 25,000 and estimated his losses at over one lakh.

(4) Mrs. Sarojini of Dehiwala gave evidence in camera. She stated that on 22nd August about 8 p.m. when a curfew was in force, her husband who was approaching their house was stabbed by some persons who were hiding in their garden. She and her sister took him into the house. The police arrived and took her husband to hospital where he died. She was paid Rs. 12,900 as compensation by the Social Services Department. The attackers were not identified.

Ratmalana

(1) Mrs. Saraswathi Benedict was living with her husband, father, and child at 32, Rajamalwatte Road. Her husband was an engineer, and her father was a retired Laboratory Assistant who had a small grocery business in that house. On the night of 19th August, when they were asleep, the house was attacked. She saw her husband struggling in the hall with a masked man, and she ran to the next house.

The police informed her that her husband and her father had been injured and had been taken to the hospital. When she went there, they were both dead. The Social Services Department has paid her Rs. 12,900 compensation.

(2) Mr. M. A. Francis had a shop in Ratmalana which was looted and damaged during that period. The two dead men referred to above were his uncle and nephew, and he saw their bodies in Kalubowila Hospital mortuary on the 20th. He went there from a refugee camp, and saw crowds attacking Tamil patients who were in that hospital. He himself was beaten up in a ward, and when he ran to the Police Post he was attacked there by the officer in charge.

Senior State Counsel asked if he complained to the Inspector-General of Police or anybody else; he said he did not. From the knowledge I have acquired in these proceedings, I should say that I am not surprised he did not, because it is all too clear that little would have been gained by his making any complaint to them.

(3) Mrs. Thilakawathi Arumanayagam was living in the Railway Quarters, Ratmalana, with her husband and 3 children. He was a Foreman Plate Layer. On 20th August she, her children, and her brother were waiting for a taxi, and her husband was approaching them, when 4 thugs hit him with an iron rod on his head. They took his suitcase and wrist-watch and left him lying on the road. A Sinhalese gentleman took her and her husband in his car to the Mt. Lavinia Police Station and then to Kalubowila Hospital. She praised Inspector Perera of that Station for his assistance. Her husband was transferred to the General Hospital and died on the 22nd. Her husband was 37 years old; her children were 6, 4 and 1½ years old respectively. All their belongings were stolen, and her losses were heavy. She asked for compensation.

(4) Mr. P. Navaratnam is a retired Senior Deputy Commissioner of Labour who was living in his own house in Hindu College Square, Ratmalana. The house was close to Bolgoda Lake. There were no incidents there until 21st August. On that day at about 1 p.m. he heard a terrific din. In spite of the whole day curfew, he saw a large crowd at the rear of his house. They were armed. They smashed his windows, looted his house, took his valuable documents, and the jewellery of the ladies including his wife's ear studs after tearing her ear lobes. The telephone wires had been wrenched off.

Two armed policemen had been patrolling the Square, and they were opposite his house earlier. They were invisible when the invasion took place. When S. I. Bongsojayah, an efficient officer, arrived there in a jeep, the mob bolted. They had come across the lake in a boat, and they jeered at the Police from the other side.

On a later day, the witness stated, he saw a boutique burning at Dehiwala junction, and street urchins controlling the traffic while 2 policemen standing in front of the boutique looked the other way.

His losses were assessed at Rs. 50,000. He stated that until then all the residents of different communities had lived there as one family. When the communal riots broke out, the lawless elements tried to achieve their ends.

(5) Mr. K. Arasakoon was living in Ratmalana. On the evening of 23rd August his house was attacked by an armed mob and looted. His losses were assessed at over Rs. 50,000, exclusive of property worth Rs. 5,000 which the police recovered. He stated that 12 persons were arrested and charged in that connection.

(6) K. T. Kanapathy Thevar of Ratmalana ran an eating house with 12 employees. His turnover was about Rs. 500 daily. On 23rd August it was attacked and some of his employees were stabbed. His losses were assessed by him at Rs. 23,000.

(7) Mr. M. L. M. Ibrahim was living in Ratmalana with his family. He said that on 28th August, when the curfew was on, at about 6.15 p.m. an armed mob attacked and looted his house. He informed the police, who came there. His losses were assessed by him at Rs. 10,000.

Nugegoda, Kirillapone

(1) Mr. S. Sinnathamby, a retired prosecuting officer of the Registrar of Motor Vehicles Department, was living at No. 8, Jambugasmulla Road, Nugegoda. His house was attacked at about 5 p.m. on 19th August by a mob of about 50 persons. He and his 4 sons ran out and telephoned to the Kohuwala Police and to S. I. Sunderalingam of the Nugegoda Guard Room. At about 5.30 p.m. he saw the mob removing his belongings.

He walked to the Dehiwala Police Station reaching it at about 2 a.m., but the police refused to record his complaint as his residence was in the Kohuwala Police area. The Sub-Inspector took him to Kalubowila Police Station, but the officers there refused to record his complaint.

I have received similar complaints against the Police from other witnesses who complained (1) that they had been sent from pillar to post, because they had apparently not gone to the correct Police Station; (2) that complaints made by them even at the correct Police Station were not entertained. In times of crisis and danger to life and property, a policeman who is astute to discover ways of avoiding rendering assistance to members of the public, when they ask for help, is a positive menace to society. The Force could well dispense with the services of policemen of that type. An inquiry into these complaints of this witness should be made early.

I shall not set out the harrowing experiences which the witness has related, and the further complaints he has made against the police.

(2) Mr. M. K. Kanagendran was residing in his own house in Nugegoda, while working as a Staff Assistant at the Central Bank. On 19th August when he was at home with his wife and children, they were attacked by about 10 thugs who ran away when their neighbours, Mr. and Mrs. Wickremasinghe, came to their rescue and took them into their home until 11 a.m. on the 20th. He then went to the Hindu College refugee camp, while his wife and children stayed with friends.

His house was attacked again on the 20th and 21st during curfew hours. His valuable books were burnt, and electrical fittings, furniture and jewellery were stolen. His damages were assessed at Rs. 30,000. He had been through a similar experience in 1958. He has found that Sinhalese officers in his department and other departments are hostile to Tamil officers, so he wishes to be transferred from Colombo or allowed to retire with 10 years service added. This request seems to me to be reasonable.

(3) Mr. P. Ganeshanandan, an officer in the Valuation Department, was residing at Madigala Road, Nugegoda, on 20th August. He went from there to his landlord Mr. Francis house for his safety, and a mob of 50 persons came there and dragged him and his brother to the middle of the road. He was hit on the head with battle-axe and so was his brother; they received depressed fractures of their skulls. He recovered consciousness 2 days later in Kalubowila Hospital. When he was taken to the X'ray Room on the 22nd, the hospital employees attacked him, and he was taken from there to the General Hospital for surgical treatment.

His fingers are permanently impaired. Having been transferred to Jaffna, he asks that he be employed there permanently. His belongings worth over Rs. 25,000 were stolen. He identified one of his assailants as a vegetable seller named Henry.

(4) Miss M. Selladorai, a teacher at Wesley College, was living in Nugegoda with her father and others from 1940. On 20th August she went to a wedding leaving her father at home. Next morning she learnt that her father had been attacked and taken ultimately to Kandy hospital, where he died of his injuries. His statement to the Police has been produced in evidence. Their house had been looted, and their losses were assessed at over Rs. 50,000.

(5) Mr. K. Satchithanandan was a Research Officer in the Department of Fisheries, Colombo, living in Edmonton Road, Kirillapone. His house was stoned on the night of 20th August, so he moved with his family to the refugee camp at Bambalapitiya. After several days he was able to find his way in Jaffna. He has produced a list of scientific works which he has published as a result of his research in the Department.

Owing to what he had suffered, he applied for a transfer to Jaffna, but he was refused one on the ground that there were no facilities for research in Jaffna. He described this as an inappropriate reply, because he could do such work in Jaffna where he had already done research, as well as in Mannar and Palk Strait. He fears if he returns to Colombo he will be assaulted by Sinhalese as were 15 trainees at the Mattakuliya Office. He has asked the Commission to recommend that if he is not permitted to work outside a Sinhalese area, he be permitted to retire with a pension and given his arrears of salary for November and December 1977. I consider his request reasonable and one that should be granted.

(6) Another resident of Kirillapone, Mrs. P. L. Gnanasampanthan, owned a house No. 14, Sangabo Place. It was looted and burnt on 24th August, resulting in damages amounting to Rs. 140,000. Her other belongings which she lost in that fire were valued at Rs. 60,000 including Rs. 12,000 worth of jewellery.

(7) Sudalavadivel, widow of J. G. Madavan, had been living in Kirillapone for 30 years. She stated that on 20th August at about 8.30 p.m. a crowd attacked her house and other houses in the locality. They stabbed and killed her husband and burnt his body. She estimated her damages at Rs. 10,000. She received a cheque for Rs. 10,000 as compensation for the loss of her husband. She said she gave it to an Attorney-at-Law who took it to the Kachcheri, after she had endorsed it with her thumb impression. It had been agreed that the money should be deposited by him in the names of herself and her two children. He had not done so. This matter requires careful investigation by the police.

Mirihana, Kohuwala, Battaramulla, Gangodawila

(1) W. Samayavila was living in a rented house in Battaramulla. On 9th September at 1.30 a.m. it was attacked by 5 armed persons, led by Ladie Singho, he stated. He informed the police on the 10th morning and left for Kilinochchi. He was carrying on the manufacture of earthenware in a kiln in the rented premises. He assessed his losses at Rs. 9,153.50.

(2) K. S. Chandrasegaram, a Government Surveyor, was residing with his family at Gangodawila. On 19th August at 5 p.m., he said, a Tamil businessman was stabbed at Delkanda junction. At 6.30 p.m. he went to the Mirihana Police Station and asked for police protection, and he was told that the area would be patrolled. He returned home, but before he could enter his house an armed mob entered it and attacked his 2 Tamil servants mercilessly, and then went into a room in which his wife, sister and children were hiding and attacked them and took their jewellery. His new motor cycle worth Rs. 18,500 was taken away and buried; it was rendered useless.

His total damages, he said, amounted to Rs. 70,000.

On the 23rd the house was looted again and the remaining articles were stolen. A case was pending against some accused in M.C. Gangodawila. He complained that the accused had threatened him; and his wife had been refused Police protection for the purpose of attending the Court as a witness.

(3) A trader of Kohuwala, M. Ramachandran, stated that on 21st August at about 8.30 a.m. his neighbour's house was attacked and looted by a crowd, who then came to his house and did the same. He was hit with an iron rod. When he complained to the police, they refused to record his statement. His losses were Rs. 4,700.

(4) M. Krishnan ran a tea boutique at Mirihana, about 150 yards from the Police Station. There were 4 Tamil shops near it. On 19th August at about 10.30 p.m. his boutique was attacked, and on the 20th it was set

on fire. Armed policemen were standing there, but they did nothing. His loss was assessed at Rs. 12,000. He mentioned that David's Bottle Shop, a Tamil Barber's Saloon, and Murugesu's Shop which were close to his boutique were all attacked and burnt.

Maharagama, Pannipitiya, Avissawella

(1) S. Siriniwasan was running a Jewellery shop and hotel at Maharagama for 12 years. On 18th August the shop was attacked at about 10.30 p.m., after a rumour was spread that P.C. Bandara had been murdered, his body had been hung in beef stall in Jaffna, and it was being brought to Maharagama by plane. White flags were flown. Leaflets were circulated. When the witness was informed by his servant that his shop had been broken into, he went there and found it had been opened, and jewellery had been taken, but the safe had not been opened. When he returned home, he found his house had been completely looted. He found the missing members of his family in a jungle behind the house.

Later he found his safe had been broken open and the jewellery in it had been stolen. His hotel was also attacked and goods worth Rs. 17,000 had been removed. His losses of jewellery were estimated to be Rs. 47,000 and of household goods Rs. 50,000. The Social Services Department paid him Rs. 850.

The witness stated that in Maharagama almost every Tamil house and shop was attacked, and that happened in Nugegoda and Mirihana also. He attributed this to the spread of false rumours.

(2) Mrs. Avasi Anthony was living in Maharagama on 18th August. Her house was attacked at about 10.30 p.m. by about 20 persons. She ran out, but her daughter and son-in-law were assaulted and the house was looted. Her damages were Rs. 10,000. She complained at the Police Station, and identified Samara and Chandra among the attackers. She stated that the police recovered some of the looted jewellery from the latter's house.

(3) Mr. R. S. Power was a Printing Foreman living in Maharagama. On 20th August at 4.30 p.m. a crowd attacked his mother's house, and both his mother and his father were injured. His father subsequently died. His 2 brothers were cut, but when Sinhalese neighbours came there and shouted the crowd ran away. One of his brothers who was cut also died. He stated that when the crowd first came there they shouted: "P. C. Bandara has been murdered at Jaffna and his body has been brought to Maharagama".

(4) Mr. D. S. Asirwathan was living in his own house at Pannipitiya with his family. On 20th August while a curfew was in force a crowd attacked his house at about 8 p.m. They were outsiders and not neighbours. They

damaged the house and looted it. He had lived there for 60 years, but he was the only Tamil living there, and his house was the only house attacked in that area. His losses were assessed at Rs. 87,000.

(5) M. Vadivalagu, a clerk under P. M. Rengasamy, pawnbroker of Avissawella, stated that at about 9 p.m. on 19th an armed crowd tapped on the door of his house. When he flashed his torch his hand was cut. The house was then attacked. His wife's thali and chain were snatched, and also the children's ear studs. The house was damaged. He was admitted to hospital that night and his statement was recorded by the Police. His losses were about Rs. 10,000. A case was pending against some accused in M. C. Avissawella No. 30526.

Padukka

(1) G. Perumal was a worker on Ayr Estate, Padukka, on 19th August. That night a crowd came to the lines with torches and guns and damaged the rooms. He ran away and returned next morning, to find that the rooms had been looted. He stated that the raiders came from the adjoining villages. His wife made a statement to the police on the 21st. About 30 families, all Tamils, had their line rooms attacked. No case had been filed against anybody.

(2) Sandanam Mani, a worker on Padukka Group, Padukka, stated that at about 10 p.m. on 20th August, a crowd attacked 3 line rooms on the estate besides his own. His losses amounted to Rs. 5,000. No action had been filed because, presumably, the attackers were not identified.

RATNAPURA DISTRICT

Dehiowita

M. Santhanam, a kangany on Clunes Estate, Dehiowita, had lived there for 29 years. He was in his line room with his family on 19th August. At about 9 p.m. an armed gang led by one Sumane of Kanangama attacked and looted the line, starting with Sellam's line room. He stated that Sumane had a gun and a torch, and shot him in his right arm; the witness' wife was cut with a sword; and his nephew Narayanan was cut on the back of his head. The estate Dispenser Jayasooriya refused to treat those injured persons. On the 20th they went to the Deraniyagala Police Station, taken there by Ratnasena Mudalali in his car. Their statements were recorded and they were sent to the hospital, and from there to Kegalle Hospital. He lost Rs. 7,000 worth of goods. A case had been filed against Sumane over his attack.

Eheliyagoda

(1) M. Mahalingam had been a resident of Eheliyagoda for 23 years, and ran a business in Main Street with a stock in trade of Rs. 90,000. On 19th August at about 7 p.m. his shop was attacked after all the lights in the bazaar had been extinguished. Other shops were attacked before his. He stated that all the Tamil shops were looted and burnt. The Police had been guarding the bazaar owing to rumours that had reached there, and the Police Station was about 150 yards away. His shop was entered by the mob and looted. 2 policemen who were there fired into the air and then ran to the Police Station. He estimated his losses at Rs. 100,000 or more.

(2) This witness also stated that Rajagopal's shop was burnt, and he died in the fire. The mob consisted of 300 to 400 persons. Their main purpose was to loot. He attributed the attacks to false rumours, such as that Sinhalese had been cut up and their bodies were sent in fish boxes.

(3) P. Natchiappen was a dealer in Main Street, Eheliyagoda, in old and new tyres. He stated that at about 6 p.m. on 19th August, when he was at home a van was toppled into the river about 200 yards away. The next day he found that his shop had been looted, but not burnt. His losses amounted to Rs. 65,000. All the Tamil shops in Eheliyagoda were attacked. The witness was only a tenant of his shop.

Kiriella

R. Rengasamy, a labourer on Matuwagala Estate Kiriella, stated that on 19th August, a crowd of about 200 came armed and shouting that Tamils should be killed. They attacked the lines and looted them, while the workers ran away and hid. His damages were Rs. 1,000. He did not know the attackers. He said that worker Velu was grievously injured and another named Muthu lost his Sewing Machine, jewellery and petromax lamp.

Ratnapura Town

Mr. Sambasivam was running a shop Main Street Ratnapura. On 19th August at about 6 p.m. a gang led by one Ananda came there with lighted torches and bombs. A torch was thrown at the witness' nephew Selvarajah whose clothes caught fire; he jumped into a lake. At about midnight another gang came, poured petrol on his shop, and burnt it. His losses were estimated at Rs. 50,000. His neighbour Naina's shop also got burnt. Selvarajah is now mentally afflicted.

A case was pending against some persons over these incidents. The witness said that almost all the 30 Tamil shops in Ratnapura were attacked, though only 2 were burnt.

KALUTARA DISTRICT

Neboda

(1) Mrs. Jeganathan Seetha was unmarried on 22nd August, when her line room in Neboda Estate, Neboda, was attacked. Her uncle Perumal was stabbed when he was running away. When she went to his aid, she was dragged away and raped by 2 persons. All this happened at about 3 p.m. on the previous day the lines had been attacked, and fowls stolen. The attackers were about 20 or 25 years old.

(2) A. Selliah was a Kanganý on Neuchatel Estate, Neboda. His Division was surrounded by villagers. On 24th August, the lines were attacked at about 7 p.m. by a gang consisting mostly of youths. 12 rooms were entered and looted; 3 rooms were set on fire. His father Adaikan was cut and killed; he himself was stabbed, and his wife's ear studs were stolen. He estimated his damages at Rs. 1,300.

Matugama

(1) E. Rasalingam was engaged in a rice bran business in Matugama. On 20th August at 3.30 p.m. he was informed that his store was in flames. On the 21st, other Tamil shops were attacked. On the 22nd, his house and Dr. Manickarajah's house were burnt, and he ran to the jungle. He lost goods worth Rs. 12,500. No case has been filed over this incident.

(2) K. Ehambaram was a worker on St. George Group, Matugama. The Matugama Division on which he worked was surrounded by villagers. On 23rd August at 8 p.m. a crowd attacked the line rooms, so the workers ran away. On the 24th, when the witness returned to his room, he found his father-in-law Gurusamy lying injured on the floor; the latter died that day. Some line rooms had been burnt or attacked on the 19th. The witness informed the Police both before and after his father-in-law died, but they took no interest, saying: "When our Police officers were murdered in Jaffna, what is the harm in your people being murdered?" No post-mortem examination was arranged by the Police, so the witness buried the dead man in the night. He also stated that one Velu who stayed in his room was shot and injured, and was in the hospital for 4 days.

GALLE DISTRICT

Galle Town and District

(1) C. Thevarajah was a Shopkeeper at No. 17, New Street, Galle. His stock, furniture and fittings were worth Rs. 50,000. On 20th August, crowds were collecting in the morning, so he and other traders asked the Police for assistance. They were told to go and inform Amirthalingam. At noon his shop was looted and burnt. A Mr. Alwis assisted him in every way. He has since restarted his business by taking a loan.

(2) V. Kanaganayagam had a sundries boutique at No. 273, Market Street, Galle. On 20th August, he kept his boutique closed. He was returning after he had collected a debt of Rs. 2,000, when a crowd attacked him. He was stabbed in the abdomen. He was admitted to hospital and later transferred to Jaffna hospital. He lost Rs. 3,000, his watch and his rings. Altogether, his losses amounted to Rs. 5,000. In January 1978, he restarted his business.

(3) S. Mahendran was working in a hotel in Galle, which was attacked on 20th August at about 10.30 a.m. The cashier Selladurai was dragged out and cut with razors, and a petrol bomb set the hotel on fire. The witness ran to a Sinhalese house and hid. After 3 hours, he was returning to the hotel when he was chased and cut on his back with a razor. He was in Galle Hospital for one month. His losses were assessed at Rs. 1,000.

(4) S. Mahendran, a worker on Thalangaha Estate, stated that on 20th August, he was working in a vegetarian hotel at No. 42, Gemunu Mawatha, Galle. On 20th August at about 10.30 a.m. a crowd of Sinhalese came armed and attacked the hotel. Selladorai, a Cashier, was dragged out and cut on the public road with razors. The hotel was set on fire with petrol bombs. The witness ran to a Sinhalese home and hid. When he came out after 3 hours he was chased by 5 persons and slashed on his back with a razor, in spite of appeals made by Sinhalese girls who were in that home. He lost belongings worth Rs. 1,000.

He was in hospital for one month at Galle, and a visitor to it asked a Doctor not to treat him because Sinhalese in Jaffna were being cut and sent away without treatment.

(5) N. Thiagarajah was a Kangany on Stock Estate, Udugama. On 22nd August, when he was at the Galle Bus Stand, he saw a group of persons going on the rampage there. The witness and 2 others were mercilessly assaulted by them. He fell unconscious and regained consciousness in the refugee camp at Galle. His jewellery had been stolen. On 23rd August his son took him back to the estate, but that night a gang attacked his line room and other rooms. He was taken to a refugee camp, and later returned to the estate. His losses were estimated at Rs. 10,000, and he received a sum of Rs. 800 from the estate.

(6) A. Kathan was a worker on Homadola Estate, Hiniduma. He was married to a Sinhalese, and they had 9 children also working on that estate. On 22nd August, a crowd stoned their line rooms. On the 24th, hearing of an impending attack to be made that afternoon, they ran and hid. A mob came in 2 sections and fired at them. His son Karunachandran lost one eye, another son Periannan was killed on the spot, another son Sathyaseelan was shot on his left leg, and a neighbour Balaiah was also shot on his left leg. The injured men are unable to work again.

The police came and took them to hospital. The witness' losses amounted to Rs. 1,000. He has received Rs. 7,000 as compensation for his son's death. He identified none of the assailants as they were all strangers.

(7) Mrs. Letchumi Ramalingam was working on Frotoft Estate, Ramboda, on 17th August, she left with her brother-in-law Palaniandy by bus for Nillala Estate, Morawaka, taking her 4 year old child with her. They reached Galle But Stand at about 4.00 p.m. There a mob attacked Palaniandy and other Tamils. At 2.00 a.m. on the 18th all 3 of them boarded a bus to go to Deniyaya and got down from it near Nillala Estate after dawn. There a mob attacked them and 3 men raped the witness and took her jewellery. She fainted. After she regained consciousness she saw Palaniandy's body lying there in a mutilated condition. He was buried in that estate. She was too ashamed to complain to the police in that strange area. Her brother-in-law Vellasamy brought her back a few days later to Frotoft estate. She was robbed of 5 sovereigns worth of jewellery and Rs. 600 cash.

(8) K. Ramasamy, a worker on Thalangaha Estate, Nakiadeniya, stated that on 21st August at about 3.30 p.m. a gang of about 200 Sinhalese attacked the line rooms. He could not run away because his mother was in his room with him. He was hit with an iron rod and was later removed to Udugama Hospital, from where he was transferred to Galle Hospital and ultimately to Colombo General Hospital. He suffered multiple fractures on his arm and injuries in his abdomen. Other workers were assaulted, including a woman named Kathaie and her 10 year old daughter. 25 line rooms were looted and 2 of them burnt. He assessed his losses at Rs. 10,000.

MATARA DISTRICT

Matara Town

(1) Vasantha Devi stated that she and her husband Kadiravel Pillai were running a small shop in Matara. On 19th August, when they were in their shop with their 5 children, a crowd entered it, assaulted her husband and threw something on 3 of the children which burnt them. She too was assaulted. They were taken to the hospital by the police, but were not given proper treatment there. After 10 days she went to Jaffna. Her husband is now mentally deranged owing to this experience. She asks for a land to cultivate.

(2) At Matara there was the Murugan Temple with a Pilgrims' Rest attached to it. On the morning of 20th August, Sinhalese passengers who arrived by train said that the Naga Vihara in Jaffna had been damaged and the Chief Priest murdered. Thereafter a gang entered the Temple and according to P. Krishnaswami, the priest, from 10 a.m. to 7 p.m. they looted, damaged and finally burnt it. The Pilgrims' Rest was also destroyed. Utensils worth Rs. 40,000 were stolen in addition to jewellery and clothing. He estimated the damage to the building at 4 1/2 lakhs. Mr. N. Krishnadasan,

retired Commissioner of Assize, also gave evidence regarding the destruction of those two buildings and produced photographs taken after the event. He produced an estimate furnished by Messrs. Samuel & Co. for Rs. 444,990 to restore the Temple to its former condition and a list of the brass vessels stolen from the Pilgrims' Rest.

Weligama

N. Mahendran was an apprentice mechanic living at Weligama. His father was staying with him. On 19th August, when he returned home, he saw a crowd near his house. On going inside he found his father dead of stab injuries. Inspector Alwis arrested some persons in that connection and an identification parade was held in Court. This officer seems to have inspired confidence in the Tamil businessmen there, who kept their shops open for business as usual.

Akuressa

Witness T. Thirunavukarusu was employed in the Jaffna Stores there. On 19th August, 7 persons entered the shop with weapons and looted it. The witness was injured and went to hospital. He said that all the Tamil shops there were burnt. His losses were estimated at Rs. 91,450. At the time of giving evidence he had not been summoned to give evidence in any Court proceedings.

HAMBANTOTA DISTRICT

Walasmulla

Mrs. Manonmani Kanagarajah and her husband were living in Walasmulla for about 30 or 40 years with their family. They had a shop in the same building as their residence. On 20th August, at about 11 p.m., their house was attacked by a gang through the rear door, while the family escaped through the front door. The police who had been on duty there earlier had vanished by then. The shop was looted and their losses were estimated at Rs. 30,000. The witness' husband later died of a heart attack. She has reopened the shop.

MONERAGALA DISTRICT

Kataragama

Two men of religion have related the sad fate that befell their charitable institutions.

(1) Ayathurai Swami owned the Ponnampalam Madam at the Old Kathirimalai Junction at Kataragama. He ran it for the benefit of the pilgrims. Followers of all religions used it and partook of the meals he provided. At about 1 a.m. on 22nd August, some persons set fire to the Madam and the shop attached to it. His cooking utensils were stolen or destroyed; his religious books and other documents were burnt. He assessed his losses Rs. 11,000 for the buildings and Rs. 10,000 for the utensils.

(2) Swami Jothimayananda started a spiritual centre at Kataragama in 1965 which was patronised by many persons of different nationalities. It was a large building which cost over Rs. 65,000 to construct. On 23rd August, an armed gang came there, and he and his wife ran out in fear. He informed some police officers who were in a jeep, of what was happening and they took him and his wife to a refugee camp. Next day the Inspector of Police took him to the building which had been dynamited and was still burning. His Sinhalese Tractor Driver had been assaulted and he spent Rs. 500 on medical expenses. The witness stated that 3,000 books worth Rs. 20,000 had been reduced to ashes. He sold the building and 6 acres of land on which it stood for Rs. 26,000.

Wellawaya

S. Nadarajah gave evidence stating that he was cultivating 8 acres of sugar cane at Wellawaya. On 18th August, he went to one Karunaratne's house fearing trouble. On the 19th, at about 9 a.m. a crowd went past in a tractor shouting threats against Tamils. He went into the jungle for 4 days and when he came out of it he saw that his house had been looted and 2 acres of his sugar cane cultivation had been burnt. His losses were assessed at Rs. 25,000. He became a worker on Liyanagawela Estate, Bandarawela, after this experience.

Moneragala

M. Kuppusamy of Amparai Road, Moneragala, was cultivating 12 acres there in sugar cane with the help of his 2 brothers. On 23rd August, a gang of Sinhalese came there armed and shouting, so he and his children ran into the jungle. After 15 days they came back and found their house had been looted. He was not allowed to remove the crop of sugar cane. He abandoned the land and went to Liyangawela Estate. He estimated his losses at Rs. 80,000.

Tanamalwila

K. Sivam was cultivating a 2 acres of land here for about 10 years near the town. On 19th August at about 9 p.m. 2 lorries drove past his house with crowds who were shouting against Tamils. He heard an explosion and saw a crowd running towards his house. He and his family ran into the jungle. The crowd burnt his house and carried his produce away. On the 20th, the Wellawaya Police were informed and they transported the family in a jeep to Wellawaya. On the way, at Kuduwa a crowd assaulted the witness and his wife while the constable looked on and laughed. They were dropped at Wellawaya Hospital. Their statements were not recorded and later they went by bus to Maskeliya to join their relations. The witness assessed his losses at between Rs. 10,000 and 17,000. He asked that he be sent to India where his other children are living.

BADULLA DISTRICT

Koslanda

(1) S. Paramasivam, a trader, ran a shop called "Saradas" in Koslanda Bazaar. On the morning of 20th August, he saw groups of people roaming on the streets, and he closed his shop at noon. At about 3 p.m. he saw about 150 persons moving towards the Hindu Kovil and attacking 13 Tamil shops including his own: some were looted and burnt. He saw P.C. Meedin and P.C. 4225 on duty there; Meedin was carrying a gun; they did nothing. Marimuthu's hardware shop was burnt. The witness complained to the Wellawaya Police.

(2) V. Marimuthu mentioned above gave evidence. He said he had been running a hardware shop at Koslanda since 1963. It was set on fire on 20th August, and he estimated his damages at 4½ lakhs. He watched that from his house. He saw two constables, No. 4225 and No. 6421 at the scene. There is a criminal case pending.

(3) Another trader of Koslanda V. Harawandi, stated that he had a textile shop there for 30 years. It was attacked on 20th August, at about 3 p.m. and looted. All 13 Tamil shops there were looted, and 2 of them were burnt. His loss was assessed at Rs. 75,000 of which Rs. 10,000 worth of goods were recovered by the police. A case was pending at the time he gave evidence.

Haldummulla

(1) Mrs. V. Mahendrarajah of Rookatenna, Haldummulla, was living on a 2-acre block. On the night of 21st August, about 20 persons wearing masks took away 2 goats from her land. On the 22nd her house was burnt by a gang, and she identified some of its members. She stated that the houses of about 6 other Tamil families in that village were also attacked.

(2) N. S. Pitchimuthu stated that his family had owned land for generations in a village called Soragoda near Haldummulla. He inherited 10 acres which he planted in sugar cane, as did about 6 other Tamil families there. On 23rd August, afternoon he heard a gun shot, and saw a gang going along the road. One Sirisena carried a gun; he identified some others also. The witness and his family ran to the jungle. When they returned later, he saw one of his 2 houses in flames, and the other had been damaged; the machine for crushing sugar cane had been burnt, and the plantation had been devastated. The other Tamil families suffered in the same way. The Police were informed, and they came there on the 24th. He assessed his losses at Rs. 91,072.

(2) Swami Jothimayananda started a spiritual centre at Kataragama in 1965 which was patronised by many persons of different nationalities. It was a large building which cost over Rs. 65,000 to construct. On 23rd August, an armed gang came there, and he and his wife ran out in fear. He informed some police officers who were in a jeep, of what was happening and they took him and his wife to a refugee camp. Next day the Inspector of Police took him to the building which had been dynamited and was still burning. His Sinhalese Tractor Driver had been assaulted and he spent Rs. 500 on medical expenses. The witness stated that 3,000 books worth Rs. 20,000 had been reduced to ashes. He sold the building and 6 acres of land on which it stood for Rs. 26,000.

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Moneragala

M. Kuppusamy of Amparai Road, Moneragala, was cultivating 12 acres there in sugar cane with the help of his 2 brothers. On 23rd August, a gang of Sinhalese came there armed and shouting, so he and his children ran into the jungle. After 15 days they came back and found their house had been looted. He was not allowed to remove the crop of sugar cane. He abandoned the land and went to Liyangawela Estate. He estimated his losses at Rs. 80,000.

Tanamalwila

K. Sivam was cultivating a 2 acres of land here for about 10 years near the town. On 19th August at about 9 p.m. 2 lorries drove past his house with crowds who were shouting against Tamils. He heard an explosion and saw a crowd running towards his house. He and his family ran into the jungle. The crowd burnt his house and carried his produce away. On the 20th, the Wellawaya Police were informed and they transported the family in a jeep to Wellawaya. On the way, at Kuduwa a crowd assaulted the witness and his wife while the constable looked on and laughed. They were dropped at Wellawaya Hospital. Their statements were not recorded and later they went by bus to Maskeliya to join their relations. The witness assessed his losses at between Rs. 10,000 and 17,000. He asked that he be sent to India where his other children are living.

The witness stated that only the police and the Army could have been out that night owing to the curfew; and he suspected the Army personnel in connection with these offences.

(2) W. M. Jayasekera had been in business there for 17 years, and his shop Jayanthi Stores adjoined the last witness Arumugam's shop. He stated that the curfew was imposed from 5.00 p.m. on the 20th August, so he closed his shop and went home. He did not return to it on the 21st, for there was a whole day curfew in force. When he came on the 22nd morning he found his shop had been burnt down. He stated that apart from the police and the Army, nobody could have been in the bazaar during the curfew. His was the only Sinhalese shop that was damaged. All the shops there adjoined each other, and they were partitioned with planks. He sustained damages amounting, in his opinion to Rs. 230,000.

(3) A. Muthuleetchumi lived with her husband in a village called Palakathiragama, about 2 miles from Diyatalawa. On 20th August at about 7 p.m. her house was stoned and at about 8 p.m. some people came and called out to her husband. When he went out she heard him shout "Aiyo". She and her children ran to the jungle and did not return till the 23rd. She then went to the Kandy Hospital and saw the dead body of her husband, with a cut injury on the head. She received a sum of Rs. 8,680 as compensation for herself and her 6 children who are dependent on her. She is a tea plucker.

She could not say who were in the gang that came near her house on the 20th night.

(4) Aslan Deni and some other Tamils related to him were cultivating flowers on a government land in the village called Sithiarawa near Diyatalawa. On 20th August, he said, a schoolmaster named Chandrapala led a gang and attacked Velu's house and burnt. Chandrapala and Wijedasa, a Supervisor on Glenamore Estate, then burnt the witness house and 2 other Tamil houses. A case is pending against the attackers in the Magistrate's Court.

Bandarawela

K. Chitrasenan was a worker on Elawella Estate, Bandarawela. There are Sinhalese villages round the estate. On 22nd August, some villagers from Pallawela attacked the line rooms on the estate and burnt them and also injured the cattle belonging to the labourers. He stated that there was a case pending over these incidents.

Badulla

R. Ramanathan of Mahiyangana Road, Badulla, was assisting his son Sithamparanathan in the latter's shop. On 21st August at about 7.00 p.m., his son was severely assaulted by 5 or 6 persons. When he went to his

son's aid, he was cut with an axe. The Badulla police took them to hospital, and the witness made a statement to them on the 22nd. The shop was looted and partly burnt. His son suffered damages.

As the assailants were masked, they could not be identified.

Welimada

Miss. R. Arumugam was living in Boralanda, a village near Welimada, with her parents who had a dairy. On 18th August, the family were attacked by 6 persons of the same village and 2 of them called Abeypala and Piyadasa entered their house. When they entered, she ran out and only returned 2 days later, to find that everything had been looted. She stated that 4 other Tamil houses in that area were also looted. She and her parents moved to Haputale.

BATTICALOA DISTRICT

Kalkudah

Mrs. B. Doreen Mendis was staying in her brother's house in Valaichenai from 14th August. She is married to a Tamil person. She had to stay on there till the 25th for want of transport. On the 25th, about an hour before the curfew began, she was returning from the Convent to her brother's house. She saw a crowd of men about 50 yards away. 2 or 3 persons held her hand saying that they could not allow Sinhalese to move about in their village. She was hit and fell down: they removed her outer garments and told her to spend the night there. She later returned to her brother's house and complained to the Police at Valaichenai.

She lost cash, sarees, 2 earstuds all worth Rs. 1,262. She did not identify anyone in an identification parade, but a case has been filed against one person. She went once to Batticaloa for the case, but did not go again.

JAFFNA DISTRICT

Kilinochchi

(1) 2nd Lieut. Allen of the Sri Lanka Volunteer Force, stationed at Kilinochchi in August 1977, started that on 19th August, while on mobile patrol he saw about 200 persons gathered in front of the Buddhist Temple at about 6 p.m. The Temple was in flames and 2 persons who were running away were arrested: he took them to the Police station and handed them over to Inspector Noordeen, O.I.C. Having returned to the Temple, he found all the statues on fire except of God Ganesha and the building damaged.

(2) A Buddhist monk, Ven. Gonapinuwala Sumanasara Thero, who had been Principal of the Sinhala Maha Vidyalaya in Kilinochchi from 1970, said that on 17th August, the police took him to the Police Station as disturbances were expected there, and on the 18th he was sent to Anuradhapura. On the 24th, he learnt that his school had been attacked, and he returned to it on the 29th. He then found that a bo-tree in the premises had been cut, the doors of the school broken, the furniture burnt, and the Science equipment removed. A picture of the Buddha was missing from his room.

(3) 2nd Lieut. Allen also stated that on 21st and 23rd August, he saw 20 huts in a fishing Wadiya belonging to one Kalumahatmaya in Thallady on fire; a boutique belonging to one Banda in Pallai burnt; a Sinhalese blacksmith's house at Kilinochchi also burnt. I accept his evidence on the matters already mentioned, but his statement that no Tamil shop or residence in Kilinochchi was damaged or looted is unacceptable in view of the evidence of the next 2 witnesses.

(4) Witness Sinnammah, wife of Muthu, said that she was living by the Kandy Road behind a building known as Laxapana. On 21st August, at about 9 p.m. policemen came armed and in uniform when her husband was out. They put her and her daughter and 2 cycles out of her house, and then set fire to it: they then walked them to a jeep and took them and the cycles to the Police Station, Kilinochchi, where they were detained till 5 p.m. the next day and then released. She stated that one of the policemen was P.C. Seevaratnam whom she knew by name.

She complained to the Grama Sevaka and the D.R.O. but the cycles were not returned to her.

(5) Witness Pakiam, wife of Balaiah, said that when she was in her neighbour's house 5 jeeps and a van arrived at about 10 p.m. with 15 persons in Army and Police uniforms. They removed her belongings and set fire to her house together with what was left in it including her children's clothes.

(6) Witness M. A. Sammie said that he was managing a hotel called Manjula Hotel close to the Police Station from May 1977. It was set on fire on 19th August at 6 p.m. while he was taking refuge in the Police barracks. His personal belongings and the owner's property were destroyed.

(7) Witness H. Somadasa had lived in Paranthan Kilinochchi, for 16 years, engaged in a bakery business. In August 1977, he had flourishing business called Nilmini Bakery, in a building which he put up at a cost of Rs. 16,000 two years earlier. On 17th August, a Tamil friend advised him

to leave that area; on the 18th an employee of his was assaulted by a Tamil; on the 19th he found a large gathering of Sinhalese in Kilinochchi Police Station, seeking shelter there from attacks by Tamils. On the 19th, witness himself and 4 of his employees were assaulted. He was taken to Anuradhapura where he stayed till he returned to Paranthan on 8th September; he went back and came again on the 20th September for a month. As he found it impracticable to start his bakery business again, he sold his bakery building for Rs. 7,500 and incurred losses amounting in all to Rs. 20,000.

He said that there is not a single Sinhalese bakery in Paranthan since then, where formerly there had been 4 such bakeries. There is also no Sinhalese bakery in Kilinochchi. He drew a grim picture regarding the departure of the Sinhalese from there and stated that there are only Sinhalese public servants left since the communal disturbances.

(8) Mr. Y. Hettiarachchi was Assistant Station Master at Paranthan for 20 months until he left on 18th August with his family, leaving his belongings in his quarters. The communal disturbances caused him to vacate his post, apparently without notice to his superiors and without obtaining prior permission. He went to Matara, and there learnt that his quarters had been broken into. He came back on 5th September and found that everything of his had been removed.

(9) Francis Weerasinghe, a carpenter, was running a carpentry business at Dharmapuram, Kilinochchi, for 9 years until August, 1977. On 17th August, on hearing of clashes between the police and public in Jaffna, he entrusted his belongings to 3 Tamil persons whom he knew well, and left for Mullaitivu. From there he went to Anuradhapura on the next day. On 18th September he returned to Dharmapuram and found that his belongings were missing. The persons to whom he had entrusted them told him that Tamil youths had stolen them.

(10) Another bakery and hotel owner who had been doing business at Kilinochchi was H. T. Jinadasa. He stated that on 19th August at about 7.30 a.m. when he was walking past the Kilinochchi hospital, a crowd of Tamils snatched a bag he was carrying which contained Rs. 11,000 in cash. He returned to his native village Dikwella. When he returned to Kilinochchi in September, he found that his bakery and hotel had been burnt and everything had been removed.

(11) W. E. R. Fernando was Security Assistant at the Kilinochchi Depot of the Petroleum Corporation on 17th August. At about noon some lorries that came there from Jaffna were parked near the Police Station, which is next to the Depot. The witness learnt from the drivers that Government

property had been damaged in Jaffna. On the 18th some Sinhalese fishermen took refuge at the Police Station. The witness decided to leave Kilinochchi and left it with some of his belongings on the 18th night and returned about 3 weeks later. He found that his quarters had been broken into and his belongings left there had been damaged.

ANURADHAPURA

Anuradhapura Town

Several witnesses have described incidents that occurred on the night of 16th August, in two trains, viz., train No. 69 from Colombo to Jaffna and train No. 70 from Kankasanturai to Colombo.

Mr. J. Senaratne, Assistant Collector of Customs, Jaffna, travelled on train No. 69 which left Colombo on 16th August, about 6.30 p.m. When it reached Anuradhapura at 1.05 a.m. on the 17th, he heard people yelling and children crying. A man rushed into his compartment, obviously intent on attacking Tamils. He saw jewellery being wrenched, and people being attacked in his compartment. When he stepped on to the platform, he found that Tamil passengers were looking to him to protect them. He saw passengers who had sought refuge in the Station Master's Office being assaulted. When he remonstrated with one of the attackers, he was told: "You don't know what is being done to our people in Jaffna", or words to that effect. That attacker was dressed in shorts, shirt and black shoes and was kicking everyone in the office. Another, similarly dressed, was hitting everyone with his belt.

Mr. Senaratne, with 2 persons who had clung to him for protection, went into a sleeping berth compartment, and they stayed there till the train reached Navatkuli. He left the train at Jaffna and attended the Conference at 11 a.m., to which I have referred elsewhere. Another witness who was in that train, Mr. M. S. Sithamparapillai, was attacked by the thugs who entered the train at Anuradhapura. They robbed him of Rs. 850, his wrist watch, his suitcase and a leather case all to the value of Rs. 1,500. He said he was befriended by Mr. Noel Illangantilake, who helped him to catch a bus to Colombo on the 17th. Witness S. Jeganathan, another passenger, related a similar story.

The evidence given in camera by Mr. L. M. Poulier, District Mechanical Inspector of Railways, explained how the violence erupted at Anuradhapura Station, where he was on duty. He said that train No. 69 came in at 1.05 a.m. on No. 1 platform, and train No. 70 at 1.25 a.m. on No. 3 platform. As the latter train came in, he heard shouts in Sinhalese from it: "Don't allow the Jaffna train to go. They are murdering our breatheren in Jaffna. People are killed like dogs. Don't allow the train to go". He then saw

bottles being flung at the Jaffna train, that is, the train which was going to Jaffna. People flocked into the Station Master's Office while the attack on them was going on, so that the office was packed to capacity with passengers from train No. 69. Some of them had head injuries and cut injuries, and they were appealing for protection.

There was, he said, a police party in that train, and the witness contacted them to get their assistance, but the officer in charge said he could not do anything, as they were going on special duty to Jaffna. Army personnel whom he contacted gave him the same reply. I consider their conduct disgraceful, and a blot on the services they belonged to. When he returned to the Station Master's Office, he saw 2 persons standing at the doorway: one was in police uniform, with a cap and a rifle, and appeared to be the bodyguard of the other: the latter was tall, wearing bottle green trousers and a banian: he had taken off his belt and was hitting the people with it, saying in Sinhalese "Para Demalu, I will drink your blood. You are killing all our best people in Jaffna. We will kill twice that number in order to be avenged". Those who came out of the office were kicked by the tall man; those who took shelter under tables and chairs were pulled out and hit mercilessly by him.

At 2.05 a.m. a third train arrived on No. 2 platform. Railway employees and outsiders who rushed into the Station also joined in assaulting the passengers and snatching their belongings, the Tamils being the victims of the attacks. Train No. 69 left at 4 a.m. and Train No. 70 at 4.30 a.m.

Coming now to the other events of the 17th, Mr. Poulier continued to stay in uniform at the station on the orders of Mr. K. Gunasekera, District Superintendent of Railways, Anuradhapura. Thugs armed with swords, knives and other weapons were at the station. About 9 a.m. one of them asked Mr. Poulier whether he was a Tamil, while keeping a knife against his neck: he also knocked the cap off his head. They set fire to the Station Master's car, and continued their search for Tamils. Mr. J. Thambirajah, the Station Master, said that on the 17th morning he drove his car to the Railway Station as he feared he would be assaulted if he walked. A mob burnt it while policemen watched and did nothing. His furniture was stolen. His damages were Rs. 50,000.

Meanwhile, the Tamil officers had gone to the upper storey where the retiring rooms are. Between 7.45 p.m. and 8 p.m. food was brought for these refugees, but the mob ate it all. Mr. Poulier said that the police were there, merely walking up and down; and when they saw anything happen, they left the scene.

At about 11 p.m. Mr. Poulier was made to understand that arrangements had been made, with the army and the police, to ensure the safety of the refugees until they were transferred to Jaffna. He came downstairs at about 11.45 p.m. and saw some constables at the foot of the stairs. He told P.C. 5920 (a number which he said he could not forget) "Please look after these people", and the constable replied in Sinhalese "How can that be done? They must be given the works for at least 10 minutes". Mr. Poulier then saw people rushing upstairs with weapons: at that moment the army personnel who had been there had disappeared. The attack upstairs lasted between 5 and 10 minutes, and then the attackers ran away with articles which they had removed from their victims. Mr. Poulier then went upstairs: he heard people moaning, but as he could not bear to see the blood he came down and brought stretchers to take them to hospital. He knew them; they were pleading with him to take them to hospital.

He produced 2 reports dated 30th October, 1977 and 2nd March, 1978, giving details of all he had seen, which he had sent to the District Superintendent. In one he stated that, with the only 2 stretchers available, he and shed pointsman Serasinghe carried the injured downstairs and waited for transport. He also stated that Superintendent of Police Liyanage and Major Jayawardene visited the scene some time later and left after a short while. The gist of Liyanage's conversation had been "I have just returned by air from Jaffna. Serves the bastards jolly well right. It's been a blood massacre here all right, yes, yes, about 4 or 5 casualties, I think. Hm, Yea, OK, Cheerio". I only add that I found Mr. Poulier an entirely trustworthy witness.

Mr. K. Gunasekera, District Superintendent, who was attached to the Anuradhapura Railway Station, also gave evidence. He stated that everything was normal at the Station until the arrival of train No. 70. He was in his bungalow, where he learnt that the Restaurant Car staff of that train created a commotion on the platform, and jointly with several others attacked train No. 69.

After he went to the station, he spoke to the Tamil Officers, who agreed to stay in the retiring rooms there, and arrangements were made for their accommodation and security on the 17th night. Lt. Percy Perera with 5 armed soldiers and Sub Inspector Silva with 4 armed constables were to stand guard near the entrance to the upstairs rooms. At 10.30 p.m. Lt. Perera drove Gunasekera home and assured the latter that they would be on duty till 6.00 a.m. At about 2.00 a.m. on the 18th Mr. Poulier telephoned the witness from the station saying "there is blue murder here. My Chief

Trains Controller is dying and so many others are injured". Gunasekera immediately rang up the police and informed them that they were responsible for the state of affairs prevailing at the station.

On the 18th morning Gunasekera said he met Col. Rodrigo and informed him of what had happened. The latter summoned Lt. Perera immediately and asked him why he left the Railway Station: the latter replied, "I went to get a telephone call to my quarters from the Police Station". When Gunasekera remarked that there were 2 telephones at the Railway Station, and 3 telephones and a radio in his office, Lt. Perera did not reply. Gunasekera very correctly said that had it not been for the callous and criminal negligence of duty on the part of Lt. Perera and S.I. Silva and their men, the massacre on the upper storey could not have occurred—a view with which I entirely agree.

Mr. Gunasekera produced a copy of his report of 24th October 1977 which he had sent to his superiors, and which he had also sent to this Commission on 9th January, 1978. I accept his evidence without hesitation.

To answer the allegations made against him, Lt. Percy Perera of the Sri Lanka National Guard gave evidence. He stated that Major Jayawardene had ordered him to patrol a certain area from 2.00 a.m. on the 17th with 4 soldiers and a driver in a jeep. His party was not stationed at the Railway Station. He assisted Mr. Gunasekera that evening from 5.30 p.m. to 8.00 p.m. to send about 2,000 stranded pilgrims who arrived from Madkka to 2 Refugee Camps in lorries. He stated that Mr. Gunasekera did not ask him to perform any other functions. Nobody told him that refugees were being kept in the rest rooms in the upper storey of the Railway Station, or asked him to guard them. He said that if he had been so informed, he would have given his assistance. At about 9.00 p.m., he said, he drove Mr. Gunasekera to his bungalow, and continued patrolling. When he and his men went to the Police Station to phone Headquarters to find out what time additional troops were coming from Colombo, he got a call that the Railway Station was being attacked. So he went and took the injured to hospital.

I prefer to believe Mr. Gunasekera. It is most unlikely that, in the face of the close contact he had with Lt. Perera from about 5.30 p.m. to 9.00 p.m. that evening, he would not have mentioned to the latter that refugees were occupying the rest rooms upstairs, and that it was essential that they should be guarded against attack by the mobs, who were active in that Station.

Another witness called to speak about the same incident was T. D. Gunawardene, a police pensioner. He said that he was not asked to place any guard at the entrance to the rest rooms upstairs. S.I. Silva was also on duty at the Railway Station. At about 11.30 p.m. both of them were

by the road, trying to stop a vehicle in order to transport some passengers. On hearing the sound of breaking glass, they ran into the Station: they then heard screams of women, which came from upstairs. On going into the rooms upstairs they saw a large number of injured Tamils.

He denied that he had been told that refugees were occupying those rooms, or that he should guard them. He said he had not heard of any allegations against him till the night before he gave evidence. He denied that he spoke to Mr. Poulier that night, although he saw the latter in the Station Master's room.

I consider Mr. Poulier's evidence to be too strong against this witness. Admittedly the witness' numeral when he was in service was No. 5920; he was in uniform that night, and he would have been wearing his numeral which made such unforgettable impression on Mr. Poulier. I do not believe that Mr. Poulier was inventing a story when he said that the policeman wearing that numeral was standing at the foot of the staircase and replied to his request that he should look after the people upstairs, "Now can that be done? They must be given the works for at least 10 minutes". This remark provides the clearest evidence that this witness aided and abetted the mob that thereafter rushed upstairs, and in cold blood attacked the occupants of the rest rooms. This witness' conduct was far more culpable than that of Lt. Perera's, and he is as guilty as the criminals whom he permitted to make a surprise attack on defenceless refugees.

The Head Guard of train No. 70 on the journey that night was Mr. S. Sathasivam. He first mentioned an incident which occurred at Punkankulam halting place, next to Jaffna Station. The train could not leave it as there was insufficient vacuum. His assistant informed him that the buffet car had been damaged and when Mr. Sathasivam inspected it he found all the shutters broken, all eatables removed and the attendants not there. Having started the train, he reported the matter to various authorities. Thereafter the 4 car attendants informed him that some persons entered the car and told them to leave as they wanted to attack the train and the car.

Mr. Sathasivam said that the attendants travelled in his guard's van as far as Madawachchiya and then left saying that they wanted to collect their belongings. When the train reached Anuradhapura at 1.25 a.m. on the 17th he went on to the platform and then saw those car attendants and others throwing stones and bottles at the Colombo-Jaffna train No. 69 which was halted there. They were shouting that Sinhalese had been assaulted in Jaffna and the Tamils in that train should be attacked. When Sathasivam went to the station office he found people being attacked there, while about 10 policemen with rifles and batons were just looking on and doing nothing.

At this point I wish to deal with the evidence of J. M. D. Joseph (Chief Attendant) and D. S. de Silva (attendant) who were 2 of the 4 attendants who travelled in the buffet car of train No. 70. Joseph said that at Pankankulam a crowd attacked the train, got into the car and damaged the crockery. He hid himself under the counter. From Navaakuli he and the other attendants travelled in the guard's van up to Colombo: they never left the van at Medawachchiya. He denied that he and the other attendants got out and shouted about Sinhalese having been assaulted in Jaffna nor did they throw bottles at train No. 69: on the contrary, he said he stayed in the Guard's van at Anuradhapura. D. S. de Silva's version was on the same lines as Joseph's. They never, he said, got out at Medawachchiya. He added that at Anuradhapura he neither heard nor saw anything, and except when he drank a cup of tea there, he was sleeping all the time.

The contradictions between Sathasivam's evidence and that of the 2 attendants are obvious and I am quite satisfied that the 2 attendants are bold liars who behaved like the other thugs on the platform of Anuradhapura Station in a disgraceful and lawless manner; they are unworthy to hold any position in the public service.

Head Guard Sathasivam said that he went to bed at 11 p.m. on the 17th in a retiring room upstairs at the Railway Station. That night a mob entered his room and stole his personal belongings worth Rs. 1,000. He identified Samaranayake, a cook in the running bungalow, as one of the mob.

Among those seriously injured by that mob, he mentioned Mr. Sathasivam, Asst. Station Master, Anuradhapura; Mr. Nadarajah, Station Master, Cheddikulam (both of whom died on 23rd and 21st August respectively); Mr. Selladurai, Chief Trains Controller; Head Guard Subramaniam; Engine Driver Ratnasingham; and Head Guard Thomas. To complete this account of this witness' evidence, he said that while he was still in the Railway Station S.P. Liyanage came there about 11.15 p.m. and said that he had just come from Jaffna and what had happened in Anuradhapura was not even onehundredth of what had happened in Jaffna; he also asked the victims of the attack to complain to Colonel Amirthalingam.

Mr. Selladurai, Chief Trains Controller, said that he was one of the Tamil officers taken to the retiring rooms on the 17th evening. They were given their dinner after which the lights were switched off by an employee of the cafeteria. He saw a crowd approaching the Station led by a Kangany Kalu Appu, whom he knew. Kalu Appu took Rs. 11 from him which was all the money he had. He received a blow and he became unconscious, only regaining consciousness at the Neuro-Surgical Unit, Colombo, on

8th or 9th September. He was later admitted to the Base Hospital, Point Pedro, but he has not recovered and is unable to work. He asked that he be retired with compensation.

Mr. V. Thamotherampillai, Trains Controller, was also put for his safety, into a retiring room on the 17th night. He said that Kalu Banda, Kangany, and Samaranayake, running bungalow cook, entered the room that night. He was hit and fell to the ground, and the others were attacked and their belongings stolen. They were taken to the Police Station when S.P. Liyanage came. When he was informed of what had happened he replied "Go and tell Colonel Amirthalingam; what happened here is nothing when compared to what happened in Jaffna." When Mr. Thamotherampillai pleaded with him to take them away, Liyanage replied "Shut up" and walked away. The witness said he was unfit to continue in service and wished to retire on medical grounds.

Another occupant of a retiring room that night was Head Guard Thomas who had worked the day train from Talaimannar to Anuradhapura arriving at about 6 p.m. At about 11.30 p.m., he said some persons entered his room and attacked him. He was taken to Anuradhapura Hospital and then to Kurunegala Hospital.

Mr. R. Balasingham, Asst. Station Master, Sravastipura, was another occupant of a retiring room on the 17th night. He said he was lying on the floor under a bed when he saw the cook Samaranayake (who has previously been mentioned by witnesses) come in and hit Mr. Nadarajah on his head; he then hit the witness also on his head and side. He became unconscious and only regained consciousness in hospital. Sathasivam, Selladurai and Thomas were also in hospital, shouting in pain, but nobody attended on them. He was taken to the Kachcheri camp and from there to Vavuniya. He lost personal belonging worth Rs. 2,000.

Head Guard Mr. Subramaniam who was in a retiring room on the 17th night was cut on his forehead and stomach. He said that he saw Engine Drivers Vigneswaram and Ratnasingham and Head Guard Thomas injured. He was taken that night to Anuradhapura Hospital and his wounds were attended to.

I wish to refer to the evidence of one more victim who occupied a retiring room—Mr. K. Sivasubramaniam, Signal and Telecommunication Inspector, C.G.R. He referred to 2 incidents of the 17th night. One happened at 8 p.m. and the other at 11.30 p.m. In the former, some persons entered his room, assaulted some of the occupants and removed their possessions. In the second, in spite of assurances given by the Police and Army personnel that such a thing would not happen again, the doors of

the room were smashed. The occupants then sought refuge in the toilet. Fortunately the Police and Army entered, but surprisingly none of the attackers was seized.

When the witness came out he met Liyanage, S. P., who was with 2 or 3 Police officers. He wanted to explain the difficulties they had experienced and their anxiety to be taken to the Kachcheri. Liyanage replied "Shut up, Mister. Don't try to teach us Police work. This is nothing compared to what has happened in Jaffna. This is what Mr. Amirthalingam wanted and you are having it. Go and complain to Colonel Amirthalingam". Liyanage also said that half the policemen had been murdered in Jaffna and he had sent his personnel there and he did not have sufficient personnel to guard Anuradhapura. He finally said: "Sinhalese girls are nailed to the walls in Jaffna". The witness spoke in complimentary terms about the very different attitude of Mr. Chandra Mendis, A.S.P., whom he met later on the 18th morning. Like so many others who were victims of violence, he suffered damages as a result of his quarters having been looted in his absence.

Before I comment on the evidence of these witnesses who complained of Mr. Liyanage's attitude, I should refer again to the evidence of Mr. J. Senaratne, Assistant Collector of Customs, Jaffna, who gave evidence in camera. He stated that when he saw Mr. Liyanage at the Conference on the 17th morning, he told the latter that he should be at Anuradhapura, because his (witness') brother who was at Anuradhapura had informed him (witness') that ruffians were walking along the streets as if in a perahera, attacking boutiques, while the police were merely looking on. When he told Mr. Liyanage that Tamil passengers had been inhumanly treated at Anuradhapura Station, the latter replied: "Were they assaulted enough?" (in Sinhalese). It was equivalent to his saying: "They have got what they deserved".

Mr. Liyanage admitted that he met Mr. Senaratne at the morning conference and all that transpired between them was a question by Mr. Senaratne, "Hello Walter, what are you doing here?" He characterised Mr. Senaratne's evidence as entirely false and a mode of paying off earlier grievances, such as searches by the Police of Mr. Senaratne's father-in-law's residence in which Mr. Senaratne's wife and children also live. I do not think I can accept Mr. Liyanage's explanation and denial, or his disparaging references to Mr. Senaratne, whom I considered to be an honest and fair witness.

Mr. Liyanage admitted that in talking to the witness Mr. K. Sivasubramaniam he may have referred to Mr. Amirthalingam as "Colonel Amirthalingam". He denied having asked him to shut up. But Mr. V. Thamotheerampillai has complained that he also was told to shut up. It is unbecom-

ing of a Supdt. of Police to speak in that manner to a citizen and I regret to say that I am satisfied that Mr. Liyanage did so. The evidence of the other Railway Officers also prove that he showed no sympathy towards persons who had gone through a terrible ordeal. I regard his denials as untrue.

One of the passengers in train No. 70 was Mr. S. C. Chandrahasan, Attorney-at-Law. He said a large crowd attacked the Tamils who travelled with him while policemen with rifles merely stood on the platform and watched. These so-called guardians of the law even spoke to the looters who were dealing with the Tamil passengers in turn, as though looting was something they approved of. Sinhalese passengers were ordered to leave the train so that the Tamils who were still in it could be dealt with. The compartments were first attacked, then the wooden shutters of the sleeperettes were broken and the doors opened so that the occupants could be attacked.

Mr. Chandrahasan said that he was not attacked, probably because he was mistaken for a non-Tamil; but his watch and bag were stolen. His impression was that the operation was pre-planned and systematically executed. From his account of the behaviour of the policemen, it seems to me that they were on the side of the attackers. Only the arrival of Army personnel brought the rule of the thugs to a halt.

How different was the attitude of one policeman when that train reached Kurunegala Station! Six thugs had entered a compartment, when that policeman walked into it and said, in Sinhalese, "What are you doing?" The thugs replied: "We are looking for Tamils in the sleeping car". The policeman said "get out", and all six of them meekly got out. Apart from that one incident, Mr. Chandrahasan said that the police did not even touch a looter.

I have already mentioned that cries such as "You are Tamils. Our constables in Jaffna are being killed: therefore you must be assaulted", were raised. Witness S. Emmanuel, who said he was travelling in train No. 70, heard one of the Sinhalese attackers utter those words. I shall refer to the evil effects of false rumours and I cite this as one instance.

After that train No. 70 left Kurunegala, the hooligans had their own way, even though two armed policemen had entered the sleeperette, presumably to guard and protect the occupants. The hooligans, however, resumed their activities against the Tamils and when a foreigner protested to the policemen who were just watching, they meekly replied: "We are only two, they are many". Mr. Chandrahasan has spoken of this disgraceful example of cowardice, but he praised the actions of the Officer-in-charge of Maradana Police Station (who he thought was Inspector Sumith Liyanage, now an A.S.P.) and his party of constables who acted efficiently and courageously and recovered most of the articles taken by the looters.

Despite the grim experiences of the passengers in the 2 trains Nos. 69 and 70 which reached their respective destinations on the 17th morning, the railway authorities made the grave error of permitting the train Yarl Devi to leave Colombo on the 17th morning on its northward journey. They should have realised that there was a strong probability of the same atrocities being committed on the passengers, as had been committed only a few hours earlier.

Mr. S. Thanigasalam, a retired Director of Education, was a passenger on it and he said that at Pothuhera a passenger was attacked with a broken bottle. He got off the train there and one man stole his purse while another snatched his wrist watch. A third man came up and pushed him so that he fell.

He and some other passengers travelled by bus to Kurunegala. He lost his suitcase and he saw shops belonging to Tamils being attacked. Having returned to Colombo on the 19th by bus, he flew to Jaffna.

He asked some pertinent questions relating to his experiences, which the authorities may find worthy of their consideration :

- (1) Why was that train allowed to leave Colombo on the 17th morning after the gruesome events that had occurred on the other two trains on the 16th night ?
- (2) Why did the armed police fail in their duty to protect the public and their property ?

He said that 4 armed policemen entered a shop in Kurunegala in which he had taken refuge on the 17th. A few minutes later, when a mob attacked the back gate, the 4 policemen walked out through the front gate. That was a common sight during those days in many parts of the Island, and the witness—like countless others—wished to know whether the police had been given instructions not to apprehend looters and law-breakers, or whether there was collusion between the police and the law-breakers.

Two other witnesses who travelled in that Yarl Devi on the 17th morning have related their experiences. N. Ananda Raj, a school teacher of Deltota, was with his wife and child when the train was attacked at Pothuhera by about 50 thugs. His wife's thali and gold chain were snatched : he received a club blow on his head. The train reached Kurunegala from where they came to Deltota. They were taken to a Refugee Camp in Kandy. He estimated his losses at Rs. 9,000, and complained that since January, 1978, he had not received his salary from the Education Department. Mr. S. Ponnambalam, a government teacher of Mahaiyawa, Kandy, left for Jaffna by that train. When it was attacked at Pothuhera he lost a gold chain and Rs. 100 in cash. On his return to Kandy later, he found that his house had been looted. His losses were assessed at Rs. 4,000.

Even on 20th August, travelling by train was a risky venture, as Mr. S. Sidambarapillai, a Railway employee, found. He went by train from Colombo to Anuradhapura and there was an Army escort on the train. Near Anuradhapura the train halted and a mob entered it and attacked the Tamil passengers including him. His belongings were stolen. He was able to return to work only at the end of April, 1978.

I now turn to the experience of the Tamil Officers working in the Department of Health, Anuradhapura, on 17th August.

Mr. T. Sivasubramaniam, a clerk in the office of the Superintendent of Health, said that he and 16 fellow officers, all Tamils, were taken to the office of the Medical Superintendent of the Hospital that evening for their safety. They dined there at about 8 p.m. A little later, more than 15 hospital minor employees came up to that office : 5 or 6 of them entered the room in which they were and hit them with clubs for about 15 minutes. He hid under a bed and escaped unhurt. He saw Somapala (an employee in the office of the Superintendent of Health Services) and Ukku Banda (a hospital labourer) attacking Mr. Sivasambu (a laboratory Assistant attached to the Hospital) Mr. Sivasambu died that night. The witness mentioned 2 other attackers, viz., P. H. Albert (a clerk) and Simon Singho. The Army arrived there and he was taken to the Medical Superintendent's house, to which Liyanage, S.P., came at about 10.30 p.m. Speaking to the Medical Superintendent Dr. Wijewardene, Liyanage said there was havoc in Jaffna, Sinhalese have been murdered, women have been raped on the road, Buddhist priests have been attacked, and the hospital doctors in Jaffna were not attending to casualties.

A more detailed account of the attack that night in the office of the Medical Superintendent was given by Mr. T. F. Balaratnam (a clerk in the Anuradhapura Hospital). He said that Simon Singho (a minor employee of the Hospital) brought their dinner that night, and while they were eating it another clerk of the Superintendent of Health's Office, K. Appar, came in. Two Army guards and one Police constable had been stationed there to guard them. When those guards were downstairs, about 15 to 20 men came upstairs armed with clubs. Some of them entered the room in which the Tamil officers were and started attacking them. He saw Simon Singho attacking Velaithan (an employee of the Health Services Office) and Sivasambu being attacked by Ukku Banda and a few others. Appar, who was hiding behind a cupboard, was pulled out and hit on his head.

The witness said he jumped through a window on to the roof of a shed. He saw Ukku Banda and Simon Singho hitting Sivasambu on his head. He also saw another fellow officer, P. H. Albert, at the scene.

An Army Officer and some soldiers came there and took them to the Kachcheri camp for refuge, from where they went to Jaffna. It was clearly a planned attack by the minor employees of the Hospital on the Tamil

officers who had been collected in that upstairs room. Mr. Balaratnam ended his evidence on a note of dissatisfaction. He complained that those who attacked those Tamil officers trapped in that room had not been interdicted; they were still working in the Hospital, even after he had mentioned their names to the Police at the Kachcheri. They were arrested and released on bail and were paid their salaries in full. If these allegations are correct, I consider that discipline in the public service must be at a very low level. On the other hand, he said he had not received his salary; instead, he received letters threatening stern action against him if he did not return to Anuradhapura Hospital to hand over something or other. It seems to me that a shocking lack of sympathy towards this witness and others who were in a similar situation has transpired in the course of these proceedings. They deserved more considerate treatment after they had faced death and humiliation.

Mr. K. Appar, already referred to, said that he saw Albert (a clerk in the hospital), Ukku Banda (a hospital cook), and other minor employees of the hospital speaking to each other shortly before the attack. He too complained of the unreasonable delay in the payment of salaries to the victims, and the unreasonable request that he should appear before a Medical Board at Anuradhapura.

Dr. T. Ganeshwaram was at this time a Psychiatrist attached to the Anuradhapura Hospital. He complained of the conduct of Liyanage, S.P. at the house of Dr. Wijewardene, Medical Superintendent of the Hospital, in having spoken in a manner calculated to cause the greatest alarm, because his hearers unfortunately believed him to be speaking the truth, although he spoke a pack of lies. Liyanage, he said, speaking of Amirthalingam used the words "This frog in the well does not know what will happen when the campus boys return to the South", apparently anticipating that the University students would relate wicked falsehoods such as he himself was relating. Liyanage also said that Sinhalese and Muslim shops had been looted, the New Market had been destroyed, and police officers who were warded in Jaffna hospital were not being treated and therefore had to be airlifted to Anuradhapura by him. The witness assessed the losses from his bungalow at Anuradhapura, which he was forced to evacuate, at Rs. 8,000 to Rs. 10,000.

I do not accept Mr. Liyanage's version that the Doctors in Anuradhapura had planned and plotted to make false allegations against him, for reasons which he gave. He has been unsympathetic to public officers who had gone through a very unhappy experience, and he also spread alarming stories of what he had seen in Jaffna without any regard for the truth. The deplorable example set by this Superintendent of Police would have become known to his subordinates, and followed by those of his thinking. One of them has been mentioned by Mr. K. Sivapillai, a Music Teacher of Chulapuram, who travelled in the train to Colombo on the 16th night. When

it was attacked at Anuradhapura he was assaulted, his belongings were stolen and he was thrown on to the railway track. He was injured and lost the sight of his left eye. He and some other Tamil similarly placed hid themselves until they went to the Police Station at about 6 a.m. A policeman there asked them to clear out, saying "you are coming here after attacking the Sinhalese in Jaffna". They left, but a Sinhalese lady took pity on him, gave him Rs. 5 and put him on a bus going to Medawachchiya. He completed his journey in a lorry which took him to Jaffna. He was fortunate to recover a suitcase containing music examination answer scripts, but not the case containing his personal belongings. He claimed compensation for the injuries he sustained.

Looting and other crimes in Anuradhapura town and district started early on the 17th morning. Mr. C. Devasigamany, Regional Engineer of the Telecommunication Department, who was living in official quarters about 500 yards from the Railway Station, saw mobs in action on the streets. A police jeep approached his office, which was about 500 to 700 yards from the Police Station, when Sinhalese mobs had started attacking Tamils: it did not stop. Army personnel tried to stop the mob looting, but failed. He and his family sought refuge in the Kachcheri camp on the 18th morning, and he later learnt that all his goods in his house had been stolen, and his car was used to transport them. He failed to obtain some of his goods which had been recovered by the police, as he was told that they had to be produced in Court. He heard nothing more about them, and he claims Rs. 45,000 as compensation.

Mr. A. Mahasivam, Assistant Commissioner of Labour, left his car worth Rs. 30,000 in the premises of the Ceylon Electricity Board when the violence erupted on the 17th. He and other refugees left for Jaffna on the 18th, and he later learnt that his car had been burnt that afternoon. He related a conversation he had with S.P. Liyanage on the 18th forenoon, in which the latter referred to a policeman who had been shot in Jaffna and taken to the hospital there : as he was not given medical attention, Liyanage said, he had brought him to Anuradhapura for medical treatment. Liyanage's version is untrue, and this false version was one of the rumours which were spread all over the Island and did much damage.

Mr. T. Sivasithamparam, Inspector of Permanent Ways, C.G.R., was stationed in Anuradhapura. On the 18th morning he and his wife, Mr. Sinnadurai (Railway Accountant) and Mr. Gnananandam (Assistant District Engineer, Railways) were in his house: thugs chased them out of the house and killed Mr. Sinnadurai within 5 minutes. Mr. Sinnadurai left a minor son who is in the custody of his grandfather Mr. A. Kanagasabai, as Mrs. Sinnadurai had predeceased her husband. Mr. Kanagasabai stated in evidence that no pension or other monetary assistance had been paid to the boy. Mr. Sivasithamparam claimed compensation in Rs. 40,000 for the property he lost.

Heavy losses were suffered by many persons in Anuradhapura, one of them being Mr. M. Rajasingham, whose father-in-law was Proctor Nadarajah (deceased) a well known resident there since 1896. The ancestral house of the Nadarajah family was looted and completely burnt on the 16th, and Mr. Rajasingham said that he and his wife suffered losses amounting to over Rs. 200,000 and were left with nothing.

Dr. G. Gnananathan, who was attached to the Hospital, worked in it on the 17th, and he and his family moved to the house of a friend Mr. Felix de Silva that evening. On the 18th they went to the refugee camp at the Kachcheri, and on returning to remove their belongings from their house they found it had been completely looted. He claimed Rs. 19,000 compensation. He and several other witnesses have spoken in the highest terms of the conduct of A.S.P. Chandra Mendis, and his devotion to duty.

Another witness Mr. M. Sivalingam of the District Labour Office was given shelter by Mr. Bandusena Perera on the 17th. Mr. K. Shanmuganathan of the Health Services office was away from the town when his house was looted on the 17th, but his family was given shelter by their neighbour Mr. Hector de Silva, also of the Health Service. Mr. Sivalingam claimed Rs. 8,400 for the goods he lost and Mr. Shanmuganathan estimated his losses at Rs. 44,437.50.

Another striking illustration of courage and compassion is provided by Mr. Wahala, Chief Clerk of the Education Office. He took seven of his Tamil Colleagues on the 17th to his farm outside Anuradhapura for their safety : among them was Mr. T. Jayarajah who gave evidence. A mob came to the house in which they were, after darkness had set in, and protested that it was a disgrace to keep Tamils in that village. Mr. Wahala said : "They will have to kill me before they come to you", even though he had been attacked earlier for having brought his friends there. The mob then said that they would not do any harm to them, but would send them by bus to Anuradhapura. Mr. Wahala reluctantly returned to his house while the mob took the seven Tamils towards the main road. Contrary to their undertaking, they killed two officers, Sinnathamby and Gunaratnam, and assaulted the others.

The witness Mr. Jayarajah said he was taken by some Sinhalese officers to their quarters in the tile factory. The Manager of the factory summoned the police and drove him in the factory lorry, concealed between the driver's seat and a load of tiles, to the Anuradhapura hospital. Another witness to these incidents, Mr. Emalianus, also gave evidence. After wandering through the jungle, he was sheltered for 3 days by a Muslim gentleman, who then carried him on his bicycle for 12 miles to a Tamil village, from where he eventually reached Jaffna.

Mrs. Sivakamipillai Sinnathamby, widow of Mr. Sinnathamby mentioned in the last but one paragraph, said that she learnt on the 21st of her husband's death when she was in Jaffna. Although kind friends offered to take his body from Anuradhapura to Jaffna, she declined their offers because, she said "I did not want their wives to become widows like me". She assessed the value of her husband's belongings which were lost at Rs. 8,500. Her only income was her salary as a teacher. She is entitled to a widow's pension and gratuity, and so are her 2 children, and steps should be taken to make these payments without delay.

Mrs. Rajalakshimi Gunaratnam is the widow of Mr. Gunaratnam, Chief Clerk of the Executive Engineer's office, Anuradhapura, mentioned earlier. He died after having been assaulted when in the company of Mr. Wahala and again later. He left 4 children. A pension and death gratuity should be paid to them also.

The wholly unexpected nature of the outburst of violence is illustrated by what happened at the Kangaroo Tractor Station in Anuradhapura, of which Mr. Thirunavukkarasu was Chief Clerk. He was murdered at that Station along with 2 young men, who I presume are the sons of Mr. A. W. Johnpillai (a witness soon to be mentioned) and a visitor, Mr. Nadarajah. Mrs. Nadarajah in evidence said that her husband, who was a Music Teacher at a School in Vavuniya, had been appointed Supervisor at a Music Examination to be held at Colombo Hindu College, Bambalapitiya, on 18th August. He left Vavuniya on the 17th by bus, but failed to get a bus from Anuradhapura: so he stayed with Mr. Thirunavukkarasu, and thus met his death.

Both widows complained that neither their pensions nor their death gratuities had been paid. They had young children to support. Letters written by them to the Pensions Department went unheeded and unanswered—a common complaint which I heard often during these proceedings. Why is it so difficult to obtain a reply from some government departments?

I shall conclude the account of the tragedy at the Kangaroo Tractor Station with a reference to the evidence of Mr. A. W. Johnpillai. He said he had 2 sons, 33 and 25 years old, who were working there in August 1977. The Kotahena Police informed him on 19th August that they had been murdered, and he was asked to go to Anuradhapura to identify their bodies. He left Colombo in a hearse, with an embalmer and 2 coffins. At Neehiyagama Police Station he was told to proceed 18 miles further to Anuradhapura. While travelling that distance, he was stopped 7 times by hooligans who robbed him of everything he had. Having reached Anuradhapura Police Station he went to the Mortuary and identified the elder son by his face (partly burnt) and the younger by his

underwear. He removed the bodies to Police Station and waited for hours to get an escort, but was refused one. A new Government Agent then happened to come there and showing more consideration ordered that as an electrician was going to Puttalam with an escort, the witness could travel with them.

Mr. Johnpillai related what had been told him a month later at Anuradhapura, as to how his sons had met their death. It is a story of cruelty and deceit ending in tragedy, during a dark period when mobs had their own way. However, he achieved his purpose of having the bodies of his sons decently buried.

Kanapathipillai Subramaniam was living on an ancestral property at Periyasena, a village about $\frac{1}{2}$ mile from Anuradhapura. On 17th August about 10.00 a.m. a Sinhalese mob came there armed, and the Tamils ran into the jungle. He said that a young man, the son of one Ramasamy, was severely assaulted and fell: he died that night. All the houses there were burnt. Subramaniam said he now lives in Murunkan.

I come now to some incidents which involved bodily injuries and damage to property, but did not result in death.

(1) Mr. K. Thangarajah was the Weaving Master at the Anuradhapura Power Loom Project. On the morning of 17th August, Sinhalese friends in his office told him that the Naga Vihara in Jaffna was damaged, the priest had been murdered, and some girls had been taken away from the Campus. He next heard that there was tension, and looting of Tamil shops in Anuradhapura town. On the 18th morning some Sinhalese came to his office shouting against the Tamils, and though the Sinhalese employees there tried to keep them out, they forced their way in and assaulted him. He was attacked and put outside, others came and attacked him again and whipped him. The Sinhalese manager took him to the hospital, but he was not treated there, so he was put into a bus and eventually reached Point Pedro. He was on medical leave for 3 months, but had not completely recovered. He asked for compensation and for Rs. 800 being the value of his ring and pair of spectacles taken from him.

(2) T. Pushpalingam, Tool Issuer, C.T.B., Kondavil, stated that he and his wife came by bus to Anuradhapura from Colombo. They went to the Railway Station to catch a train to Jaffna. He was assaulted by several persons and became unconscious. He regained consciousness at the hospital, but found that the nurses there were too afraid to attend to him. He and his wife eventually reached the Refugee Camp.

(3) The Ravi Stores, Anuradhapura, was being run by Hindumathie, widow of Subramaniam, the former owner. On 18th August a curfew was declared from 11.00 a.m. but soon afterwards a crowd forced their

way into her shop and removed the goods in it as well as the jewellery of herself and her 5 children who were in the shop. On the 19th at 3.00 or 4.00 a.m. 3 thugs entered the shop, and A.S.P. Chandra Mendis and some constables came there and arrested 2 of them.

This lady also had an allotment of Crown land in Anuradhapura where the foundation of a house had been laid. She had collected building materials on a land owned by a Mr. Shanmugam, who owned a rice mill standing on it. That mill was burnt down during the disturbances, and her building materials were damaged.

(4) Vallipuram Rasiah had lived in Anuradhapura since his birth, and his family had been there for generations. He owned a pawnbroker's shop, a rice mill and a house there. He said that most of the Tamil shops there were looted, most of the houses owned by Tamils were burnt partly or entirely, while houses owned by Sinhalese and tenanted by Tamils were only looted. While he was in his house on the 17th, 7 or 8 men armed with clubs and other weapons entered it, of whom he recognised Mahatun of Kadapanaha (a well known thug) and Vanaraya (pickpocket). Vanaraya extorted Rs. 400 or 500 from him and a gold ring from his son. They removed various other things too. Next day a mob broke into his house, and later his pawn shop and rice mill were burnt. He estimated his total losses at 7 lakhs.

(5) Thangarajah Rice Mill was owned by witness Thangavelu Sunderam and his family. Shortly after 7.00 a.m. on 17th August a crowd of 70 to 80 Sinhalese came there and assaulted the Manager Vytilingam with clubs, while the Sinhalese employees ran away. An Army jeep took away Sunderam and Vytilingam. The Mill was razed to the ground and even the bricks were removed. A mill belonging to Sinhalese, which Sunderam's brother had taken on lease, was not damaged: but the stock-in-trade belonging to his family was removed. In respect of each of these mills the loss was assessed at over 6 lakhs.

(6) Pillaiyar Thiaganathan was part proprietor of Jeyagesan and Co., which had been doing business at Anuradhapura for 40 years. On 17th August about 9.00 a.m. a gang entered his shop and began to loot it: they ran away when a police jeep approached. The Police Station is close to the shop. The thugs returned and resumed looting and damaging the shop. The losses were estimated at one lakh.

(7) Witness K. R. Sunderarajah had a shop there called Sri Vel Stores, and he lived behind it in the same building. On the 17th morning a crowd invaded it, ate what was there, killed 2 goats and 2 fowls and took them away in a car. At about 12.30 p.m. another crowd smashed up his residence: among them he recognized Poddi Thudda, Karunapala and Karunaratne. His residence was set on fire that night while he and his

famiy were in P.C. Alagaperuma's house. On the 18th morning that policeman brought a van and 23 persons were being taken in it to the Kachcheri when it was stopped at Jaffna junction by a crowd. The witness said that one Pathirana, Private Secretary to Mr. K. D. M. Bandara, M.P. for Anuradhapura, was one of that crowd: he placed a knife on Alagapermuma's neck and asked him whether he was going to save the Tamils, to which the latter replied "I know my duty and I am doing my duty". The van then proceeded to the Kachcheri.

(8) Mr. M. Ganeshamoorthy, Attorney-at-Law, had practised at Anuradhapura since 1962. At about 8.00 p.m. on the 17th, when he and his family were at home, about 200 persons assembled outside and shouted to him to come out. When he did not go out they started to break the doors and windows; so the family came out to the road. A thug attacked his wife; and when he went to rescue her he was attacked. He sustained serious injuries. They were taken to the hospital, but the employees refused to attend on them, although the doctors did. He lost everything of value and estimated his loss at Rs. 35,000.

(9) Miss Parasakthi Subramaniam, a teacher of St. Joseph's College, said that a mob attacked her house. She and her family ran out, and when they returned they found everything, including food and clothing had been stolen.

(10) Mr. C. Kulendrasingham was Works Supervisor, Anuradhapura. He learnt on the 17th morning that attacks on the Tamils had begun, so he and his wife went to the house of Mr. Thenabadu. From there he saw his house being looted by successive gangs. He then saw an Urban Council clerk named Amarapala pointing out Mr. Thenabadu's house and saying that there was a Tamil there. The gang came there, and finding him and his wife under a bed they attacked them to took all the valuable they had.

(11) Mr. P. N. Santhosam, a citizen by registration, had his house burnt and his shop looted on the 17th. All his registration papers were destroyed.

(12) Mr. K. Murugiah was the Manager of K. Vallipuram and Co., one of the largest business establishments in Anuradhapura, which was owned by his family. On the 17th he saw the shop of Jayathanasan & Co. (opposite his), and the shop of Sathasivam & Co., being attacked. Soldiers and policemen with guns came there, but they made no attempt to stop the looting. Finally, his shop was attacked, and he left in Kachcheri jeep for the Kachcheri. He estimated the loss suffered by his business at Rs. 1,265,000.

(13) Mr. K. Murugesupillai, a salesman employed by Sathasivam and Co., Anuradhapura, said that when he was working in that shop on 17th August it was attacked at 8.30 or 9 a.m. It was looted, and he lost all his personal belongings, while the Company lost goods to the value of one lakh.

(14) S. Dayaparan was a building contractor at Anuradhapura on 18th August, working on a contract near the Bus Stand. At about 2 p.m. some persons told him and his workmen that they would not be allowed to work there, because some policemen in Jaffna had been killed. A little later a crowd came and assaulted him and his brother Sri Kanthan, who died a few days later. The building site, building materials and bags of cement were burnt. He estimated his losses at Rs. 77,000.

(15) At Maha Bulankulama about 7 miles from Anuradhapura, Kanna Kunjappan was running a shop. At about 7 p.m. on 17th August he heard a mob approaching, so he ran out and hid while the shop was being attacked. Next morning he saw 4 persons—Vasanthi, Rohan, Godarawala Banda and Ukku Bandage Heen Banda—setting fire to his tractor and trailer. He stayed in the jungle till the 21st and later went to Batticaloa. He asked for an allotment of land in Vavuniya, Chettikulam or Killinochchi.

(16) At Kalaththawa, near Anuradhapura, K. C. Ramalingam and his Sinhalese wife lived together with about 50 Tamil and Sinhalese families. His ancestors had lived there. On 17th August he heard of trouble at Anuradhapura, and as the other Tamil families were leaving, he and his family went into the jungle. When he returned on the 18th he found that his house had been looted and burnt. He went to Killinochchi, but has since returned to his old residence which he repaired.

(17) M. Kanagalingam owned a rice mill at No. 12, Mihindu Mawatha, Anuradhapura. He was in Jaffna, when, according to T. Kanakasingham the hulling operator, a crowd of Sinhalese attacked the premises and took away Rs. 612 and 45 bushels of rice and left. At about 11 a.m. another crowd came while the witness watched from a house next door: they broke up the mill and removed what was left in the store room. The witness's evidence was supported by that of R. Ponniah, who said that the members of the crowds were not persons living in that area. The mill could not be worked thereafter for want of the necessary parts. The damages were estimated at Rs. 285,000.

(18) Dr. Rajasingham Devendran was attached to the Anuradhapura Hospital. He learnt early on 17th August of the attacks on the trains. Protection for the Hospital was asked for, but none was given. By 3 p.m. that day the Lady Medical Officers' Quarters near his house were set on fire and his house was stoned. The Medical Officers later gathered at the

Medical Superintendent's house. He said that at about 10 p.m. S. P. Liyanage came there and they informed him of the general position. He ignored that aspect of the situation and told them that he had just come from Jaffna. Speaking to the Medical Superintendent with the other Doctors standing by, he said that the people of Jaffna were shooting the police, while the market and other shops had been set on fire; the University students had been attacked and had starved for 3 days. He also said: "you Doctors in Jaffna have no ethics", and to the Medical Superintendent he said: "You remember the patient I sent you yesterday; the chap was refused treatment at Jaffna" "If Anuradhapura knows that I have come back, everything will be normal by tomorrow morning". On the 18th a convoy was arranged and left at 4 a.m. without the Doctors, who had reposed confidence in Liyanage's assurance that they could leave by special train that morning in the result, they had to spend 14 hours at the Kachcheri and only left at 9 p.m. on the 18th.

(19) P. Ratnasabapathy Kurukkal was the Chief Priest of the Kathiresan Kovil, Anuradhapura. He stated that on 17th August there was an alms-giving there at about 11.30 a.m. at which people were partaking of food, when a group of young men walked in, assaulted all who were there and robbed them of their personal belongings. He himself was assaulted and fell unconscious. The gang then broke into the store room and removed the brass vessels: they stole the statue of Amman and 2 other statues: they broke into his house and stole goods from there. He estimated the damage to the temple at Rs. 50,000 and to himself at Rs. 75,000. The purification ceremony which must be held before services can be performed again in the temple will cost Rs. 75,000.

(20) Nadarajah Kurukkal Kodeswaram, Priest of the Pillaiyar Temple there and son of the former witness, stated that he assisted his father at the alms-giving that day. During the attack he ran to his own temple and found it had been ransacked, and the Holy of Holies damaged. He estimated the damages at Rs. 20,000.

(21) Mr. K. Shanmugam, an Engineer in the Irrigation Department, was working at Rajangana in the Anuradhapura District with about 38 officers under him, including 8 Tamils. When he came home to lunch on 17th August afternoon, he learnt of the disturbances in Anuradhapura. He sent his Head Clerk to ask the Thambuttegama Police to provide protection. Inspector Joseph arrived and left, but he sent 4 constables about 3.00 p.m. to guard the camp. By about 5.00 p.m. a crowd came towards Mr. Shanmugam's house and attacked his Technical Assistant, Mr. T. Balendram. So Mr. Shanmugam and his servant ran in the jungle and stayed there all night. On the 18th morning he found his car worth Rs. 24,000 also burnt. He, his staff, and their wives spent the 18th night at Thambuttegama Police Station. They were sent to the Anuradhapura Camp on the 19th afternoon, and from there to Jaffna.

(22) Mr. K. R. Vaithilingam was attached to the Executive Engineer's Office, Kekirawa, but his family was living in Anuradhapura where three generations of his family had lived. When he returned to Kekirawa on the night of 17th August after making payments at Ambagaswewa, he saw flames from a boutique near the Police Station at about 1.00 a.m. on the 18th. Feeling anxious about his family, he left for Anuradhapura which he reached at 10.30 a.m. He found his house looted and deserted. Eventually he found his family in Arthikulam at the house of Podisingho, at about 7.30 p.m. Podisingho had been brought up by the witness's uncle. After going to the Kachcheri camp, they went to Chavakachcheri where his wife's brother was living.

ANURADHAPURA DISTRICT

Vasuvakulam

Vasuvakulam is a village about 2 miles from Anuradhapura. Tamil and Sinhalese families had been living there in cordiality, and there was no trouble even in 1958. On the 17th August trouble began at about 8 p.m. when the Sinhalese looted the houses of the Tamils: the latter had fled into jungle, having been warned earlier. About 25 Tamil houses were burnt and next morning an Army truck arrived and took the refugees to the Kachcheri Camp. The Tamil families later settled in Kilinochchi because their cattle had been stolen, and that was their sole means of livelihood. The witness Seethalakshimi, daughter of Muttiah, spoke to the events of that night and the damages suffered by her.

Nochchiyagama Two witnesses gave evidence of incidents at Nochchiyagama.

(1) R. T. Arumugam said he had a business there, dealing in sundry goods. A mob attacked it on 18th August and he suffered damages in Rs. 70,000. About 7 shops belonging to Tamils were looted and their houses were damaged. There is a Police Station there, but the policemen merely looked on while about 150 persons came in lorries and attacked the buildings.

(2) S. Ponnambalam said he was working in the Saraswathie Rice Mills, when, at about 10.00 a.m., a crowd of Sinhalese attacked it and set fire to it. His losses amounted to Rs. 2,000. He too complained that the police did nothing while these crimes were being committed.

Mihintale

(1) Mr. G. Maheswaran was a Technical Officer in the Executive Engineer's Office at Mihintale, living in quarters at Mahakandarawa. By 11.00 a.m. on 17th August, as there were signs of communal tension, he sent a jeep out to

get information, but it could not go beyond Mihintale junction because the road was blocked. When a gang smashed the doors and windows of the Head Clerk's quarters and the quarters of the other clerks, Mr. Maheswaran went to a jungle till the 18th morning. Then he went with another Tamil officer, Mr. Thillainathan, to Seepakulam, a village 6 miles away by car: they spent that day and night in chena hut. On the 19th morning they picked up Mrs. Thillainathan who had been left in Appuhamy Mudali's house and drove to Anuradhapura Kachcheri from where they went on the 20th in a convoy of buses to Jaffna. Mr. Maheswaran said that his quarters were looted on the 17th evening. He recovered goods worth Rs. 5,000 and the value of the missing goods was Rs. 25,000.

(2) Mr. C. Sunderam was the Head Clerk mentioned above. He said that a clerk named Arunatilaka working under him had not reported for work since the General Election as he had vowed not to work under Tamils. On the 17th morning according to Mr. Maheswaran, Arunatilaka uttered obscene threats against Mr. Sundaram near the office in Mr. Sundaram's absence. Mr. Sundaram said he saw a crowd led by Arunatilaka, his brother Ratnayake, his servant Ratnasiri and a labourer Upasena going to his quarters shouting, so he went and hid in a vacant house. Having smashed up Mr. Sundaram's quarters, the crowd broke the front door of the vacant house but decided there was nobody in it, and went and attacked the other houses. Mr. Sundaram was eventually taken in a lorry to Anuradhapura, with 2 armed constables and the other Tamils who were hiding in the jungle.

(3) Mr. K. Nagarathnam, a Draughtsman in the Irrigation Department, had been working at a place $2\frac{1}{2}$ miles from Mihintale for 5 years. On 17th August his quarters were looted, as also the quarters of 9 other Tamil officers. He claimed compensation for the loss of his personal belongings.

(4) M. Balasubramaniam of Weddemulla Estate, Ramboda, stated that the tea maker, Mr. Fernando, of that estate had a farm at Mihintale, to which the witness, Patchamuttu, John and Devasagayam went. They were there from 14th August. On 18th August, owing to communal trouble, they took refuge in a jungle in the farm. 4 persons including Dharmasena, Dharmapala, and Santha came to where they were. Santha cut the witness with a sword on his hand. Patchamuthu was assaulted and the other 2 escaped. That evening the witness and Patchamuthu were taken in an Irrigation Department lorry by a gang which included Dharmasena. Dharmapala and Santha, and they were again assaulted.

The witness eventually went to Anuradhapura Hospital, and from there he returned to the estate. He learnt that Patchamuttu died, leaving 2 young sons and 2 married daughters who had not received compensation for the loss of their father.

Maha Iluppallama

(1) Mr. V. Ragunathan, Executive Engineer, was working at Maha Iluppallama. On 17th August, he returned to his office at about 2.00 p.m. after going out on an inspection: he then drove to his quarters. Shortly afterward 5 men, including a casual watcher Premaratne, demanded liquor and money from him, and he gave them Rs. 50. A little later a gang of 70 to 80 persons came there shouting "Our people are being killed in Jaffna", so he and his wife locked themselves inside the toilet, while his Assistant Mr. Jayatunge and another technical officer Mr. Dharmawimala stayed in the hall. The gang included a labourer William who was the Trade Union leader of the farm. All 4 persons who were inside the house were assaulted by them. They spent the 17th night in Mr. Ekanayake's house and the 18th in Mr. Adikari's house. The 19th was spent in the Kekirawa Police Station. On the 19th night, they were taken by lorry to Anuradhapura Kachcheri, and on the 20th went to Vavuniya by bus with other refugees. Mr. Ragunathan claimed that his car was taken out of the garage and damaged by the gang. He assessed those damages at Rs. 5,000 and the value of his personal belongings which he lost at Rs. 30,000. Mrs. Ragunathan was a Research Officer of the Agricultural Department working at Maha Iluppallama at the time.

(2) Mrs. Punithavathy Ponnampalavanar was an Agricultural Extension Officer working at the same place, living in quarters with her 2 children and her parents. Having been warned by some persons to leave her house before 6.00 p.m., she went to a Sinhalese neighbour's house, from there she saw a crowd looting her house. In fear, she ran into a jungle and stayed there, till she was rescued at 1.00 a.m. by Dr. Wignarajah and taken in an Army jeep to Anuradhapura. She lost all her belongings, but recovered some at Anuradhapura.

(3) Mr. Ponniah Velayuthapillai was a Technical Officer in the Farming Mechanisation Training Centre, Anuradhapura. His wife was in the Agricultural Research Station, Maha Iluppallama. They lived in quarters at the latter place. The husband was returning from Kandy with 4 others on 17th August. A crowd of about 200 persons stopped them at Dambulla, but they successfully passed a language test and reached Maha Iluppallama unhurt. He then found that his wife, daughter and mother-in-law had been taken by a neighbour Mr. Lal Senanayake, into the latter's house: but he went into the jungle for safety. Dr. Wignarajah rescued him and his family and they went to Anuradhapura. He claimed Rs. 12,000 for damages to his new Volkswagon car, Rs. 8,000 for jewellery stolen and Rs. 35,000 for household goods looted.

Rambewa

(1) Dr. Thillainathan was a Medical Practitioner attached to the Rural Hospital, Rambewa, about 10 miles from Anuradhapura. He, his wife and his children lived in quarters. On 17th August, he returned there from Jaffna, having travelled in the train that was attacked and attended to the patients who had come to the hospital. At about 2.00 p.m. an armed crowd arrived in a bus and 2 lorries. Some of the local residents fought that crowd and chased them away, and then drove the Thillainathan family to Minintale by car. Some of the attackers followed them there and they ran into the jungle; later they were dragged to a well, but were saved before they were pushed into it.

(2) Mrs. Simon Margaret gave evidence regarding her nephew Anton Lewis who was working as a lorry cleaner. On 16th August, he went in a lorry belonging to his employer Ranjan Mathayas to Pesalai and was returning with a load of dry fish. She had heard that it was attacked 5 miles from Rambewa on 18th August. The lorry driver Jesudasan has told her that he escaped when the lorry was attacked and burnt, but he did not know what happened to Lewis. She has not heard of him since.

Kahatagasdigiliya

The Post Office was attacked at about 1.30 p.m. on 17th August. Thugs entered the Postmaster's Quarters and attacked him and his Assistant, both Tamils, saying "you are assaulting our Sinhalese varsity girls". Other Tamils living there were also assaulted and they ran to the Police Station for shelter. Sinhalese postal messengers and the Sinhalese D. M. O. and Attendant were sympathetic and attended to their injuries. Two Tamil shops were burnt and the houses of Tamils looted and burnt.

Horowpathana

There were 4 Tamil shops here. At about 6.00 p.m. on 17th August, witness K. Vinasithamby saw the shop of Chandrasekaram being looted, then his own shop was looted. All 4 Tamil shops suffered that fate while the Police there looked on and did nothing.

Kekirawa and Kalawewa

(1) Mr. S. Kanagasabai was the Station Master, Kekirawa. When he was at the Police Station on 18th August he saw a large crowd looting the shop of T. S. Brothers, while the police watched but did nothing. He left his personal belongings in his quarters and went to Anuradhapura. Next day he heard that everything had been stolen, resulting in his savings of 30 years being lost.

(2) Mr. N. Sivapragasam was Manager of the firm of Subramaniam & Co., Kekirawa and his wife was a partner of it. It was founded in 1900 by his father and his uncle and was the largest business establishment there. He said he had done much good work for the benefit of the people of Kekirawa. The business was about 75 yards from the Police Station and his house was behind the shop, while his mill was about $\frac{1}{4}$ mile away. Looting of the shops began on the morning of 18th August; his house and shop were set on fire, so he and his family fled to the jungle. Lorries had been parked in the mill premises. The mill was also attacked and burnt that morning and all the parked lorries were destroyed by fire and so were his vehicles. He estimated his losses at 44 lakhs.

(3) Mr. C. Ramachandran, Accountant of the Mahaweli Development Board, was stationed at Kalawewa about 10 miles from Kekirawa. His evidence is illuminating in regard to the effect of rumours and their rapid growth when once put into circulation. When he went to Anuradhapura on 17th August to make purchases, the Land Officer's wife told him of trouble having begun there because 3 policemen had been shot in Jaffna. He started his return journey and when he came to Talawa he heard that 10 policemen had been shot at Jaffna; at Maha Iluppa'lama, the number of policemen had risen to 13. On his return to his camp, the Project Manager, Mr. Ladduwahetty asked the Army to come there, but he was informed that they could not come as they had not been permitted to use firearms. The Kekirawa Police came there at about 8.30 p.m. and took them to the Police Station. The witness said that S.I. Gunaratna and all the constables at the Station were drunk. One constable told him "my sister, brother and mother are in Jaffna, something happens to my family, I will become a dangerous murderer". As one of the constables asked them to leave the Station by 5 a.m., he went with the assistance of a Tamil constable to Subramaniam's shop where 15 of them stayed, but about 3.30 a.m. that shop was set on fire. He said that S.I. Gunaratna came there and arrested a person with a tin of petrol who was in that shop. S.I. Gunaratna also called them back to the Police Station at about 6 a.m., being sober by then. The witness saw Subramaniam's shop which was close to the Police Station being looted. When he told S.I. Gunaratna to fire into the air to disperse the looters, he replied: "We have to safeguard the Police Station and the refugees. If I spend all the ammunition, I will not be in a position to safeguard you."

At 11 a.m. a message was received that A.S.P. Chandra Mendis was coming from Anuradhapura to Kekirawa. From that time the police became active, 3 constables fired into the air, the entire road was cleared and from 10,000 the crowd was reduced to 10 or 15 persons. The A.S.P. (not Mr. Chandra Mendis) came at noon and ordered the town to be cleared. The witness and his party were taken to Anuradhapura. His quarters were looted entirely, and his loss was about Rs. 7,000 or 8,000.

(4) Mr. P. Pararajasekeram was a Government Surveyor of Kekirawa, working in Kelekuliyankulam village on 17th August. Having heard that he was to be attacked that evening, he and another Surveyor, Mr. Rasiah, went to one Ti लेकरatne's house. On the 18th Tilekeratne was unable to give them protection, so they went to a chena and spent the night there. The Army took them to Anuradhapura and they reached Jaffna on the 20th. His quarters were looted and he suffered a loss of about Rs. 20,000.

(5) Evidence was given with regard to 3 lorries which were burnt on the 18th August morning while they were parked in the premises of Subramaniam & Co. Mill at Kekirawa.

(a) Witness V. Sridharan said that he travelled with 3 others to Kekirawa in lorry No. 24 Sri 3205 and parked it in those premises. When the mill was attacked on the 18th morning, he and his companion Kirupakaran and the other Tamils ran into the jungle. He heard later that Kirupakaran and 4 others had been killed; Kirupakaran's body was not found. Goods worth Rs. 75,000 were looted from the lorry.

(b) Witness Sinnathangamma said that she was the widow of S. Rajaratnam, (owner of lorry No. 24 Sri 3892). He and the lorry driver T. Thurairajah had, along with the lorry, spent the night of 17th August in those mill premises. When the mill was attacked on the 18th morning, they both ran into the jungle. T. Thurairajah later returned to Jaffna, but her husband, S. Rajaratnam, was not seen again, nor was his body found. The lorry was burnt. She heard that her husband had been murdered in the jungle.

(c) Witness E. Kandasamy was the cleaner of lorry No. 24 Sri 6427 which belonged to S. Poopalasingham and was driven by K. Sinnarasa. He said that the lorry was parked in those mill premises on the night of 17th August. On the 18th morning, when the mill was attacked he ran into a field and eventually found his way to safety. He later learnt at Kekirawa that both Sinnarasa and Poopalasingham had been murdered and he informed the police about that. Poopalasingham left a widow named Sinnammah. The lorry was burnt. The bodies of the murdered men were not found. K. Sinnarasa's widow, Sellamma, mother of 3 young children, also gave evidence and asked for compensation and assistance.

I am glad to report that of the 3 widows referred to above, viz., Sinnathangam Sellamma and Sinnammah, the first two have each received Rs. 12,900 as compensation and action was being taken to pay Sinnammah too. The Minister of Social Services deserves their praise and thanks for having acted promptly to give them this relief.

(6) I. Karunamoorthy had a hardware stores called A. Somasunderam & Co. opposite the Police Station. On the evening of 17th August a curfew was on, because trouble was expected there. At 1.30 a.m. on the 18th a bomb exploded on the roof of his stores. He went out and watched from

a hillock. He saw his shop on fire, and people (including policemen in uniform) looting it. He was taken to the Police Station at noon by Police Sergeant Gunasekera and from there he was taken to Anuradhapura.

(7) Mr. K. Velaiden, after 30 years' service in the C. G. R., was Station Master, Peradeniya, in August 1977. On 15th August he took his wife and children to Talaimannar Pier on their way to India to visit his mother. He had to return to Kandy on the 17th with his son, 17 years old, in order to get his passport rectified. He and his son then left by bus for Anuradhapura on the 18th enroute to Talaimannar Pier. At Dambulla he saw an old lady and an old gentleman being pulled out of the bus and thrown into a drain: leaves were collected in order to set fire to them.

The bus drove on till it was 5 miles from Kekirawa. A crowd of about 200 stopped it there. He was shouted at and told "You Tamils cut our children at Jaffna and sent the pieces to Kandy. You killed the Naga Vihara priest and sent him in ice boxes to Kandy." He was hit, then he was put down on the road and kicked and trampled and tarred. When his son protested, he was hit and thrown into the Jungle, from which he returned completely naked. He and his son were then put into the bus and made to lie on the floor, with the feet of the other passengers on them. Near Kekirawa Police Station they were both kicked out: they ran into the Police Station, where a person gave them lunch. Later a lorry took them to Anuradhapura Refugee Camp, from where they went to Vavuniya at 7.30 p.m. On the 19th he went by bus to Talaimannar Pier, reaching there at 6.30 p.m. only to hear that his home at Peradeniya had been looted. On the 31st he left by boat and returned to Peradeniya in 3 or 4 days to find his house damaged and everything stolen. There were no cloths for any member of his family. He estimated his losses at Rs. 23,700.

Galgamuwa

(1) Mr. N. G. Somasunderam stated that his family has lived here for over a century. He owned a house and a cinema hall, while his brothers owned 3 houses. All these buildings were razed to the ground. The projector and other equipment of the cinema were burnt and thrown into the jungle. He and his brothers suffered damages in a sum of 67 lakhs. The services he had rendered to Galgamuwa included being Chairman of the Town Council: he is a J.P. and he can read, write and speak all 3 languages of the country fluently.

He ascribed the troubles in August 1977 to false rumours sent through various channels. In 1958 there was only one Police Station in that area, situated at Maho which is 15 miles away: in 1977 there were four at Maho, Ambanpola, Giribawa and Galgamuwa—yet all those places were badly affected. The disturbances began on 17th August at about 6 p.m. A.S.P.

Pathirana was occupying a house belonging to the witness, but he suddenly left it on that day : the house was looted and stripped and razed to the ground. The violence continued on 18th, 19th and 20th August. All 8 Tamil shops there were destroyed. Quarters occupied by Tamil public servants were looted and burnt. The Hindu Temple suffered damages to the extent of thousands of rupees. The police, he said, were inactive. When looted articles were recovered, no action was taken thereafter.

(2) S. Sivagnanamoorthy, a trader, said that when the train from Jaffna arrived at Galgamuwa on the 17th morning, many passengers were shouting that the Tamils should be killed and their shops looted. The Tamil shops were therefore closed. He mentioned 2 local traders named Chandrasiri and Indrasoma who were very helpful to the Tamils and tried to obtain police protection for them : he also stated that S. I. Gunasekera assisted them until he had to leave for Nugaduwa on the 18th. By contrast he spoke of the conduct of six armed policemen who were present when his shop was attacked after S. I. Gunasekera's departure : they told the thugs : " We are having these guns for the sake of carrying them. You can go on looting and we will not prevent that." Eventually the Tamils were taken in convoy to a Kurunegala Camp.

He added that the 2 Sinhalese traders whom he had mentioned by name asked him to return and restart his business there, and gave him financial assistance for that purpose, because, they said, as Sinhalese it was their duty to do so. Such examples of noble action deserve to be placed on record. The witness assessed his losses at Rs. 138,000. He said that his father's shop was also looted and burnt.

(3) Two other Tamil traders, G. Sunderaswaran and A. Ulagarajah, spoke of the looting and burning of Tamil shops there and their having to leave the town on that account.

(4) Mr. K. Selvarajah was a Field Assistant of the Malaria Campaign at Pahala Giribewa. On 18th August he started spraying houses at 8.00 a.m. At 11.00 a.m. he was informed of tension at Galgamuwa. On the 19th he took his wife who was pregnant to the Hospital and stayed in the Police Station which was next door. At 8.00 p.m. he learnt that his house had been looted. There were about 400 refugees at the Police Station. Many of them were taken to a refugee camp at Kurunegala. His damages amounted to Rs. 15,020.

(5) Mrs. T. Sathasivam, the wife of the Chief Priest of the Pillayar Temple there, gave evidence as he was not well. She spoke of the Temple having been attacked on 18th August and valuable articles removed. Her personal losses amounted to Rs. 30,800.

(6) Mr. V. Paramanathan spoke of another attack on the Temple on 19th August when a statue was removed from the inner sanctum and damaged, the tower was damaged, the sacred bull statue was damaged and also the chariot. He assessed the total damages at Rs. 50,000 and said that the necessary purification ceremony will cost Rs. 20,000. He himself owned 2 shops which were damaged and looted on 18th August.

(7) Mr. T. Balasubramaniam, Assistant Superintendent of Surveys, Galgamuwa, stated that looting there began on 17th August and continued throughout the evening and night. On the 18th he and his wife moved to Maha Galgamuwa, 2 miles away, and he was robbed of Rs. 500 on the way. On the 19th they took refuge at the Police Station and were taken at midnight to the refugee camp at Kurunegala.

(8) Vadivel Kathiravel was a trader in grains living in Pahala Giribewa where his parents also lived. As a boy he attended a Sinhalese school as there was no Tamil school: he was educated in Sinhalese and was a dayakaya of the Buddhist temple. On 18th August about 7.00 p.m. a crowd which had created trouble at Pahala Giribewa came to his village so he and his family ran to the jungle and stayed there for 4 days. On the fifth day, they sent a message to the police who came and took them to the Police Station. He mentioned details of his losses but he said they did not enter all the items because they said, if they did "there would not be money in the Government to pay compensation for them all". After all, the persons taken into custody were released, he moved to Vavunikulam and he has asked that he be given land there to cultivate, as all 34 members of his family have left Giribawa.

(9) Mrs. Angamma Ramasamy said that she was living in Galgamuwa with her husband and there were about 65 other tamil families living close by. On 18th August a gang came there and assaulted her and her husband, burnt their house and almost all the other houses after looting them. All the occupants were sent to Kurunegala, except her husband who could not be moved for 3 days: he was then taken to Galgamuwa Hospital. He had not recovered even when she gave evidence much later. The 65 families had lived there for generations and moved into the Northern Province: they lost everything, including the lands they had planted. She estimated her loss at Rs. 20,000.

M'galawa

A few miles from Galgamuwa there was a camp occupied by Engineers of the Mahaweli Development Board.

(1) Witness, Mr. N. Navarupan, was one of them and he gave evidence in camera. On 17th August at lunch time his driver informed him of the disorders at Anuradhapura Railway Station. At 3.00 p.m. 2 Engineers from Andugama Camp came and told him that their camp was being attacked. When he told the Resident Engineer of this, the latter went to the Army Camp. The witness and his family moved into the driver's quarters for their safety in the evening. He saw a mob approaching ; but before they arrived Mr. R. Wimalaswaran, a Surveyor, and Parampillai, a labourer, came there. The witness had his gun and Parampillai said he would use it ; the gun was handed over and witness and Wimalaswaran's families got into the bathroom. He then heard the house being broken up, the sound of 2 or 3 shots and Parampillai shouting that he was dying. When he and Wimalaswaran came out, he saw Parampillai fallen and dying, and he also saw 2 members of the mob lying fallen and the gun in the hands of one of the mob. The witness said that he took the gun from him and loaded it. Wimalaswaran had a gun barrel, which he pointed at the mob, and kept them at bay.

Thereafter a Lieutenant and 4 or 5 soldiers came in an Army jeep. The witness gave his gun to the officer. The mob did not allow the Army to remove anyone and the Army left the scene. A Police jeep arrived with the A.S.P. of Maho and a police party while the mob was attacking the members of the two families in the house. The A.S.P. fired 2 shots in the air and the mob dispersed. They were all taken by the A.S.P. to Galgamuwa Police Station and then to the hospital where they were treated. On the 18th they were taken to the Army camp at Migalawa where they stayed with their families.

The subsequent events are interesting and astonishing. They were taken to the Kurunegala Refugee Camp. When they were to be transported to Jaffna from there, they were told they must pay the bus fares. They were given the fares by others who took pity on them. The witness said he had not received any salary after September 1977, even for the period during which he was on medical leave. He asked for a transfer to the North or the East, as much publicity had been given to his having shot 2 Sinhalese and he was afraid to work in Colombo. He assessed the value of personal belongings lost at Rs. 60,000. His wife was teaching at the Migalawa Sinhalese School and was asked to report back there.

I feel that more consideration should have been shown to them and to others who have gone through similar harrowing experiences.

It is indeed strange that the Army Lieutenant deprived the occupants of that house of their only weapon and thus effectively prevented them from defending themselves against a gang of criminals who had no possible

excuse for having attacked them and showed every sign of intending to attack them again. I cannot understand why the Army came there, if they were not brave enough to fire a shot even in the air and decide to beat a retreat at the first sign of resistance by the mob. I commend the very different attitude adopted by the A.S.P. who gave one of the few examples of courageous conduct by the police in their dealings with the mob. If other victims of violence had used the right of self-defence as Parampillai and Wimalaswaran did, the thugs would have learnt a bitter and salutary lesson.

(2) Mr. Wimalasewaran also gave evidence of this encounter. He suffered a fracture of the left-hand and was still unable to use it at the time of giving evidence. He too complained that he had not received his salary since August 1977. He had been asked to resume work in that area, which should strike anybody as an unreasonable request; and he had lost personal belongings to the value of Rs. 38,000 and official stores worth Rs. 10,000.

(3) Mr. T. Thurairajah, Works Supervisor of the Mahaweli Development Board, was stationed at Pahala Kalampitiya which is $2\frac{1}{2}$ miles from the Migalawa Camp. On 17th August, having heard of the disturbances, he did in the jungle that evening and later went to the house of Mr. Karunaratne, Divisional Resident Engineer. He estimated his losses at Rs. 4,000.

(4) Another camp of the Mahaweli Development Board in that area was at Ihala-ela, Mr. R. Chandrasekaram, a Surveyor, had brought his family there on 15th August. Of 15 Tamil officers there, 3 had brought their families before violence began on 17th August. A crowd advanced towards their quarters, so they ran into the jungle. Some of them were attacked and their quarters were looted. The Tamil officers were taken to the Migalawa Army Camp on the 18th and from there to Anuradhapura.

Galewela

(1) K. Subramaniam was a trader in tobacco who had a shop here. At about 3 p.m. on 17th August thugs entered the Temple and assaulted him and the priest. When he went to the Police Station to complain, he was told to go to Jaffna, 175 miles away, and make his complaint. The inspector and his men merely looked on while the Tamil shops were being looted and when S. I. Selvarajah tried to stop the looting, the Inspector prevented him. He said all the Tamil shops were looted. On the 18th about 100 Tamils were taken to Kandy to the Pillaiyar Temple.

(2) Sinnasamy Raja gave evidence that he went on 17th August to his parents' house where his brothers and sisters also lived. A crowd of about 50 persons came armed, shouting that the Tamils should be killed and

looted and set fire to the house. On the 18th family went to the Tobacco Station for refuge and returned to their land on the 19th, on which day they were taken in the Tobacco Station lorry to Galewela Police Station and from there to Kandy to the Pillaiyar Temple.

VAVUNIYA DISTRICT

Vavuniya Town and District

Mr. T. Sivasithamparam, M.P. for Vavuniya, stated that friendly relations had existed between the Sinhalese and Tamil Communities there, even during the disturbance of 1958 until 1977. The population of the town was 99 percent Tamil, the rest being Sinhalese and Muslims.

The first disagreement of a communal nature occurred on 31st March, 1977, after a quarrel between Tamils and Sinhalese. He complained that, arising out of that, the Vavuniya Police attacked the traders and the public; this resulted in a complete hartal of the business community. There was a discussion between the police and the leaders of the Tamil community on 2nd April, and a settlement was reached. Much time was spent during the hearing of evidence in trying to discover what the settlement actually was. I find that, in the published document which was produced, H.Q.I., T. N. de Silva expressed his regret for the incident and the matter ended there. Business was continued as usual thereafter.

On the night of 18th August, there occurred the first of a series of incidents at Vavuniya. A cadjan shed belonging to P. Piyasena and S. Kodituwakku was set on fire. Nobody was indentified as having done that. Mr. Sornabala, an Attorney-at-law, spoke of having seen H.Q.I. de Silva and 2 policemen arrive at that spot in 2 vehicles; he said that the H.Q.I. stood on the middle of the road with his hands on his hip and said in Sinhalese, "Now set fire to Tamil boutiques". Mr. de Silva denied these allegations. I cannot, on the evidence, hold that the allegations have been proved.

On the 19th night the bodies of some Tamil persons who had been killed at Anuradhapura were brought to Vavuniya in a hearse. S.I. Nathan and 3 constables escorted them. It was suggested to S.I. Nathan that he had exhibited the bodies to the public at about 3 a.m. on the 20th. He denied having done so and I am not satisfied that the allegation has been substantiated.

There was an all-Island curfew on the 19th. That night all the sheds at the weekly fair were burnt at about 8 p.m. Nobody has spoken to how it happened. The occupants of the stalls lost all their goods and there arose tension in the Town on this account.

On the 20th there was a curfew from 5 p.m. That night two hotels named Thensuraby and Impala were set on fire at about midnight. they were not far from the Police Station. Allegations had been made that the police were responsible for the fires but these have been denied. H.Q.I. de Silva has been implicated in addition to other police officers. The H.Q.I. said that when the A.S.P. sent for him he went to the Thensuraby Hotel and met Inspector Kandasamy and 2 other police officers there ; they were trying to put out the fire. S.I. Nathan said that when he went to the Hotel on seeing smoke rising from it, he found it badly damaged : he found the H.Q.I. and 3 constables in it and they were eating and drinking. The Impala Hotel about 75 yards away, was also on fire then.

It is not in dispute that S.I. Nathan was instructed to hold an inquiry in respect of these fires. There has been a lot of evidence on the subject of that inquiry : allegations and counter-allegations have been made by many police officers in that connection and irregularities have been pointed out. I do not think it is necessary for me to discuss that evidence. It is a matter for departmental inquiry as to whether irregularities have been committed by any police officers.

I gathered from the evidence of H.Q.I. (now A.S.P.) de Silva that up to the date of his leaving Vavuniya on transfer, viz., 20th October, 1977, no plaint had been filed in Court in respect of either fire. Inspector Muhajireen stated that the Director of Public Prosecutions had reported that there was insufficient evidence to prosecute anyone in respect of the fires. On the 21st night also when there was a curfew there were fires in Vavuniya Town, involving many shops. They were brought under control by the Army and the Police.

It was obvious that there existed ill feelings between some of the police officers stationed in Vavuniya. It resulted in the transfer of Inspector Kandasamy, who was then Officer-in-charge, Crimes, and S.I. Nathan on 27th August, while they were still conducting inquiries into offences committed during the disturbances. Since it is a matter coming under the purview of their superior officers I see no point in making any comments on this subject.

It was alleged, in the cross-examination of H.Q.I. de Silva, that he and his officers set fire to shops belonging to persons who participated in the hartal of 2nd April. He denied this and I accept his denial.

A matter which was raised by Mr. Underwood and pursued at some length was the sending of 15 Sinhalese fishermen of Madampe in a lorry to Vavunikulam from Vavuniya in 28th August. They had asked for an escort as they wanted to collect their fishing gear from Vavunikulam and H.Q.I. de Silva ordered P.C. Balasunderam to escort them. It unfortunately happened that the party were attacked, after they had reached Vavunikulam Tank and loaded their boats into the lorry by a gang of 20 to 25

Tamils who fired at them. Witness K. G. Pius Appuhamy has given evidence stating that Ruban Fernando was killed first, the policeman next and 4 other fisherman thereafter. The lorry was burnt and so also, apparently, were the bodies of the 5 dead fishermen.

I have dealt with this incident in the section where I have considered the evidence led about the incidents that occurred at Vavunikulam. Mr. Underwood's position was that H.Q.I. de Silva should have ensured that there were more than one policeman to escort the fishermen. I do not think it would have made any difference to the result, since the attacking party far outnumbered the escort. Whether it would not have involved more policemen losing their lives is a question I need not answer. It was stated by Senior State Counsel that Mrs. Balasunderam has been paid full compensation for the loss of her husband. A police officer's duties involve him, very often, in running the risk of losing his life, however, regrettable such an event may be.

H.Q.I. de Silva stated that he met the Hindu priest Sunderasa Sarma, officiating priest of the Sivan Temple at Sivapuram, where the latter was brought to the Vavuniya Police Station in connection with the death of P.C. Balasingham. He saw no injuries on the priest during the 24 hours he was at the Police Station. Colonel de Alwis stated that he too saw no injuries. I have referred to this matter when dealing with incidents at Sivapuram and Selvapuram.

Colonel de Alwis arrived at Vavuniya on 20th August and assumed duties as Co-ordinating Officer. He has stated the circumstances under which he performed his duties as such until 14th September. There seems to have been, on his evidence, little contact between him and Mr. Sivasithamparam. In addition to Vavuniya Town and the villages near it, Colonel de Alwis also had the Mullaitivu District in his charge. He deserves praise for the work he did with a limited number of soldiers and vehicles at his disposal.

3 complaints were made by Mr. Sivasithamparam against Army personnel:—

(1) When he went to Vavunikulam on 28th August at the request of the Co-ordinating Officer, Army personnel there humiliated him by saying (in Sinhalese) "The Tamils must be cut and killed. This generation of Tamils must be exterminated". He protested to Capt. Senarath with whom he went there and he was sent back to Vavuniya in a Land Rover. He was insulted on that journey by the driver. He said he complained to the Co-ordinating Officer but no action was taken. Colonel de Alwis admitted that he received the complaint but he said that Mr. Sivasithamparam also told him that he did not want him to take further action.

(2) On 29th August, Mr. Sivasithamparam stated, the sentry on duty at Gamini Maha Vidyalaya where the Army was stationed stopped his jeep. When he asked why he was stopped a soldier who was present tore the party flag which was on his jeep and trampled it. Other soldiers hooted him. He said he complained of this incident to Colonel de Alwis.

(3) One hour after the preceding incident, Mr. Sivasithamparam said that he was informed that the party flag which was flying over the party office at Vavuniya Bazaar had been removed and burnt by Army personnel. He complained of this also to the Co-ordinating Officer.

Colonel de Alwis denied that he received complaints about the 2nd and 3rd incidents which have been mentioned above.

Mr. R. Samaraweera, A.G.A., Vavuniya South (Sinhalese Division), gave evidence at Anuradhapura regarding difficulties he encountered in discharging his duties. His evidence was not concluded when I left Anuradhapura but I did not consider it necessary to hear him further. I do not think he quite appreciated the purpose for which the Commission had been appointed or that he was in a position to assist it with relevant evidence.

Mr. S. Sivagnanam, who was G.A., Vavuniya, at the relevant time, wrote to the Commission on 3rd May and 27th September, 1978. He asked for an opportunity to rebut the allegations made against him by Mr. R. Samaraweera and 2 other witnesses, S. Appuhamy and the Venerable Rathnasara Thero. I did not consider it necessary to hear Mr. Sivagnanam because I did not think the matters spoken to by these 3 witnesses concerning Mr. Sivagnanam fell within my purview. It should not be assumed that I accept the correctness of those allegations.

I shall now refer to the evidence of witnesses who complained of offences committed against them or their property during the disturbances :

(1) Mr. C. M. Ariyaratnam of the Education Department, Vavuniya, said that he saw a crowd going towards his house on 22nd August. He left the town and when he returned next morning he found that his house had been looted and part of it burnt. He claimed compensation.

(2) Miss Mary Saunderaiah of Kalnaddinakulam lived with her parents and sisters. On 22nd August her brother Sebastianpillai came there and they all stayed inside the house owing to a curfew. She saw groups of Sinhalese approaching the house and setting fire to other houses. One Ranasinghe shot her brother who died on 12th December of his injuries. The house was looted and damaged and her livestock were stolen. She claimed compensation.

(3) G. Suppiah, a former Chairman of the Village Council of Veemankallu, stated that shots were fired at the houses there, all of which were occupied by Tamils. They left for Vavuniya and on their return they found that all the Tamils-owned houses were burnt. From 15 or 16 Tamil families, their number had been reduced to one or two. C. Arulappan gave similar evidence.

(4) Dr. S. Vythilingam said that on 18th August a boy came to his house at Periyacullu Kulam for treatment. While he was examining the patient some young men including Wijitha Banda came there and demanded his gun and cartridges. He surrendered them. He then locked his house and went to the adjoining Tamil Village. On 22nd August he found his house burnt and his plantations destroyed. At an identification parade held on 22nd August, he said he pointed out Wijitha Banda. He had heard nothing more about the matter.

(5) Gopal Govindasamy said that he was living in Rambukulam. On 25th August Gunera, Sugathan and Publis ordered him to leave that village. He left it and a few days later his house was found to have been looted. He informed the police on the same day, mentioning the culprits, No action had been taken.

(6) R. Kumarasamy of Brahakmanakulam said that on 6th September one C.P. Fernando who owned a cadju plantation there came to his house with a Sub Inspector and 4 policemen in jeep No. 31 Sri 213. Two of the policemen wore numerals 13266 and 5204. He ran into the jungle. That day and again that night goods were stolen from his house, which was also set on fire. C.P. Fernando and others came that night and removed paddy, black gram and gingelly from it.

(7) V. Subramaniam had lived for 38 years in Mamaduwa. He said that on 19th August night his son and son-in-law received gun shot injuries near his house. He left for Vavuniya. On 22nd August, he learnt that his house had been looted and burnt and only a load of paddy was left. No case was filed over these incidents because no accused were mentioned by anyone to the police.

(8) P. Gunawardene of Mamaduwa left his house on the night of 20th August. He said that while watching from a field he saw Tamils setting fire to his house and damaging his plantation of chillies.

(9) V. Kumaran of Kalattawa stated that his sister and her husband Punchi Thamby Gunadasan lived there with him. On 17th August, Gunadasan left for Kandy to buy vegetables and had not been seen again. Their house was burnt on 18th August and their boutique on the 19th by a mob. He said he identified Alfred Soysa's son Vasantha in the mob.

Two witnesses gave evidence in which they complained of police misbehaviour.

(1) W. Dharmalingam, a teacher trainee of Palaly Training College, spoke to having seen P.C. Bulath Silva and 2 other policemen damaging a taxi parked by the Jaffna-Kandy Road at Notchimadam on 20th or 21st August. It bore No. 1 Sri 8658. On the same afternoon, he said, he saw P.C. Bulath Silva coming to that spot in lorry No. 24 Sri 5976 and setting fire to that taxi.

(2) S. Kanapathipillai of Nariakulam, ex-Chairman of the Village Council of Sinna Cheddikulam, said that on 4th September, he met S.I. Grey and P.C. 2977 Peiris when he was returning from Pavakkulam. Pieris asked him "Are you the leader of the T.U.L.F.?" and hit him. He complained to the Cheddikulam police, but no action had been taken. A week later, a truck with soldiers drove up to his house with a tractor driver Somapala. They forced him to execute a writing admitting that he owed Somapala Rs. 2,000. When the A.G.A., to whom he complained, took him to the Co-ordinating Officer, the latter showed him the writing and advised him not to be afraid.

When S.I. Grey was giving evidence long afterwards regarding election speeches, he was cross-examined about this complaint. He admitted having met this witness when he was with P.C. Pieris, but he denied that Pieris assaulted him. Nobody had questioned him about the alleged complaint. Colonel de Alwis denied that he had received any complaint from S. Kanapathipillai, for, if he had, he would have inquired into it.

Inspector Muhajireen was in charge of the special police post set up at Vavuniya from 24th August, to record complaints of the public. He said that he received 185 complaints during the disturbances and inquired into all of them. As a result of his inquiries 22 prosecutions were filed and one case was referred to the Director of Public Prosecutions arising out of the murder by shooting at Parakrama Farm. No case was field in respect of the attacks on Tamil shops in Vavuniya on 21st and 22nd August, because there was no evidence implicating anybody in particular.

Although Dr. S. Vythilingam has stated he had heard nothing about his complaint, the Inspector stated that M. C. Case No. 15207 was filed on that complaint and an open warrant had been issued for the arrest of the accused. As regards the complaints of Miss M. Saunderarajah, G. Govindasamy, G. Suppiah, G. Arulappan and C. M. Ariyaratnam the Inspector stated that no prosecutions were launched because there was the evidence only of the complainant. If there were no supporting witnesses, I think it would not have served any purpose to file any cases in Court in those matters.

Thunukkai

This is a village between Vavuniya and Mannar. Complaints against the Police and Army were made by 4 witnesses in respect of offences alleged to have been committed there.

(1) V. Vmbalavanar, Credit Manager, M.P.C.S., stated that 10 to 15 policemen entered his office carrying rifles, on the morning of 29th August. They wore no numerals and came there in a land rover. They attacked the employees and a customer with rifle butts: they assaulted cyclists and smashed their cycles. He complained to the A.G.A., Thunukkai.

(2) V. Sivarajah, clerk of the same office, complained of an assault on him that same morning, when he was riding to work on his cycle.

(3) S. Ragunathan, Branch Manager, M.P.C.S., Mallawi, complained of a similar assault when he was cycling to Thunukkai.

(4) N. Thangarajah, Branch Manager, M.P.C.S., Cheniankulam, Thunukkai, stated that some soldiers came by lorry and a van to his shop on 17th August: they assaulted him with belts and a rifle.

Mr. M. Karthigesu, A.G.A., Thunukkai, stated that he received 6 complaints from employees of the M.P.C.S. (including the first 3 mentioned above) and 2 complaints from members of the public regarding assaults by the Mannar Police. No identification was possible because they had not stated the numbers of the land rovers used, or of the other vehicles in which the offenders had travelled.

Witness V. Ganeshamoorthy stated that he had worked under K. M. Panis Silva in the latter's paddy field at Thunukkai about 15 miles from Mankulam. On the night of 20th August, when he and his employer were sleeping in a hut in that field, 4 persons came there including one Dharma-chandran who squeezed his neck. He ran into the jungle; when he returned, nobody was there and his employer and his gun were also missing. He complained to the Mankulam Police, but Panis Silva was not found.

Mankulam

Witness Y. H. Silva, a nephew of the same Panis Silva had also searched for his uncle without success. He complained that his hotel and shop, which he had run since 1963 at Mankulam, were attacked and burned between 17th August and 3rd September after he had left Mankulam during the disturbances. He complained about this to the police.

S. Satkunarajah, a trolleyman in the C.G.R. at Mankulam stated that on 17th August afternoon he was waiting to collect the tablet from the Yarl Devi. A convoy of Police and Army vehicles came there and the soldiers in the last jeep struck him with their rifle butts. He regained consciousness that night in hospital. His evidence was corroborated by S. Vipulanandan another worker in the C.G.R.

T. Sunderalingam was running a boutique at Mankulam. On 29th August, he said, 2 Army jeeps arrived in the morning and ordered that all boutiques should be closed. He later saw a soldier who came in jeep No. 31 Sri 454 belonging to the Land Development Department, throwing something on his boutique and setting fire to it. 4 other shops were also set on fire. He complained to the Mankulam Police.

Cheddikulam

There is a farm called Parakrama Farm there managed by Anton Rodrigo. P. D. Nicholas Julius, a worker there, stated that on the afternoon of 20th August, 2 or 3 persons including one Mylvaganam borrowed a tractor from the farm. About 15 minutes later a crowd came there and shot at the farm workers. He ran away and on his return the next morning he saw some Tamils there who set fire to the farm bungalow. Gonsal Rodrigo, Anton's father, stated that the police informed him on 22nd August that his son had been injured and subsequently died. Inspector Kandasamy of the Vavuniya Police stated that he saw the body of Anton at Cheddikulam on the 21st night. Another man named Sivalingam was killed at about the same time.

Mullaitivu Town and District

Sub Inspector David, who was O.I.C., Mullaitivu, from 11th July 1976 to 31st December, 1977, stated in evidence that the area in his charge was about 800 square miles, which included 44 miles along the coast. He had under his command 2 Sub Inspectors, 1 Sergeant, 11 Constables, 1 driver and 1 jeep. There were about 7,000 Sinhalese and over 21,000 Tamils in that area. Much of the evidence relating to incidents that occurred in August and September 1977 is centered on Kokkilai, a fishing village about 21 miles from Mullaitivu town.

Harmony existed between the Sinhalese and the Tamils until 19th August, when 3 wadiyas in Mullaitivu were set on fire and some Tamil speaking Sinhalese from Negombo were assaulted by Tamils; there were also seven complaints of arson made by Sinhalese and Tamils against each other that day and on 20th August.

Witness M. A. Anthony Fernando stated that he had been carrying on a fishing business and a dry fish business at Chundikulam Salai and other places about 14½ miles North of Mullaitivu. On 19th August when he was at Chundikulam a crowd of Tamils carrying weapons rushed to the place where he and his workers were. They ordered the witness and the others with him to transport about 25 bags of rice, dry fish and chillies to their camp.

After that the witness and his party went by boat to Salai, where there were Sinhalese fishermen: they saw their wadiya and nets being set on fire by the Tamils. Later they went by boat to Mullaitivu. Altogether about 700 persons were taken to Mullaitivu refugee camp on the 20th evening, some in tractors and some on feet.

The witness said that he was not permitted to make his complaint at Mullaitivu Police Station, so he made it at Negombo Police Station on the 30th when he went there, because it was his village. He also transported the rest of his party to Negombo at his own expense.

He estimated his total damages at 5½ lakhs.

A. M. Premadasa stated that he was carrying on a business called 'Mala Bakery' at Mullaitivu in a building constructed by him on a land owned by one Muthiah, at a cost of Rs. 12,000. He also built a house there for Rs. 8,500. On 18th August, fearing trouble he locked up his house and went to an Army Camp. On the 19th he learnt that his house had been set on fire. The Mullaitivu Police refused to entertain his complaint.

He stayed in the Army camp till the 24th with about 1,000 other refugees, and then came to Anuradhapura. When he returned to Mullaitivu a month later, he found the bakery kiln had been damaged and his house broken down. His total losses were Rs. 29,900.

A serious situation arose on the night of 21 August at Kokkilai, both at the village proper and at Kokkilai Muhattuvaram. According to S.I. David, there are Tamils permanently resident at the village, while at Muhattuvaram there were 35 to 40 Sinhalese families permanently resident and also some Tamil families. Migrant Sinhalese fishermen come to Muhattuvaram during the fishing season. On that night nearly all the wadiyas at Muhattuvaram were burnt and also many of the wadiyas at Kokkilai. 59 complaints of arson were made by Sinhalese and 21 complaints were made by Tamils.

On the 22nd the Sinhalese made 22 complaints of arson, while Tamils made one complaint of arson and one complaint of house-breaking and theft. One of the complaints made was in regard to the burning of Fisheries Harbour Corporation Buildings, where witnesses Shanthi Perera and P. L. Premadasa were the Security Officer and the watcher respectively.

On the 23rd also complaints of arson were made—34 by Sinhalese and 24 by Tamils, according to S.I. David.

I do not think that any blame can be attached to S.I. David for these incidents. He stated that he did not have sufficient personnel whom he could station at Kokkilai to prevent the violence that took place there. On the 22nd he posted 2 constables there, and on the 23rd evening S.I. Balasingham took over with a police party, after the villagers of Kokkilai had complained that persons from Pulmoddai and Padaviya were giving them trouble.

Captain Jayawardene and an Army Platoon were stationed permanently at Mullaitivu.

On the 24th there was very little trouble. A conference was held that day in Mullaitivu, presided over by the Minister of Fisheries, which was attended by the Co-ordinating Officer, Mr. Sellathamby, M.P., the A.G.A., S.I. David and other officials. According to S.I. David, no complaints were made about the conduct of the Police or the Army by anybody and the Minister commended the good work done by them.

On the 25th the Tamils complained about 11 cases of arson, while the Sinhalese complained of one case of rape and one of robbery. S.I. David stated that the wadiya belonging to Mr. Sellathamby, the house of one Gunam and the tavern of one Sunderalingam and 6 other wadiyas of Tamils were set on fire. He went there, and people from the beach helped him to put out the fires and thereby saved 50 to 60 other wadiyas being destroyed. By that day the Sinhalese had all left Mullaitivu, except for 2 or 3 families, and incidents subsided after that day.

On 31st August, Captain Jayawardene came to Mullaitivu with a platoon and peace appears to have prevailed thereafter. Mr. Sellathamby spoke with appreciation of the work done by him and his men, but did not put much value on the services of S.I. David and the Volunteer Army Unit under Captain Jayawardene. I am not prepared to find fault with S.I. David or Capt. Jayawardene. The latter gave evidence to rebut the allegations made against him by Mr. Sellathamby and I am satisfied that he discharged his duties efficiently and nothing to his discredit has been made out. I found S.I. David to be a capable police officer who did all he could to maintain order in his area, but he was much handicapped by a shortage of men and vehicles.

It is most unfortunate that so many wadiyas, were destroyed by fire in Kokkilai village and Muhattuvaram, but as they were thatched huts erected close to each other, it was inevitable that a fire once started would spread very quickly to all huts before any preventive action could be taken.

Mr. Sellathambu referred to fishing disputes at Kokkilai as a possible source of trouble in the future, unless regulations are framed to control the right to fish in the lagoons along the 50 miles stretch of coast line of the Mullaitivu Electorate. He said that about 7,000 migrant fishermen flock to the lagoons and the inland tanks, mainly from the west coast, to the detriment of the local fishermen. Some form of administrative control of fishing might be considered, the local fishermen being given a prior right if they apply for it. Mr. Sellathambu was questioned regarding the allotment of land by the Government to Sinhalese, who are chosen to colonise land in the Northern and Eastern Provinces. He said he had no objection to that, provided the requirements of the people of those areas are first met. He relied on the Chelvanayakam-Senanayake Pact of 1965 which stipulated that condition and also gave preference to Tamils in adjoining areas and landless Tamils elsewhere. He admitted that the President had since stated that Tamils will be settled in Sinhalese areas and Sinhalese in Tamil areas.

When asked by Senior State Counsel whether the allocation of land according to that Pact would not lead to communal segregation, he denied that it would. Already, he said, a little over 200,000 Sinhalese live in the Northern and Eastern Provinces; and it is his party's policy that they would not agree to the Government using colonisation as a means to make the Tamil people minorities in their own areas, as had happened in Kantalai village.

Devipuram

This village is situated about equidistant from Mullaitivu and Paranthan. An estate called D.L.O. Watte in it had two workers, W. D. Dharmadasa and his wife, Dayawathie, who gave evidence.

They stated that on the morning of 20th August a crowd of 40 Tamils came there, attacked them both, and took them to a place 4 miles away where she was raped by 3 persons. When they returned to their house, they found that it had been looted.

A Roman Catholic Priest came to their rescue and took them to his church at Valaiaam. From there the Mullaitivu Police took them to the Police Station and recorded their statements on 1st September.

There is no other evidence to identify the assailants, nor does an identification parade appear to have been held. No medical evidence has been led. The case may be a genuine case of rape, but I do not think a prosecution will be successful.

MANNAR DISTRICT

Mannar Town and District

(1) There were no disturbances in Mannar District before 23rd August. On that morning, according to E. Kandasamy, Watcher of the Government Farm, Murunkan, a Tamil bakery at Murunkan was set on fire 1/4 mile from the Police Station, Murunkan. He further stated that at about midnight on the 23rd when he was on his rounds, 2 persons attacked him and took his gun and torch.

(2) That night Mrs. M. A. Perera who was living with her 3 sons in a village called Palampitiya, on a 10 acre block of land 2 1/2 miles from Madhu Church, had gone to sleep at about 10.30 p.m. Sometime later, she and her eldest son Lester were shot dead while her other two sons were injured by gun shots. Their second son, Sudharman, has spoken to the incidents of that night. Her husband gave evidence, but he was not at the scene that night. I am not satisfied that the identity of the man who fired the fatal shot has been established.

Mr. P. S. Soosaithasan, M.P. for Mannar, said that in his opinion the motive for the killing was not communal. Mrs. Perera and her sons had lived happily there for some time and there had been no communal differences. I doubt the correctness of this opinion.

(3) On the 24th, probably after the news reached Mannar about the killing of Mrs. Perera and her son, the Army and the Police (with A.S.P. Victor Perera) of Mannar appear to have gone to Thedchanamarathamadhu, which is surrounded by thick jungle. Mr. Soosaithasan said that 21 houses and all the property of the villagers including harvested paddy were burnt and destroyed; the villagers were mercilessly assaulted, taken to Murunkan Police Station, and tortured: their guns were confiscated and had not been returned. He visited that village on the 25th and saw the destruction. All he could see was burnt houses. He went into the jungle and called out and some of the men came to meet him. In the adjoining village of Palampiddy also he found deserted houses, at the villagers had gone into the jungle, but he was able to meet some of them. He met the Commanding Officer of the Army, who agreed to order his men not to cross the railway line near Madhu Road boundary or go anywhere close to the villages.

(4) Witnesses A. Soorikumaran, M. Ponnampalam and T. Gunaveerasingham all of Thedchanamaruthamadhu, have spoken to the ill-treatment they received at the hands of Army personnel who came to their houses. M. Ponnampalam has given a detailed account of how he and 4 others, A. Nagalingam, P. Sathasivam, A. Yoganathan and V. Navaratnam—were taken by Army men and A.S.P. Victor Perera and brutally treated; they were then sent to Mannar Hospital where they were handcuffed and chained

to their beds. The O.I.C. Murunkan, Mr. Ratnapala, was not accused of cruelty or misbehaviour, but constables Gunapitiya and Dissanayake were; and so was the A.S.P. who, said Mr. Soosaithasan, knew neither Tamil nor English—an absurd situation from the point of view of public relations.

(5) There is also the evidence of Rev. Fr. Senthilvel, Administrator of Madhu Church, that on the 24th evening he received a message sent to him by the villagers, through the caretaker of Arnolda Farm, that the Army and Police had come and were burning their houses and they had all fled into the jungle; they wanted the Government Agent to ask the Army to stop coming to that area. Fr. Senthilvel said that he drove to Mannar and spoke to the Government Agent and then drove to Thallady Camp and spoke to Col. Selladorai that night. On the 26th he took Col. de Silva (who had been sent from Colombo to inquire into the happenings), and Col. Selladorai in his jeep, to show them the houses which had been burnt and to meet the villagers there. The state of the village, as described by Mr. Soosaithasan and by Fr. Senthilvel, was one of suffering and tragedy. There is strong evidence to prove that army and police personnel committed offences against persons and property.

(6) S. Savarimuttu, boutique keeper of Thallady, Mannar, stated that he ran a boutique near the Army Camp. When he was in it on the 26th night, 2 Army men set fire to it and it was destroyed. The Mannar Police Station was visible from that spot and the police came there at about midnight and he made a statement. No action has been taken since then. His loss amounted to Rs. 5,000.

According to Mr. Soosaithasan, the curfew was a cover for the criminal activities of the Police and the Army on the 29th in Mannar Bazaar. Fire engulfed 12 shops there and the people were helpless to put it out owing to the curfew: the entire bazaar of nearly 500 shops and houses would have been reduced to ashes if the District Judge, Mr. Suntheralingam, had not called out the people and the Police to extinguish the fire. Once the curfew was lifted on 1st September there were no further incidents and the traders opened their shops.

Witness T. Ganeshan who had a business establishment in Mannar said that his shop was burnt on the 29th night during the curfew. He heard an explosion and saw 5 or 6 men running towards the beach, wearing Khaki shorts and boots. The Police Station was about 100 yards from his shop, and about 200 yards from the main bazaar. No one came to put out the fire until the District Judge appeared. He estimated his damages at Rs. 47,000. Witness K. Veeravagu said that his shop in the bazaar was burnt that night and he suffered damages in Rs. 75,000. Other traders have given similar evidence of their shops having been destroyed by fire. M. Jayapragasam owned Saraswathi Stores in Mannar Market. The curfew

was on when, on the 29th night, his assistant informed him that his shop was on fire. He went there at about 5 a.m. He said that he informed the Government Agent that if the curfew is not lifted, the shops would not be opened. It was lifted after that.

Mr. Soosaithasan made the point that Mannar had never seen any violence before. It used to be a wholly Tamil area with only a few Sinhalese families but the situation was fast changing. One of the reasons for that, he said, was the stationing of large Army units having no affinity with the surroundings. They were almost all Sinhalese : and they harassed the people, who dreaded them.

Mr. Soosaithasan stated that the original idea of having the Army there was to prevent illicit immigration, but that problem had been solved as the inflow had greatly diminished many years ago. They now played the rôle of an army of occupation with their vehicles, equipment and guns : and the army personnel gradually began to harass the people and such behaviour had become the order of the day. He also stated that the Commanding Colonel in Mannar (referring to Colonel Selvadurai) had, as a result of the indiscipline and communalism among his men, retired prematurely and left the shores of this country.

To rebut these allegations Senior State Counsel called Major N. Wickremaratne who had served in Mannar for 4 periods between 1965 and 1977. He denied the charge that the Army had acted as an army of occupation or that the soldiers had misbehaved, or harassed the people. He mentioned instances when they had been of service to the people in the area and had acted in the best interest of the public. The Army was necessary there, he said, to prevent smuggling, illicit immigration, terrorist activities and to maintain internal security. He also stated that in the Army there were men of all races and religious : there was no discrimination between them.

Colonel W. N. de Silva was also called by Senior State Counsel. He stated that he was sent to Mannar, and arrived there at 1.00 p.m. on 24th August. He found that the necessary security precautions had not been taken by Colonel Selvadurai, the Co-ordinating Officer. He had to persuade employees of the Petroleum and Cashew Corporations to stay at their stations, which some had already left because such precautions had not been taken.

He denied that it was the District Judge who was responsible for getting the bazaar fire extinguished : he did not see that officer there at all, when he went there. It was the army patrols who discovered the fire and they with the police put it out after taking action to prevent it spreading.

There is no evidence to prove who started the fire, but I see no reason to reject the evidence of Colonel de Silva as to how it was extinguished.

There had also been charges in the Police set-up, said Mr. Soosaithasan, with Sinhalese members of the Force increasing and Tamil diminishing. Their attitude to the people was one of indifference and they were not able to speak the language of the people.

As in the case of Mullaitivu, there was trouble in the fishing industry owing to the tremendous increase of migrant and middlemen. A permit system was necessary to avoid the outbreak of violence. A third cause of communal disharmony, Mr. Soosaithasan said, was the import of outsiders by State Corporations, particularly the Cashew Plantations Corporation. They preferred to employ Sinhalese from outside, rather than local Tamils and Muslims. On the Oil Drilling Project, he said, only 5 locals were employed out of hundreds working on it. Hundreds of Sinhalese families had been imported and the local people were ignored. Peace and harmony were thus endangered.

At the time of giving evidence, he stated that refugees were pouring into the Mannar Area and relief was necessary by allocation of State land, housing and other facilities and employment in the Public and Corporation sectors. He particularly mentioned the allocation of houses and land in the Cashew Plantations at Kondachchi, whereby a powerful Sinhalese minority was built up in Mannar.

I now refer to acts of lawlessness on the part of the Army which have been spoken to by witnesses as having been committed on 29th August at Sivapuram and Selvapuram.

(i) Sunderasa Sarma, officiating priest of the Sivan Temple at Sivapuram, stated that poojas were performed by him daily at 8.30 a.m. On 29th August, he was in the inner sanctum at that time and was getting ready for that purpose when he heard an explosion and gun shots. On coming outside he saw a jeep from which 2 Army personnel got down, while 2 others ran to his house and attacked the quarters in which his wife and children resided. The former 2 levelled their rifles at him and summoned him. When he walked up to them, one hit him on his cheek with his rifle butt; although he was wearing the holy thread, he was asked who he was. They asked him as to who fired at the lorry the previous day clearly referring to the shooting of P.C. Balendran and the party of fishermen who went to Vavunikulam Tank on the 23th. He said he was not aware of anything and did not get out of the Temple. The other also hit him, although he fell at their feet and made them understand that he was

a priest of the Temple. He was dragged towards his house and later taken away in the jeep to Mankulam and from there to Vavuniya Army Camp, where he was assaulted again.

On the following day he was taken to Mankulam Police Station and before the Mankulam Magistrate, and he made statements at both places. He was next sent to Jaffna Hospital for 14 days where he was seriously ill. The Admission Card issued to him at the hospital was produced. Ultimately he was produced before the Mannar Magistrate and released on bail.

No proceedings appear to have been taken against him at the time he gave evidence. I am not aware why he was produced before the Police or the Magistrate or why he had to give bail. Colonel de Alwis, Co-ordinating Officer, Vavuniya District, admitted that he met this priest when he was brought to Vavuniya by soldiers who had arrested him. He said that he saw no injuries on the priest, who was hale and hearty. It was his understanding that the soldiers had brought the priest there because the latter knew who were the culprits in a shooting incident in which soldiers were injured, but did not disclose their names. H.Q.I. de Silva has also stated that he saw no injuries on the priest.

I am quite satisfied, despite the evidence to the contrary, that the priest's evidence that he was severely beaten up by the soldiers who arrested him and that his stay in Jaffna Hospital was necessitated by the injuries they inflicted is true. With great respect to the Mannar Magistrate, it appears to me that the wrong person was produced before him and ordered to give bail: it was the soldiers who should have been so dealt with as the offenders, but unfortunately nobody seems to have been interested in him.

(ii) N. Thambiah of Sivapuram said that at about 9 a.m. when he was on his way home he heard gun shots. He saw a soldier holding one Shanmugalingam who was raising his hands and crying out: the soldier then let him go and shot him. The witness later found him dead.

(iii) This witness said that he later saw the body of another boy from Sivapuram who was also shot dead: the Magistrate held an inquest at Pandiyankulam which he attended. He is obviously referring to the deceased R. Sellathurai whose body was lying near that of Shanmugalingam. The inquest proceedings provide evidence in respect of 5 deaths.

(iv) S. Murugesu of Selvapuram said that when he and his sons were at home, he heard gun shots at about 7.30 a.m. 2 soldiers then entered his house and he and one son ran to the jungle. He then heard 4 or 5 gun shots. When he returned home next morning he found his house completely

burnt and his son who had not run to the jungle lying dead of gun shot injuries. He gave evidence at the inquest and identified the body of his son Chandrasekeran.

(v) P. Sundreswaram of Selvapuram said that at about 7.30 a.m. soldiers entered his premises and he ran to the jungle, leaving his father behind. He saw his father Perambalam being seized by soldiers and mercilessly assaulted: they then asked him to run and shot him. When he returned home after 2 days his father was lying dead in a pool of blood. The inquest proceedings show that his father Perambalam's body was seen by the Magistrate.

(vi) The inquest proceedings mention yet another deceased person named Nallalingam. They were held on 1st September by the Mannar Magistrate, who returned a verdict of homicide after he received the post mortem reports, which showed that all these 5 persons died of gun shot injuries.

Two other witnesses gave evidence charging Army personnel with unlawful behaviour.

(i) K. Podisingham of Selvapuram said that on that morning, when he was talking to the Munrumurippu Grama Sewaka, Mr. Anthonipillai, 2 soldiers got out of a jeep and shouted to them. The Grama Sevaka ran, followed by the soldiers. One of them fired at him and he fell. 3 other soldiers searched the witness' house and set fire to it along with large quantities of dried chillies and bags of paddy. He estimated his losses at Rs. 10,000.

(ii) E. Sathasivam of Selapuram said that when some soldiers entered his compound that morning he got into a pit. His house was ransacked and set on fire. His damages amounted to Rs. 4,000.

Vavunikulam

(1) I shall now mention certain incidents which occurred at or near this village, which is in the Mannar District.

(2) Witness K. G. Pieris Appuhamy is a migrant fisherman of Toduwawa in the Chilaw District. He and about 60 other fishermen made their customary expedition to Vavunikulam Tank in August 1977: they brought their fishing gear and boats by lorry and lived in 14 wadiyas. On 17th August when communal tension started those wadiyas were set on fire at about 6 p.m., while they were fishing. He accused the Tamils of having done that and also used firearms. Next morning they sent a message to the D.R.O. who brought a bus and took them to Mankulam and from there to Vavuniya Police Station. They returned them to Toduwawa.

(3) The witness stated that he and 14 other fishermen returned to the tank on 28th August, escorted by a Policeman from Vavuniya Police Station. As their nets were missing, they loaded their boats into the lorry and were about to return to their village when a gang of 20 to 25 Tamils fired at them. Ruban Fernando was killed first and the policemen escorting them was killed next: 4 other fishermen were killed after that. The survivors jumped into the tank, their lorry was burnt and the survivors then walked through the jungle to Mankulam Police Station. The M.P. for Wennappuwa came there by helicopter and the survivors found refuge in the Buddhist Temple at Vavuniya. The evidence set out above was not challenged by anybody.

(4) Mr. X. M. Sellathambu, M.P. for Mullaitivu, stated that it was an imprudent act of the Vavuniya Police to have sent those fishermen to Vavunikulam escorted by one policeman. He attended the inquest held by Mr. Suntheralingam, the Mannar Magistrate. Policemen in uniform shouted at him and one of them said "Get out. Have you come to drink Sinhalese blood here?" and levelled their guns at him. The shouting and jeering by the policemen continued even in the presence of the Magistrate and the A.S.P., Vavuniya, Mr. Seneviratne Banda, who did not stop it.

(5) P. Benedict Fernando, a fisherman of Toduwawa, stated that according to custom he and about 20 others came to fish in Tenniyankulam Tank in August 1977: it is 18 miles from Vavunikulam. They built 4 wadiyas. On 15th August one Kandasamy told them to keep their goods in his house as trouble was erupting and they did so. On the 17th he told them of the burning of wadiyas at Vavunikulam and that the same culprits were coming towards Tenniyankulam. Later, he saw the Manager of the Co-operative Store and some others come to the wadiyas and set fire to them all. He claimed that Rs. 60,000 worth of goods had been destroyed. The witness was sure that this incident occurred on the 17th. He is probably correct because Mr. K. Kulendran, A.G.A., Manthai East, said in evidence that he was informed on the 18th by a migrant fisherman at Vavunikulam that he and his party wanted protection to return to their houses and 56 of them were escorted as far as Mankulam.

(6) Mr. Kulendran also gave evidence regarding the death of 5 Tamils on 29th August at Vavunikulam. He was informed of this on the 30th and the Mannar Magistrate held an inquest on 1st September. The deceased were Kandiah Perambalam, Selvam Nagalingam, Murugan Sandera-segaram, Ramasamy Selladorai and Subramaniam Shanmugam.

(7) Mr. Kulendran stated that he had also received complaints from 2 M.P.C.S. Branch Managers about assault on them and theft of money committed on 29th August. The complainants have given evidence.

(i) T. V. Selvaratnam, Branch Manager, M.P.C.S., Sivapuram, said that on that day he was taking cash collections to the main office at Vavunikulam (amounting to Rs. 1,800) with Paramanandan on one cycle. On the way they met a police jeep with policemen in uniform who ordered them to stop. P.C. 9923 put his belt round the witness' neck: A.S.P. Victor Perera of Mannar was also there. The witness and Paramanandan were assaulted and their money taken from them, also the witness' wrist watch. The witness lost consciousness, which he regained only in Mallakam Hospital: from there he was transferred to Jaffna Hospital for 25 days. He could not work for 3 months. After leaving hospital he complained to Mr. Kulendran.

(ii) A. Paramanandan, Branch Manager, M.P.C.S., Vavunikulam, gave evidence similar to that of the previous witness. He had Rs. 1,700 which he was taking with him. He lost that money, his watch and ring. He said P.C. 16350 Vincent and the A.S.P. assaulted him. The A.G.A. said that he recorded the statement of these witnesses and forwarded them to the G.A. but no action was taken after that.

KANDY

Kandy Town

(1) Mr. A. T. Sunderam was the Municipal Commissioner, Kandy, from 15th August, 1975, and Special Commissioner, Kandy, from 28th July to 22nd August, 1977. He stated that the disturbances began there on the evening of 18th August, when the Thali of the wife of the Secretary, Indian High Commission, was snatched outside the Queen's Hotel.

On the 19th he attended office and although a curfew was imposed from 11 a.m. he worked there till 1.30 p.m. He obtained a curfew pass from Mr. Shanmugam, Superintendent of Police, who promised—as the Headquarters Inspector also did—to send a jeep to protect the area near his house.

After visiting the Electrical Department, he went home. As he wanted to see that the essential services were maintained, he walked with his son to the Municipal Workshop and from there to the Fire Station, then to the river intake at Getambe, the pumping plant and the water purification plant. He finally called at the Police Station to make sure that the jeep had gone to his house and he was told that it was all right. He decided to return home at about 4.30 p.m.

On reaching his neighbour's house he was informed that his house had been looted by about 19 persons. At that stage a police jeep arrived with armed policemen and with orders to place 2 policemen to guard his house. He told them that they had come too late. His clothes, his collection of

valuable books, his furniture (except for one bed and one chair) and other valuable had been stolen, burnt and damaged. His poultry had been killed and removed and his dog injured.

His wife and children were given shelter by friends, while he went to the refugee camp.

(2) Mr. E. H. Thambirajah, a former employer of the Ceylon Tobacco Co., was dining at home on 18th August. He heard the front door bell ring and on opening it he found about 50 persons there. They broke into his house through a side door, broke the glass panes and electric bulbs and left with what they could carry away. His wife and daughter were also in the house at the time. He went to the house opposite his, where he met a Buddhist priest whom he knew. The priest and the inmates of that house repaired the broken door and the priest telephoned the police.

On the 19th evening a gang of about 200 came saying that he was a Tamil, they smashed up his belongings and ordered him and his family to leave. A Sinhalese friend drove them in his car to the Police Station from where he was taken to the hospital to have a head injury attended to.

On the 20th he returned to his house and found it empty. His car had been stolen and abandoned at Aruppola. He went to a refugee camp that night and stayed there till the 28th. Everything he had, including his savings of 43 years, was lost.

(3) Mr. P. P. Coomaraswamy was living in Halloluwa Road. He was a retired planter. On 19th August at about 11.30 a.m. about 20 persons smashed his doors and windows and entered his house when he was alone. They damaged his belonging and took away what they could. The police arrived there at 6.30 p.m. and left at 8.00 p.m. After that 5 or 6 persons came there and stole his ring and his remaining belongings. He stated that one Bawa was the ring leader. All this took place while there was a curfew. Mr. J. N. Coomaraswamy, his son, stated that the police could not arrest Bawa, but an army officer arrested him and recovered some of the stolen property. He learnt that a prosecution had been instituted in M.C., Kandy, No. 47652, on 3rd April, 1978, and summons had been issued returnable 2nd October, 1978.

(4) Witness K. W. S. Appuhamy is a partner of A. D. Perera & Co., which ran 5 toddy taverns and one arrack tavern. All the employees are Tamils. No doubt for that reason, all 6 taverns were attacked on 19th August at about 10.00 a.m. and so was the main office at Aruppola where the witness A. P. Christian was working. He was injured and his hand was fractured. Rs. 72,800 being the collections in the office was removed by the attackers.

(5) Mr. Ramalingam owned a shop called Maharanis at 27, Trincomalee Street. It was attacked between 9 and 10 a.m. on 19th August, and his residence was attacked that afternoon. He was in Colombo that day.

(6) S. Sithambarampillai Arunasalam and his son-in-law, P. P. Somasunderam, owned a shop called Glory Textiles at 125, Trincomalee Street, where textile and pawnbroker's business was carried on. On 19th August, when the former was at home, he was informed that his shop had been looted and he went there immediately. He suffered heavy losses. The latter, when he heard rumours of fish boxes arriving at Kandy with human remains, hid behind his house.

(7) S. Karuppiyah owned Shanthi Groceries at 27, Raja Vidiya. He closed it on 18th August on instructions given by the police. On the 19th, when he closed it at 9.30 a.m. and was leaving, a crowd of about 200 attacked it, looted it and assaulted his brother who was in it. A police party used tear gas on the crowd, who took away the loot. He said that Sinhalese and some Muslims were in the crowd.

(8) N. Muthukumaru owned a textile shop called Nadarajahs at 14, Trincomalee Street. On 19th August, at 9.00 a.m. a crowd entered it when he and his brother were in it and attacked it. At that same time he saw S. M. Kandasamy's shop, Maharanis and Ganapathy Stores being attacked. That evening Sinniah Stores and the Wijeya Cafe were attacked, and when the Police and the Army came and fired one shot the crowd ran away.

The witness also spoke of Paramjothi Stores having been looted on the 18th night and 19th morning while the police were patrolling the area. The police took no action even when Parasakthi Stores was attacked and the iron safe taken out of it and dragged along the road.

Mr. Choksy who led the evidence of the last 5 witnesses informed me that there were several other instances of looting and mischief regarding which he had instructions, but he did not wish to call all the witnesses because of the time that would be consumed if he did so.

OTHER AREAS NEAR KANDY

Ampitiya

(1) P. Suppiah and his wife lived in Ampitiya where they ran a dairy. There are Sinhalese colonies named Dambawela and Aligama near their residence. At about mid night on 18th August, Mrs. Suppiah saw a man with a sword outside a window which was broken. She and husband held on to the front door in order to prevent it being opened. A gunshot was fired and the pellets struck her face and eyes. She has lost her eye sight completely. She has been paid Rs. 5,200 as compensation.

Mr. Suppiah stated that he was also injured by pellets. All their household goods, 2 cows and some goats were stolen, in addition to 30 bushels of pepper, 11 sovereigns and a sewing machine. More than 12 Tamil houses there were attacked.

(2) Mr. M. P. Nadesan, Senior Tax Officer, Inland Revenue Department Kandy, gave evidence in camera. On 18th August at about 7.30 p.m. his house in Ampitiya was attacked. He and his family went into hiding. He saw women, men and children carrying away his belongings. There is a Sinhalese Colony named Ellahena near his house.

(3) Witness P. Andiappen had been living in the Kandy District since birth. He is a trader. Arrangements had been made for his daughter to be married on 20th August. On the 18th at about 7.00 p.m. a crowd came to his house and demanded Rs. 2,000 and a gun. He turned down their demand. Later, 5 persons entered the house and demanded their jewellery and the jewellery they were wearing was handed over. Still later, 30 persons came in broke open a cupboard containing jewellery, which they removed together with Rs. 10,000 in cash. The witness ran out in fear. When he returned on the 19th morning everything in the house had been taken away. He informed the police on the 21st. He said he identified 14 of the offenders, who had come from Pallegama.

(4) Mr. M. P. Subramaniam, an Audit clerk residing at Ulpotha kumbura in Ampitiya, stated that on the 19th morning he heard some gun shots and saw a crowd approaching. They first attacked his brother-in-law's house which was near his. He and his family ran into the jungle. When they returned that night he found doors and windows had been broken and his goods removed. On the 20th they went to a refugee camp.

(5) Mr. S. Thambiah, a retired P.W.D. Overseer, was residing at Kadugaspana in Ampitiya. On the evening of 19th August, 3 persons Milton, Ratnapala and Mr. Illangakoon's second son—who were colonists, came and demanded his gun. They attacked him. So he ran away and they damaged his belongings or removed them and set fire to his house. He informed the Police on the 31st.

(6) A. Satyapillai had a dairy and supplied milk to the residents of Kandy. On 19th August at about 1.00 p.m., a gang attacked and looted his house two more gangs did the same until 6.00 p.m. and they also injured his mother and his sister. Mr. Abeywardene, a neighbour, gave them food and shelter and attended to their needs.

(7) M. Packiam went to work in Kandy on 18th August. He heard persons in the market speaking of rumours they heard regarding bodies sent in fish boxes, Sinhalese having been killed in Jaffna, and a Buddhist

Temple there having been damaged. After he returned home at 7.30 p.m. his house was attacked and he knew 14 out of the crowd of 50 who did that. They looted everything in his house.

(8) P. Muthukaruppan of Ampitiya worked in Kandy, where he heard rumours on the 18th evening of a policeman having been killed in Jaffna and his body having been sent to Kandy Market. On the 18th night and about noon on the 19th, gangs looted his house. They came from Nigatenne Colony, which adjoined his land, and most of them were unemployed. I was informed that 2 persons had been charged in M.C., Kandy, No. 48653 in this connection.

(9) Mr. R. Govindasamy owns Kamadchy Land Estate, Talatuoya, 50 acres in extent. His ancestors had lived there since 1850. He was preparing to go to India for his daughter's wedding in August 1977. He drove to the Kandy Kachcheri for an inquiry on 19th August. It was postponed and as the curfew began at 11.00 a.m. he was driving home when a crowd of about 200 pulled him out of his car, stripped him and assaulted him. They also took his watch, driving licence and Rs. 100 and damaged his car to the extent of Rs. 25,500. He was allowed to drive away and he reached home.

(10) Mr. R. Sevendiapillai Ramasamy owned Manikkawatte Estate, Gurudeniya, of 30 acres. On the morning of 19th August he heard of trouble, and sent his children and grand children to the Cocoa Plantation, while he stayed at home. Seeing a large crowd approaching, he and his son ran to the jungle. The crowd forcibly entered his house, looted it and set fire to it. Only walls remained. He stated that all the Tamil small-holders in Gurudeniya similarly attacked and suffered damages.

(11) V. Balasubramaniam of Marassana ran a boutique there. On the evening of 19th August, a crowd attacked the shop of Ramalingam, then his boutique and also the houses of his sister and of other Tamils. His boutique and his house were set on fire. He said he mentioned the names of the attackers to the Talatuoya Police.

Kundasale

(1) Mr. S. Thambirajah was Administrative Assistant, Kandy Municipal Council. He said he lost everything he owned in the 1958 disturbances. In 1973 he, his sister and his 2 brothers built 4 houses for themselves in Padiwatte, 3 1/2 miles from Kandy. On 18th August about 7.30 p.m. a mob attacked his brother's house and ran away when the inmates fired shots in the air. The witness went to Mr. Ivan Wijesuriya's house and the S.P. and A.S.P. were informed by telephone of the incident, but the police never came. On the 19th all 4 members of the family ran to a neighbour's house and immediately their houses were attacked. That night

all their houses were set on fire. The curfew imposed at 11.00 a.m. that day was ignored by the mobs, who were moving about everywhere. The witness stated that his house was looted and completely damaged. Where Tamils occupied a Sinhalese owned house, it was left undamaged but the goods belonging to the occupier were stolen.

(2) Rev. M. G. Nallathamby, a priest of St. Paul's Church, Kandy, was also living in Padiwatte. He had been the Principal of 2 schools over a period of 28 years. On the 18th evening he learnt of disturbances in Kandy. At about 6.30 p.m. a Tamil boutique and house were looted and at about 10.00 p.m. he heard Mr. Weerasingham's house being stoned. Realizing that the disturbances were at his gate, he and his family prayed and committed themselves to God. A mob of about 20 persons sat outside his fence for about half an hour and then went away. On the 19th morning Fr. Nallathamby heard the rumour about bodies of Sinhalese girls arriving in Kandy in fish boxes and the Naga Vihara having been set on fire, and he took steps to see that these rumours were brought to the notice of the police and the highest authorities. He saw men moving about, each carrying knife attached to a handle about 3 feet long which could have been used to kill and for no other purpose. At about noon a group of about 15 men spoke to Mrs. Nallathamby, who is a Sinhalese lady, and they told her that they were going to break up the house; but they eventually left, taking with them only her pair of ear studs. Nothing else happened to the family of Fr. Nallathamby. They were fortunate, because the other houses in that area which were owned by Tamils were destroyed.

(3) Thevani Arunasalam was living in Nattaranpotha, about 4 miles from Kandy. She ran a dairy on a leased land, which was about 100 yards away from the Sinhalese occupied Pansalwatte Colony. On 19th August, at about 10 a.m. a crowd of about 100 set fire to her house and removed her cows, goats and other belongings.

Certain incidents which occurred at the School of Agriculture, Kundasale, will now be set out. There are 5 such incidents spoken to.

(4) Mr. A. Perinpanayagam, who was occupying quarters in the school premises, had gone to Jaffna when the disturbances broke out. His quarters were looted and furniture, jewellery, clothes, etc., stolen.

(5) Mr. K. Sivapathan, lecturer, was at this time in Japan on a Scholarship. His father Mr. Kandappu and his family had left for Jaffna on 13th August, and in their absence his house was looted and the contents stolen.

(6) Mr. R. Padmanathan, who was working in the school, was living in the school premises. At about 7 p.m. on the 18th, a mob attacked the Tamil Veterinary Surgeon's quarters and the witness' house. He and his family found refuge in the houses of Sinhalese officers.

(7) Mr. D. A. Packiyathan was holding at Kundasale, where his wife was working in the school. Her house was attacked and ransacked, while he and his family were at a refugee camp to which they had been taken on the 19th morning.

(8) Mr. P. Gnanasekaram was a Veterinary Surgeon at the Government Farm and his wife was a Veterinary Surgeon at Peradeniya. Having heard on the 18th that their house would be attacked, they went to the house of Mr. Ariyaratne for the night. That night his house was looted and everything stolen or damaged. On the 19th morning he went there with 2 Army officers, and saw 2 or 3 persons searching for loot and another 2 or 3 persons carrying swords. He complained that these persons were not arrested, although the swords were taken from them. Subsequently, an Army Officer gave him his jewellery box, containing only 4 or 5 sovereigns worth of jewellery and a thalikodi, although there had been 22 sovereign's worth of jewellery and a larger thalikodi in it. Lieutenant Colonel Dias, who was in charge of the teams which looked for looted items, stated that to the best of his knowledge the articles returned to this witness were the only articles belonging to him that had been recovered.

(9) Mr. A. V. Parasurama Perumalpillai was living on his land of 8 acres in Amunugama, Kundasale. He stated that his family owned it from the time of the Sinhalese Kings and that he was a descendant of sculptors who had worked for those kings. The previous Government had acquired 10 acres out of the land of 18 acres which he had owned. On 18th August his house was burnt down at night. On the 19th morning he complained to the Kandy Police and to the Wattagama Police, naming some of the culprits. No action had been taken over that; or over the cutting of his wife's nephew Jayaseelan on 18th August by Tikiri Banda, of which also he had informed the police. Although he had associated with the Sinhalese in Amunugama, his friends had been his attackers. He said that his sister-in-law Parvathy's house had also been burnt. He complained that although he had petitioned and sent telegrams to everyone he could think of, his land remains in the possession of trespassers. And although Ranatunge, son of Punchi Banda, attacked his house, he has since been appointed Head Baas of the Ceylon Transport Board.

(10) The last witness' sister-in-law, Parvathy, stated that out of 9 acres she had owned, 7 acres were acquired; and other lands belonging to Tamils were similarly acquired by the previous Government and distributed to villagers. In August 1977, the villagers had driven them out of their lands and they have been made landless by colonists being settled on their remaining lands.

(11) K. V. Nadasan, retired Foreman of the Department of Agriculture, was living with his wife and daughter at Puwakkandura near Kundasale. On the evening of 19th August, when a big crowd was approaching his

house, they ran to his neighbour, Mrs. Shelton Silva's house. The crowd removed everything from the witness' house, and he saw one Karunasinghe, a farm worker, carrying away 2 of his brass lamps.

(12) Mr. S. Muthiah of Nattarampotha, Kundasale, was the Manager of Lucky Land Biscuits Co., established there in 1964. The Company employed 250 persons of which only 20 were Tamils. They were all trained by him. On 18th August at about 7.30 p.m., a gang came shouting "Tamils will be killed": they came from Mawatte (Mahawatte) and Sirimalwatte Colonies from which 200 girls used to come to work for the Company. They entered the factory, one Jagath cut the witness; they damaged the entire factory and the machines, looted it, set fire to it, burnt the store room, the lorry, etc., and removed some machines.

When another factory was attacked, the police were telephoned at 7.30 p.m. but they arrived after everything was over, at 9 p.m. He estimated the loss at Rs. 217,000. He stated that Luckyland Bakery close by, belonging to his cousins, was also attacked and looted.

(13) Mr. R. V. Selladurai, who described himself as a retired Trade Unionist, of Nattarampotha started animal husbandry and a poultry farm in 1971. On 1 acre 17 perches of land he had 3 cows, 30 rabbits and 508 birds in August 1977. On 19th August, at 9.30 a.m. he saw 12 persons carrying long sticks on which barbed wire had been wrapped going to Gnanendram's house: they were joined by 40 others from Mahawatte Colony and they attacked and looted that house. They next attacked the witness' house and looted it. He lost Rs. 17,574 worth of jewellery, cash, etc. He made his first complaint on 29th August to the Army at Trinity College. The names of the first 12 persons he saw were given by him and his witnesses to the police on 13th September. Only after 3½ months did the Menikhinna Police take action. He had raised a loan of Rs. 5,000 from a bank to start his farm and although he asked for time to settle it he was not given time.

(14) A. Subramaniam and his family had lived in Pallekelle for generations. On 18th August night he heard shouts when a neighbour's house was attacked. His house was attacked next by a crowd who entered it. They took his sister's jewellery under threats, removed his belongings, set fire to his furniture. Mr. Samarasinghe took the witness into his house. 2 other neighbouring houses were looted. On the 19th the looters returned and removed more goods. On the 20th a Police jeep took the witness and his family to St. Sylvester's College.

(15) L. Sivanathan was living on the Pallekelle Division of Rajawela Estate. On the morning of 19th August, 2 line rooms were attacked: that night 40 to 50 persons from Pachakade Colony, which is close by, attacked the witness' line room and 10 other rooms and they left. It was the only line attacked, because it was on the village boundary.

(16) P. Suppiah was the proprietor of Kanna Industry, Kundasale, which employed 22 workers, all Sinhalese from the Colonies of Pansalwatte, Mahawatte and Arangala. On 18th August about 6.30 p.m. a crowd broke into the factory and assaulted him. He had 2 lorries : one was pushed down a precipice and the other was set on fire. The factory was looted and it was also damaged. His house was also looted.

The witness ran away with his family and returned on the 19th. He has closed down the business. His losses are about Rs. 98,000. The Police have instituted criminal proceedings.

(17) W. Parvathy of Galmaduwa, Kundasale had lived on a leased land of $3\frac{1}{2}$ acres for 15 years. She and her father had planted it, dug a well, built a house and run a dairy and poultry farm on it. Her brother Poosalingam and his Sinhalese wife Elizabeth also came to live there after their father died in 1966 : they kept a cow and goats. Her sister Vissalatchi lived on $\frac{1}{4}$ acre close by. All 3 families had young children. Early on 19th August some Sinhalese youths plucked some young coconuts on her land, abused the witness and went away. A series of invasions by groups followed. They looted her house, her cattle, poultry and Elizabeth's goats. In the evening they burnt her house and Visalatchi's house, and attacked Elizabeth's house.

On the 20th the Army took these unfortunate Tamils to the Trinity College Refugee Camp. When the camp was closed, they had nowhere to go and had nothing to call their own. The D.R.O. took them to their land, but the lessor would not let them stay there. So they went to Visalatchi's land, put up a tent and stayed there up to the time the witness gave evidence : but they had not received any compensation. They assessed their losses at Rs. 35,000. Even the witness' cow which the Department of Agriculture had loaned to her was removed by the Department, on the ground that she no longer had any land. This was the last of many blows which this unfortunate lady received, and it effectively prevented her eking out an existence, after she had lost everything else she possessed.

Mrs. V. Poosalingam Elizabeth, the Sinhalese sister-in-law of the last witness, stated that her husband died in July 1977. On 19th August a crowd stole one goat from her, then returned and burnt her house after looting it. She mentioned the names of the attackers when she made a statement to the Police. She has 4 children aged 18 to 4 and nothing else to call her own.

V. Visalatchi also gave evidence agreeing with what the 2 previous witnesses had stated. She said she has nothing left.

Katugastota

(1) Mrs. K. Subramaniam is the wife of the Assistant Postmaster, Katugastota. At about 9 p.m. on 18th August she saw a burning torch outside the window of her room. She next saw it being thrown into the room. She and her child went with her husband to the house of postal peon Wickremasinghe. Next morning she found her room completely burnt.

(2) On 19th August at 11 a.m. a curfew was imposed. Sri A. K. T. Chandrasekaram, Priest of the Katugastota Pillaiyar Temple, said that about 15 minutes later had bombs were thrown and his house was attacked; then the Temple doors were broken and bombs were thrown on its roof. He hid and watched while the attack went on. He saw Somasiri and 3 others (all of whom he named) continuing their foul deeds: they were living near by. While attacking the Temple they rang the Temple bell. He estimated the damage to the Temple at 2 lakhs and to two houses belonging to the Temple at Rs. 7,500.

(3) Mrs. N. Kumarajothi was living in a house next to the Sithivinayagar Temple at Katugastota. On 19th August, shortly after the curfew began at 11 a.m. a crowd attacked Dr. Kanagasunderam's house which adjoins the Temple, they then next attacked Mr. Muthu Reddiar's house. Both houses were burnt. They then invaded the Temple. They broke the statue, the altar and other articles; the statue of Ganadeviyo was removed from the Holy of Holies and dashed on the ground. Doors were set on fire. A second attack was made at about 1 p.m. and the rest of the Temple was destroyed. Her brother Shanmugarajah was attacked. Her house was burnt. She stopped a police jeep which came there and her family was taken in it to the Police Station. She gave the police the names of the attackers. Her father Mr. G. Karuppiyah said he owned the house in which his daughter lived. He found it looted and burnt. He lost cash and jewellery himself.

Mr. K. Shanmugarajah, son of Mr. G. Karuppiyah, said that he was hit with clubs and stripped by the crowd. He mentioned the names of his assailants to the Police, who took him to a refugee camp.

(4) Mr. P. Muthu Reddiar, already mentioned, said that on 19th August a crowd looted his house and set it on fire, also his daughter's house, and another house that he had rented out. His losses were Rs. 77,000, his daughter's were Rs. 52,000 and his rented house was damaged to the extent of Rs. 15,000.

He was the caretaker of the Sithivinayagar Temple. The damages to it were 2 lakhs and it had to be abandoned.

(5) Mr. R. Nadarajah stated that he was living in Katugastota on his land which had a mixed plantation. At about noon on 19th August, while the curfew was on, a crowd stoned his house. He ran away to a neighbour's house with his family. His own house and his neighbour's house were broken up. The crowd then went to the house of Mrs. Sellamma Ponniah which was close to his house and attacked that.

(6) Mrs. Sellammah Ponniah stated that she had been living in Katugastota with her family since 1948. When the crowd attacked her house at about 1.00 p.m. she and her daughter were taken by a neighbour, Mr. Silva, into his house. Her house was looted and burnt.

(7) Dr. V. Kanagasunderam was attached to the Katugastota Hospital. At about noon on 19th August he and his brother-in-law met a crowd which attacked both of them. When the two of them went to the witness' house, the crowd attacked and looted it and attacked them both in a neighbour's house to which they went for refuge.

(8) Also on 19th August during the curfew, in the afternoon, Mrs. Janaki Arunasalam's house in Katugastota was attacked by a Sinhalese crowd and looted. She gave the names of the attackers to the Police.

(9) Mr. Michael Joseph traded in cotton waste which he bought from powerlooms, including the one at Polgolla, near Katugastota. On 18th August he went to Polgolla for that purpose and was asked to come on the 19th. When he did so, he was asked to go to the office. On his way there he met a clerk Karunatilaka and a labourer Ranasinghe and the former asked him if he was a Tamil and hit him in his stomach, while the latter also hit him. When he fell, they kicked him. He ran to the Stores and complained to the Storekeeper Stevens who asked the 2 assailants why they acted in that way: those 2 and 2 others told the Storekeeper to send him away as he was a Tamil. The witness then ran towards the office and then to the main road, pursued by 4 others, who then assaulted him and stole the money the witness had brought to buy cotton waste.

A boy who was in a house adjoining the office invited the witness inside for his safety. A crowd of about 15 persons told the lady of the house (a witness, Mrs. de Niese) to turn Joseph out and stoned the house. Mrs. de Niese agreed to send him out on condition they did not assault him.

Mr. Joseph came out of that house and was chased by the crowd which was waiting there for him. In that crowd was one Gunasekera, Assistant Manager of the Powerloom, who had also spoken to Mrs. de Niese while Joseph was sheltering himself in that house. Joseph ran and was pushed by the crowd into the water near the Polgolla Dam. When he came out and

waited for a bus, the crowd assaulted him. Eventually he reached his house at Galigamuwa on the 20th night. I omit some of the shocking details of the treatment he underwent.

Mrs. de Niese in evidence spoke of the screaming crowd who demanded that the Tamil be put out of her house, she mentioned that when she asked Gunasekera what the trouble was, he demanded that she put the Tamil out and if she did not he would damage her house. A clerk at the Powerloom undertook to see that there would be no trouble, so she asked Joseph to leave and gave him a sarong to wear over his torn clothes—torn by the screaming crowd who were out for his blood. The clerk took charge of him, but the crowd pushed him into the water.

Gunasekera's conduct in demanding that Joseph be put out of that house in that situation, with the threat he uttered if Mrs. de Niese failed to do so, is disgraceful. He showed himself to be unfit to hold any position of responsibility. He joined the unlawful assembly and shared its common object. I reject his evidence in which he denied that he played any part in this criminal enterprise.

(10) Mr. Ivor Murugupillai who was Senior Medical Laboratory Technologist, General Hospital, Kandy, was residing at No. 128, Watapuluwa Housing Scheme, Kandy (near Katugastota) in August 1977. He has died since he wrote a letter dated 27th May, 1978, to the Attorney-General in which he described what he and his family underwent on 18th and 19th August, before he had an opportunity to give evidence. The letter was forwarded by the Attorney-General to this Commission: it showed that the writer wished to give evidence before the Commission.

It is stated therein that on the 18th night a gang broke into his house and partially wrecked its contents. In spite of the curfew which was in force on the 19th, his house and other houses in that quarter were again attacked at about midnight and the attackers removed everything they could lay their hands on. When the Police were informed, they replied that they had no vehicles in which to reach the scene. He complained that although he made a lengthy statement to the Police, he was not given a copy of it in spite of many requests for it.

(11) A. Manickarajah lived and traded in gunny bags and bottles at Devi Stores, Katugastota Road. He stated that on 18th August morning a jeep with the words "we must kill the Tamils" written on it in tar passed his house. It was an Agricultural Department Jeep. 2 men later told him to close his shop but he refused. When he was going to the Kandy Police Station that evening he saw refugees in 5 or 6 trucks coming from Dambulla to the refugee camp at the Pillayar Temple. That night he went to Ampitiya by taxi. 2 persons, Lakshman and Srimath, attacked the taxi and the witness was robbed of Rs. 50 and his wrist watch. He complained

to the Kandy Police. On the 19th his shop was looted. In Trincomalee Street, Kandy, he saw a mob damaging the Kanthasamy Tyre Stores and stealing tyres; they also looted the Maharani and the Gowri Stores. During these incidents the Police merely looked on. He said that articles worth Rs. 10,500 were stolen from him.

(12) Mr. S. Kulasekaram who lived at 212/20, Katugastota Road, was employed in the Inland Revenue Department. On 19th August at noon a crowd came towards his house, so he and his family left it and went to their neighbours. When they returned after 20 minutes they found that everything had been smashed up or stolen. They lived in a refugee camp for 10 days.

(13) Mr. S. R. S. Reddy is a proprietary planter and trader who lived near Nugawela on the Kurunegala Road, about 6 miles from Kandy. He owned the Nugatenna Tea Factory, which was there. On 19th August he was travelling in his car towards Kandy and did not stop although there were groups of people who tried to stop him at Nugawela and Katugastota. He reached Trincomalee Street and saw the looting of shops and went on to the Police Station. Superintendent of Police, Shanmugam, gave him a Police sergeant to escort him back to his house at 3 p.m. When he arrived there he saw his house being looted and burnt.

He returned to Kandy and told Mr. Shanmugam that his tea factory was going to be burnt; and $\frac{1}{2}$ hour later he learnt that it had been burnt. He estimated his total losses at Rs. 753,286.30: after deducting the value of the Insurance Policies, his net loss was Rs. 641,786.30.

(14) Sebastian Reddy, the son of the last witness, stated that he was in his father's house on the 19th morning with his mother and brother. A curfew was imposed from 11 a.m. While they were at lunch he heard the windows being smashed. He went out and spoke to the crowd that had gathered: 50 to 60 persons were shouting and they threw stones at him. They then entered the house saying "The Chief Incumbent of Naga Vihara has been murdered and none of you will be spared". His brother was assaulted: the crowd smashed everything. Some villagers came to his rescue and fought with the crowd, they then ran away. $\frac{1}{2}$ hour later the crowd returned with weapons and the villagers fled, while he was assaulted.

(15) Miss. K. Mahalingam of No. 19, Katugastota Road, said that at about 6.30 p.m. on 19th August, a crowd of about 50, among whom she recognized 2 brothers Upali and Kaluputha, came to her house and removed all her jewellery, sarees and other valuables. She and her mother were attacked: she was hit with a stick, round which barbed wire had been wrapped. Articles worth Rs. 28,000 were stolen.

(16) Mr. Thiagarajah is a goldsmith of Werellegama. On 19th August a crowd attacked his house and set fire to it. He said he identified 4 persons of that area, viz.: Tilage, Kulatunge, Jinne and Podi Nilame among the crowd. His loss amounted to Rs. 129,000. Goods worth Rs. 1,000 were recovered later. He had not heard of any action having been taken against those men.

(17) Mr. A. G. Manuel was living in Katugastota on 19th August. When he was at home that morning he saw a crowd of about 100 persons approaching his premises. He ran out with his family to a neighbour's house from where he heard the sound of his house being attacked. Everything was smashed, his animals were attacked and injured, some were burnt alive and his dog was killed. At about midnight he went to the Police Station and made a complaint. He mentioned 17 attackers by name. A High Court case is pending in this connection. He estimated his losses at Rs. 72,000, including the value of his wife's jewellery.

Peradeniya

(1) Angamma, wife of Suppiah, lived in Mahakande, Hindagala. On 19th August at about 1 p.m., she took refuge in a Sinhalese house. A crowd went to her house where her husband was and assaulted him. They damaged the house. Her husband was taken to hospital on the 20th and he died on the 21st. Goods were stolen from the house, which she said were worth about Rs. 25,000. She mentioned the names of 3 assailants of her husband.

(2) M. P. Suppiah is a jeweller who had his business at Brownrigg Street, Kandy, and was residing in Augusta Road, Peradeniya. He was at home on 19th August at about 10 a.m. when stones were thrown at it and a little later a crowd of about 200 men, women and children came there shouting that the Tamils must be killed. He took his wife and children to one Gurasekera's house. The crowd broke into his house and removed all his belongings. He did not identify anybody. His losses were assessed at Rs. 64,020.

(3) M. Sinniah lived in a Government house at Ganoruwa, Peradeniya. On 19th August a crowd which had attacked other houses there came and damaged some of his belongings. The Army took him to Kandy. On the 20th his son informed him that his house had been looted. When he went back to it after 8 or 9 days he found it had been burnt.

(4) Mrs. L. Shanmugarajah was living in Peradeniya Road, Kandy, with her children, while her husband was Head Clerk of Hunuwella Group, Opanaika. On 18th August at about 8.30 p.m. a crowd came up to her door and demanded that it be opened. When she opened it they asked for

Rs. 500 and she gave them Rs. 50 and they left. On the 19th morning an armed mob came and broke the door and windows. She and her children ran through the back door and took refuge in a Sinhalese house and from there they went to a refugee camp. When she returned to her house on the 31st she found that everything had been stolen.

(5) Dr. R. Narendiran was a Lecturer in the School of Veterinary Science, Peradeniya University. He is a Ph.D. and M.Sc. In August 1977 he was staying in Pilimatalawa, 2 miles from the University and $\frac{1}{2}$ mile from the Theological College with his wife, son, 2 brothers and old lady. On 19th August he had begun his morning lecture when he was informed that his house was being attacked. He went to the Peradeniya Police Station, picked up a Sub Inspector and a constable with a revolver and Sten Gun and drove to his house. He found it had been looted. His wife and the other occupants had gone to the Theological College. One Sarath Karunaratne gave him the names of those who led the looting and the witness conveyed that to the Police, but they refused to take any action or to guard the looted house. He interviewed Superintendent of Police, Shanmugam, who referred him to Asst. Superintendent of Police, Seneviratne. From his house (to which he returned with his 2 brothers and 3 students) the witness saw buses being stopped and Tamils pulled out and assaulted and stripped. At about 1.30 p.m. a mob of about 50 came towards his house, led by one Jayasinghe, carrying clubs with spikes fitted at right angles. They yelled for the witness and the witness and the 3 students ran. The Grama Sevaka refused to give them refuge. They reached the Theological College where the Bishop of Kurunegala was staying. The Bishop and Rev. Soma Perera, Principal of the College, left by car but returned, as the curfew was on. The Bishop then went by car to Peradeniya Police Station, from where a jeep with 2 constables armed with rifles arrived. The jeep left. Now follows an almost incredible, though I have no doubt a true account of what happened thereafter. The mob advanced and argued with the 2 constables. A Trinity College Bus then came with soldiers, who arrested 12 rioters. All the Tamils and the 12 rioters were taken to the Theological College. There the bus driver argued with the soldiers. He was described as Banda, a brother of Navaratne (former Deputy Minister of Agriculture). In the result, the mob and the bus driver won; the rioters were released; the refugees and the soldiers went to St. Sylvester's College refugee camp, including the witness. The 2 constables presumably carried their rifles and walked back to the Police Station. The witness stated that nobody was administering the camp, so he and some engineers ran it. On the first day Muslim traders brought some bread; on the third day the Social Services Department officials arranged to supply food. On the fourth day the Gov-

ernment Agent, Mr. Damunupola looked at the camp from the gate. On the fifth day Mr. Damunupola said he would open the Trinity College camp and he did so. Some injured persons were sent to Kandy Hospital to have their wounds dressed; they returned within an hour saying that they were assaulted by a hospital attendant. The witness stated that he lost his unpublished Ph.D. thesis and some books. He resigned his appointment as he could not obtain quarters in the Campus. Some of his bulky furniture was recovered from various houses occupied by men who had been brought there under the Land Reform Scheme. The villagers of that area did not join in the looting. His total loss was Rs. 100,000 after deducting the value of some articles which were recovered. His opinion was that only Supdt. of Police, Shanmugam, was concerned over what was happening while the other police officers were smiling and in a gay mood.

(6) Mr. M. Kanagarajah Nayagam is a retired Bank Executive of the Hatton National Bank, Kandy. He has been a resident of Kandy for 40 years and is a keen Hindu social worker. He collected funds to build the Murugan Temple in the University Campus at Peradeniya. He helped refugees in the disturbances of 1958 and 1977 when they were given shelter at the Pillayar Kovil in Katukele, Kandy. On the morning of 18th August he heard rumours that the Naga Vihara, Jaffna, had been destroyed, Buddhist Priests had been killed, and mutilated bodies of Sinhalese had been sent in fish boxes. That evening he saw about 2,000 refugees in the Pillayar Kovil. On the 19th the number of refugees was about 5,000. Some had lost their houses and belongings. They stayed there till the 24th. Mr. Nayagam collected food and fed them, but some left Jaffna and other places, while others went to Trinity College, St. Sylvester's College or the Seminary at Ampitiya for refuge. On the 19th night he learnt of the destruction of the Kurunchi Kumaran Murugan Temple at the University and on the 23rd he visited it with the Police. He found that statues, images, the Priest's house, the peacock and the peahen had been destroyed. The oil lamps and many other articles in the Temple were also destroyed or stolen. He estimated that it would require 4½ lakhs to restore the Temple.

In his opinion no provocation had been given by the Indian estate workers for the attacks on them. He was aware that a worker had been shot dead by the Police at Devon Estate, Talawakelle, in May 1977. At or about that time the resident workers on Sanguhar and Delta North Estates were attacked and their lines looted and damaged.

Estates near Kandy

(1) Mr. Choksy led evidence of attacks made on some estates, which disclosed that, as in so many other instances, (1) there was widespread destruction of line rooms, many of which were burnt after being looted,

(2) the occupants were treated with cruelty, (3) the Management and the Police were often powerless against the attackers, (4) the curfew was ignored, (5) the attackers were invariably colonists and villagers living in the vicinity, who were able to make successive attacks, (6) one of the objectives was to compel the workers to leave those estates. He first called witnesses to speak to what took place on Uduwela Estate.

(2) Mr. K. Sundara Moorthy was Schoolmaster of that estate and had lived there in the Middle Division since 1961. There were 4 Divisions, each with lines for resident workers. On 19th August at 9 a.m. neighbouring villagers stole fowls from the resident labourers. At 11 a.m. a curfew was declared, so the labourers returned to their lines. A gang later came from Uduwela Udagama village shouting "Tamils must be killed". They included men resident labourers led by Wilbert, watcher in the Middle Division, who lived in that village. The witness' door was broken open and he and his daughter were cut by Wilbert: the gang looted his house. The Police arrived at 5 p.m. and the witness went with them to the Hospital.

(3) Miss. K. Rajeswary, also a teacher on that estate, lived with the last witness. She said that goods belonging to him were stolen. 2 or 3 lines were attacked on the 19th and 12 or 13 lines were burnt on the 20th.

(4) Mr. Devadasan, a teacher who was living in the Middle Division, said that he informed the Senior S.D., Mr. Weerasekara, of the attack on the Schoolmaster's house, and Mr. Weerasekara told him that the Police had no vehicle in which to come to the estate. This is borne out by the Superintendent's affidavit: he is Mr. Ratwatte. On the 20th at about 11.30 a.m. a mob attacked the Middle Division. The Police did not come to the estate that day, although the labourers were attacked by the mob and lay bleeding. Seeing what had happened on the 19th, it is surprising that the Police did not patrol that estate on the 20th or even placed an armed guard there. This witness stated that after the attack on the 20th, he ran to Galaha Group and stayed there for 2 days. There were no incidents there, because the Police had arrived there promptly.

(5) S. Joseph, who had worked on the Lower Division of Uduwela Estate for 30 years related how about 500 persons from the village attacked it on the 19th and broke into the line rooms of the Tamil workers, while the lines of resident Sinhalese were not attacked.

(6) R. Velu, a worker in the Upper Division, also complained of line rooms there being attacked by Sinhalese from adjoining villages, on the 19th. He went to Galaha Group for one week and when he returned he was not re-employed; Banda, an estate watcher, was occupying his room. He complained that non-resident workers were being engaged in place of

the former resident workers, though he admitted that some Tamils had left the estate to go to other estates where more Tamils than Sinhalese were employed. A similar complaint was made by P. Veeriah of Urugala Division, whose line room was looted. He said that Sinhalese outsiders were being recruited in preference to the children of Tamil workers.

(7) Adjoining Urugala Division of Uduwela Estate is Meetiyagala Estate, Udawela—of 32 acres owned by one Nallathamby. S. P. Selvarajah, the Supervisor, said that he saw a crowd going towards Indurugolla Estate on 19th August at about 10 a.m. and returning with fowls and corrugated sheets. He also saw his uncle's house, which is near a colony, being attacked. The crowd then came to Meetiyagala Estate that day and the next day and attacked it. The rooms of 7 Tamil families were looted, while the room of the only Sinhalese family was not looted. The house and shop of Sithambaram Pillai who lived on that estate and ran a business were attacked and burnt, causing great losses. The witness stated that one R. V. M. Tillekeratne, who was a teacher in Puhuliadde School, was a leader of the lawless crowd. After these incidents the children of 25 families living on Uduwela Estate had not attended that school, considering what type of teacher Tillekeratne was. Another witness M. Weerappan of Meetiyagala also implicated Tillekeratne.

(8) Y. Anthony was general Kanakapulle on Hantane Estate which adjoins Uduwela Estate. On 19th August at about 9 p.m. the Quarters of Nagoor, driver Selliah and this witness were attacked by villagers living below the estate. They stole jewellery and other things. The Superintendent, Mr. Asirivathan, arrived with Army personnel when the witness raised an alarm; they patrolled the estate and nothing further happened. On the 20th, Hantane and Uduwela workers were in Hantane factory. A gang of villagers came on the road above the factory, but dispersed when the Army appeared. But they attacked and looted 3 line rooms below the factory including the witness, causing loss to him.

(9) Miss R. Thanam stated that her family owned Kahatagaldeniya Estate adjoining Uduwela Estate, for 100 years. Her estate is 8 acres in extent. On 19th August, at about 11 a.m. a crowd threw stones at her house shouting "You Tamils, run away", and damaged her house. They came from the adjoining village. They then broke the doors of her house and her sister's house, entered and looted them. Her family house and her uncle Balakrishnan's houses were burnt. She identified Martin, Batta and Ganitha as members of the crowd. She and the other members of the family now live in a small thatched house on their estate of 8 acres.

(10) The next four witnesses have spoken to incidents that occurred on Duncrub Estate, Alawatugoda. Mr. K. Dorairajah is a retired Assistant Commissioner of Emigration and Immigration who lived on and owned it. On 19th August at about 1.30 p.m. he heard stones falling on the line rooms and saw labourers running about. A mob then looted their lines. 15 minutes later his house was attacked and looted. Next morning he learnt that the factory had been looted and damaged on the 19th night.

He assessed the damages to his house at Rs. 12,000 and to the factory at Rs. 40,000. R. Karupiah, the caretaker of the bungalow, said that a mob of 25 to 30 persons attacked it, including Ariyadasa, Kalu Malli, Saban and Heen Banda. Mrs. Rajani Eswari Kumari, daughter of late Mr. Navaratnam of Duncrub Estate, was teaching in a Muslim School at Alawatugoda. She had a small infant. Hearing of an impending attack, she collected some articles and left her house. She first went to the Sinhalese Teamaker's house, then to a Sinhalese labourer's house and then to a paddy field where she spent 2 days finally, she went to a Muslim Schoolmaster's house. Her house and the factory were burnt and her belongings stolen.

(11) S. M. Kadiravel Subramaniam who was in charge of Dankotuwa Estate, Alawatugoda, agreed with the accounts of the previous 3 witnesses as to what happened. The factory on that estate was damaged and the tea and other contents of it were burnt. He identified Somaratne, Marikkar, Iqbal and Pasi as some members of the mob that did the damage.

(12) This seems to me to be an appropriate place to refer to the evidence of Mr. M. K. Suppiah, Industrial Relations Officer of the Ceylon Workers' Congress, for whom he had worked for 26 years. He stated that the incidents of 1977 were 4 times as bad as those of 1958.

In March 1977 Choisy Estate, Pundaluoya, was attacked by outsiders claiming to be a Committee headed by Mr. Weerasekera, M.P. for Kotmale. The workers were chased out of the estate, and the Committee divided the estate calling themselves the People's Committee. The same fate overtook the workers of Balapokuna Estate, which was close to Choisy Estate. The Ceylon Workers' Congress intervened and it was agreed that the workers would be re-employed. They were, no doubt, Tamils. The workers were similarly ousted from Dartry and Orion Estates in the Gampola District and from Moolgama Estate. In May 1977 workers were ousted from Sanguhar and Delta Estates, the object being to distribute those estates among Sinhalese colonists. Other estates where workers were treated in the same lawless manner in 1977 were, according to the witness, Uduwela in Kandy and Karandupona in Kegalle.

He complained that politicians were involved in these unlawful acts and public vehicles were used by them to transport villagers to the scene of the disturbances. The Police took no action inspite of having been given

prior warning by the Congress. I was informed that it was only after this witness gave evidence, that Court proceedings in respect of the Sanguhar disturbances were instituted.

He pointed out that the Congress was not a communal body. It had 50,000 Sinhalese members out of a total membership of 400,000. Its political wing was represented by Mr. S. Thondaman, M.P. It made no demand for a separate State for Tamils, but it did demand human rights for plantation workers, a solution of the language dispute, citizenship rights and better provisions as regards employment and education for the workers.

He attributed the disturbances of 1977 to 3 causes: (1) The villagers though that they could get possession of the estates if the Tamil workers were chased out, (2) jealousy felt by Sinhalese against the traders of Indian origin up-country, (3) promises made by rejected and defeated politicians of doubtful honesty belonging to the previous Government, who promised the masses that they would obtain land and other benefits for them. Relating his experiences on a journey by bus from Colombo to Kandy, he said that he left Colombo on 19th August. At Galigamuwa he was pulled out, stripped down to his underpants and robbed of his documents, wrist watch and wedding ring.

At Kegalle, where the bus halted, he saw armed but inactive policemen looking on at active mobs. At Pilimatalawa railway crossing he was again taken out of the bus, assaulted, stripped and told to walk. A householder gave him a sarong, but was threatened if he gave the witness shelter. So the witness walked through fields and when he was walking along the road a police jeep gave him a lift to the Peradeniya Police Station and then to Kandy Hospital. He disliked the atmosphere in that Hospital, so he left it in the 20th morning.

He suggested the following remedies to avert a recurrence of such incidents:

(1) Equal opportunities of education, employment, etc., to Indian workers; also the grant of citizenship after long residence, (2) equal rights in the distribution of lands, (3) avoid breaking-up estates which would result in the displacement of resident labourers, (4) avoid setting up colonies close to estates, (5) appoint and absorb into the police and public departments more persons of Indian origin, who could help their fellow-nationals during troubled times.

Wattegama

(1) Mr. V. P. Subramaniam belonged to a family which owned land in Kandy since 1899. He established his business in Wattegama in 1964; and in 1977 his stock in trade was worth 8 lakhs and insured for 3 lakhs. His business was the biggest in Wattegama and the building which housed it was worth 2 lakhs and belonged to him. It was attacked on 19th August at 7.30 p.m. although a curfew had been declared at 11.00 a.m. At about 6.00 p.m. he heard a whistle, the lights in the town went out, crowds surrounded the shops and houses and threw stones at them. He said he saw 3 shops in Udurawana Road on fire. A jeep and a car stopped opposite his shop, a big crowd gathered and bombs were thrown into it. The attackers were Sinhalese.

On the 20th morning he went to the Police Station and a constable told him that if the police had open fire the crowd would have burnt the Station. He lost one million rupees. His opinion was that business rivalry was the cause of the attacks. His shop was in front of the Police Station where there was an O.I.C., Sub Inspector Wijesinghe and about 25 constables. There were about 54 Tamil shops in Wattegama and all were looted and burnt, causing losses of 75 to 80 lakhs. Looting continued on the 20th morning. He said he saw one Cyril Fernando looting when he was on his way to the refugee camp in Kandy.

(2) Mr. N. Rajendran was a trader of Wattegama. He stated that on 19th August he heard a gun shot, after which a crowd of 25 to 30 persons came from the Maha Vidyalaya, threw stones at a row of 12 Tamil houses behind the Police Station (known as Marie lines), threw stones at his house breaking the doors and windows and looted and burnt his house and his shop. His losses were Rs. 115,000 on his house and Rs. 35,000 on shop.

(3) Mr. P. Thamotherampillai had a business in textiles there since 1947. He too referred to a crowd gathering at Balika Maha Vidyalaya, a whistle being blown, the lights failing. His shop was attacked, among about 50 Tamil shops, that evening. The police took no action. His loss was Rs. 75,000.

(4) Mr. P. Mutthiah was a textile manufacturer who ran a handloom industry which employed 70 Sinhalese girls trained by him. The annual turnover there was 5 lakhs. He also ran a textile printing workshop which employed 20 Sinhalese girls, the annual turnover of which was 3½ lakhs. The weaving and sales centres were within 50 yards of the Police Station.

Despite the curfew from 11.00 a.m. on 19th August, crowds gathered near the Maha Vidyalyaya amounting to about 200 persons. When the police were informed, they replied that they were helpless. 2 persons were burnt alive in the fires that were started. He stated that 27 iron safes, including his were stolen and forced open. Even on the 20th, when there was a whole day curfew, looting continued.

His losses were assessed at 2½ lakhs.

(5) Another trader Mr. M. Arumugam who had lived there for over 25 years owned a shop called Sivalingam and Co., which dealt in hardware. It suffered the fate of so many others and his loss was estimated at 3½ lakhs. He complained that on the day he gave evidence before the Commission, 17th July, 1978, Cyril Fernando, who has been mentioned earlier, told him "If you want peace it will be peace, if you want war it will be war". He understood those words to contain a threat to him if he gave evidence implicating Fernando.

(6) Mr. M. Vaithilingam had a shop "Sri Ramajayan Stores" in Udurawana Road. His shop and house were attacked on the night of 19th August. He stated that when he was hiding behind his house Cyril Fernando, Cyril Natani, Lawrence, Senani and 4 or 5 others came there. He heard the words "All have vanished. We will carry on with our work". He assessed his losses at Rs. 120,000.

(7) A. Karupanapillai was a pawnbroker and textile dealer in Main Street; he also dealt in jewellery. His shop was attacked on the 20th at 6 a.m. and by 10.30 a.m. it had been looted.

(8) M. Subramaniam had a shop in Main Street where he sold sundry items, and he lived in the same premises which are about 20 yards from the Police Station. His shop was looted, and so was his house, while his iron safe was broken open on that night of 19th August. He estimated his losses at Rs. 135,000.

(9) S. R. Doraisamy had been trading in Wattergama since 1939. He closed his shop "Ceylon Kambili Stores" early on the 19th owing to the curfew. That evening his shop was one of those attacked by crowds, who looted and set fire to it. On the 20th morning he went to the Police Station and asked for protection; he then saw looted goods being removed in lorries and vans. He went to a refugee camp. His losses were assessed at Rs. 197,500.

(10) A. M. Nadesan had a shop "Mohanraj" in Kandy Road. He complained to the police about the behaviour of the crowd of about 300 on the evening of 19th August. The police replied "They are hooting at us. What can we do?" The rowdy elements were roaming about on the road in spite of the curfew. He saw his shop being broken into. Valuable goods were stolen from it. No summons in any case had been received by him at the time he gave evidence. His losses were assessed at about Rs. 52,000.

(11) M. Thailapillai owned Thanalakshmi Stores and Selvarani Stores which were attacked on the 19th. His safe was broken and left in the back yard of the Police Station. His damages were assessed at about Rs. 155,000.

(12) Y. Nadesapillai was the owner of several businesses at Wattegama. They were all looted and he said his losses totalled Rs. 365,850.

(13) V. Feriyasamy had a shop there from 1963, which was broken into and looted on the 19th evening. The entire stock of textiles, 3 sewing machines and his iron safe were taken away. When the mob came, he stated, the police ran away. His loss was Rs. 27,000.

(14) P. Sukumaran was a trader whose grocery store was looted. He said he suffered losses amounting to Rs. 90,000.

I have given the list of the evidence of the many witnesses who came before the Commission. At the time of their appearance, they appeared to be still in fear and anxiety, though one year had elapsed.

Madulkelle and Panwila

(1) S. Sandanam was employed as a night watchman in the Lift Irrigation Farm Unit of the Irrigation Farm Unit, Rajanganaya. He was a permanent employee of the Irrigation Department. On 17th August, a lorry load of about 10 to 15 persons came to his workplace and called out to the Tamils. Through fear he jumped out of the machine room in which he was and the intruders caught him and assaulted him. He escaped from them and spent 3 days in the jungle. On the 23rd he complained to the Panwila Police. He asked for a transfer but was refused it and he is now employed as a casual employee in the P.W.D. on a daily paid basis.

He seeks reinstatement in his former post, but in a different area. His request deserves careful consideration.

(2) P. Balasubramaniam of Tawalantenne, Panwila, ran a boutique there. On the night of 19th August, stones were thrown at it and a crowd attacked it. He stated that he identified 6 persons whose names he mentioned in his statement to the Panwila Police on 24th. When he ran out of his boutique they set fire to it. He estimated his losses at Rs. 60,000.

(3) S. Mailwaganam was resident-labourer on Glaston Division, Galpilla Group, Panwila, for over 30 years. On 19th August at about 8 p.m. he stated, stones were thrown at the line-rooms. A crowd which included Bodidasa Kangany and his son Jayaweera attacked 15 families. The other 2 Division of the group were also attacked. Bodidasa was arrested and bailed out and employed again in spite of protests in writing made by the Ceylon Workers' Congress to the Superintendent: the protests evoked, I was told, no response.

Huluganga

S. P. Palaniandy Pillai is a trader of Huluganga who ran Jayalakshimi Stores there, Subramaniam & Co. in Kandy, and a transport agency. He stated that on 18th August at about 5.30 p.m. Tamil shops in Yatinuwara Street, Kandy, were attacked. On the 19th morning gangs attacked his shop, Subramaniam & Co., in that street. The police were there with rifles but did nothing. On the 20th, he went to the Kandy Police Station to complain, but they would not record his statement, and told him to complain to Amirthalingam. The witness' Agala Estate of 25 acres had a house on it which the villagers set on fire. His total losses were Rs. 33,983. He said that O.I.C. Deheragoda of Panwila did good work and saved the Tamils. On the 24th he made a statement to the police.

Teldeniya, Rangalla and Medamahanuwara

(1) S. Rajagopal was a trader doing business at Teldeniya and Urugala. On 18th August he came to Kandy, but as disturbances had begun he returned at once to Teldeniya and then to Urugala where he lived. On the 19th morning when he went to Teldeniya he saw about 15 Tamil shops including his own broken into and looted: that had happened on the 18th night. All those shops were only about 200 yards from the Police Station. The lorry belonging to the firm of Vythilingam Pulle, which had been parked opposite the Police Station on the 19th, was set on fire while the curfew was in force. He stated that Urugala was the scene of many incidents on the 19th night, even when armed policemen were present. 3 Tamil houses were attacked, but the policemen who were only 300 yards away took no action. At about 5.00 p.m. that day when a crowd approached the town, the Police fired in the air and the crowd ran away. But when they came again at 7.00 p.m. nothing was done to disperse them. The witness' shop at Urugala was attacked, in addition to 5 other Tamil shops. They were looted and damaged. The Police Inspector told the witness he could not save his shop and advised him to run away and save his life. The witness assessed his losses at Urugala at Rs. 40,000 and his losses at Teldeniya at Rs. 17,828.

(2) M. K. Perumal is a cultivator at Dunumila in the Teldeniya area. He owned 12 acres of which $9\frac{1}{2}$ acres were cultivated by him. His children were educated in Sinhala. On 19th August, about 10 to 20 persons came to his house, damaged it and took away all his possessions including his gun. He said that they came from adjoining villages, and 8 of them were known to him. The witness had jewellery made for his 2 unmarried daughters, and the attackers knew that. He complained to the Police on the 25th.

(3) P. Manickam owned and cultivated a small-holding of 3 acres in Kengalla, 4 miles from Teldeniya. It was his sole means of livelihood. Twice in one day crowds attacked his house and looted it. He informed the Police on 21st August; and when he was returning home after making his complaint, 2 persons came and set fire to his house.

He mentioned the names of 7 attackers to the police, but got back nothing of his stolen possessions.

He stated that other Tamil houses in that area were looted and burnt and several small-holders have abandoned their holdings and left, although they had lived there for several years like the witness' father who was the Village Headman there.

(4) Mr. P. Suppiah is a trader doing business at 176, Colombo Street, Kandy. He lived in Kengalla. On 19th August at about 6.00 p.m. about 75 persons came to his house shouting threats. He mentioned the names of 7 of them. He informed the police about this on 23rd August, stating that his house had been set on fire by them after they looted it. 3 or 4 other Tamil houses near his were also attacked.

(5) Mrs. Rajeswari Sithambaram was living on Moragolla Estate, Medamahanuwara which is $7\frac{1}{2}$ acres in extent. She also had a dairy there. On 19th August, she saw 2 lorry loads of people going to her neighbour Ponnambalam's house and attacking it. She was not in her house at the time. Before she could return home, she saw 3 persons entering her house. They looted it and set fire to it. They next assaulted her and took her jewellery. She knew the persons involved as they lived 300 yards from her house. Her cattle shed which cost Rs. 3,000 to build was burnt.

Owing to the experiences she went through, she and her family have settled in Trincomalee.

(6) M. R. Subramaniam, a Kangany on Cottangange Estate, Rangalla, said that on 19th August at about 4.30 p.m. a crowd of about 200 persons from Galaboda Village attacked the houses of several Tamils. Not a single Sinhalese house was attacked. He stated that Cyril Rajapakse, a

Supervisor on the estate, led the attack; he mentioned other who took part in it. A second attack was made that night by another gang and a third at about 2.00 a.m. on the 20th.

(7) T. Veilayan had lived on Woodside Estate, Medamahanuwara, since birth. On 19th August, 50 or 60 persons from the Colonies assaulted him and he regained consciousness only on the 22nd. His shop was burnt, all his goods were stolen from his line-room and he is now unemployed. He has a wife and 5 children, 3 of whom are working on the estate and supporting him. He said his losses amounted to Rs. 19,000 including the jewellery stolen.

(8) N. Thangarajah lived on Duckwari Division of Duckwari Group, Rangalla. On 19th August, he was running a grocery shop in Rangalla Bazaar, and he went to Teldeniya to purchase goods for it, taking Rs. 500. He found that Tamil boutiques there had been burnt, and he was returning by bus when he was attacked by Sinhalese who stole his money. The police arrested 2 of them. When he reached his shop, he found it had been looted.

(9) K. Velu was working on Duckwari Group on 19th August, but labourers were ordered to return to their lines at noon. He saw about 75 to 100 persons coming from Galabodawatte and Werapitiya villages and attacking 40 line-rooms. The police came there only on the 20th. Earlier, about 20 persons came and damaged line-rooms and stole all the fowls on Loigama Division on which the witness lived. The police who came during the attack arrested 4 persons.

(10) R. Thanaletchumi, aged 18, also worked on Loigama Division and lived with her parents. On 19th August, she saw persons coming from Galabodawatte Colony. They attacked her line-room, and 6 men carried her to the tea bushes and raped her. She complained later to her mother. The police were informed on the 20th and they came and recorded her statement. She was admitted to Teldeniya Hospital.

A prosecution was filed in the High Court of Kandy. I was informed that 4 accused were convicted of rape. It is gratifying to record that cases filed in that Court over the communal disturbances were dealt with speedily.

(11) V. K. Gopalasingham of Nagakumbura, Kengalle, owned 2½ acres where he lived and worked on mixed plantation. On 19th August at about 1.30 p.m. a crowd attacked the village and his house as well as about 15 other houses were looted and burnt. A large Tamil population which had lived there for generations have now left it and Sinhalese are now occupying these lands. He stated that 2 persons, Annamalai and Velu Savar, were killed by that crowd.

(12) Mrs. Govindasamy Gandhiwathy of Panjipitiya, Kengalle, is a widow with 10 children who was living on her land of $1\frac{1}{2}$ acres. On 19th August at about 1.30 p.m. a crowd looted and burnt her house.

(13) In the same village lived R. Kanakaratanam, whose house was also looted and burnt that day. He stated that a case M.C. Menikhinna, No. 44137 had been filed against 2 accused.

Hanguranketa, Hewaheta, Deltota, Galaha, Rikillagaskada

(1) S. Sivam lived on Ernest Valley Division of Hanguranketa Group with his wife and family. His wife was a teacher there. On 19th August at about 6 p.m. 3 young men came to his house and said they would not spare his life as their people were being assaulted in Jaffna. They whistled and a gang arrived. So he and his family ran away leaving the gang there to loot his house and other houses. When the Police arrived there on the 26th he made a statement to them.

(2) K. Sinniah was a labourer on the same Division of that Group. He said that the Group was attacked by persons from the surrounding colonies on the 19th evening: he was the Ceylon Workers' Congress leader on that Division and he informed the Estate Superintendent of the attack on the last witness' house, but the Superintendent (Mr. Percy Herat) took no action. The witness next saw about 150 persons approaching from Happuwela village: they attacked the lines next to the school teacher's house. The Superintendent went on the 20th morning to inform the Police. Another attack on 12 lines was made on the 20th about mid-day and finally an attack on 28 line-rooms. For 5 days thereafter over 200 workers stayed in the factory through fear. No line-rooms occupied by Sinhalese workers were attacked.

(3) P. Ramasamy was a worker on Wilbassa Division of the same Group. On 19th August at about 7.30 p.m. about 18 persons broke into his line-room and looted it. He mentioned the names of 6 persons who he identified. After they left, another gang came at about 9.30 p.m. and yet another at about 2 a.m. on the 20th. He and his family hid in the jungle and in drains. The Police came with the Superintendent afternoon on the 20th. Some rooms had been set on fire by the gangs. He said proceedings had been filed against some persons.

(4) S. Nallathamby was cultivating tobacco on a land of 7 acres at Happuwatte near Hanguranketa. On 19th August at about 5 p.m. a gang of about 50 persons attacked and looted his house and broke the walls. The tobacco which he had was heaped up and burnt. He gave the names of some of the attackers to the Police.

(5) Mr. S. Subramaniam was a teacher on Rutland Estate, Hewaheta. 20th August was the last day of the Temple festival on the Estate and he went to it at about 9 a.m. He said he saw about 40 persons, who were not workers on the Estate, coming out of the factory with the Superintendent, Mr. K. M. Ratnayake, a Conductor, Nanayakkara, 2 tea-makers and 2 supervisors: they assembled about 30 feet from the Temple. After the Superintendent and the other members of the staff left, the 40 persons went to the line-rooms carrying weapons and attacked them. When the witness ran to his quarters passing the house of a Supervisor named Nimal, the latter said "You Tamil, what do you say now?" and kicked him; and he and Supervisor, J. B. Dissanayake, hooted when the witness' house was attacked.

He complained to the Police on the 21st. 4 sets of line-rooms were damaged and looted.

(6) P. Ponniah, a worker of Rutland Estate, stated that on 18th August, a gang composed of persons from Daipe, Kalpe and Anguwela villages came to Katugala Division where he worked. They attacked the Temple there till about 4 p.m. He informed the Superintendent at 8.30 a.m. next day, but he took no action. The witness informed the Police on the 26th. As a result 2 workers Serugan and Muthusamy, who had bought tickets to go to India could not leave because their passports, etc., were destroyed.

(7) M. Suppiah was living on 2 acres of Kawatamana Colony which had been acquired 20 years ago by the Government from Rutland Estate. He planted tobacco on it and his was the only Tamil family out of 56 families in that Colony. On the night of 18th August his neighbour Gunatileke said he would protect Suppiah in spite of trouble elsewhere. On the 19th at about 11.30 a.m. Gunatileke came with about 50 others to the witness' house: they looted it and left. He informed the Police on the 20th and named 2 others who were in the gang. 3 arrests were made.

(8) P. Suppiah of Medagama Division, Bowlna Group, Deltota, stated that after the Estate was vested in the State, the entire Division of 250 acres with 130 resident-workers in 84 line-rooms was carved out and allotted to Sinhalese villagers by the previous Government. Only 4 or 5 Tamil workers were given lots of one acre per family. On 19th August 60 to 65 line-rooms on the Estate were attacked and looted and 3 cows were burnt alive. Among the attackers were persons who had been allotted land from the Estate. The resident Tamils were now unemployed. The Police had filed criminal prosecutions.

(9) P. Subramaniam of the Factory Division, Bowlna Group, stated that out of 5 sets of line-rooms in that Division, 2 sets containing about 32 rooms were attacked and the Estate watcher, Gunadasa, was among

the attackers. He identified others also whom he mentioned to the Police. A thriving estate had been reduced to jungle. 250 acres had been allotted to villagers in that Division, but they reside on land which they already owned. The witness was now earning about Rs. 2.50 per day plucking tea leaf.

(10) M. K. V. Sellathurai, a tobacco cultivator, said he was living with his father who owned 8 acres of tobacco near Deltota. On 21st August his house was attacked and damaged by Sinhalese who stole his belongings.

(11) R. Alagan of Upper Division, Ambalamana Estate, Galaha, said that relations between the Tamil and Sinhalese workers had been cordial for several years. On 19th August he went to his room because a curfew was on. Then about 300 persons from the surrounding villages attacked Selliah K.P.'s house: they next attacked the Hindu Temple and damaged some statues and removed others. The attackers included 2 Sinhalese kankanies and a conductor. They next attacked all the lines occupied by Tamils, looted and burnt them. 16 families who were ready to leave for India lost everything: their work on the Estate was stopped because their visas had expired: they had no means to rehabilitate themselves. The workers lost about 2 lakhs. The Lower Division was not affected because the villages were far from it.

(12) P. S. Shanmugam of Haloya, Nilambe, in Galaha was the retired Tea-maker of Wariyagala Estate, Galaha. He bought 3 acres near that estate and ran a dairy. His land was surrounded by Sinhalese villagers whom he knew. On 19th August about noon, line-rooms on Wariyagala were attacked near his house and Tamil workers ran to his house for shelter. At about 7 p.m. a gang attacked the witness' house and looted it. A case had been brought against some of them.

(13) Mrs. S. Nageswari, wife of Periannan Sivalingam, ran a shop in her house at Poramadulla, Rikillagaskada. Her husband was employed as a salesman in a Motor Stores shop in Panchikawatte. They had two children. On 17th August, she stated, a gang attacked her house and shop and looted them at about 6 p.m. causing heavy losses.

On 26th August she received a message that her husband was warded in the General Hospital, Colombo: he died on 27th August. His death certificate has been produced. She said she applied for compensation but had not received any. Her brother, P. Govindasamy, stated that P. Sivalingam had received burns when his (Govindasamy's) shop called "Alpine Stores" in Old Moor Street, Pettah, was set on fire on 24th August. He saw Sivalingam in Hospital critically burnt.

Kadugannawa

(1) K. Muniandy bought 2 acres out of Farm Group Estate, Kadugannawa, and resided on it and planted it. He also ran a poultry farm of 600 chickens and 800 laying birds. On 19th August at about 7.30 p.m. he heard voices and saw one Wije leading about 10 to 15 persons towards his house. They entered and looted the house, while another gang came and stole 150 fowls, wire mesh, chicken mash, his wife's jewellery and cash amounting to Rs. 2,700, they also smashed 3,700 eggs which had been packed.

He informed the Police and Wije and one Dharma (who cut the witness' son with a sword) were being prosecuted. His total loss was Rs. 35,000 and he finds it impossible to pay the instalments on a loan of Rs. 15,000 which he had obtained in order to start his farm.

(2) Wembly Estate, Watapola, is about 6 miles from Kadugannawa. 100 acres had been carved out of it for a colony for Sinhalese. On another 150 acres there were 50 Tamil families. On the evening of 19th August the Tamil line-rooms of the Estate were attacked by Sinhalese colonists and villagers who burnt 36 line-rooms. One of the residents of those rooms, Mrs. Selvarani Thangavel, hid in the jungle; she stated that she heard Ranasinghe, whom she knew, and another person saying that they had cut 2 persons and wanted to cut 2 more. Some hours later she saw her father-in-law dead, with his neck cut. Although the proprietor informed the Police on the 19th, they did not come there till 3 p.m. on the 20th. The workers had only temporary sheds now to live in.

(3) Also living on Wembly Estate, on a portion called Bambarakelle of that estate, was living the witness Mrs. Palaniamma Sivalingam with 6 other Tamil families. On the night of 19th August the houses of those 6 families were attacked, looted and burnt: on the morning of the 20th the witness' house was attacked and burnt. One Ranasinghe assaulted her mother and her brother and the latter died on the spot: he was the breadwinner of the family. The Police came there at about 1.30 p.m. and opened fire, but the gang escaped.

(4) Andiyagala Estate, Menikdiwela, formerly consisted of 350 acres: out of this, 323 acres were alienated to villagers and became Andiyatenna Colony. Although it had a Tamil labour force of 160 resident-workers, of whom 45 were Ceylon citizens, not one of them got any land from there although they applied for it. Consequently they had to seek employment in the adjoining villages and underwent hardship. On 19th August the colonists attacked the workers' lines and 3 sets of 38 rooms were burnt. The workers were housed in Kirimittia School for 4 months: thereafter

the Ceylon Workers' Congress found work for them elsewhere, and none of them are now on the Estate. Mr. Choksy stated that their ancestors had opened up those jungle areas and planted them, although they have now been driven out.

Ulapane

A. Ramiah, worker on Thambiligala Estate, Ulapane, said that there were 200 Tamil resident workers on it. They comprised 53 families which had been on it for generations. In September, 1976, an attempt was made by the Land Reform Commission to alienate the Estate to villagers and the workers objected. In July, 1977, the Government Agent undertook not to alienate the Estate. On 18th August night villagers attacked the lines and injured workers. Although the Police were informed of the trouble that day, they did not come to the scene. On the 19th afternoon another attack was made and the lines were destroyed. The police arrived at 6 p.m., in the sense that 2 policemen came and told the workers to gather in the school building, where they stayed for 3 days. Only 14 families were left because the others departed in fear.

Dolosbage

V. Pachchamuthu was a worker on Dotaloya Estate. He stated that on 19th August work was stopped on the Estate, because there was trouble on the adjoining estate. On the 20th morning he went to the Lower Division and a crowd which was near the Co-operative Store assaulted him. He could not identify any of them. They then assaulted the Estate driver, Marimuthu, and attacked his line-room. He complained to the Police who took him to Aranayake Hospital on the 21st evening.

I was informed by Senior State Counsel that the Police have not taken any action because the witness did not state who his attackers were.

Nawalapitiya

S. Sinnappan had retired from the C.G.R. and was living on a leased land near the Railway Station. On 19th August at about 2 p.m. stones were thrown at his house: at about 6 p.m. one Samaranayake, a railway porter, entered his house and assaulted him and his wife and snatched her thalikodi and chain. On the 20th at about 10 p.m. a C.G.R. gatekeeper, Sangadasa, one Sutha and others threw stones and assaulted his granddaughter.

NUWARA ELIYA DISTRICT

Nuwara Eliya

(i) Maria Soosai, a salesman at Selvam Traders, Nuwara Eliya, got married on 19th August. His brother-in-law Anthony Jebamalai had come to Nuwara Eliya for the wedding, and that evening he went to the town about $\frac{1}{4}$ mile away. When he was returning, he was stabbed when a crowd attacked him near the Kachcheri and the Police Station. The witness Soosai went with some others to the spot and carried the injured man to his house. He then telephoned the police, and asked them to take the injured man to the hospital: but the police did nothing, their excuse being that they had no vehicle or officers to send.

The injured man died shortly afterwards, and the witness made a statement next day to the police. There were witnesses to identify the assailants. The deceased left a widow and 5 children, of whom the eldest was 14 years old. The widow applied for compensation, but had not yet received any.

(2) P. Sithambaram was a labourer since 1944 on Ambewela Farm. There were 12 other Tamil families resident there. On the night of 21st August, while he was in his quarters with his family, they were attacked by a gang and had to run away. His son who had petrol thrown on him and was injured, but neither the Manager nor the Assistant Manager of the Farm transported his son to hospital or provided a vehicle for that purpose: they said that they had informed the police, but the police did not arrive for 3 days.

The witness had to walk to Warwick Estate and ask the Ceylon Workers' Congress Office in Nuwara Eliya to intervene. THE CONGRESS OFFICE telephoned to the Army who arrived after 3 days and took his son to hospital. The police arrived still later.

He had everything ready to travel to India, but everything was looted. He was not employed at the Farm after this incident, though he was living there, because the Farm Manager did not give him work on the ground that his Visa had expired. I took this matter up with the higher authorities who were considerate enough to direct that this witness be provided with work: I was glad to be informed that workers in a similar unfortunate position would be treated with equal consideration.

MATALE DISTRICT

Matale Town and District

(1) Mr. M. Thangarajah was formerly the Chief Clerk in the Office of the Assistant Government Agent there. He stated that on 19th August he was residing in Nagolla Road with his wife and children. At about 6.30 p.m. when the curfew was on, 25 to 30 armed youths came there, and smashed

the doors and windows. He ran to the labourers' lines, and from there he saw his belongings being taken away. He owned 2 houses, one of which was completely and the other partially burnt. His losses were estimated at about one lakh.

(2) P. Sandanam, a P. W. D. labourer of Mahawela, Matale, stated that on 18th August when he and his family were at home in the evening, a crowd of about 200 persons surrounded his house and called him and his brother out. When they went out they were assaulted, and fell unconscious. His pregnant wife was treated similarly. On the 20th he took her to hospital, where she had a miscarriage. His house was completely looted. He identified 4 assailants.

(3) There was a very grave series of offences committed at Kotagoda, near Matale, on the evening of 18th August. About 35 persons went to the house of P. Ramasami Pillai. He was hit and he fell down : his house was looted. His 6 daughters, between the ages of 27 years and 12 years, were taken to a jungle about 500 yards away and raped. He said that 8 or 9 men did that. He complained to the Matale police next day. 20 accused were indicted in the High Court of Kandy, and on 6th June, 1978, nine accused were convicted of rape and sentenced to terms of imprisonment ranging from 5 to 10 years. 11 other accused were convicted of arson and or looting.

(4) Mrs. Manonmani Nampath of Pallepola, Matale, said that she was living about 3 miles from Matale Town. On 18th August there was a curfew from 4.00 p.m. Her parents, brothers and sisters were with her. At about 8.30 p.m. about 12 persons wearing masks and carrying weapons entered her house, dragged her into the kitchen and 8 men raped her. She identified one of them as Gamini, but could not give the names of the others. She was in hospital for 8 days.

(5) Mrs. Natchiamma Somu of Asgiriya, Matale, was the mother of 5 children aged between 21 years and 9 years. Her husband was in the Merchant Navy. On the night of 18th August, her husband was at home and the family was asleep in one room. Some persons entered the room and shot her husband dead. Her brother Suppiah who was also in the house was also shot, and died that night. She did not identify the assailants. The Matale Police were informed, and a case was pending in the High Court of Kandy against some Sinhalese accused.

(6) Mrs. Maheswary Mariasengal, aged 17, stated that on 18th August, a crowd came in 2 lorries to her parents' home in Sellagamma, Matale, where she was also living. Her father ran out : he was caught and beaten. The rest of the family ran away. She heard a gun shot, and after the crowd left she returned to where her father was lying dead. Compensation has been paid to his widow and children.

(7) Miss S. Kamala Devi of Andawela, Matale District (17 miles from the town) said that 20 Tamil families were living there. Her family owned a cultivated extent of 106 acres. On 19th August, a large crowd attacked her parents' house. She knew 11 of the persons who damaged the house. They also attacked her sisters' and brothers' houses. 8 of the 20 Tamil houses were attacked. The Mahawela Police were informed.

(8) P. Ramiah was a labourer on Pansalatenna Estate, Matale. Adjoining it is the village of Pallegama. He stated that on the afternoon of 18th August, a gang of persons walked towards the line-rooms. They set fire to one Loganathan's boutique: they took Rs. 100 from the wife of Suppiappulle. They then entered the line-rooms, damaged and looted them and chased out the occupants. He identified one of the attackers as Appuhamy's son from Pallegama. The Police have filed cases against some of the persons.

(9) Miss Alaganselvi Valliamma was a worker on Hunasgiriya Estate, Elkaduwa, and also a leader of the Women's Branch of the Ceylon Workers' Congress in the Matale District. She had been employed there since 1962, and her parents had been there for 45 years. In 1971 the estate management proposed to construct a hotel there; but as it would have meant the demolition of line-rooms occupied by 32 families, the occupants refused to vacate them. Each family was given $\frac{1}{4}$ acre and Rs. 400 to build a house in settlement of the dispute, and the line-rooms were demolished. It was the first time any estate management settled Tamil workers in a colony on the estate.

On 20th August, morning, the witness saw the estate van being used to transport people to the estate from Mala Colony, and people going ahead of the van carrying weapons. Those persons first attacked the Hunasgiriya Division line-rooms, drove the workers out, looted them and set them on fire. They next came to the 8 acres colony mentioned earlier, where the witness was living, and attacked the houses on it and looted them. The occupants ran away: they returned when the Army arrived, and found all the houses damaged and 4 houses burnt. A labourer named Santhanam was found dead. Each family was given Rs. 450, but the workers could not reconstruct their houses, and so they live in cattle sheds, verandhas of line-rooms, and rooms of creches. No living quarters had yet been provided by the management. The 8 acres were not occupied as it is in jungle and not in a safe area.

The settlement of workers on their own allotments thus failed owing to the acts of the adjoining villagers. The management has, however, agreed to build quarters for the displaced workers in a different area. No criminal proceedings have been filed, according to information given to me by Senior State Counsel, as the assailants were not known or identified.

(10) At Ukuwela the Sri Subramaniswamy Temple was attacked by a crowd on 20th August. They damaged it, and looted and set fire the Priest's quarters. Mr. N. Thangavelu, President of the Board of Trustees, has described the incidents. The statues and the holy of holies were damaged. He said that he complained to the Matale Police on the 22nd and gave the names of some of the attackers. He estimated the damage at one lakh.

(11) S. Govindasamy of Ratwatte Estate, Ukuwela, said that on 20th August, at about 8 p.m. 50 Sinhalese came there and carried away poultry. Next night again about 8 p.m. about 100 persons attacked the Tea-maker's house and workers' lines, having come from neighbouring villages. About 26 line-rooms were affected, and the witness' room was burnt. The Lower Division, the Mooragala Division, and Ovilikanda Division were all attacked, and about 325 labourers suffered losses. Each family was given Rs. 550 by the management.

(12) Mrs. Kumari Ramasamy of Bandarapola, Matale, said that her family had lived there for 5 generations. Her son Subramaniam ran a Weaving Mill which employed 200 Sinhalese. On 19th August, at about 6 p.m. an armed crowd of 40 to 50 people came along the road shouting that Tamils should be killed; the same thing happened on the 20th morning. She said she suffered damages in Rs. 55,000.

(13) Mrs. R. M. Velupillai was living with her husband on Weragama Division of Wariyapola Group in the Matale District. Her husband was the estate Schoolmaster. On 19th August, a labourer reported an attack on the Lower Division, and soon afterwards there was an attack on the lines above her house. When she ran out of her house, a man cut her and snatched her thalikodi and ran off. She said he was Lucas of Dunkolawatte. She was taken to hospital.

(14) Mr. M. A. Nagarathnam, a retired factory officer, was living in Palapathwela in the Matale District. On 17th August, he saw Sinhalese slogans "Kill Tamils" painted on buses. On the 19th at about 8 p.m. when he and his family were at home, a crowd broke into his house and he and his family ran out through the rear door. They were unable to find shelter in neighbour's house. Next day he went to his house and found that everything in it had been looted. His house was damaged. The attackers were arrested and bailed out, and he identified 3 of them, viz.: Tilake, Chutti Banda and Bande. They were from Colonies.

(15) Miss Pandeewari Kalimuthu of Udupihilla, Matale, said that on 20th August, she was warned of an impending attack. So she and the other members of her family went to the house of a Schoolmaster named Tennekoon. Her house was burnt after the Muthu Vinayagar Temple was burnt.

(16) S. Alagappan, a labourer of Ukuwela, related his experiences on a bus journey he made from Colombo to Kandy on 18th August. He was with about 15 other Tamils. After they passed Nittambuwa people stopped the bus, dragged out the Tamils, and assaulted them: they then put them back into the bus after taking their belongings. Further attacks on them took place at 2 other places. When they reached Kegalle, the driver and conductor ordered them to get out. They then went to the Police Station, from where they were taken to the Town Hall. At the Police Station they met several other bus passengers, numbering about 1,000. The refugees were in a deplorable state, some of them being naked. After spending 4 days in the Town Hall, the witness was brought to Kandy.

Dambulla

(1) Mr. M. A. Jeganathan was a Government Surveyor living in the heart of Dambulla. Violence erupted there on the afternoon of 17th August. A gang entered his house at about 3.30 p.m., looted it and set it on fire. His personal belongings worth Rs. 8,000 and Government property worth Rs. 6,500 were burnt. He escaped to the next house and stayed there till midnight, when the Army came and took him to the Police Station. P. S. David who was in charge of the station refused to give him protection or to record his statement. An A.S.P. from Matale, took the refugees to Matale and then sent them to Kandy on the 18th.

(2) Mr. S. Devarajah was Executive Engineer, Dambulla, and his wife was a Dental Surgeon in the hospital. His quarters were looted by a mob on 17th August, and so were the quarters of Mr. Sivasinam, the Works Supervisor. He said P. S. David acting O.I.C. of the Police Station, was missing from 2 to 9 p.m. and when he did appear he was quite drunk. The Police had refused to give him a policeman to guard his quarters, saying that 22 policemen had been killed at Jaffna.

(3) Mr. V. Sathanandan, a Civil Engineer of the River Valleys Development Board, was stationed at Dambulla, with his office and quarters at Katugeliyawa, 10 miles away. Having learnt of the trouble on 17th August, he obtained a van and took his wife and child, and another Engineer Mr. Sivanesan, towards the Police Station but could not reach it because he was obstructed by his minor employees. He returned to his quarters, from where an official jeep removed his child and his baggage. Later a crowd entered his quarters and mercilessly assaulted him, his wife, and Mr. Sivanesan. He mentioned Ormapillai, Abeysena Piyadasa and L. T. de Silva as some of the attackers. They and all the others who assaulted him were his employees. They stole his wife's jewels and Sivanesan's purse. The three of them found shelter in a Muslim Village a few miles

away. Later the police arrived there and took them to Dambulla and then to Kandy. He mentioned that Mr. Suriyaperuma of the River Valleys Development Board rescued about 150 Tamils, including his own party, and protected them till they were taken to Kandy on the 18th.

(4) The largest shop in Dambulla was that of A. S. Sangarapillai & Sons. A salesman R. Jayasena giving evidence stated that it was attacked at 2 p.m. on 17th August, by a mob who then looted it and set on fire. Petrol was poured on an employee named Ratnaraja and then set on fire, but he did not die. Witness S. Somasundaram, the Manager, said that when he went later to the Police Station, P. S. David who was there was drunk and refused to record his statement, and also abused him for coming there and disturbing him. The Jaffna Police recorded his statement next day. Their losses were Rs. 675,000.

(5) About 2 miles from Dambulla is a village called Ibbankatuwa. Some 50 Tamil families, who earlier worked on up-country estates, cultivated about 300 acres there. Close to it, a colony of Sinhalese and sprung up in connection with the Mahaweli Development Scheme. Witness V. Kandasamy stated that on the night of 17th August, the Tamil houses were all set on fire, and the occupants ran into the jungle: the attackers came from that colony. When the Tamils returned to their homes on the 18th an armed crowd attacked them. One Sunderarajah was cut on his hand and later died, leaving 2 young children; one Poopalan was stabbed by a man called Wije, and fell dead after running up to the witness V. Kandasamy: one Suppiah was clubbed and cut and he died on the spot. The witness also spoke to 3 cases of rape. His sister-in-law Seetha Letchumi was raped by Wije: a girl named Desy was raped by 5 men; and yet another girl Mariamma was also raped. The witness also spoke to having seen the bodies of 2 other Tamils, whom he know, in the Dambulla Hospital mortuary. These 50 families have since left Ibbankatuwa, and many of them have gone to Kilinochchi where they work as casual labourers. Senior State Counsel informed me that 6 suspects were on bail in M.C., Dambulla, Case No. 7924, in respect of the deaths of the 3 persons mentioned above, and the connected papers have been forwarded to the Director of Public Prosecutions.

(6) Another witness S. Navaratnam has also spoken to these events. He said that his parents, his sister and himself were living on a six-acre block at Ibbankatuwa. At about 7 p.m. on 17th August, a crowd of 60 or 70 Sinhalese came armed, in lorries and tractors, from the direction of the Dambulu Oya Development Scheme, and set fire to his and many other houses. They ran into the jungle for safety. On the 18th at about 1 p.m. they heard somebody stating "You all come out, we will take you to the

Police Station". When they came out of the jungle, 10 to 15 persons armed with swords and knives attacked them, and he saw the 3 named men being fatally attacked. He said he identified 3 assailants at an identification parade held in the Dambulla Court.

(7) Mrs. Maheswari Nadarajah stated that her husband was working for the River Valleys Development Board at Galhiriya, between Dambulla and Kekirawa, as a Supervisor. On 23rd August, she received a police message asking her to go to Kekirawa to identify his body, but she did not go because the police refused to escort her. She had since received a sum of Rs. 12,900 from the Social Services Department.

KURUNEGALA DISTRICT

Kurunegala Town

(1) Mr. C. Dharmaratnam owned a coconut land of 8 acres called Galgoda Estate at Hindagolla, $4\frac{1}{2}$ miles from Kurunegala. He had a poultry farm of about 600 birds on it. On 18th August, two gangs attacked it in the evening, each gang consisting of 50 to 75 persons. The second gang assaulted him and his wife, kicked and stripped them, pulled his wife along the ground by her hair and took her jewellery. When he went next morning to his house, he found that Rs. 4,00 had been stolen and his motor-cycle damaged.

He complained to the Police on 23rd August and mentioned the names of some members of the gangs including Premaratne of Wewegedera and a neighbour David: he also identified 6 persons at an identification parade held that day. He has made allegations against S.I. Seneviratne of Mawathagama Police and A.S.P. Rajeswaram: he has also complained, not unjustly, of indifferent handling of the case generally by the police despite frequent appeals he made to senior officers to investigate his case diligently.

He has estimated his losses at Rs. 94,437. The unfortunate feature of this case is the suffering he and his wife underwent, although he and his family have done their best to integrate themselves with the Sinhalese. He, his son, his brother, and his sisters-in-law are married to Sinhalese.

(2) V. R. Gopalan ran a grocery business in Kurunegala. On 17th August at about 6.30 p.m. he boarded a bus to go to his house 6 miles away. On the journey some Sinhalese asked if there were Tamils in the bus and assaulted him. They took Rs. 300 from him. Next day he came to his shop, and in his absence his house was looted. On the 19th when he came to his shop, he saw over 15 Tamil shops being attacked in the bazaar, including a part of his shop. There were policemen in the bazaar, but they did not use their guns. On the 20th the disorders ended after the Army was called in. His losses were estimated at Rs. 30,000 from his house and Rs. 1,000 from his shop.

(3) Mr. S. Selvaraja, a teacher at St. Anne's College, was travelling from Kankasanturai to Kurunegala on the night mail train of 16th August. When the train reached Anuradhapura, he was attacked, and he lost his suitcase, attache case, purse and wrist-watch. He went from place to place and eventually went to Point Pedro in an oil train. He then learnt that his house had been looted on the 19th during the curfew. He estimated his losses from his house at Rs. 6,000 and the belongings he lost at Anuradhapura at Rs. 6,682. A case against the looters is pending.

(4) Mrs. Nagamma Kichchan was living with her husband on Woodland Estate, Melsiripura, about 15 miles from Kurunegala. About 20 Tamil families were living on that 50-acre extent of land. On 20th August at about 11 a.m. she saw a lorry coming to the land with a crowd of persons. They dragged a girl called Innasiamma, who was carrying an infant, from a line-room. She saw her husband Kichchan being hit on the head with a mamoty. The crowd then set fire to the Kanakapulle's quarters.

When she went up to her husband, he was dead. The Police came that evening and removed his body. She was taken to a refugee camp at Kurunegala. Now her brother, who has 16 others dependent on him, is supporting her and her 8 children aged 15 to 3 years. She was paid Rs. 3,000 as compensation, but is unemployed.

(5) K. Ramiah was a worker on Dodandalawa Estate, Rambodagalla. He stated that on 17th August a crowd from Weuda attacked houses on that estate, and 26 Tamil families were rendered destitute. He mentioned 5 members of the crowd, and said that he identified 4 of them at an identification parade. He informed the police on the 18th. On the 19th one Sinnathamby was murdered.

(6) M. Thiagarajah had a shop at Wariyapola. On 19th August at about 11.30 a.m. a C.T.B. bus stopped outside his shop and people armed with weapons alighted from it. He ran behind the shop and heard it being broken up, while policemen were on duty at a junction 30 yards away with their guns. He said he complained at the Police Station on the 20th but the O.I.C. merely said "Our police officers are being attacked, cut and sent in fish boxes. How can we entertain your complaint?" On the 21st he was sent to a refugee camp, and from there to Jaffna. He complained at the Kayts Police Station about the attack on his shop and the conduct of the Wariyapola Police.

He wanted to re-start his business in the same premises, and asked his landlady Mrs. Amara Piyaseeli Ratnayake, M.P. for Wariyapola, to be allowed to do so. She replied by asking him to renounce all his rights in the shop building, and he refused to accede to her request. He stated that when he later met her, she informed him that she could not give the building to him as there will be trouble. He had occupied it for 10 years.

(7) T. V. Ramachandran was a resident of Dummalasuriya, about 10 miles from Kuliyaipitiya. On 20th August at about 9.30 p.m. 7 or 8 persons came to his house and called out to him. When he opened the door, they attacked him with clubs, searched his house, and removed all the valuables after locking him in a room. He complained to the Police next morning and was taken to Kuliyaipitiya Hospital. Fearing that Tamils in Hospital would be attacked, he left the Hospital.

The assailants were charged in Court and two of them were jailed. Proceedings were pending against 4 other accused.

Polgahawela

(1) Mr. K. Vignarajah, Assistant Superintendent of Wadduwa Estate, Yatigaloluwa, said that on 17th August he came by train from Colombo to Polgahawela. He went to the Police Station where he found 35 or 40 men, women and children who had been assaulted and robbed on the train. He took his wife and children also there with the help of the police, and they stayed there for 12 days. On the 18th he went to the estate bungalow and found it had been looted, and most of his belongings to the value of Rs. 11,500 were missing. The estate gun had been stolen from the watcher. He praised the work of the O.I.C., Inspector T. D. M. Godamune, and his staff. On the 29th the witness left for Jaffna.

(2) Mr. P. Ponnambalam, who owned a fibre mill there, said that there was curfew from 5 p.m. on 19th August. At about 8 p.m. his mill was burnt by a gang which had earlier attacked Tamil shops: they were youths in their twenties. On the 20th when the witness was in Colombo, his house was attacked and burnt. The Kathiresan Temple was also set on fire, and its statues destroyed. The damages he suffered were about one lakh, and the damages to the Temple were about Rs. 60,000.

(3) Mrs. M. S. Dharmarajah, a Sinhalese lady married to a Tamil gentleman, said that tension prevailed there from 20th August. By 8 a.m. that day she saw Tamil houses being attacked and the occupants running away. A man named Ariyadasa Baas invited her and her husband to go to a place of safety, and came 3 times for that purpose. She went instead to the Convent, while her husband and her father-in-law went to a friend's house. On the 21st morning she found her house had been looted and burnt. She complained to the police against Ariyadasa Baas as being one of those who attacked her house, and she had been informed that a case against him was pending.

Alawwa

(1) Mrs. Ignatius Rasiyah stated that her deceased husband owned a business there called Rasiyah & Sons. 3 generations had carried it on, and a large sum of money had been invested in it. When the shop was set on fire on 19th August her husband was also killed. She claimed damages in a sum of Rs. 2½ lakhs. She became destitute, with 5 children between the ages of 19 years and 5 years. I have since been informed that the Ministry of Social Services has paid her compensation for the death of her husband.

(2) Her husband's nephew, Mr. L. E. Sahayanathan, stated that the attack on that shop started on 18th August, when 2 persons tried to break into it. On the 19th when the attacks on the Tamil shops began, he and others gathered at Mr. Mapa's house, but that house too was attacked.

(3) Mr. M. L. B. Mapa who gave evidence in camera said that he owned 15 shop buildings there, tenanted by Tamil and Sinhalese. When rumours of impending trouble started, he opened his house to Tamils who came in with their baggage: the Sinhalese watched what was happening. On the 19th afternoon there were hundreds on the road as it was a weekly fair day. They were joined by about 800 workers from Tulhiriya Mill. When he telephoned to the police, he was assured that they would give protection to them. The burning of his shop buildings then began. When he next telephoned to the police, they merely raised the receiver and put it down.

A crowd marched to his residence and asked whether there were any Tamils there. He replied that there were, and they were his tenants. The crowd invaded his residence and searched all the rooms: They found all the Tamils gathered in one room, assaulted them and dragged them into the compound and killed Ignatius Rasiyah and Gopalan *alias* Rajagopal. They then took the straw from a straw thatched hut in the garden, poured coconut oil on it, and used it to burn the Tamils who were lying fallen there. 3 Tamils were badly burnt in that way, and one of them—Ratna-singham—had not recovered even in July, 1978. Everything in his residence was taken away by the mob.

The police, he said, did not come there till 9.30 p.m. But the Army came there at about 4 p.m., and the crowd ran away. The Army removed the burning straw from the bodies of the fallen victims. When the police arrived, they showed no keenness to take the injured persons to hospital. They said, "Why do you show so much mercy to these Tamils? Our Sinhalese boys have been killed in Jaffna". The rumours regarding the cut up bodies of Sinhalese boys and girls, the killing of the High Priest of Naga Vihara, and the sending of bodies in fish crates were repeated by more

than one policemen. However, in the end the police removed 14 injured persons to Kurunegala Hospital. The Police Station was less than $\frac{1}{2}$ mile from the bazaar.

(4) Mr. R. F. Ratnasingham mentioned above was a shop-owner there. He said that his body was covered with straw, on which coconut oil was poured and then set alight. His losses were estimated at 2½ lakhs. His son R. F. Christie was also severely assaulted.

(5) Witness B. A. Rayappu stated that he ran a textile business there for 15 years. On 19th August his shop was closed, and he was inside it with his employees. At about 2 p.m. he heard the front door being broken open, so he went out through the rear door into a Sinhalese shop and watched. A crowd of about 500 looted his shop, damaged the furniture and set fire to the shop: other Tamil shops were treated in a like manner. He saw a Police jeep parked about 50 yards away with an Inspector, and a Constable who was armed: he also saw an Army vehicle there with several armed personnel. They did nothing. The crowd shouted that there was a Tamil in the shop in which he had taken refuge; they entered it, and the witness was handed over to them. They dragged him to a lamp post, saying that they would tie him there and burn him. He looked towards the Inspector of the Alawwa Police Station and the Constable, who watched the incident and did nothing. When he was being tied up, he heard the voice of a man called Sudumahattaya who was working at Tulhiriya. That man came running up and said that nobody was to hurt him: he released the witness from the crowd, walked with him to the Police jeep, and handed him over to the Inspector. The witness was next handed over to another Sinhalese friend in the latter's house.

Two Tamil constables later came in jeep, and saying that they themselves could not stay in Alawwa they took him to Kurunegala Police Station, from where he was sent to Jaffna. He said he suffered damages of one lakh.

Maho

(1) The disturbances here began early on 17th August when the train from Jaffna arrived at 6.30 a.m. having being delayed at Anuradhapura. It contained a crowd of Sinhalese thugs, according to Mr. A. Kandasamy, the Station Master who sent it on its way. After working all the day he went that night to the Police Station, from where he was sent in a bus loaded with 160 passengers to Vavuniya. When he returned to his Station he found that all his belongings had been stolen.

(2) Mr. K. V. Ganesharajah owned a shop there. He said that there were 25 shops, 16 owned by Tamils and the rest rented to Tamils. The former were looted and burnt, and the latter were looted. The police took no action, even when stolen goods were carried past the Police Station. When the witness returned from Vavuniya, whither he had been taken by bus, he found only a grinding stone left.

(3) Mr. A. Sivanandan was the sole representative there of Lipton Ltd. At 11.00 p.m. on the 17th a gang looted his house, and then came to the house of his neighbour Mr. Abeysekera, where he had gone for shelter, and assaulted him. The Rajah Corporation premises, only 100 yards from the Police Station, were looted. The Officer in charge of the Police Station named Mapitigama, refused to record the witness' statement. The police were afraid of the crowd and did not fire: they put a safe belonging to Sinnathamby Stores and containing money into a truck, but a mob stopped the truck and took the safe. He said he lost Rs. 32,000 plus stocks worth of Rs. 13,000 about which he made a complaint to the Jaffna Police. All that was recovered from his stocks was a box containing 5 pounds of tea on 20th August.

(4) Shri V. I. Subramaniam Iyer was officiating Priest of the Sri Kathiresan Temple. On 17th August, it was attacked, and on the 18th, he and his family went away by bus (which he said contained 176 (refugees).

(5) Mr. S. Coomaraswamy was President of the Sri Subramaniam Kovil. The statue, bull, chariot, and the Sanctum Sanctorum were damaged by a gang, and the loss was estimated at Rs. 50,000. The Priest's quarters were damaged. The witness' shop and rice mill were destroyed and he said he suffered losses amounting to Rs. 300,000.

(6) The most serious case of looting and arson in Maho occurred at Polpitigama on Walawwawatte Estate belonging to Mr. S. J. Kadirgamar, Q.C. On 19th August, the Superintendent, Mr. J. A. A. Perera was in the estate bungalow with his family and guests. When he learnt that a crowd was approaching in search of Tamils, he sent the only 2 Tamil families to safe places. At 9.30 a.m. a gang of youths asked to search the bungalow for Tamils, including Mr. & Mrs. Kadirgamar (who were then in England). The gang were armed and drunk. They ransacked the bungalow, demanded and obtained the 2 guns and cartridges and gun licence from the estate watcher and Mr. Perera, and ordered all the occupants to take what they could and leave immediately. From a farmer's house to which they went, Mr. Perera saw that the bungalow was on fire. He and the others went to the house of Mr. Muthu Banda, President of the Cultivation Committee, $\frac{1}{2}$ mile away, where they stayed till the 21st. On that day, Naval personnel

arrived in 2 jeeps, and Mr. Perera has acknowledged the help and kindness which they rendered to him in assisting him and his family to go to Kurunegala.

On the 24th, he made a statement to the andy Police, and on the 29th, he returned to the estate. He estimated the damages suffered by the owner at Rs. 2,85,000, and by him at Rs. 30,000. He learnt that 22 persons had been arrested by the Maho Police over these incidents.

(7) The last witness who spoke to events at Maho was Mr. S. R. Shanmugalingam, then Relief Postmaster, Maho. He stated in his evidence given in camera that in addition to his other duties, he attended to the telephone switch board, connecting trunk calls from Maho to other stations. On 17th August, he went to the Maho Railway Station to receive the mail from the train which arrived from Jaffna that morning. It arrived 3 hours late, and he saw Tamil passengers in it being assaulted: the same thing happened when passengers were waiting to take the train to Batticaloa.

That night at about 7.00 p.m. a mob looted and burnt 19 Tamil shops in the Maho bazaar. About $\frac{1}{2}$ hour later the H. Q. I. of Maho Police Station (telephone No. 534) asked the witness for telephone No. 6222 Kurunegala. He connected the two numbers and heard a speaker from the Kurunegala number saying "I am the S.P.". The witness told him that No. 534 wanted to speak, the H.Q.I. then said: "All the shops had been looted and burnt. Still they are doing that", to which the S.P. replied "good show" and asked whether any lives had been lost, and the H.Q.I. replied "So far nothing". The conversation then ended, and the witness disconnected the line.

On the 20th morning, the witness went to the Railway Station to entrain for Jaffna, and he was attacked by the railway employees and one Dharma-dasa, the son of an engine driver; so he ran to the Post Office to escape the mob. Later a police jeep took him to the Maho Hospital, from where he was taken to the Kurunegala refugee camp, and then to Jaffna that night. He was admitted to Jaffna Hospital on the 21st, and later he was treated in Mullaitivu Hospital.

In respect of his listing to the particular telephone conversation which he described, he said that he was expected to listen and keep the call under observation in order to see that there was no breakdown.

The evidence given by the witness surprised me. It is a matter for inquiry by the Superiors of those two officers.

KEGALLE DISTRICT

Kegalle Town and District

(1) The Sri Kathiresan Temple is only $\frac{1}{4}$ mile from the Office of the Superintendent of Police, Kegalle. Thiagarajah Kurukkal, the officiating priest, stated that at about 1.30 p.m. on 19th August, a tear gas bomb was thrown into the Temple. He and his son ran into the inner sanctum and locked themselves in till 7 p.m., when the police arrived. The attackers had stoned the temple and stolen the money in the till. He estimated the damages to the Temple at Rs. 20,000 and the value of the personal belongings he lost at Rs. 15,000.

The watcher of the Temple, V. Raman, said that on 19th August, a mob came to the Temple premises and attacked him. He was cut all over his body with a razor blade. His room was ransacked and looted and he lost his savings amounting to Rs. 600. When he went to the hospital he was driven out because he was a Tamil, and a Sinhalese Ayurvedic Doctor later treated him.

(2) S. Pandaram owned a sundry boutique in Kegalle which he ran for 10 years. On 19th August, at about 7.30 a.m. a large crowd attacked all the Tamil shops there, so he closed his boutique and escaped through the rear door. When he returned at about 12.30 p.m., he found his boutique damaged and looted. He sought refuge in the Town Hall, with over 1,000 other Tamil refugees, for 4 days. He said all the Tamil shops there, numbering about 30, suffered the same fate.

(3) Dr. P. Kandiah was the Medical Officer of Health, Rambukkana, in August 1977. He was residing about $1\frac{1}{2}$ miles from Kegalle. On 19th August, Mr. Ranaweera, a Sinhalese gentleman, advised him to close his house and he did so. He and his family moved into Mr. Ranaweera's house leaving all their belongings behind. That same evening a mob looted his house and set fire to it. The operation lasted all night and during it an ambulance took him to the Kegalle Hospital, from where he moved into the hospital quarters which a friend was occupying. He complained on the 22nd, to the Kegalle Police, who recovered some of the stolen goods and arrested some persons. He was informed by the police that a case had been filed, but in December 1978, when giving evidence, he stated that he had not yet received summons. He said he had lost goods to the value of one lakh. He has lived all his life and worked only in Sinhalese areas. He could not think of any reason why he should have been treated in that way, except for one fact that he was a Tamil.

I shall now mention certain incidents in the Kegalle District.

(1) G. Sivaperumal was a tapper on Pindeniya Estate, Kegalle, about 10 miles from the town. On 19th August, a gang attacked his lines and went away. On the 20th, a gang attacked them again. In all 4 sets of

lines with 41 rooms were attacked. They were looted and his family was assaulted. He stated that he complained to the Pindeniya Police and named 3 attackers whom he identified.

(2) P. R. Ratnayake was a Kangany on Ambanpitiya Estate, Kegalle, and had worked there for 40 years. He occupied a room in a set of lines occupied by Tamils. On 19th August, when he was returning home after his day's work he saw about 25 Sinhala youths carrying away poultry and the Tamil workers running away. At about 7.30 p.m., he heard lines near his being attacked and he saw about 25 persons approaching his room: they entered it, damaged his pictures saying that he was a Tamil and cut him and his wife. All 10 rooms in his set of lines were looted and he suffered damages in Rs. 2,600. He and his wife were in hospital for 8 and 11 days respectively.

(3) Mrs. P. Jebamalai was living on Ambanpitiya Estate with her parents. On 19th August, line rooms were attacked, so she fled to the jungle. The Kanakapulle's quarters were set on fire that day. On the 20th, she returned and as the workers lines were burnt she returned to the jungle. One Somapala offered her protection and took her and her mother to the Dodantenne Pansala where she and her mother stayed in the Preaching Hall. 3 youths came there at about 10 p.m. and took her to a scrub jungle, where all of them raped her. She told her mother about what had happened and they returned to their line room. 6 days later she was admitted to the Kegalle Hospital where she stayed for 4 days: the police recorded her statement. Although she stated that she could identify the youths from Dodantenne, though she did not know their names, she was not taken to that village to point them out.

(4) Karandupona Estate, Kegalle, was first attacked on the evening of 18th August. 2 sets of line rooms were that evening's target and the Superintendent, Mr. D. H. Pathirana, sent a message to the Police. An 80 year old occupant of a line room died and the police came on the 19th for the post-mortem proceedings. A crowd came at the same time to attack Mr. Pathirana's bungalow, but they left owing to the presence of the police. The police returned to their Station.

According to Mr. Pathirana, an attack was made on some line rooms that afternoon when the workers were taking refuge in his bungalow: the attackers then came armed towards his bungalow. He went and met them, and they told him that they had come from Kegalle, in order to take revenge on the Tamils, because dead bodies of Sinhalese had been sent from Jaffna in fish boxes. There was a conflict of testimony as to what happened thereafter—whether the workers were told by Mr. Pathirana to worship the mob and they did so, or not. However, the line rooms were attacked on that day also. The total losses suffered by the labourers

was estimated by Mr. Pathirana at Rs. 250,000 and each labourer was paid a sum of Rs. 600 as compensation. I have heard Mr. Pathirana's account of the action he took to ensure the welfare of the workers: I do not accept the allegation that he asked them to show any respect for a gang of lawless men, who had the impudence to tell him that they had come there to commit crimes.

(5) Also on Karandupona Estate, witness T. Balakrishnan said that a worker Raju was murdered by the mob. A worker S. Sellayi said that she was raped by the son of Baby Nona, another estate worker and she had made a statement to the police about that. Another worker S. Kandaie also complained of having been raped by an estate watcher Medduma and stated that she had informed the police about that.

(6) Another complaint of rape was made by P. Sinnakaruppan, a worker on Rosyth Estate, Kegalle. She stated that attacks on lines there began on 19th August: and on the 20th, 4 men dragged her to the jungle and raped her. She was taken to a refugee camp. On the 21st the Superintendent took her back to the estate and on the 24th she entered hospital and made a statement to the police.

(7) Hikgodā Estate, Undugoda, also became the scene of unruly behaviour on the part of 15 young men on the evening of 19th August. Mr. M. Velaiden who was Chief Clerk there said that they threw stones at his house and among them were the children of the estate workers. Later estate workers and their children—about 200 in all—came there armed. He and his family locked themselves in a room, while the gang was looting the house. The factory watcher and his 2 sons, and a rubber tapper, caused serious injuries to him. The witness eventually went to the rubber-maker's house and sent word to the Superintendent, Mr. Edirisinghe, about what was going on. The latter's response was that he would come on the following day. On the following day the Superintendent wrote to the witness to complain to the police, which he did on the 24th and some persons were arrested a week later. All the Tamil labourers' lines were attacked, mostly by non-resident Sinhalese labourers. None of the stolen property was recovered by the Police. The total losses were estimated at Rs. 125,000.

(8) Mr. S. Sinniah, Field Officer of Newland Estate, Mawanella, said that on 19th August, 4 sets of line rooms were attacked or burnt by villagers, who also attacked and burnt his quarters. On the 20th he went to the town and found his shop there had been looted and also a house near the shop, in which his wife and children were living. The 19th was the day on which nearly all Tamil shops and houses were attacked in Mawanella.

(9) Coomaraswamy Iyer Thiagarajah Sarma, Chief Priest of the Sri Kathiresan Temple at Mawanella, since 1961, said that the Temple was renovated in 1969 at a cost of Rs. 100,000. The majority of the worshippers were Buddhists and there were also about 5,000 Hindus. On 19th August at noon a large mob came there armed and threatened to attack him, shouting that Buddhist priests were being killed in Jaffna and Hindu priests should be killed. They damaged the idols; they broke into the Holy of Holies which only a priest enters and removed everything from it; and they set fire to the Temple. 8 shops which belonged to the Temple were damaged; 2 others which had been rented to Sinhalese tenants were not damaged.

He complained that although the police were there and saw the attack, they took no action against the mob. The damages to the Temple and its property were estimated at Rs. 100,000 and the losses suffered by the witness at Rs. 15,000.

(10) At Utuwankande, in the Mawanella police area, Kandiah Selliah ran a small boutique, having been born and bred and educated in Sinhalese there. Having learnt of the attack on the Mawanella Temple he closed his boutique on the morning of 19th August and went home. At about 2.00 p.m. his boutique and house were attacked and he recognised 1 of the attackers. The O.I.C. Police and the M.P., Mr. Beligamnana visited his house. A criminal case is pending. He said that he, his mother and his sister had suffered damages.

(11) At Warakapola there is the Mariamman Temple, of which the witness Mrs. Ratnam Rasiyah's husband is trustee. On 19th August, a gang set fire to the house of the priest and then damaged the hall of the temple and the deity. She said that the temple was rebuilt at a cost of Rs. 11,000. She herself was a witness of these incidents. The gang first looted her house, the attack being led by her tenant Dahanayake; and although the Police Inspector Wijendra was living next door, he merely looked on and did nothing to stop the mischief. She estimated her personal losses at Rs. 160,000.

(12) Mr. R. S. Kamalasekera was living at Warakapola with his wife and family and carrying on an industry called Rajasingham Investments about one mile from the town. He went to Colombo on 18th August, while his wife and children had gone to the house of Mr. Liyanasekera Attorney-at-Law, for their safety. He learnt on the 22nd that his house furniture and his entire stock of trade had been burnt on the 19th and he was given the names of the offenders. He made a statement at Police Headquarters, Colombo, mentioning their names and the names of his witnesses, the offenders all being Sinhalese. At the time of giving evidence in July 1978, no prosecution had been instituted. He estimated his damages at Rs. 62,163.

(13) About 5 miles from Mawenella is an estate called Ambadeniya Group in Aranayake. The witness K. S. Kandasamy, whose father was Head Kangany there and has retired, stated that on 19th August, he went to the house of Jayatissa, Grama Sevaka of Rambukkana, and asked for protection, in view of the pending disturbances. Far from affording him protection Jayatissa and a crowd led by this Grama Sevaka chased the witness who ran and locked himself in his own house. Jayatissa's brother, Karunadasa, threw a hand bomb and set fire to the house; both brothers looted the house and caused damage to the extent of Rs. 20,000 in lost goods and Rs. 82,000 to the building. The witness stated that Jayatissa was interdicted.

(14) M. U. Gajapathy had been living with his father and his family for a long time on Haloya Estate, Niyandurupola, in the Warakapola Police area. On 19th August, night, a mob attacked the line in which they were living, and the witness' father received injuries from which he died. The witness' 2 cars were burnt the next morning. He suffered damages in Rs. 45,000. The Warakapola police inquired, but the attackers were not indentified.

(15) Mrs. Selvarani Kulendai was residing on Gasnawa Estate, Nelundeniya, with her parents, working there as a labourer. She was then unmarried. On 19th August, the Superintendent warned them to take refuge, so she and her mother went to one Gunapala's house which was on the estate boundary. That night a mob arrived and assaulted her and her mother. 6 men raped her behind Gunapala's house: they were 2 who were named Sunil, Tillekeratne, Ariyawanse, Tilaka and Kulasiri; all of whom she knew because they lived close to the estate. They were about 20 years old.

On the 20th morning she went to her line room and found it looted. She did not stay there. On the 21st, she returned to the estate, the Dedigama Police came and recorded her complaint, and she was taken to hospital on the 25th, and examined by a Doctor.

She stated that there was a case pending over the incident.

(16) P. Chettiappillai was a trader who ran a shop at Tuntota, one mile from Dedigama. His daughter Dhanaletchimi also had a shop $\frac{1}{4}$ mile from Dedigama Police Station. He stated that on the evening of 19th August, a crowd attacked his shop and damaged it: he informed the police that night. His daughter's shop was also attacked, and she suffered damages in consequence.

Yatiantota

Mr. M. S. Michael was the Superintendent of Agmeer Estate, Yatiantota. 15th August, at about 8 p.m., a gang of Sinhalese labourers, some of them non resident workers of the estate, came to his bungalow and ordered him to vacate it immediately. He did so, and they then looted it entirely. We

identified them and knew their names, and informed the police about the incident. He said that a case was pending in the Magistrate's Court, Ruwanwella. His losses amounted to Rs. 7,332.

TRINCOMALEE DISTRICT

In dealing with the incidents that occurred in Trincomalee I will not detail them in strict chronological order but, instead, in the order in which evidence was led first by the T.R.R.O. Counsel and later by the Sinhala Mahajana Peramuna Counsel. Both sets of incidents cover the same areas (the District and the town being described separately) and, as a result, chronological overlap is inevitable.

Trincomalee Town and District

The first incident of a communal nature was described by Mr. R. Visvalingam, Field Assistant of the Anti-Malaria Campaign, Kantalai. He heard on 19th August, when he was working at the Central Dispensary there, that Sinhalese had been assaulting Tamils at Dambulla. He left by bus to go to Trincomalee. At noon, about 3 miles from Kantalai, a Sinhalese crowd stopped the bus, dragged him out and assaulted him. They also assaulted Dr. Sinnethamby, Relief Assistant Medical Practitioner, who was in that bus. Both of them were robbed of their belongings, and had to go to Trincomalee Hospital for treatment. A third victim of violence that day was mentioned by Mr. E. Gunwardene, S.P., Trincomalee. Having heard of Tamils in buses being harassed, he drove to Kantalai that afternoon. On the way he rescued a Tamil bus passenger whose face had been burnt with Malathion insecticide.

2. That night there was an outbreak of violence in the Sugar Corporation premises at Kantalai. Mr. R. Gunarajah, Senior Research Officer, was attacked in his quarters. Although he was taken to Trincomalee hospital, he died of his injuries on the 21st morning. His motor car was burnt. A servant named Ramiah working under Mr. Chandrasekera, the Accountant, was cut and killed on the 19th night.

Mr. V. Kanagasabai, Mechanical Engineer, and his wife and child were also attacked and injured; also his brother Mr. V. Sellasunderam, who was staying with them and working under Mr. Gunarajah. A crowd of about 50 Sinhalese attacked them, who Mr. Sellasunderam felt sure were Corporation employees.

3. Near Kantalai, 5 Tamil families were living in Agbopura Colony. The other families living there were Sinhalese.

(1) P. Balasingham stated that he and his family had lived there for about 10 years, and his parents before that. On the night of 19th August, an armed crowd came to his compound. He heard gunfire; and they all

ran out. His house was looted and his cattle stolen. One Ukku Banda was convicted and ordered to pay him Rs. 2,000 as compensation, in M.C., Kantalai, No. 12704.

(2) V. Rasammah who was living there with a son and 7 daughters stated that her house was also attacked and looted, probably by the same crowd, as the same Ukku Banda was charged over this incident also.

(3) E. Ariyakutty had been living in that Colony since 1956. Having heard that his 3 houses would be attacked on the 20th evening, he took his wife and 4 children away, leaving his 2 sons and his son-in-law to guard the houses. Next morning he found all 3 houses had been burnt. The witness' son A. Muthulingam, stated that at about 9.30 p.m. a gang of Sinhalese attacked the 3 houses and looted and burnt them. He identified 5 persons and informed the Kantalai Police at about 3 a.m. A criminal case against these persons was pending in M.C., Kantalai.

Two further incidents that took place in Kantalai have been spoken to.

(1) On 20th August, witness R. Canagasabai drove his car EY 7035 from Trincomalee to Thampalakamam, with 3 others in it. On the return journey, at Palamkotta at about 11.00 a.m., a crowd of about 15 Sinhalese stopped the car, dragged out the occupants, and assaulted them. The crowd ran away on seeing a taxi approaching. The witness went in that taxi to Uppuveli Police Station about 11 miles away, and complained. The Police came by bus with the witness to the spot, and found the car had been burnt. The occupants of the car had fortunately been taken away before the burning.

(2) Witness A. Sunderalingam had been running a boutique in Main Street, Kantalai, for 4 years. He closed his shop on 20th August, and when he went to it next morning he found it had been looted. It was looted a second time on the 23rd night.

A few miles from Agbopura Colony is Periaru Colony in Potankadu. The following incidents in that Colony have been spoken to by witnesses, all having taken place on 22nd August:—

(1) Witness G. Rajagopal stated that he had lived there with his parents all his life. Sinhalese and Tamils, the former being in the majority, lived in that Colony. On the 22nd afternoon D. B. Weerakoon told him that the Sinhalese were coming that night, because they had been suffering in other places. So the witness, his brother Kandasamy, and their brother-in-law Vadivel kept vigil in their compound. At about 1.00 a.m. the informant Weerakoon and a crowd of Sinhalese came there. Weerakoon set fire to a fence and the roof of a house, and also shot Kandasamy dead. 3 other persons Dharme, Mahinda and Samarakoon were in the

crowd. When Vadivel ran into the house and brought out his four year old child and his wife, Samarakoon snatched the child, stabbed it and threw it into the burning house. Vadivel was the next to be shot dead. A police jeep arrived at about dawn and removed the 3 bodies. A criminal case was filed in the High Court of Kandy, No. 383/78 over this incident. Vadivel's widow Letchimi stated that he left 5 children. She had received Rs. 11,200 as compensation for the loss of her husband and child, and her brother had received Rs. 800 for the burnt house.

(2) Witness S. Theivanaipillai stated that there were 9 families living for many years in that colony. They all moved out on the 22nd evening because of rumours, and they went into the jungle. All 9 houses were burnt that night. The Police took them to a refugee camp for 6 days, and after that to another colony where they are living peacefully with Sinhalese families round them.

(3) S. Murugupillai had been living there for about 14 years. On the 22nd he was returning home by bus when he was dragged out and assaulted by Sinhalese whom he did not know. He went to a refugee camp. On returning home, he found his house had been looted and his livestock stolen.

(4) R. Kathiragamathamby and his family were living in Potankadu. On the 22nd night a Sinhalese crowd came to their house, and they went to a Muslim house. Their house and about 35 Tamil houses in Kantalai were burnt, he said. Out of this act of great evil, I think it is true to say that much good came.

Witness S. E. Ratnayake, Inquirer into Sudden Deaths of Kantalai, related how after these burnings some Sinhalese leaders of Kantalai came to the assistance of the Tamils. A meeting was held on 25th August, which was attended by the M.P. for Seruwila, the Grama Sevakas, Police Officers and others. Subscriptions were raised, Rs. 7,000 was collected, and over 100 Tamil refugees were looked after in a camp till the 30th August. Cadjans were given to build houses and rehabilitation work was carried out in earnest. Mr. E. Gunawardene, S.P., has also spoken to the good work done to help the Tamils in distress and to persuade them not to leave that area. According to S. E. Ratnayake the Sinhalese in that area number about 20,000, while the Tamils are about 1,762. This is a striking example of how peace can prevail between the two communities, and an acknowledgement of the right of a minority to live along with a majority. Since that time peace reigns there.

Three other incidents which occurred on 22nd August elsewhere will be mentioned here.

(1) Witness Joseph Anthony of Trincomalee was travelling by bus to Kandy. After it had passed Kantalai Rest House, a Sinhalese crowd stopped

the bus, pulled him out and assaulted him. On the approach of a Navy jeep they all fled in another bus. The witness was treated for 4 stab injuries in Trincomalee hospital.

(2) S. Sinnasamy, a labourer in the Port Cargo Corporation, was living in Thampalakamam with his family. His house and the 2 houses of his brothers-in-law Muthulingam and Kandasamy were burnt by a crowd that night. He complained to the Grama Sevaka and the Kantalai Police. Interim payments have been made to these 3 house owners.

(3) P. Shanmugam had been living at Sivayogapuram or Mihindupura about 3 miles from the hot wells of Kanniyai, for about 20 years with about 10 other Tamil families. They all took refuge on the 22nd night in the Nadesan Temple premises. At about 10.00 p.m. when he and S. Sivagnanam (cashier of the Bank of Ceylon) were sitting on the temple steps, a dog barked and Sivagnanam flashed his torch. A gun was fired and Sivagnanam cried out. The occupants of an Army jeep which passed that way a little later were informed of the shooting, and they undertook to inform the police. Uppuveli Police Station was only 3 miles away, but the police did not arrive till 10.00 a.m. by which time Sivagnanam had died. A boy named A. Rajendran was also injured by the same gunshot. The jeep took him, but not Sivagnanam, to hospital.

Three cases of missing persons, who had not been found and who, I think, may be presumed to be dead, will now be mentioned.

(1) Sinniah Periyanan and his wife Letchimi, were living in Pankulam with their 4 children. He left for Trincomalee on the 22nd August morning and was never seen again. On the 24th a neighbour Pakiam told Letchimi that she had seen Periyanan's body lying near the turn to Wilgam Vihara, and Letchimi informed the Uppuveli police. Nothing further has been heard of the husband.

(2) Marudamuthu and his wife Jayadevi were living at Kanniyai. He was working on a farm at Ververi. On the evening of 22nd August, witness saw Maradamuthu and one Murugiah walking towards the turn to Wilgam Vihara, and he later saw 7 or 8 Sinhalese attacking them and carrying them into the jungle. He made a statement to the Trincomalee Police about 15 days later. Jayadevi stated that she had received compensation for her husband's death from the Government.

(3) Shanmuganathan, son of witness B. Murugupillai, was last seen on the morning of 24th August, when he was getting into a van driven by a Sinhalese. Murugupillai and his other son Manikarajah searched for the missing man. Notices were published in a newspaper, and the Trincomalee and Uppuveli Police were informed. He had 3 children aged 9, 6 and 5 years.

In all 3 cases the circumstances point to the missing men having met their death under tragic circumstances in the disturbed conditions then prevail-

ing in the country. The Minister of Social Services to whom I wrote, accepted this view in other cases that I brought to his notice, and paid compensation to the widows of husbands who had been presumed dead. I think that a similar course of action may be taken in the cases of S. Periyanan and B. Shanmuganathan, whose heirs have suffered hardships owing to the loss of the breadwinner of the family.

Six incidents which occurred at Morawewa and Pankulam have been spoken to.

(1) Witness M. Nadarajah of Morawewa complained that on 24th August, at about 5 a.m. a police jeep, containing P. W. Vincent of Uppuveli Police Station and Pankulam Police post, and 2 other persons came to his house. They killed and took 8 goats belonging to him and also carried away 2 other goats alive. He complained about this to Mr. Sampanthan, M.P.

(2) S. Sundararajah of Pankulam stated that on 25th August, about 5.30 a.m. he saw Maradamuttu's house being set on fire by Jayasekera, M. G. Perera and Nimal. He reported this to the Pankulam police post, and to a special police team on 13th September. When the S.P., P. S. Vincent, the A.G.A. and Mr. Sampanthan came there later to restore peace, the accused Jayasekera came there and at Mr. Sampanthan's request he was arrested by P. S. Vincent. No case had, apparently, been filed against him.

(3) Witness Arunthavanathan and his father had been doing business at Pankulam since 1964. Their provision store was burgled and burnt, and the machinery of their rice mill stolen on the night of 22nd August. The witness was shot and removed to hospital. His damages were heavy. I accept the evidence of the burglary and theft, but I reject his evidence as to who shot him, as it is belated and therefore worthless. No names had been mentioned by him in earlier statements he made to the police.

(4) Also on the 22nd night, A. Subramaniam's store at Pankulam was burgled and burnt to his great loss. He was not there at the time.

(5) On that same night, according to Mrs. V. Thevanayagam, her shop at Pankulam was damaged and looted. She also complained that on the 25th morning some sailors came there, assaulted 2 of her sons and took one of them to the Police Station; also that they shot dead a girl named Mallika and a boy named Gnanam and damaged her house and a two-wheeled tractor. I was concerned about the killing of the girl and the boy, and I would have held a full inquiry into that part of the incident had not Senior State Counsel informed me that the Director of Public Prosecutions had decided that no indictment should be filed in respect of those deaths. The father of the boy Gnanam, S. Sinnathamby, stated that the Government had paid him Rs. 3,000 as compensation for the death of his son.

(6) Another incident, in which a mother and her son died under tragic circumstances, was spoken to by Pathmajothi, wife of Nagalingam, who was

living at Nallakuliyawa in Pankulam. On the night of 23rd August, she, her children, her sisters, her mother Karuppaie, and her brother Pathmanathan and his wife and children went to sleep in one house. Early next morning, she stated, she heard people moving about near the kitchen ; and on coming out, she saw 5 armed Sinhalese who spoke in Sinhalese. They ransacked the house. One man fired at Pathmanathan, and his mother tried to protect him ; both of them collapsed, and the man ran away.

The roof of their house had been set on fire by the men, and the mother and son were both burnt to death in the fire. The witness made a statement to the Uppuveli Police that day. Pathmanathan's wife has, she said, been paid Rs. 4,725 as compensation, and money has been deposited to the credit of the younger sister of the witness.

One incident at Nilaveli has been spoken to.

On 26th August, according to witness S. Dharmalingam, a cultivator of Nilaveli, he went in a tractor with 4 others to thresh his paddy at about 10 a.m. He had been cultivating 15 acres of paddy which were irrigated by the Periykulam Tank, and he owned a tractor 26 Sri 1067.

At about 1 p.m. a vehicle containing soldiers and Sinhalese civilians came along the Wilgam Vihara Road, and a gun was fired by them. The witness and his party ran and hid. He saw soldiers with rifles and bayonets damaging his tractor : they pierced the tyres. One Louis Sree also damaged the tractor. They then left.

The witness complained to Inspector Ranaweera of the Kuchchaveli Police and implicated Louis Sree but the witness' statement was not recorded till 15 days later. A case has been filed in the Magistrate's Court against Louis Sree. The damages to the tractor are assessed at Rs. 9,820, apart from parts which have been removed from it.

I have up to this point summarised the evidence led by Mr. Siva Rajaratnam relating to incidents that occurred outside Trincomalee town, between 18 and 26 August. I shall now refer to the evidence he led regarding incidents in the town between 20th August and 5th September, in which Tamil persons were the aggrieved parties.

(1) On 20th August, witness Mariadas was the Cashier and S. Urathramoorthy was the proprietor of Koneswaram Cafe, which is situated opposite the main Bus Stand and the Vegetable market. At about 4 p.m. the cafe was being closed because a curfew began at 5 p.m. Then 15 to 20 Sinhalese including one Dayananda entered it and smashed a glass almirah and bottles. They then went to the Pillayar Stores next door and damaged it, as its proprietor S. Thiagarajah has stated.

On the 23rd both establishments were burnt at night. S. Thiagarajah stated that his damages were Rs. 60,000 and S. Uruthramoorthy claimed that his were Rs. 36,579.40.

(2) Mrs. Nagapooshani Mariampulle was living in Lake House Quarters at Mud Cove. 3 houses there were occupied by Sinhalese and 8 by Tamils. On 21st August, about 9 p.m. during the curfew, she said, a van with 4 or 5 persons including one H. S. Wijesooriya *alias* Chinthamani was driven up there, and he called out that Sinhalese in Kantalai were being killed; why are they keeping quiet? After about 1/2 hour the van and its occupants left. She said that on 22nd at about 4 or 5 a.m. that van came again, and bread brought in it was distributed among Sinhalese families. At about 3 p.m. that day about 25 Sinhalese came and chased her from her house, looted it and damaged the furniture. Her father informed the Police of that on the 23rd. The witness said, she identified Baby Mahattaya, Vincent Perera, Ariyadasa, Jinadasa, Lenty and Lenty's son-in-law among the attackers on the 22nd evening. She claimed Rs. 3,000 compensation.

She stated that the van was Chintamani's van: she knew him well and had seen him in the fish market. No case had been filed against anybody.

H. S. Wijesooriya in his evidence denied that he went near Lake House Quarters on the 31st night in his van or uttered the words which Mrs. Mariampulle accused him of uttering. I prefer to believe Mrs. Mariampulle. Wijesooriya at first denied that he obtained curfew passes and later admitted that he did; he was issued such passes for his bakery and tea boutique business and for his trade in fish. As regards the incidents near his house on the 22nd to which I shall next refer, nobody claimed to have seen him there; and I accept his denial that he had anything to do with them.

(3) There were several incidents at Sirimapura on the Uppuveli Road, on the 22nd and I shall now mention them.

(a) T. Thavarajah, a firewood vendor, hawked firewood in a cart. He was reluctant to speak of his experiences, but he did say that at about 4 p.m. or later he was assaulted and stabbed and his cart was damaged by Sinhalese near Chintamani's house.

He also saw one Chitraveloo being attacked. The witness mentioned one Dallas as one who incited the crowd to attack him and other Tamils. He was taken to hospital in a Navy truck, but strangely no policemen came there to record his statement. It was a time when many injured persons who were victims of communal violence would have been treated in Trincomalee Hospital. It was a serious lapse on the part of the hospital authorities if they failed to inform the police of the admission of such persons including this witness, to the hospital.

(b) Mrs. Annaletchumi Chitraveloo said that her husband, who was a Coxswain left for work at about 8 a.m. on the 22nd. She heard of his death at 3.30 p.m. at Uppuveli. She was paid Rs. 8,680 as compensation by the Government.

(c) Mrs. Ranji Balasingham, a school teacher, is the wife of Mr. K. Balasingham, an Attorney-at-Law and Personnel Manager, Trincomalee Tea Administration. She stated that on the 22nd Mr. Seevaratnam, Superintendent of St. Coomb's Estate, Talawakelle, who was spending a holiday with his wife and children in Trincomalee, drove her and his wife in his car 2 Sri 7137 to town. When they were returning, she saw about 100 persons in front of Chintamani's house armed with clubs, abusing in Sinhala, and approaching the car : they threw stones at the car and broke the windscreen. The car struck a parapet wall and halted. A stone struck Mr. Seevaratnam.

All 3 of them got out of the car and ran to the Railway Station and informed the Navy. Naval personnel came in 2 vehicles and by then the car was burning. H.Q.I. Rukman de Silva of Uppuveli Police was told that the witness and Mr. Seevaratnam identified one of the persons in the crowd named Ukkul, but the Police did nothing in regard to that man. Nor did a special police team from Colombo take any action. Mr. Seevaratnam also gave evidence. A stone hit his face and caused partial paralysis of his face. His car was worth Rs. 35,000 but was not insured against civil commotions. It was a total wreck, and he claimed compensation.

(d) K. Thambipillai, a C.T.B. driver of Trincomalee stated that he was driving bus IC 2573 on the 22nd. To go to the Depot he had to drive past Chintamani's house, and 100 to 150 persons stopped it: all were Sinhalese. When he went past that spot a hand bomb was thrown and it struck his head, which was injured. His hand was burnt. He was in hospital for 20 days. He claimed compensation. This happened about 1½ miles from Uppuveli Police Station.

(e) Witness P. Krishnakumar, who normally lives in Colombo, was cycling from the Raliway Station at about 2.00 p.m. on the 22nd when he was stopped by 7 or 8 persons. One person stabbed him twice on his chest, he was hit with an iron rod on his head and jaw, his wrist watch was taken, and he was dragged to a cemetery near Chintamani's house. Kerosene oil was poured on him. He ran and jumped into the sea. He was rescued and handed over to the police, who sent him to hospital, where he stayed 12 days.

(f) S. Madavan was cycling on the 22nd about 2.30 p.m. to the Kerosene oil shed. 40 to 50 Sinhalese stopped him, assaulted and stabbed him and took his cycle and his money. He was in hospital for 5 days.

(4) Evidence was given by K. Rajanathan, a C.T.B. conductor, of an attack on him on the afternoon of 22nd August, when he was returning home from the Port Cargo Corporation premises on his cycle. A Sinhalese person ran up with a knife and stabbed him on his neck and chest: 3 other Sinhalese persons then came up: one cut him on his right hand and right arm and he also received injuries on both hands and a leg. A Navy jeep took him to hospital where he stayed till 16th September and from there he was taken to Jaffna Hospital for 6 weeks. He was on medical leave for 15 months, and has not received his salary since February 1978.

(5) S. Gnananapragasam, a peon in the Sri Lanka Navy, stated that he got into a bus at the main Bus Stand after 2.30 p.m. to return home to Palaiyuthu. 3 men carrying clubs got in and said in Sinhala "Our people get down". Only Tamils were left in the bus and they were hit. He fell and fractured his left hand. His wrist watch and Rs. 400 were taken from him. P. Somasunderam, a mason, who also went to that Bus Stand that day at about 3 p.m. got into a bus. He stated that 2 or 3 Sinhalese got in and shouted, "Our people get down". He was hit with clubs, and ran away. He entered hospital and left it on the 24th.

I shall next mention 5 incidents that occurred at Palaiyuthu and elsewhere in the town on 22nd August.

(1) R. Sahadevan, a labourer, said that when he was at home in Palaiyuthu at about 3.30 p.m. a neighbour informed him that his step brother, P. Selvanayagam, had been attacked by Sinhalese and was lying on the ground at Abeyapura. He went there but did not approach the spot because there were about 15 Sinhalese with weapons there. The spot was on the Kandy Road opposite the liquor shop of M. P. M. Silva. He failed to persuade airmen or policemen to remove his step-brother, but that evening the injured man was removed to hospital and he was given the dead body on the 24th for cremation. He said Rs. 5,600 had been paid to the widow and a like sum to her 7 minor children.

(2) R. Jesudasan said that at about 3.00 p.m. that afternoon he was cycling home, having drawn his salary from the Port Cargo Corporation. When he reached M. P. M. Silva's liquor shop, 20 to 25 Sinhalese held his cycle. One kicked him and another cut him with a sword. A police van took him to hospital where he stayed for 4 days.

(3) P. Chitarveloo, a fisherman, said that he went by cart to Trincomalee and returned owing to disturbances there. He gave P. Rajendram a lift from Mud Cove Junction. At Palaiyuthu Junction a Sinhalese crowd attacked them. Rajendran fell on the road and 2 Sinhalese with knives were holding him. He later saw Rajendran's dead body and made a statement to the police, about one month later.

(4) K. Sadadcharan, a process server, living at Thulasipuram said he saw a man being assaulted at about 2.00 p.m. on the road. It was Seeva-ratnam, a C.T.B. conductor, who died. That night fire balls were thrown on the houses of Sellathurai and Santhiyapillai. On the 23rd or 24th Kandasamy's house was burnt and the witness' house was burnt on the 24th. All the houses were only 300 yards from Uppuveli Police Station. He claimed Rs. 15,000 as compensation.

(5) S. Satchithanandavel, a fisherman, who kept his boat and nets on the beach at Back Bay, like about 75 other Tamils, said that when he was at home on 22nd August, he heard that nets had been burnt there that afternoon. He went there and saw that one boat and 6 or 7 nets had been burnt. The Naval Fire Brigade came and extinguished the fire. His net was burnt. The present cost of a net was Rs. 3,000, but the Fisheries Department paid him Rs. 500.

(6) On 26th August, K. Alagesan, driver of Gopalakrishnan's taxi, parked the taxi at Marathady Junction along Main Street. It was hired at 2.30 p.m. and eventually arrived at Yogan Stores along Central Road. Opposite that spot is Union Bakery owned by Chintamani's son, Wimalasena. K. Alagesan stated that Wimalasena and about 15 others came up shouting "catch him" and one Nondy Wilbert smashed his windscreen. He complained at the Police Station.

(7) Mrs. Ammapulle Andiaiyar Udayar was living behind Lake House Quarters at Mud Cove. On 5th September at about 8.00 p.m. she saw 6 persons near her fence. She identified Piyasena, Saranapala and Ariyadasa. Piyasena, she stated, threw a bomb which injured her husband, another bomb fell on her roof and 4 lighted torches also fell on her roof. The house was destroyed. She complained the next day to the police, but no case had been filed.

(8) D. Somasunderam, a watcher of the Ceylon Fertilizer Corporation, stated that on the morning of 8th September, stones were thrown at his house. 2 Army men and 8 Sinhalese were standing on a hillock between Mud Cove and Langanagar (where he was residing). At noon lighted torches were thrown on the house, which was set on fire. 12 Tamil houses were burnt that day. V. Arumaithurai, a pensioner living at Langanagar, spoke about the same incident. He stated that the Sinhalese (and not the Army men who were with them) threw their lighted torches on the Tamil houses, and his house too was burnt. He claimed compensation for his house. He added that the Naval Fire Brigade came there to extinguish the fires.

(9) Mr. K. Velupillai, Principal of Sri Koneswaram Maha Vidyalaya, gave evidence that on 3rd September, he with his sons went to extinguish a fire which had started on the fence of house No. 341, Ambuvallipuram.

He was residing in that quarter earlier. At that time, a Naval jeep arrived there with a Petty Officer and a man named Sumane. Those two persons got down from the jeep and the Petty Officer slapped Mr. Velupillai and warned him not to leave his house. On the next day, Mr. Velupillai said by a crowd of Sinhalese carrying weapons.

I find that there is a *prima facie* case made out against the Petty Officer who acted in the way described. I do not know what the man Sumane was doing in the jeep at the time, but his name has also transpired with reference to an earlier incident of 5th June, about which this witness gave evidence. At about 5 p.m. that day, he said, S. I. Lasantha de Silva, P. S. Vincent and 3 policemen, all of Uppuveli Police Station, entered his compound at house No. 315 where he was then residing. They were followed by a crowd of Sinhalese carrying weapons.

Vincent hit Mr. Velupillai's son and the other police officers assaulted the other members of his family, who were then ordered by some Air Force persons to sit on the ground and raise their hands up. They were then ordered to creep through barbed wire fence. The Sinhalese crowd which, he said, included Sumane (mentioned earlier), Gune, and K. H. Dharma-dasa, looted his house. The members of the family were then marched to Abepura, a distance of 300 yards, followed by Sinhalese who hooted and jeered at them. They were then taken in a police jeep to Uppuveli Police Station and locked up till 9 p.m., after which they were sent home in a jeep. On 6th June Mr. Velupillai was admitted to hospital, where he said, he made a statement to the police; and on 15th June, he, his wife and 3 sons made statements to the A.S.P. No action was taken to charge the members of the family, nor was any action taken by the police arising out of the statements made by the family to the A.S.P.

I was greatly impressed by this witness' evidence and I am quite satisfied that a *prima facie* case of unlawful arrest and assault has been made out by him against the members of the Uppuveli Police force mentioned by him. I was informed by Senior State Counsel that the A.S.P.'s decision, after he held an inquiry, was that no action should be taken. Presumably he rejected the evidence of Mr. Velupillai and the members of his family. I am not satisfied with this outcome of Mr. Velupillai's evidence of the departmental inquiry held by the A.S.P. There have been other instances spoken to during the hearings of this Commission where members of the Armed Services and Police Force have been accused of high-handed behaviour. If they want to secure the co-operation of the public in the execution of their duties in keeping the peace, they must learn to behave decently and set an example to the ordinary citizens as to how the latter should behave. It is also the duty of their superior officers to take notice of complaints made against subordinate officers, if they are serious about the maintenance of discipline.

In the case of Mr. Velupillai's complaint against the police, he was not even informed of the result of the disciplinary inquiry held, I was told by A.S.P. Jayasuriya. This is a most unsatisfactory procedure, which does not inspire the confidence of the person who made the complaint and who in my opinion—though obviously not in the opinion of the police—is the party most concerned and interested. An A.S.P. who having seen the weak and sickly, Mr. Velupillai, came to the conclusion that he would behave in the disorderly manner, is hardly a person who is capable of making an impartial decision. It is most unfortunate that the S.P., Mr. Gunawardene, was unaware of this unsavoury episode till after it was too late for him to put matters right.

I shall now summarise the evidence led by Messrs. Gunatileke, Wijetunga and Karunaratne relating to the incidents in Trincomalee.

(1) The Venerable K. Dhammalankara Thero of the Forest Hermitage, Andankulama, stated that on 21st August, when he was waiting to receive alms the people who were bringing alms shouted that they were attacked by Tamils. He looked down from his rock cave and saw Tamils running away with clubs in their hands. On the 25th, one Somawathie, whom he knew, complained to him that her husband had been injured by Tamils. He found injuries on the husband's body: the latter was in hospital when the witness visited him again. During the August-September disturbances he found that articles in his temple had been damaged, and he produced broken pieces of Dhammachakra and a Buddha Statue.

(2) Mr. G. V. Pushpa Jayanthi stated that she, her husband, W. G. Lionel, and their daughter Nilmini (18 months old), Lionel's brother, Wilson, and brother-in-law, Sugathadasa, were living in Trincomalee, where the men worked in a carpentry workshop belonging to one Chitravel. On the morning of 21st August, a man told her in Tamil to leave their house. Owing to earlier incidents that had occurred, they left the house about noon and walked towards Palamkotte. She saw 2 persons walking ahead of them carrying guns and they ordered her party to stop.

One of the men fired and she was hit in her arm and fell. The other man then fired and her husband was hit twice and died. Wilson and Sugathadasa ran away, but were killed by two shots.

Four Tamil youths helped her to reach the main road with her child, from where a police vehicle took them to Trincomalee Hospital that afternoon. On the 25th, she was taken to Kandy Hospital at night and operated upon. After one month she was discharged. Two weeks later she met Inspector Majeed at Kantalai Police Station. When they were walking along a footpath she saw the man who shot her. She said his name was Thangarajah and he lived at Pattimerdu. All their goods were missing when she went to the house in Trincomalee where they had lived.

Compensation had been paid to her and her child for her husband's death. But she complained bitterly that she was neglected in Trincomalee Hospital by the doctors and nurses. She said she was not given food or drink or medical treatment and the only nourishment she received was supplied by persons working in the market.

I decided that an investigation of these complaints was necessary ; and Dr. Xavier, the Consultant Surgeon of the Hospital was also anxious that it should be made.

The witness was admitted to the hospital at 3.30 p.m. Dr. Xavier stated that he was there at that time and he took her at once to the operating theatre. He found a compound comminuted fracture of the right upper arm and some other injuries on the right side of the lower chest and on the thigh. Only the first injury needed immediate treatment. He reduced the fracture by a temporary splintage, which he did in the ward. He used plaster of paris to keep the parts in position. Pethedin was given to alleviate the pain and saline was ordered.

As he could not assess the damage, if any, to any organs, he ordered that her blood should be grouped and blood kept in readiness to be used in case an operation became necessary. Her blood group was B positive. An X'ray was done at 4.25 p.m. He and 5 other doctors, he said, saw the patient every day. The X'ray showed that there was one pellet and some fragments of bone in the arm and no pellets anywhere else to cause injury to internal organs. He said that splinting was given priority in such a case and next was the prevention of infection. Solid food was not given. Water was permitted and that was the duty of the nurses. She was put on anti-biotics such as penicillin and streptomycin and tetanus toxoid was given. His report sent with the patient to Kandy Hospital when she was taken by ambulance on the 25th mentions these facts and also that permanent surgery was delayed till the swelling on the arm subsided and the infection was controlled.

There was no dispute between Dr. Xavier and the witness Dr. Wickremasinghe Consultant Surgeon of Kandy Hospital, who was called by Senior State Counsel, that in such a case splintage and temporary plaster is the first line of treatment in surgery. Dr. Wickremasinghe said that if such treatment is given soon after admission, it is left to the surgeon to decide on further treatment. He may postpone definitive surgery, and he would decide if a blood transfusion was necessary.

The patient arrived at Kandy Hospital at 11.55 p.m. on the 25th and Dr. Wickremasinghe examined her shortly thereafter. He found her in a state of shock and that could have been caused by loss of blood, rubbing of fracture ends of bones, anxiety due to the loss of close relatives and the transport to Kandy. An X'ray was ordered. Saline was given at Kandy

O. P. D. on admission, as well as anti-biotics, penicillin and streptomycin. Blood transfusion began at 8 a.m. on the 26th and was completed at 3 p.m. At 10 a.m. she was taken for surgery.

A point made by Dr. Wickremasinghe was that one X'ray taken at Kandy showed that the bone had not been properly set: that would only be discovered by an X'ray taken after the temporary splintage, which was not done at Trincomalee. He seemed to suggest that during transport the position may have slightly worsened.

He made it clear that the main bullet is still lodged in the arm: all he removed at the operation were some of the metallic fragments. When the patient was discharged, that bullet was still there. This is important, because the patient stated that a pellet was removed from her right arm and another from her left leg and she produced before me 2 pellets which she alleged had been so removed during the operation. As it was a judicial case, said Dr. Wickremasinghe, no pellets or fragments removed would have been given to the patient but only to the J. M. O. Dr. Wickremasinghe also stated that she did not complain to him of having been neglected at Trincomalee Hospital. He was of the opinion that, on the evidence before him, Dr. Xavier's line of treatment was correct. The witness Pushpa Jayanthi was a false witness when she gave evidence of her treatment in that hospital. She complained that, apart from her examination at admission, she was not examined by a doctor; that her arm was not dressed at Trincomalee Hospital, and the injury was only covered with a plain bandage.

The then Matron of that hospital, Mrs. K. Kodituwakku, complained that the patient was not given a blood transfusion, the treatment rendered to the arm was inadequate and she contrasted the unsatisfactory way the patient was treated with the treatment given to Mr. Gunarajah of the Sugar Corporation. She was not the only witness to speak thus. Even the Sinhalese Lift Attendant at the hospital and a Sinhalese vegetable and fish dealer in the market, T. H. Wimalapala, expressed their opinions and dissatisfaction with the treatment meted out to Sinhalese patients at the Trincomalee Hospital. I regret that 7 other Sinhalese patients treated there during those troubled days gave evidence accusing the doctors of having neglected them. Dr. Xavier produced their Bedhead Tickets and refuted their allegations. It appeared to me that a concerted effort was made by a group of persons hostile to Dr. Xavier to defame him without any justification. A similar false story was spread against the doctors of the Jaffna Hospital. I have written elsewhere in this report of the harm done by false rumours which were circulated during this period by evil-minded persons who had no knowledge of the real facts.

Dr. Xavier was not aware of the reason for the transfer of the injured woman to Kandy Hospital. As Mr. Gunawardene, S.P., stated it had noth-

ing to do with the treatment she was given at Trincomalee Hospital. It was on an order made by the Deputy Minister of Defence, in order to avoid a difficult situation which would have arisen if the bodies of the 3 dead men had been taken to Kandy, as their relatives wished. As a compromise, they were buried in Trincomalee, while the widow was transferred to Kandy Hospital. Dr. Xavier was glad to learn that the transfer was not a reflection on him.

I am glad that the inquiry into his treatment has enabled him to clear his name in the face of charges of inefficiency and communalism.

(3) S. C. Steinwall, a labourer of Mihindupura, stated that on 22nd August, when he was in his house with his family a crowd of Tamils shouted and threatened him at about 9 p.m. Their leader was one Saba. He, therefore, took his family to a house close by and later saw his house on fire. He complained to the police on the 23rd.

(4) H. Deeman Fernando, a carpenter who had worked at Kannyai from 1963, stated that on the 22nd four Tamils—Mahadevan, Nadarajah, Thevan and Selvam ordered him to leave by that evening. They came again at night and threatened to set fire to him and his shed. So he and his assistant went into the jungle. Thevan set fire to his shed: and when he went next day with the police he found all his tools, stock of timber, etc., destroyed.

(5) The Venerable A. Seelawansa Thero of the Wilgam Raja Maha Vihara, Nilaveli, stated that on the 23rd four or five gun shots were fired at his temple that night and the pellet marks were still visible. He also said that the boutiques of Harischandra and William Singho near the temple were completely burnt.

(6) M. Appuhamy stated that on 2nd September, 5 or 6 Tamils set fire to his house and that of his neighbour G. Peiris. Both houses were destroyed. He had been paid compensation by the State.

(7) On 21st August, C. Baby Singho was in his furniture shop in Main Street which he had owned since 1950. Adjoining it was a carpentry shed. A curfew was to begin at 6 p.m. At about that time he had closed all the shutters except two and he was watching the road. He saw a man at the Sivan Street Junction carrying a paper bag. He closed all the shutters and went to the shed and lay on table watching the road. He then saw the same man, opposite his shop, throwing the paper bag into the Shed. There was a loud explosion and flame, which killed a dog who was under the table. The witness' toes were injured. His workmen extinguished the fire which started in the shed. He informed the police.

(8) Witness A. T. Missi Nona was carrying on a coir yarn business at 3rd Cross Street. Across the road was Lumbini Stores owned by a relative and next to that another coir yarn business. On 21st August, all 3 establish-

ments were set on fire at about midnight and she extinguished the fire in her shop. The army and the police came there, and removed torches made of rags from the roof. Diesel oil and kerosene had been splashed on the front of her shop.

(9) S. Peter Silva, a fisherman of Palaiyuthu, stated that on 22nd August, he was walking home at about 3 p.m. when he was abused and attacked by a crowd of Tamils. He was removed to hospital, where he stayed until 3rd September.

(10) C. B. Siriyawathie of Palletotam was living on an allotment given to her by the Government. On 22nd August, a Tamil crowd ousted her from it and she took refuge in Sirimapura, from where she saw the houses of Sinhalese living in Pullikulam colony on fire. Not a single Sinhalese was left in Pullikulam. On her return to Palletotam, she found that Tamils had built houses where her house had stood. She also produced 13 affidavits from 13 persons who had been similarly ousted from Palletotam. They all asked for compensation and land on which they could build new houses.

(11) Similar evidence was given by P. Alice Nona and J. M. Wimalawathie, who stated that they had built houses on allotments given to them in Palletotam, in January 1975. On 22nd August, they were ousted by Tamils and ran for shelter to the adjoining garden of the Roman Catholic priest. They asked for land on which they could build houses, because the Tamils had demolished their houses and built houses for themselves on their allotments, they also asked for compensation.

(12) Witness, H. B. Jayawathie of Sirimapura stated that her father Hendrick Singho, a fisherman, went out to sea on 3rd September. On 5th September his body was found floating in the sea. It was brought ashore, and it had 3 injuries and a rope was tied round the right ankle with a stone weighing 20 lbs. attached to the end. There was no evidence as to how he came by his death. Dr. Xavier has given evidence as to the probable cause of death. He had seen the body, the D.M.O.'s post-mortem report, and the report of Professor H. V. J. Fernando made on certain material sent to him. Dr. Xavier ruled out the possibility of the deceased having been attacked, injured, and put into the sea. His opinion was that the deceased got drowned, and the rope was tied round his ankle after death. If his opinion is accepted, this death was not caused by homicide.

(13) H. Nandawathie and 5 other Sinhala families were living at Rakadawatta, when on 5th September all their houses were burnt down. She produced her own affidavit and those of 4 other persons. She stated that they have now returned there and built new houses.

(14) Mr. Gunawardene, S. P., spoke of 2 houses at Linganager, occupied by Sinhalese, having been burnt on 7th September. One of them

belonged to L. Dayawathie, who stated that her house was burnt when she was away from home. She claimed compensation.

Incidents which occurred between 3rd and 6th June, 1977

I was doubtful at one stage whether the details of these incidents were relevant, because they did not occur during the specified period, August and September 1977. It was said by some witnesses that these incidents were the cause of, or the factor which aggravated, the violence that broke out in August. I, therefore, allowed evidence regarding them to be led.

I do not now see any need to analyse the details, or to decide who is to be blamed for their occurrence. They arose when the ashes of the late Mr. S. J. V. Chelvanayakam were brought to Trincomalee on 3rd June. I do not accept the suggestion that the ashes were brought to create a political environment favourable to Mr. Sampanthan and the T. U. L. F., or to divide the country. It was a normal and justifiable event, organized with the object of allowing the Tamils of Trincomalee to pay their respects to the remains of a revered and distinguished Tamil politician, who had been their leader for years and had earned their respect and affection.

Nor do I accept the theory that the communal disturbances of August, were in fact a continuation of the June disturbances. The terms of this Commission are not framed on that basis. Moreover, if there had been any substance in that theory, there would have been post-election violence as happened in other parts of the Island.

It was suggested to Mr. Sampanthan that he was mainly responsible for the bloodshed in that area, and he denied it as a most irresponsible suggestion. I accept his denial. He has always maintained that he was against violence from any source, and I am satisfied that he was.

On June 3rd, 1977, according to Mr. E. J. de Silva, the then Government Agent, communal violence and disharmony was first observed in Trincomalee. That evening the ashes were brought to the town and taken in procession from the Airport to the Tamil Maha Vidiyalaya. Motor cars and bicycles were in the procession, which was a peaceful one. It was when people were returning to the town for the Vidiyalaya that violence broke out. A tractor or two are said to have been among the vehicles that made the return journey.

There has been a conflict of evidence as to what caused the violence to break out. I am satisfied that the events of those 4 days were not a cause of the events of August and September, so I shall not analyse them. They do not concern the issues I have to decide on this Commission. Mr. Gunawardene, S. P., said that when he returned to Trincomalee on 3rd night and went to the hospital it looked like a battlefield. On the 4th, it was agreed that the procession and public meeting which had been planned to take place in the town, should be cancelled. During those days between the 3rd and the 6th both Sinhlese and Tamils suffered in person and property.

General Observations on the events of August and September, 1977

After the events of June, 1977, nothing took place until on 17th August. At 6.30 p.m. on the 18th, Mr. E. J. de Silva was informed that a bomb had been thrown into the premises of Pilgrims Rest, which is just outside Fort Frederick, but no damage resulted except to an araliya tree. On the 19th an appeal to the public for peace and harmony, was printed in the names of the Government Agent, the Superintendent of Police, and Mr. Sampanthan, and distributed. Despite the appeal, violence erupted in the district on the 19th, and in the town on the 20th, as I have shown elsewhere. Mr. de Silva was appointed Co-ordinating Officer of the District that night, and it was clearly established that he performed his duties with conspicuous thoroughness and impartiality.

An all-island curfew was imposed from 5 p.m. on the 22nd.

The incidents that took place, both in the town and outside it, establish that in Trincomalee as in many other parts of the Island, the criminal elements paid no regard whatsoever to a curfew. They roamed about as they pleased and defied the curfew order and the criminal law, and the police appear to have been powerless to enforce the order or the law.

It was proved that the police force was inadequate both in numbers and equipment to restore order. It is on them that the public primarily rely to see that the peace is maintained, and when they failed the authorities fell back on the Armed Services in Trincomalee.

The curfew imposed from the 20th to the 22nd was marred by attacks on 2 establishments—Koneswaram Cafe and Pillayar Stores that very evening. The police would surely have been there at that time, yet no move seems to have been made by anybody to stop the brazen defiance of the law.

Mr. de Silva stated that he instructed the police and the armed services to open fire when it was necessary, and to be in readiness to do that. I see nothing in the evidence to show that his instructions were obeyed, even though they were given with the instructions of the Government to add weight to them. The shooting at Thampalakamam which resulted in 3 deaths was during this curfew, but it occurred under totally different circumstances which made it impossible for anybody to prevent it happening.

Monday, 22nd August, earned the description "Black Monday", because there were so many instances of violence. Six of them occurred at almost the same spot on the Uppuveli Road, in quick succession, and not far from the Railway Station. The explanation given by Mr. Gunawardene was that the Uppuveli Police Division extends from the town to Kahatagasdigiliya 40 miles away. There was only one jeep available for its use. A mob can gather in a short time, commit an offence speedily, and disperse at once

before the police even learn of the incident: that was, apparently, what happened at the spot I have mentioned. Short of posting armed men there the whole day, there does not appear to be any way of preventing such a situation. Even mobile patrols, which the police and the armed service used, will not be able to prevent it.

A static guard posted at any point will merely result in violence erupting elsewhere. A mobile patrol will probably not reach that point without being spotted by persons keeping a look-out for it. A possible, though drastic, remedy used in other countries, is to empower law-enforcement officers to shoot at sight when they see that a mob has gathered in one spot.

A point made by Mr. Gunawardene, when explaining why disturbance or acts of violence occur, was that people have no respect today for a policemen's uniform. He cited the instance of 3 policemen having been shot dead when they were guarding a Bank in Jaffna. Other similar instances were common. There is no doubt that when lawlessness increases in a country, the arm of the law must be strengthened, and the law-enforcement authorities given the necessary power to deal adequately with a difficult situation. Extreme force is sometimes necessary to bring a situation under control, and the police should for that reason be given adequate teeth to stop an outbreak of violence.

Mr. Gunawardene stated that, in view of the possible outbreak of violence in Trincomalee, he took the precaution of asking Inspector Majeed of Kantalai police Station whether he had made proper security arrangements regarding the employees of the Sugar Corporation. He was told that Majeed was satisfied with the measures taken. I regret to say that the security precautions were totally inadequate, as has been proved by what happened to the Tamil Officers residing there in official quarters.

I called for the Information Book entries relating to incidents that had happened in the Corporation premises in the recent past. They showed that there had been series of complaints made by Tamil employees in respect of offences committed, and it appeared to me that they had been subjected to continuous harrassment by fellow employees. I shall mention some of them:

(1) On 5th June, 1977, S. Darmarajah, Master Carpenter of the Corporation, complained that about midnight on the 4th, 3 persons woke him up and said: "Do you know the Trincomalee incident. Come out". He ran out of his room and they chased him. Later he found that his radio worth Rs. 2,500 had been stolen.

(2) On the same night C. Ramakrishnam, Property Foreman of the Corporation, complained that a crowd of 10 persons entered his quarters and stole goods. He had informed the Resident General Manager also.

(3) On 7th June, watcher T. Krishnapillai complained that the hut in which he lived had been burnt down the previous day; and 3 Tamil Agricultural Officers of the Corporation complained that their rooms had been entered and some of their belongings stolen.

(4) On 16th August, a field watcher complained that his gun had been stolen from his room.

In all these cases, it seemed to me that no culprits had been traced, despite inquiries made by the Police. It was clear that in the area occupied by the Corporation there was fairly large population of thieves and undesirable persons.

I think any police officer should have anticipated that, when the opportunity came to repeat in that area what had been happening in other parts of the country, the Tamils would have become the victims of unprovoked attacks. As Inspector in charge of Kantalai Police Station, Majeed should have been aware of the complaints that had been made, and taken suitable steps to prevent an outbreak of violence in the Corporation premises. This he had failed to do.

The Resident General Manager, Mr. C. Mettananda, rejected offers made by the Police to tighten security. This is surprising, since he had returned to Kantalai from Kandy on the 19th, and a curfew had been imposed at 11 a.m. in the Kandy District owing to the violence that erupted there on the 18th. Mr. V. Kanagasabai, Mechanical Engineer of the Corporation, was out of the Island when this Commission was sitting. In a Memorandum which he sent in, he stated that the attackers were obviously minor Sinhalese employees of the Corporation living within the Corporation premises, because the villages are about 5 miles away from the factory, and there were security points at the Corporation boundaries. His house was within the factory premises where the Security Services are readily available, yet these services also seem to have been unconcerned above the safety of the occupants of the houses there. Mr. Kanagasabai also stated in his Memorandum that "anonymous handwritten posters appeared on the walls of certain sections of the Corporation, inducing the Sinhalese to commence communal disturbances in the Corporation. Even at that crucial stage, neither the Resident General Manager nor the Security Officers took any notice of this".

Mr. Gunawardene mentioned an incident which occurred on the 22nd August afternoon, when tension was very high in Trincomalee. He was in the market square when 2 mobs were converging on each other. He fired one revolver shot at each mob and they vanished. At the same time a bomb thrown from the balcony of former M.P. Mr. Neminathan fell about two feet from him.

Mr. Sampanthan complained about the manner in which curfew passes had been issued. Mr. K. C. Liyanage, A.G.A., took steps to issue such

passes without delay, to enable essential services to be maintained. He stated that he satisfied himself that those who applied, really needed the passes. Mr. E. J. de Silva said that on the 22nd Mr. Sampanthan complained to him that passes were being issued to undesirables, but he did not mention their names when asked to do so. Nor did Mr. Sampanthan raise the matter on the 23rd at a conference held at Navy House. Mr. de Silva's complaint against Mr. Sampanthan was that the latter made damaging allegations but mentioned no names, so that it was not possible for him to go into the matter. Mr. Sampanthan was later apologetic over the matter, he said when questioned, and explained that he had gone on what he had heard.

Mr. Liyanage stated that when Mr. Sampanthan questioned him on this matter he gave him the register of passes issued, so that he could inspect it: and Mr. Sampanthan then said that his information must be wrong.

In his evidence-in-chief Mr. Sampanthan repeated his charge, and under cross-examination by Senior State Counsel he again stated that curfew passes were issued indiscriminately and that a large number of Sinhalese traders went all over the place in vehicles, talking to Sinhalese. This is surely a "non sequiter", for why should not Sinhalese traders with passes talk to other Sinhalese? As a lawyer of experience Mr. Sampanthan should have known that vague allegations, such as he had made, will not suffice to establish even a *prima facie* case. I find that nothing irregular was done in the matter of these passes.

Mr. de Silva, for his part, protested against certain statements made in Mr. Sampanthan's evidence. They were (1) that the law-enforcement authorities in Trincomalee were inactive and failed in their responsibilities (2) that they had aided the offenders, and (3) that the troubles were brought under control mainly by his intervention. I am not anxious to judge between the active, energetic and enthusiastic Member of Parliament (who would have judged all public officers by his own standard and found many of them wanting) and the equally efficient and devoted Coordinating Officer (who obviously spent every moment watching the activities of the law-enforcement forces in his efforts to quell the disturbances).

But on point (1) I think Mr. Sampanthan was referring to the many instances of crimes committed against the Tamils, particularly on 22nd August, and he placed the blame for this on the Police. He was entitled to express his dissatisfaction. On point (2) he was probably referring to the failure to enforce the curfew laws and to prevent crowds assembling and committing crimes. He has praised some officers and blamed others, which shows that his condemnation was not wholesale. On point (3) I find it difficult to uphold his claim.

CHAPTER IV

WHETHER ANY PERSON OR BODY OF PERSONS OR ANY ORGANISATION OR ANY PERSON OR PERSONS CONNECTED WITH SUCH ORGANISATION, COMMITTED, OR CONSPIRED TO COMMIT, OR AIDED OR ABETTED, OR IN ANY MANNER ASSISTED IN THE COMMISSION OF, ANY OF THE ACTS REFERRED TO IN CHAPTER III

This question is set out in section 2 of the Terms of Reference.

I have already referred at length in Chapter III to the various incidents, acts and offences which were committed between 13th August and 15th September, 1977. When doing so, I have also mentioned the persons, bodies of persons and organisations, if any, who committed or conspired or abetted the commission of the acts specified.

It was more convenient to deal with the nature and particulars of the incidents and the persons or bodies responsible for them, together.

The evidence led by different organisations, individuals and the State regarding the commission of offences often pointed to specified persons having been the offenders. In other instances, the offenders were unknown or were members of a mob who could not be identified.

In some instances, I had the accused persons summoned and I heard what they had to say and I came to a decision on the facts. But this method could be used only sparingly, because it would have involved summoning those named offenders if their whereabouts were known, and that would not have been possible in most cases. I have, therefore, where I was satisfied that the evidence given by the injured party established a *prima facie* case, upheld his claim to damages or compensation. It may be that his claim will subsequently be found to be false and that he suffered no loss, in which case he would not be entitled to receive anything. In most cases, injured parties assessed the damages they suffered: but I do not think such assessment can be accepted as accurate. That is why I have recommended that panels should be appointed, to verify and assess what would be a reasonable sum to be paid by the State to those persons who actually suffered damage.

CHAPTER V

MEASURES NECESSARY FOR THE REHABILITATION AND ASSISTANCE OF PERSONS AFFECTED

This subject is covered by Section 3 (a) of the Terms of Reference.

Several Memoranda were received on this subject.

Fr. Caspersz dealt with the subject thus :

- (1) Speedy and well-supervised disbursement of adequate compensation is necessary.
- (2) Re-settlement of hardworking families in the North-Central and Eastern Provinces will help the country to be self-sufficient.
- (3) Rehabilitation through settlement should guarantee that the families will be the main beneficiaries of their efforts to produce food and will not be exploited by landlords and others.
- (4) Where people are still living in insecurity and fear, they should be transferred to more secure places.
- (5) Persons, whether landlords or other possessors of lands, who were ousted forcibly, should be restored to possession.

The Bishop of Kurunegala summarised the problems that existed as follows :

- (1) Relief to destitute persons which include over 5,000 Tamils of plantation origin; refugees of Jaffna origin who were accommodated by relatives or friends; and a limited number of Sinhala refugees or friends; and a limited number of Sinhala refugees who were being supported by Government relief programmes.
- (2) Some estate workers who had suffered looting and violence had been helped by organisations, but others had received nothing.
- (3) Government servants who had fled from insecure places of work were being paid salaries only if they had returned to work, unless proper leave was obtained. Only some had been transferred to secure places: all whose requests were genuine should be transferred.
- (4) Craftsmen, artisans or small traders who lost their means of livelihood should be given some form of capital in order to resume work.

The Federation of Tamil Trade Unions suggested, as measures of rehabilitation of victims of the disturbances, the transfer of Tamil employees to Tamil areas; the provision of housing facilities in safe places and security arrangements; and the option of retirement for employees who do not want to continue in employment under the Government, with adequate compensation for loss of career.

The Tamil Refugees Rehabilitation Organisation suggested that, in addition to the above, Tamils who had to leave their land and property in Sinhalese areas and do not wish to return to them, should be given land in other areas where they will have a sense of security. In such cases, it was suggested by the Association of Affected Tamil Officers, the Government should buy those lands at the market value, as that was the only way to obtain a reasonable price for them.

Dr. Balasingham, President of the Affected Tamil Officers' Association, suggested the decentralisation of the public service, with a view to reducing the number of Tamil officers required to serve in Colombo. This would also result in various branches of the public service being moved to the North. Such a step, he said, would be more convenient for members of the public also; at present they have to travel to Colombo for many purposes which could be conveniently attended to in Jaffna.

I would advise that all these suggestions be considered by the Government. They have been put forward by public officers who had, in many cases, gone through days of great anxiety and distress. Some of them had suffered severe losses of money and property, and members of their families had also gone through severe mental strain. I can well understand and sympathise with them, and their reluctance to run the risk of a repetition of the experiences they had undergone. Wherever possible, I think action should be taken to allay their fears.

While a mass of evidence has been led before me to show what so many citizens and public officers suffered during the disturbances, little evidence was placed by witnesses with regard to the need for rehabilitation as it existed after the lapse of 18 months or two years. Mr. W. T. Jayasinghe, who was in charge of rehabilitation, stated in evidence on 16th May, 1979, that rehabilitation was over and there was no problem left. I do not think he was referring to the requests made by the organisations which I have just been setting out. He stated that about 30,000 Tamil persons had been in refugee camps: a good part of them had returned to their original houses; to others land had been given or they were working on lands belonging to other people. The government, he said, had spent about twenty million rupees on rehabilitation, and there were no more refugee camps.

Mr. Jayasinghe admitted that the Tamil Refugees Rehabilitation Organisation had applied to be granted the status of an Approved Charity. He stated that it had not complied with certain conditions laid down by the Government, and that it was Government policy that all assistance offered by outside agencies for rehabilitation, should be sent to the Government.

On the question of compensation, it has been said that while it is true that laws providing compensation to victims of crime are rare, they are desirable.

"They should be framed as part of the effort to do justice, when a crime has occurred as a symptom of social disunity and a further disruption of the social order. If we are to regard justice after a crime as social restoration, victims should be compensated. When a community has been wounded by a crime, the community has not been made whole while its living members who have most grievously suffered for the crime are uncompensated" (Crime and Justice in America by Professor L. Harold de Wolf (1975) page 195).

Whatever may be the rule in this Island under normal conditions, the incidents which occurred during the specified period were of such an extreme nature and so widespread, that an exception should be made as regards the payment of compensation to all those persons who were adversely affected. I suggest that full compensation for all losses sustained should be paid to all such persons by the Government. I have recapitulated the evidence given by witnesses. But there are also 275 affidavits filed by affected persons which should be taken into consideration when compensation is being assessed. A great deal of time was saved by the production of these affidavits.

In some cases the sufferers have, either in evidence given by them or by way of affidavits, given their own estimates of the damages they sustained. It was not possible for me to examine the correctness of these estimates and arrive at accurate findings on the actual damages sustained. To have attempted to do so would have prolonged these proceedings unduly. It will be necessary to have the claims made by those who suffered losses carefully investigated by persons who are competent to assess the quantum of compensation which should be paid in each case.

There have been many cases where public servants and others have been killed in the prime of life, leaving widows and children. They could have worked, in some instances, for many more years and their heirs would have received larger pensions if they had done so.

Their dependants have suffered by losing the bread-winner under such circumstances, while if he had enjoyed the normal life expectancy they would have been in a much more favourable situation. Such cases should be suitably dealt with, and an enhanced pension paid to the heirs.

I recommend that all persons who suffered damages arising out of the incidents which occurred during the period 13th August, 1977 to 15 September, 1977, be paid full compensation to the extent of such damages. Any sums already received from the Government, or payable by reason of insurance policies in their favour, should of course be deducted.

A Report of the Government Assistance to victims of the disturbances furnished to me by Mr. Tissa Devendra, Secretary to this Commission, is reproduced here.

Government Assistance to Victims of the Communal Disturbances of August/September, 1977

I was Director of Social Services when the Communal Riots of August/September, 1977, broke out. I took prompt action, in close consultation with Mr. W. T. Jayasinghe, Secretary to the Ministry of Defence, to alleviate the distress of the victims, give them some immediate compensation and to return them to their homes, wherever possible.

Camps

One hundred and one camps for refugees were established in the most affected areas under the supervision of the Government Agents and guarded by the security forces. Free food and basic medical facilities were provided and ready access was given to voluntary, social welfare and religious organizations who co-operated in assisting the Government's effort. The camps were administered by Government Officials, most often Social Services Officers. These camps were established in Government buildings, Schools and Temples. In many cases the camps were run only for a few weeks until the refugees left. In a few cases they continued for some time longer. The presence of these camps and their readiness to accept refugees at any hour was given wide publicity. Thousands of refugees utilised this facility in their hour of need. The camps were closed only after the refugees were transported to places of their choice or returned home.

The total cost borne by the Government in running these camps was Rs. 2,006,757.

Transport

Refugees were transported by Government to places of their choice and back to their original homes from their camps. A number of refugees from Colombo were transported to Jaffna by air (Air Ceylon) and sea (Ceylon Shipping Corporation). The rest of the refugees were transported by road (by the C.T.B. and rest by Government and Service vehicles).

The total cost paid out by the Government to the three statutory bodies is Rs. 2,539,203 (Air Ceylon, Ceylon Shipping Corporation and the C.T.B.). This excludes the expenditure incurred by Government Departments and the Services proper as they were absorbed into the normal Government travelling costs.

Compensation for Losses

In August itself circulars were issued by me, as Director of Social Services, to the Government Agents to make a prompt survey of losses and damages incurred by victims, even when they were absent, so that there would be

some immediate record of the extent of damage. Special instructions were given by Government approving *ex-gratia* payments to persons affected, up to a sum of Rs. 800 per family for the repair of damaged houses and Rs. 50 for the purchase of kitchen utensils, etc. As a special case, this assistance was paid even to those who lived in rented houses, those who lived on encroachments as well as the non-nationals. The last three categories are normally not entitled to any assistance from the State, but in these exceptional circumstances assistance was extended to them on humanitarian grounds. These payments were, however, restricted to those whose monthly income for the entire family had been less than Rs. 300 a month.

Payments made by the Government Agents amounted to Rs. 343,900. These payments were made to victims other than those in estate areas.

Compensation paid to Estate Workers

Similar compensation was paid to estate labourers and their families. These labourers in small private estates were paid by the Government Agents a sum of Rs. 82,285.

The two State Corporations (the Janatha Estate Development Board and the State Plantations Corporation) paid a total of Rs. 1,420,019.

Compensation for Deaths and Injuries

In September, 1977 itself arrangements were made to make immediate *ex-gratia* payments of Rs. 3,000 to the widows/families of those who were killed during the disturbances. According to records 128 were killed during the disturbances and compensation was paid to their widows/families. Subsequently increased compensation calculated on the basis of the Workmen's Compensation Ordinance was paid to these widows/families.

The total paid was Rs. 1,119,250. Similarly *ex-gratia* payments were made to disabled persons by Government Agents: the total paid was Rs. 163,289.

Religious Institutions

The State also paid compensation to religious institutions which had been damaged during the disturbances. Compensation paid totalled to Rs. 202,115.

Insurance

The Insurance Corporation informs me that it has paid, up to date—25th March, 1980, a total of Rs. 8,953,320 against claims made by victims of disturbances.

I give below a comprehensive statement of Government expenditure on the victims of the disturbances.

STATEMENT OF GOVERNMENT EXPENDITURE ON VICTIMS OF THE COMMUNAL DISTURBANCES

	Rs.
1. Compensation paid to dependants of 128 dead persons (Sinhala 30, Tamils 98) ..	1,119,250
2. Compensation paid to disabled persons (Sinhala 1, Tamils 28) ..	168,289
3. Compensation paid to Estate Workers through the Estate of J.E.D.B. and S.P.C. ...	1,420,019
4. Compensation paid to Estate Labourers by Government Agents ..	82,285
5. Compensation paid by 22 G.AA for families to purchase kitchen utensils, clothes and repair damaged houses ..	343,900
6. Compensation paid to Religious Institutions for repairs and purchase of furniture, etc. (Hindu 5, Buddhist 3) ..	202,115
7. Expenses incurred for the maintenance of 101 refugee camps ..	2,006,757
8. Expenses incurred in transporting refugees :	Rs.
Air Ceylon ..	1,749,995
Ceylon Shipping Corporation ..	551,448
C.T.B. ..	237,760
	<hr/> 2,539,203
9. Claims settled by Insurance Corporation (up to 25th March, 1980)	
Fire ..	6,943,815
Motor ..	1,767,040
Burglary ..	242,465
	<hr/> 8,953,320

Tissa Devendra.

CHAPTER VI

MEASURES NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC AND TO PREVENT THE RECURRENCE OF SUCH INCIDENTS

This subject is covered by Section 3(b) of the Terms of Reference.

I have already expressed my views on the cry for Eelam raised by the T.U.L.F. The Ven. Madihe Pannasiha, Fr. Caspersz and many other persons have stated that it was the main cause of the disturbances. Therefore, the first measure I would recommend, to prevent a recurrence of the disturbances, is that this claim be abandoned.

The Federation of Tamil Trade Unions in its Memorandum dated 16th January, 1978, stated, "It is a stark truth, which none could deny or should ignore, that this communal disharmony (between the Sinhalese and Tamils including Muslims) has existed and could not be remedied for over two millenia. It is impossible for the two communities to live together. In the opinion of the Federation it is, in two separate and independent states, one for the Sinhalese and the other for the Tamils, that there could be peace and harmony". Mr. Amirthalingam in his Memorandum dated 12th June, 1979, stated that "the only long term remedy to prevent a recurrence of such incidents in the recognition of the right of the two nations to rule themselves in their respective homelands". I regret that I am quite unable to agree with this demand.

The Ceylon Workers Congress in its Memorandum complained that the law enforcement machinery of the State, and in particular the Police, by and large failed to discharge its function of protecting the victims and preventing incidents: I agree that in many instances the truth of this observation has been borne out.

It happened in several places that the Police were inadequately equipped with men and vehicles to render assistance speedily or at all. In other places, however, even though the Police were at the scene of incidents carrying arms, they were inactive and merely played the role of passive spectators. Another unsatisfactory situation that has been spoken to in the evidence was that there was a lack of co-operation between the senior Police Officers and their subordinates. Incidents that happened in the town of Kandy and on Uduwela Estate, Kandy, bear out the defects I have just referred to; but there were many other places where action which could have been taken to restore order, was not taken.

The explanation may be (1) that during and after the Insurgency the cadre was increased by about 9,000 and the period of training was considerably reduced; (2) the method of selection of recruits was changed, and some whom the I.G.P. had selected were rejected by the Cabinet, who took

the responsibility of making the appointments; (3) when discipline in society has broken down, recruits from the same society will tend to be indisciplined; (4) interference by politicians who gave orders to Police Officers mostly orally.

Mr. Stanley Senanayake, former I. G. P., has spoken on these matters, and I am satisfied that they had a great deal to do with the unsatisfactory handling of the grave disorder in many places.

I have read the 3rd Edition (1960) of the Ceylon Police Department Orders framed under Section 56 of the Police Ordinance. If these orders were constantly borne in mind and carried out, many of the lapses on the part of Police Officers, which have been pointed out by witnesses, would not have occurred. The orders relating to unlawful assemblies and crowds and how to deal with them seem to have been often ignored. I might mention particularly Kandy, Wattegama, Teldeniya, Kekirawa, and Polgahawela and there were other places also where the Police were incapable of dealing with people who broke the curfew regulations, and were either ignorant of their right to, or were for some reason reluctant to fire at mobs which had deliberately assembled prior to attacking places of business and committing grave crimes.

The necessity to disperse a mob by firing, when it was in the act of looting and burning and killing, should be obvious to any reasonable policeman. He should not be deterred from doing so, merely because an inquiry may be held later into the circumstances. When the law has empowered any person to commit death or grievous hurt—whether he is a police officer or not after giving due warning to desist or to disperse, it would be wrong to look on and do nothing. There were instances where under such circumstances not even a single round was fired into the air. At Wattegama, where a mob of about 3,000 persons were permitted to gather during curfew hours near the Police Station and descend on the bazaar, the Police were content to stay in the Police Station in order to guard it. They seemed to have forgotten the Firing Orders which every police officer was expected to memorize. On the other hand, it happened at Kekirawa that when a message was received by the Police that A.S.P., Chandra Mendis, was coming there from Anuradhapura, the Police who had refused to fire a single shot became active. Three policemen each fired a round in the air, and a crowd of about 10,000 persons was reduced to 10 or 15. Police inactivity or indifference could be a strong incentive to a mob to continue their lawless acts.

It happened in Trincomalee that a mob, which had repeatedly gathered in a particular area and attacked passing vehicles, dispersed as soon as they learnt that a Police vehicle was approaching. After a while, the

mob would gather again in that area and repeat its previous performances. Mr. Edward Gunawardene, S.P., Trincomalee, at that time, stated that the only way to prevent that kind of nuisance was to empower the security forces to shoot a mob at sight. He certainly showed no reluctance to use his revolver when he fired at 2 mobs who were confronting each other, and saw them both vanish.

By long tradition the Ceylon Police, like the British Police, do not as a general practice carry firearms. They have been trained to use them, and are equipped with them when an emergency arises, in order that they may deal with armed criminals and political terrorists. It is a matter for the consideration of the Government whether further action is necessary for the consideration of the government whether further action is necessary to deal with threats to security in particular areas of the Island, especially when terrorists, who shoot and kill unarmed police officers and run away, are active.

Two matters which affect the Police were brought to my notice :

- (1) The language or communication gap between police officers and the public in certain parts of the Island. It is very desirable, if not essential, that police officers should be able to communicate without difficulty with the people in the area where they are stationed. Misunderstandings could be avoided if there is mutual intercourse between the two parties.
- (2) An impression which existed in the minds of some police officers was that their race or religion is a factor to be considered when action has to be taken. It should be impressed on all police officers, that when they are in uniform or on duty they cease to be Sinhalese or Tamils or Muslims. They must then under all circumstances act fairly and impartially and fearlessly, heedless of their own race or religion.

Finally, I would recommend that the Police should have sufficient manpower, be equipped with an adequate supply of vehicles, and be given clear instructions which they should always have in mind, so that they may be able to take swift, stern and sufficient action to suppress an outbreak of violence.

Evidence has been led of articles published in newspapers and pamphlets both here and abroad, containing racialist propaganda.

I do not wish to give particulars of those articles ; but it should have been obvious to anybody reading them that they were intended to , or were at least calculated to, rouse the feelings of one race against another. It is a low standard of journalism that gives publicity to such material.

As for the pamphlets, they have often been published to give vent to imaginary wrong doings by one race against the other. They are mischievous attempts, to further the cause of those who complain that they are downtrodden, and I have no doubt they are circulated far and wide in order to gain the sympathy and support of all countries.

When such appeals to racial feelings are made, they can do a great deal of damage to the cause of racial harmony. They probably had that effect before the outbreak of disturbances in August 1977.

The widespread damage done to temples and sacred places during the disturbances, and for some time prior to 1977, has revealed the need for early action to be taken by the police and all the appropriate Government authorities, to prevent a grave situation arising. It has been shown that complaints made to the authorities over the damage done to bo-trees at Trincomalee and Kiliveddy went unheeded until those trees were completely destroyed. It is to the credit of the adherents of Buddhism that they exercised restraint in the face of grave provocation. It is to be hoped that in future a less lethargic attitude will be adopted by the authorities to whom such complaints are made.

I would also refer, while I am on this subject, to the considerable turmoil that existed in certain tea plantation areas in the first half of 1977, after the nationalization of estates, particularly in the Gampola, Pussellawa and Kotmale Districts. Tamil citizens by descent or registration were ignored, and Sinhalese peasants were preferred when estate land was alienated and re-allocated. The Tamil estate workers in several estates were thrown out of them. Their displacement in a heartless manner was followed by the shooting of workers on Devon Estate, and looting, arson and physical violence on Sanquhar and Delta Estates, in a wave of communal terrorism.

All this and more was pointed out by the Bishops of Colombo, Chilaw, Kandy, Kurunegala and the Auxiliary Bishop of the Archdiocese of Colombo and the Secretary of the Methodist Church Conference in a Memorandum published in the Ceylon Catholic Messenger newspaper of 3rd July, 1977.

Evidence was given by Mr. M. K. Suppiah, Industrial Relations Officer of the Ceylon Workers Congress, who spoke about estate workers on Choisy and Balapokuna Estates in Pundaluoya having been chased out by a gang of men who called themselves a People's Committee, and were led by a Member of Parliament. The same lawless proceedings took place on Dartry, Mulgama and Orion Estates in Gampola.

Mr. Shanmugam, S.P., Kandy, at that time, spoke of two incidents of violence on Delta and Sanquhar estates in May, 1977. It was elicited from him that despite early warnings given to the police, that attacks were imminent, no action was taken to maintain order and prevent breaches of the peace.

Another regrettable feature of those tragic days was the long delays that occurred both in the launching of prosecutions and the hearing of the cases in the courts. A case which was filed on 24th July, 1977, over the incidents on Delta Estate against 42 accused, was still pending on 12th July, 1978. No case was filed over the incidents on Sanquhar Estate until 25th July, 1978, and that too only after pointed attention had been drawn to the omission by lawyers who appeared before this Commission.

The lessons to be learnt from the facts I have mentioned are that (1) if lawlessness is not immediately nipped in the bud, it can grow fast and spread over a large area; (2) if the law is not enforced both by the Police and the Courts with all deliberate speed, it will cease to exercise that essential discipline over the lives of lawbreakers, which is the guarantee of peace and order in the country.

I would attribute the callous and criminal behaviour of villagers and colonists towards the many thousand estate workers living near them in August 1977, to the success which attended their incursions in March and May, 1977. Mr. Suppiah blamed the politicians, some of whom promised their supporters lands and other benefits, while others even led the unlawful invasions of the houses of inoffensive workers who were forcibly ousted.

It is deplorable that as Mr. Jayasinghe stated, some Members of Parliament aided and abetted or instigated the wrongdoers. He also said that a Member of Parliament was responsible for accelerating the programme for selecting and settling villagers on estates around Gampola and ousting the estate workers therefrom.

The tragedy was heightened by the failure of the Police, who had been warned, to take preventive action at once.

There is no place for political violence in a democracy. It should be outlawed and stamped out speedily.

The All Ceylon Buddhist Congress in its Memorandum of 17th March, 1979, mentioned some of the Buddhist sacred and other places damaged during the disturbances at Jaffna and Kilinochchi. It pointed out the affinity between Hinduism and Buddhism and the mutual understanding between the followers of these religions which had led to peace and unity, except in one or two exceptional cases.

It suggested certain measures to prevent a recurrence of the incidents, some of them being :

(1) The establishment of Buddhist and Hindu cultural centres, and a Hindu-Buddhist Museum in the North ; and a special Faculty in the Jaffna University for research on Buddhist and Hindu culture.

(2) The State should take adequate steps to preserve Buddhist ruins all over the country and to protect Buddhist pilgrims.

(3) The State should encourage the printing of books which promote unity between Sinhalese and Tamils.

(4) A Unit should be set up by the State to correct wrong information which may jeopardise Hindu-Buddhist relations, to stop all anti-national and divisive activities and propaganda, and to check foreign aid received by liberation movements that aim to damage Hindu-Buddhist unity.

(5) The Government should set up new industries in Jaffna peninsula, and provide employment and housing for both Sinhalese and Tamils.

(6) Facilities should be provided for persons who left Jaffna to return there for re-employment.

I commend these suggestions as worthy of consideration.

Those who belong to a minority community should not have to live in a state of fear and frustration. Where there are pockets of minority communities living within a majority community, the State should provide the necessary security. Fr. Bernard and Mr. Amirthalingam have mentioned this matter. Lord Action has said : "The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities".

Fr. Caspersz mentioned in his Memorandum certain steps which might be taken to remove the remote and proximate causes which were responsible for the disturbances. I mention some :

(1) The teaching of history, geography, language and religion in school and University should be motivated by the need to unite, without making uniform, the various elements in our richly plural-cultural society.

(2) It is essential to teach Tamil to Sinhalese children and vice versa. Much prejudice is due to ignorance of the other's language and culture. Unity in diversity is achieved by knowledge of them.

(3) Both Sinhalese and Tamil must be made compulsory for eligibility to Government employment at any level : and certainly English at the tertiary stage of education, and of possible at the primary and secondary stages.

(4) Action is necessary to convince people of the Government's determination to achieve the inter-communal harmony necessary for socio-economic progress. He gave as instances C. G. R. and C. T. B. signs, name boards and announcements which should be in all 3 languages: and ban on the broadcasting of songs that encourage communalism.

(5) Efforts are necessary to integrate, without assimilating, the Tamil estate population with the Sinhalese village.

(6) Economic stagnation and unemployment, especially for the youths between 18 and 25, must be overcome. Action is necessary to make Sinhalese and Tamil youths join hands to ensure a better future.

(7) Confidence should be created in all, that the law enforcement machinery will act surely and swiftly at the slightest sign of communal disturbance or public hooliganism, or as soon as rumours begin.

(8) All leaders of communities should join to remove past misunderstandings and build a society where everyone can live without fear or injustice. Harping on communal matters must cease.

(9) The force of Religion should be used to defeat the forces of Evil.

(10) School children should mix in order to understand each other.

Fr. Bernard, suggesting remedies to prevent a recurrence of communal disturbances, called for the moral education of both Sinhalese and Tamils and others towards genuine non-violence. All religious leaders should take part in that exercise, in order to change the hearts of the people. They should inculcate respect for the rights of others, such as respect for life, respect for sex, respect for property rights. A man, he said, should be taught to believe that we are all human beings, instead of considering others as being Buddhists, Hindus or Christians. I cannot refrain from quoting here a tribute paid, on his death, to a former Bishop of Colombo, the Right Revd. A. R. Graham-Campbell by the Revd. R. Bowyer-Yin: "He rose above all barriers of speech, language, colour, race, culture or religion by speaking a language understood by all, the language of love".

May it not be that we have been too obsessed with questions of race, creed, caste and language? Is it not time that each of us attached more importance to his membership of one nation, and paid more heed to the duties and obligations that devolve on him in that situation? The problem we face is not a new one. Near the end of the troubled year 1786 in the United States of America, George Washington, soon to become first President, made this appeal: "Let us cast aside the remembrance of past wrongs, past grievances, of past differences. Let prejudices, unreasonable jealousies, and local interests yield—Let us look to our national character, and to things beyond the present moment—Wisdom and good examples are necessary at this time to rescue the political machine from the impending storm".

"Fortunately, a world-famous conciliator was also on the scene. Benjamin Franklin, already the Patron Saint of Prudence and Practicality, had agreed to head the Pennsylvania delegation to the General Assembly at the age of 82. He dramatized the need for compromise by showing a phial containing a two-headed snake. He observed that the reptile, if its heads took opposite sides on the way to stream, might die of thirst unless the difference were accommodated. He might have added, "The wise and the brave dares own he was wrong". Franklin taught them all the art of conciliation needed to make the Constitution work, and how to make a principled concession of principles to give full scope to "the unearned increment crated by human accord". (Ralph T. Ketcham).

In our day too, we can look forward to leaders who can appreciate the necessity to settle outstanding issues, which have arisen between the communities, by the method of friendly discussion. The national interest requires that there should be patriotic collaboration across the party battle lines. We need exponents of the politics of reconciliation who believe that "the business of a statesman is not so much to define and answer questions as to blend opposites and strike balances". "Politics", as Lord Home has said, "is a profession, not for the bully with a bludgeon but for the artist with a baton".

Three subjects in dispute between the Government and the T.U.L.F. appear to me to be. Education, Employment, and Colonisation. I have heard very little evidence on these matters, and I would rather not express any views for that reason. I have no doubt that it is necessary to lay down guide-lines, preferably after a meeting between the Government and the T.U.L.F., where the existing areas of conflict can be discussed.

CHAPTER VII

FINAL OBSERVATIONS

I have concluded my inquiries and my report, save for a few observations which I should like to make.

02: It is generally acknowledged that the preservation of law and order is the first essential of civilisation. There is an old story about some shipwrecked sailors who, after many weeks spent tossing on uncharted seas, spotted an island with an object standing up on it. They approached it, and found it to be a gibbet. "Thank God!", they exclaimed, "It is a civilised country". In a country which boasts of a hangman, there is no great risk of being scalped by savages or eaten by cannibals.

03. Civilisation can not longer be taken for granted. It is being challenged from within in many countries. There has been student unrest and revolt, there are the hippies and now there are terrorists. They have been termed ideological saboteurs, who are undermining established values without putting anything in their place. They lower the morale of the people by attempting to destroy the existing system.

04. To add to the confusion, we live in an age of indiscriminately, destructive nuclear weapons, when all human life is at risk and there will be no winner if a nuclear war breaks out.

05. Many may think that a new barbarism has descended on the world, bringing with it deprivation and unhappiness. One has only to listen to a news broadcast, or read a newspaper which carries news of what is happening round the world, to make one wonder what the next disaster or tragedy will be. Embassies are no longer immune from attack by students and guerillas; diplomats are held as hostages, though even primitive man was accustomed to respect their immunity; judges have been kidnapped and murdered. Such incidents have become so frequent, that they no longer seem to surprise the public.

06. There is an increasing disregard of human dignity everywhere. The rule of law is being constantly broken and encroached on by the rule of violence. Corruption and dishonesty are not unknown. Force is regularly used in the pursuit of political aims.

07. When I was tracing the course of events in the first Chapter of this Report, I drew attention to a steady growth of lawlessness which appeared to be leading to something approaching anarchy. Hand-bombs were being manufactured and used to cause destruction; firearms were used for the murder or attempted murder of political opponents and inconvenient witnesses of crimes; burglaries were committed in order to collect the

weapons and ammunition; public property was attacked and damaged merely because the Government was unpopular with a certain section of the community, although it was a lawfully and constitutionally appointed Government of the entire Island; youths in their twenties wielded arms to dispose of persons whose views did not coincide with their own, and robbed banks to obtain funds to buy such arms; inflammatory and abusive speeches were made on public platforms against the Government and the police; hunger strikes scheduled to last a few hours were staged even in the premises of the Courts of Law, disputing the work of the judges; and school children were mobilised to join these law-breaking crowds who staged their frequent hartals, and were thus inducted into politics under compulsion.

08. In the middle of August, 1977, began the aftermath of the events of the preceding years. The nature of the incident of those years, and their prolonged history, would not have passed unnoticed in other parts of the Island. They would surely have made an impact on persons living outside the Jaffna peninsula. News of incident in which Sinhalese living in the peninsula, Buddhist priests, and Buddhist sacred places, were treated disrespectfully, would have reached the inhabitants of the other districts. News of what was happening in Jaffna on 15th and 16th August, coupled with greatly exaggerated rumours concerning Sinhalese University students who were there, police officers, the Buddhist Temple and its High Priest, added fuel to fire and started a conflagration in the other parts of the Island.

09. One lesson, and the principal one, to be learnt from the evidence which was led before me, is that violence is a profitless and mischievous method of trying to achieve any objective, political or otherwise. It leads to intense suffering and the unnecessary sacrifice of innocent people: they are the victims, while those who engineer and perpetrate the many unpardonable crimes escape unscathed.

10. Another lesson is that there live in this Island a solid, incorruptible core of decent, law-abiding citizens of all-races and religions, of which any country can be proud. In many instances that have been spoken to, men and women spontaneously risked their lives to play a heroic role. These splendid persons proved that courage and charity can survive under all circumstances, and when most needed. Some have been mentioned by name, while the others are nameless. They understood and practised the duty of obedience to the unenforceable, which is the test of civilisation in any country. There is no law which compels a person to rescue a drowning man, or to defy a howling mob, or to hide a neighbour or even an unknown man fleeing like some poor animal from a crowd bent on killing him.

11. Similar instances were provided in India during the Hindu-Moslem riots of 1946, where chivalry triumphed in the midst of frenzy. Mahatma Gandhi said of such inspiring exhibitions of compassion: "Mankind would die if there were no exhibition any time or anywhere of the divine in man".

12. One can contrast with those shining examples of bravery given by ordinary men and women, the crowds of men, women and even children who comprised the mobs that roamed the streets of towns and villages. They shared "a unity of purpose, passion and hatred which merges the many minds of a crowd into the mindlessness of a mob. No mob has ever protected any liberty, even its own; but if not put down it always winds up in an orgy of lawlessness which respects no liberties. The crowd mind is never tolerant of any opinion which does not conform to its herd opinion. Brave with the courage of numbers, mobs endanger liberty as well as order". Thus has Mr Justice Jackson of the U. S. Supreme Court spoken of the danger of tolerating mob rule.

13. A cause of disturbances of August and September, 1977, may be said to be a decline in spiritual values. Four great religions of the word have a multitude of adherents in this Island. How often they must have listened to sermons preached about spiritual and moral values, love, compassion, tolerance, and the sanctity which attaches to every individual! Yet there seems to be a lack of spiritual depth, a shallowness of religious influence, and a want of self-control, among certain sections of our people.

14. The incidents that occurred also show that there is a cleavage between the Sinhalese and Tamil races. To use a metaphor which describes the two streams of law and equity, "though they run in the same channel they run side by side, and do not mingle their waters". This cleavage is unfortunately brought into the open by the less reputable members of these race, when there is civil disorder.

15. I think it can be confidently said that the middle classes of both races have mixed freely in all the bigger towns. They move in the same social circles and clubs: they work together in the same professions, business circles and trades; they speak to each other in the same language. But I do not think the same can be said of the other classes from which come the rowdies, the rioters, and the law-breakers who provide the mobs and marauding gangs.

16. Despite the lack of integration of the two races, there need be no recurrence of the events of 1977, if they could accept and practise a practical message of one sentence, which has come down the centuries. It was referred to recently by Lord Hailsham, when he spoke of what should be the ultimate aim of everyone in public life. He said he had recently come

across a quotation from Cicero, orator, lawyer, philosopher and politician, who died at the hands of his political enemies 40 years or more before the birth of Jesus Christ, the founder of Christianity. It read: "We have a natural propensity to love our fellowmen, and that, after all, is the foundation of law". Lord Hailshan continued: "It is this inarticulate feeling trying to struggle out of the confusion of the modern world which I believe to be the true will of the inarticulate majority".

17. Before I end, I wish to quote a passage which appears at the end of the evidence given by Fr. Caspersz. It is this: "The ultimate solution of the problem of the inter-communal relationships in our country lies in the establishment of a genuinely socialist society. In this society every man, woman and child will be given due place not because one is a Sinhalese, a Tamil, a Muslim or a Burgher, not because one is a Buddhist, a Hindu, a Christian or a Muslim, but because one is a human being with inalienable human rights and human responsibilities. The immediate solution lies in all the leaders of our country, the leaders of all political parties, of all communal and religious groups getting together to provide the climate for the rapid socio-economic development of our country. These leaders today belong to the middle class. They must realise that communal conflicts which since 1956 have been recurring periodically, are inimical to the socio-economic progress of our country. Indeed they are inimical to the interests of the middle class itself. The leaders of the majority community and the majority religious group must realise that the minorities have their rights and that the redress of their grievances needs to be given full weight. They must remember that parliamentary democracy is the rule of the majority with the consent of the minorities. The leaders must start their deliberations at a round-table or elsewhere on two inalterable premises. The first is that the country should never again witness events such as those of August 1977, which are a disgrace to a country which professes to live by the ideals of Metta, Karuna, Mudita, and Upekha, by the ideals of brotherhood and compassion. The second premise is that the country should not fritter away its time and its energy in inter-communal violence and conflict, while the main task that awaits it is the liberation of all our people from poverty, unemployment, hunger, ignorance, and disease".

18. I have one more duty to perform, and it is a pleasant one. It is to express my grateful appreciation of the work done by all those officers who served on the staff of the Commission, I thank Mr. Tissa Devendra (Secretary), Mr. R. S. Sivasubramaniam (Assistant Secretary), Mr. S. D. Abeywickrema (Office Assistant), Mr. D. J. S. Ranaweera, Mr. M. S. Kandasamy (Interpreters), Mr. P. Thilagadas, Mr. T. P. Fernando, Mr. S. E. L. Silva (Stenographers) and Mr. A. J. Lunuwila (Clerk). Their efficient and loyal services, always readily and cheerfully made available to me, made my task much lighter and more pleasant than it would otherwise have been.

19. Finally, I wish to acknowledge the help and guidance I received from the lawyers who appeared. They gave me the benefit of their advice and views on the several questions of law which arose during the hearings. By their cross-examination of witnesses, and by leading the evidence of other witnesses, they were also able to assist me to arrive more easily at decisions on disputed questions of fact.

Sgd. M. C. SANSONI.

APPENDIX I

COMMISSION OF INQUIRY INTO AUGUST/SEPTEMBER 1977 INCIDENTS

Dates and places of sittings

Jaffna	.. 8.2.78 to 11.4.78
Anuradhapura	.. 24.4.78 to 29.4.78
Kandy	.. 15.5.78 to 21.7.78
Colombo	.. 7.8.78 to 25.9.78
Trincomalee	.. 2.10.78 to 28.10.78
Colombo	.. 15.11.78 to 15.6.79
Kandy	.. 25.6.79 to 25.7.79
Kandy	.. 22.10.79 to 10.12.79

Total number of days of sittings : 298

APPENDIX II

COMMISSION OF INQUIRY INTO AUGUST/SEPTEMBER 1977 INCIDENTS

Appearances Marked by Counsel

<i>Date</i>	<i>Name of Counsel</i>	<i>Organization/Individual Represented</i>
8.2.78	.. Mr. G. P. S. de Silva; Deputy Solicitor-General	
"	.. Mr. P. Ramanathan, State Counsel	
"	.. Mr. Sam J. C. Kadirgamar, Q.C.	} Tamil Refugees Rehabilitation Organization
"	.. Mr. S. Nadarajah	
"	.. Mr. S. Viswanathan	
"	.. Mr. K. Shanmugalingam	
"	.. Mr. Siva Rajaratnam	
"	.. Mr. Leslie Bartlett	
"	.. Mr. K. Thevarajah	
"	.. Mr. Manivasagan Underwood	
"	.. Mr. S. Puthumainayagam	
"	.. Mr. S. Chakradaran	
"	.. Mr. S. C. Chandrasekaran	
"	.. Mr. S. Somasunderam	
"	.. Mr. I. Kotheeswaran	
"	.. Mr. S. Sittampalam	
"	.. Mr. Mano Devasagayam	
"	.. Mr. S. Mahendran	
"	.. Mr. Sivarajasingham	
"	.. Mrs. Shanthini Gnanakaran	
"	.. Mr. S. Mandaneswaran	
"	.. Mr. N. P. Niles	
"	.. Mr. Mahendran Sellathamban	} Federation of Tamil Trade Unions
"	.. Mr. Rajan Sellathamban	
"	.. Mr. S. Karunakaran	
"	.. Mr. S. Raveendran	
"	.. Mr. P. Navaratnarajah, Q.C.	
"	.. Mr. K. Shanmugalingam	} Association of Affected Tamil Officers
"	.. Mr. Leslie Bartlett	
"	.. Mr. Manivasagan Underwood	
"	.. Miss Baskari Mudaliyar	
"	.. Miss Fatima Arokiasamy	
"	.. Mr. M. Karunakaran	
"	.. Mr. S. Raveendran	
"	.. Mr. P. Navaratnarajah, Q.C.	} Ceylon Workers' Congress
"	.. Mr. K. Shanmugalingam	
"	.. Mr. Leslie Bartlett	
"	.. Mr. Manivasagan Underwood	
"	.. Miss Baskari Mudaliyar	} Federation of Hindu Associations of Sri Lanka
"	.. Miss Fatima Arokiasamy	
"	.. Mr. M. Karunakaran	} Association of Affected Tamil Officers
"	.. Mr. S. Raveendran	
"	.. Mr. K. N. Choksy	} Ceylon Workers' Congress
"	.. Mr. S. Ruthiramoorthy	
"	.. Mr. Jayaperisundaram	
"	.. Mr. Somas Kathirgamar	
10.2.78	.. Mr. Manivasagan Underwood	} Federation of Hindu Associations of Sri Lanka
"	.. Mr. R. Balasubramaniam	
1.3.78	.. Mr. R. Balasubramaniam	} Association of Affected Tamil Officers
"	.. Mr. C. Kodeeswaran	

REPORT OF INQUIRY INTO INCIDENTS BETWEEN 13.8.77 AND 15.9.77

295

<i>Date</i>	<i>Name of Counsel</i>	<i>Organization/Individual Represented</i>
8.3.78	.. Mr. Jimmy Rajaratnam	.. Mr. Manuel Raja Joseph
20.3.78	.. Mr. Bonnie S. Wickramasinghe	} On behalf of the Vavuniya Police and some affected people of Vavuniya
21.3.78	.. Mr. A. C. de Zoysa	
"	.. Mr. Daya Perera	} For Police and Service Personnel
"	.. M. D. L. de Saram	
"	.. Mr. R. J. de Silva	
"	.. Mr. Tony Amath	
8.4.78	.. Mr. Mahalingam	.. Mrs. Sivakamipillai Sinnathamby
"	.. Mr. Sarath Silva, Senior State Counsel	} Certain Police Personnel
"	.. Mr. Eardley Perera	
10.4.78	.. Mr. Manivasagan Underwood	} Puwaneswari Balasundaram (Mrs.)
"	.. Mr. T. Somasundaram	
"	.. Mr. Manivasagan Underwood	} Mr. Chelliah Dharamaratnam
"	.. Mr. T. Poopalan	
24.4.78	.. Mr. A. D. T. M. P. Tammokoon, Senior State Counsel	
24.4.78	.. Mr. Luxman Weerasooriya	
29.4.78	.. Mr. Dissanayake	
15.5.78	.. Mr. G. H. Gnanasekaram	.. Tamil Refugees Rehabilitation Organisation
"	.. Mr. Manivasagan Underwood	} All Ceylon Hindu Youth Federation
"	.. Mr. Mano Devesagayam	
19.5.78	.. M. K. S. Sangakkara	} Kandy District Organisation of Sri Lanka Freedom Party
23.5.78	.. Mr. Lal Wijenayake	
"	.. Miss Chitrani	
26.5.78	.. Mr. Kithsiri Seneviratne	.. Mr. P. R. A. Ratwatte
30.5.78	.. Mr. Salih Mohamed Zavahir	.. Dr. Sidique
13.6.78	.. Mr. Dunuville	} Mr. Ratwatte
"	.. Mr. Kolugala	
19.6.78	.. Mr. Dhanapala	.. Mr. Mark Perera
4.7.78	.. Mr. Parakrama Ranasinghe	} Mr. N. A. D. P. Gunasekera
"	.. Mr. Kingsley Fernando	
11.7.78	.. Mr. J. A. de Silva	.. Mr. de Soyza
7.8.78	.. Miss Y. Ramalingam	.. Ceylon Workers' Congress
7.8.78	.. Mr. Dunstan de Alwis	} Sinhala Bauddha Peramuna
"	.. Mr. Frajapala Gunawardene	
"	.. Mr. Percy Karunaratne	
"	.. Mr. Harischandra Wijetunga	
"	.. Mr. Vernon Tilakaratne	
"	.. Mr. K. Jayasekera	
"	.. Mr. Premaratne Gunawardene	
"	.. Mr. C. D. S. Siriwardene	} Sinhala Mahajana Peramuna
"	.. Mr. W. P. Gunatilleke	
"	.. Mr. H. M. P. Herath	
"	.. Mr. Lalith Jayawickrema	
"	.. Mr. H. Jayamaha	
"	.. Mr. Denzil Gunaratne	
"	.. Mr. Harischandra Wijetunga	
"	.. Miss Nanayakkara	
"	.. Mr. K. Karunaratne	

Date	Name of Counsel	Organization/Individual Represented
7.8.78	.. Mr. Harischandra Wijetunga	} Sinhala Tharuna Peramuna
..	.. Mr. Luxman Ranasinghe	
..	.. Mr. Kithsiri Weerasuriya	
..	.. Mr. Nalin Abeynayake	
23.8.78	.. Mr. Lakshman Ranasinghe	} Sri Lanka Tharuna Bhikshu Peramuna
25.8.78	.. Mr. Kithsiri Weerasuriya	
12.9.78	.. Mr. V. W. Kularatne	.. Sinhala Mahajana Peramuna
2.10.78	.. Mr. S. Mathavarajah	} Tamil Refugees Rehabilitation Organisation
..	.. Mr. P. Ranganathan	
..	.. Mr. R. Chandrapalan	
..	.. Mr. M. K. Selvarajah	
..	.. Mr. R. Vigneswaran	
..	.. Mr. S. Satchithanathan	
..	.. Mr. Siva Rajaratnam	} Federation of Tamil Trade Unions
..	.. Mr. M. Sivarajasingham	
..	.. Mr. Siva Rajaratnam	} Association of Affected Tamil Officers
..	.. Mr. M. Sivarajasingham	
..	.. Mr. Siva Rajaratnam	} All-Ceylon Young Men's Hindu Association
..	.. Mr. M. Sivarajasingham	
..	.. Mr. Percy Karunaratne	.. Sinhala Mahajana Peramuna
11.6.79	.. Mr. Walter Wimalachandra	} On behalf of Ven. Madihe Pannasee Maha Thero
..	.. Mr. W. P. Gunatilleke	
..	.. Mr. H. M. P. Herath	

APPENDIX III

COMMISSION OF INQUIRY INTO AUGUST/SEPTEMBER, 1977 INCIDENTS

List of Witnesses

(In alphabetical order)

Name of Witness	Folios in Proceedings	
	A	
1. Abeysekera, G. ..	10,091 - 10,118	
2. Abeysekera, S. ..	2,674 - 2,682	
3. Agastyan, D. ..	207 - 215	
4. Ahmed, R. ..	1,183 - 1,184	
5. Aiyathurai Swami, P. S. ..	616 - 619	
6. Alagan, R. ..	3,202 - 3,207	
7. Alagappan, S. ..	3,628 - 3,633	
8. Alagosa, K. ..	6,876 - 6,882	
9. Alexander, H. L. D. ..	12,236 - 12,259	
	12,264 - 12,320	
10. Alice Nona, Mrs. P. ..	6,705 - 6,717	
11. Allen, O. G. ..	3,342 - 3,355	
	3,367 - 3,368	
	3,993 - 3,997	
12. Aloysius, G. A. D. ..	14,247 - 14,260	
13. Aloysius, M. A. ..	1,460 - 1,462	
14. Amarapala, U. ..	9,081 - 9,077	
15. Amarasingham, Dr. V. P. ..	667 - 673	
16. Ambalavanar, V. ..	804 - 806	
17. Ambikaipakan, K. ..	777 - 778	
18. Amirthalingam, A. ..	45 - 81	
	11,261 - 11,430	
	11,476 - 11,590	
	11,661 - 11,836	
19. Anandamoorthy, S. ..	224 - 225	
20. Anandaraj, N. ..	199 - 202	
21. Anandaraja, K. ..	1,207 - 1,214	
22. Andaiyar Udayar, Mrs. A. ..	6,802 - 6,807	
23. Andiappan, P. ..	2,324 - 2,329	
24. Ansar, M. T. M. ..	10,210 - 10,236	
	10,777 - 10,821	
25. Anthonipillai alias George, M. ..	1,556 - 1,558	
26. Anthonipillai, P. ..	1,472 - 1,473	
27. Anthonipillai, P. S. ..	1,800 - 1,801	
28. Anthonipillai, S. ..	1,474 - 1,475	
29. Anthony, Mrs. A. ..	7,602 - 7,605	
30. Anthony, J. ..	5,833 - 5,852	
31. Anthony, P. A. D. N. ..	4,189 - 4,190	
32. Anthony, Y. ..	2,853 - 2,856	
33. Anthonypillai, S. ..	1,468 - 1,472	
34. Appar, K. ..	798 - 804	
35. Appuhamy, K. G. P. ..	1,931 - 1,938	
36. Appuhamy, M. ..	6,750 - 6,755	
37. Appuhamy, M. K. W. S. ..	4,146 - 4,147	
38. Appuhamy, S. ..	1,879 - 1,903	
39. Arasakoon, K. ..	7,684 - 7,686	
40. Ariyapala, P. A. ..	1,956 - 1,958	
41. Ariyaratnam, C. M. ..	1,328 - 1,330	
42. Ariyasinghe, J. D. M. ..	13,314 - 13,340	
	13,350 - 13,389	
	13,393 - 13,596	
43. Armugam, R. T. ..	1,041 - 1,042	
44. Arulanandam, C. ..	1,642 - 1,647	
45. Arulappu, C. ..	1,304 - 1,309	
46. Arumaithurai, V. ..	6,891 - 6,900	
47. Arumanayagam, Mrs. T. ..	1,136 - 1,141	

—M P. for Kankesanthurai
and Leader of the
Opposition

—S. P., Jaffna

Name of Witness		Folios in Proceedings	
48.	Arumugam, C. ..	7,568 -	7,574
49.	Arumugam, K. S. ..	1,827 -	1,839
50.	Arumugam, M. ...	4,044 -	4,051
51.	Arumugam, P. ..	3,403 -	3,419
52.	Arumugam, Miss. R.	3,427 -	3,432
53.	Arumugam, S. M. ..	2,767 -	2,769
54.	Arunachalam, K. ..	7,682 -	7,684
55.	Arunasalam, A. ..	3,054 -	3,059
56.	Arunasalam, Mrs. J.	3,355 -	3,357
57.	Arunasalam, R. ..	6,422 -	6,428
58.	Arunasalam, S. ..	2,189 -	2,191
59.	Arunasalam, Mrs. T.	3,220 -	3,223
60.	Arundavanathan, K.	6,440 -	6,471
61.	Asirwatham, D. S. ..	7,565 -	7,568
62.	Augustine, M. ..	429 -	451
63.	Avisappu, G. C. ..	8,879 -	8,886
64.	Ayub Khan, M. A. ..	14,168 -	14,176
		14,178 -	14,200
B			
65.	Babysingho, C. ..	6,781 -	6,786
66.	Babysingho, J. P. ..	6,295 -	6,325
		6,349 -	6,364
67.	Badurdeen, M. S. M.	10,163 -	10,209
		10,356 -	10,451
68.	Balai, A. ..	1,475 -	1,479
69.	Balaiah, Mrs. P. ..	529 -	531
70.	Balakrishnan, T. ..	3,692 -	3,710
71.	Balaratnam, T. P. W.	585 -	605
72.	Balasingham, Dr. K.	1,808 -	1,827
73.	Balasingham, P. ...	5,665 -	5,671
		5,707 -	5,710
74.	Balasingham, Mrs. R.	6,489 -	6,514
		6,519 -	6,532
75.	Balasingham, V. ..	1,202 -	1,206
76.	Balasubramaniam, M.	3,621 -	3,625
77.	Balasubramaniam, P.	4,152 -	4,153
78.	Balasubramaniam, S. K.	1,803 -	1,806
79.	Balasubramaniam, T.	1,025 -	1,028
80.	Balasubramaniam, T.	7,722 -	7,723
81.	Balasubramaniam, V.	3,180 -	3,182
82.	Balasundaram, R. ..		903
83.	Balasundaram, K. ...	10,087 -	10,091
84.	Bandulakumar, A. A. D. S.	10,253 -	10,262
		10,558 -	10,581
85.	Barthelot, D. ..	6,886 -	6,891
86.	Basnayake, B. M. P.	14,119 -	14,129
87.	Benedict, A. V. ..	14,569 -	14,592
		14,632 -	14,672
88.	Benedict, Mrs. S. R.	1,087 -	1,093
89.	Bernard, Rev. Fr. A. I.	2,948 -	2,977
C			
90.	Caderamanpillai, U. ...	1,873 -	1,874
91.	Caldara, K. P. ..	9,167 -	9,192
92.	Canagasabai, S. ..	6,017 -	6,020
93.	Canekaratne, N. ..	4,330 -	4,403
		4,519 -	4,538
		4,556 -	4,629
94.	Caspersz, Rev. Fr. P. A. A.	2,730 -	2,767
		2,907 -	2,921
		2,927 -	2,947
		3,368 -	3,397
95.	Chandrahassan, S. C.	919 -	926
96.	Chandrasegaram, K. S.	7,940 -	7,948
97.	Chandrasekera, S. K.	14,050 -	14,085
		14,283 -	14,341
		14,510 -	14,565

—A. S. P. Jaffna

Name of Witness		Folios in Proceedings	
98.	Chandrasekeram, A. K. T.	1,603 -	1,605
99.	Chandrasekeram, R.	1,052 -	1,053
100.	Chandrasena, M.	6,344 -	6,349
101.	Chelliah, K.	1,552 -	1,556
102.	Chettiappillai, P.	7,869 -	7,870
103.	Caitrasena, K.	3,546 -	3,548
104.	Chitraveloo, Mrs. A.	6,472 -	6,474
105.	Chitraveloo, P.	6,600 -	6,604
106.	Christian, A. P.	4,147 -	4,148
107.	Christie, B.	229 -	231
108.	Christie, R. F.	1,119 -	1,122
109.	Coomarasamy, J. N.	2,334 -	2,339
		2,377 -	2,379
110.	Coomarasamy, P. P.	2,330 -	2,333
111.	Coomarasamy, S.	1,598 -	1,602
112.	Cumarasamy, Mrs. P.	6,002 -	6,004
D			
113.	Dassanayaka, Dr. T. S. de C.	829 -	842
114.	David, J. N.	14,768 -	14,793
		14,917 -	14,921
		14,991 -	15,041
115.	Dayapala, T.	1,779 -	1,780
116.	Dayaparan, S.	1,379 -	1,384
		6,738 -	6,7141
117.	Dayawathie, Mrs. L.	3,051 -	3,053
118.	Dayawathie, Mrs. R. D.	11,606 -	11,680
119.	De Alwis, Col. O. C.	11,837 -	11,864
120.	De Alwis, R. A. A. G.	14,261 -	14,266
		14,502 -	14,507
		3,154 -	3,162
121.	De Niese, Mrs. E. M.	15,068 -	15,110
122.	De Silva, C. A. W. N.	14,105 -	14,112
123.	De Silva, D. L. H. L.	2,596 -	2,601
124.	De Silva, D. S.	7,338 -	7,438
125.	De Silva, E. J.	8,086 -	8,147
		8,149 -	8,286
		8,290 -	8,428
126.	De Silva, G. V. H.	998 -	1,000
127.	De Silva, Dr. M. U.	2,790 -	2,817
128.	De Silva, P. V. W. .	13,630 -	13,700
		13,756 -	14,026
129.	De Silva, T. N.	14,593 -	14,631
		14,672 -	14,698
		14,703 -	14,765
		14,808 -	14,833
		14,847 -	14,854
130.	Deni, Aslen	3,432 -	3,436
131.	Devadasan, N.	2,500 -	2,521
132.	Devarajan, S.	581 -	585
133.	Devasagayan, S. S.	10,326 -	10,328
		10,682 -	10,689
134.	Devasigamany, C.	242 -	248
135.	Devendran, Dr. R.	1,384 -	1,390
136.	Dhammalankara Thero, Ven. K.	6,256 -	6,286
137.	Dhanapala, G.	9,571 -	9,587
138.	Dhanasinghe, Mrs. S.	7,644 -	7,646
139.	Dharmadasa, G.	9,201 -	9,224
140.	Dharmadasa, W. D.	3,044 -	3,050
141.	Dharmalingam, V.	1,310 -	1,315
142.	Dharmapala, K. A.	10,118 -	10,141
143.	Dharmarajah, Mrs. M. S.	8,077 -	8,082

—Co-ordinating Officer,
Vavuniya

—G. A., Trincomalee

—A. S. P., C. I. D.

—H.Q.I., Vavuniya Police

Name of Witness		Folios in Proceedings	
144.	Dharmaratnam, C. . .	237 - 241	
		1,750 - 1,752	
		2,717 - 2,727	
145.	Dharmasena, K. A. . .	9,498 - 9,505	
146.	Dharmasena, R. P. . .	6,769 - 6,773	
147.	Dias, Lt. Col. S. A. B. . .	14,854 - 14,860	
		14,865 - 14,880	
148.	Dorairajah, K. . .	2,977 - 2,982	
149.	Doraisamy, S. R. . .	4,189 - 4,185	
150.	Duraiswamy, Y. . .	531 - 535	
E			
151.	E. Iriweerasingham, K. . .	300 - 301	
152.	E. swaranpillai, K. . .	1,479 - 1,484	
153.	E. odapitiya, E. . .	13,701 - 13,755	—S. P., Jaffna
154.	E. iambaram, N. . .	682 - 684	
155.	E. iamparam, K. . .	7,892 - 7,894	
156.	E. iamparam, S. . .	5,987 - 5,988	
157.	E. iamparampillai, P. . .	2,885 - 2,888	
158.	Elagupillai, Mrs. S. . .	1,768 - 1,769	
159.	Elizabeth, Mrs. V. P. . .	4,076 - 4,079	
160.	Ellawala, H. H. . .	9,319 - 9,343	
161.	Emalianus, A. . .	865 - 867	
162.	Emmanuel, S. . .	7,677 - 7,681	
163.	Eswarikumari, Mrs. R. . .	2,985 - 2,987	
F			
164.	Fareed, R. T. . .	10,352 - 10,354	
		10,625 - 10,644	
165.	Fernando, H. G. . .	2,272 - 2,274	
166.	Fernando, H. H. D. . .	6,774 - 6,780	
167.	Fernando, K. E. . .	9,091 - 9,111	
168.	Fernando, M. A. P. A. . .	9,510 - 9,532	
169.	Fernando, M. E. L. . .	15,140 - 15,170	—G. A., Jaffna
170.	Fernando, P. E. . .	1,938 - 1,944	
171.	Fernando, S. W. . .	2,264 - 2,268	
172.	Fernando, S. W. . .	2,442 - 2,443	
173.	Fernando, W. E. R. . .	10,148 - 10,155	
174.	Fernando, W. J. J. . .	9,253 - 9,254	
175.	Fernando, W. K. S. O. . .	9,532 - 9,562	
176.	Fernando, W. P. . .	1,980 - 1,983	
177.	Fonseka, W. A. . .	8,911 - 8,933	
178.	Fonseka, W. J. E. . .	4,278 - 4,306	
		4,316 - 4,329	
		4,482 - 4,518	
		4,629 - 4,663	
179.	Francis, M. A. . .	7,754 - 7,762	
180.	Francis, R. J. . .	7,819 - 7,821	
G			
181.	Gajapathy, M. U. . .	7,864 - 7,868	
182.	Gananathan, Dr. D. . .	792 - 794	
183.	Gandhiwathy, Mrs. G. . .	— - 4,161	
184.	Ganesh, S. . .	7,829 - 7,833	
185.	Ganeshamoorthy, M. S. . .	728 - 732	
186.	Ganeshamoorthy, V. . .	2,655 - 2,658	
187.	Ganeshan, T. . .	1,793 - 1,794	
188.	Ganeshanandan, P. . .	1,841 - 1,842	
189.	Ganesharajah, K. V. . .	1,067 - 1,070	
190.	Ganeshwaran, Dr. T. . .	570 - 581	
191.	Gerard, S. . .	661 - 663	
		673 - 675	
192.	Gnanapragasam, S. . .	6,552 - 6,561	
193.	Gnanasampanthan, Mrs. P. L. . .	275 - 275	
194.	Gnansekeram, Dr. P. . .	1,490 - 1,494	
195.	Gopalakrishnan, R. . .	2,661 - 2,674	
196.	Gopalakrishnan, S. . .	140 - 142	
197.	Gopalan, V. R. . .	8,058 - 8,066	

Name of Witness		Folios in Proceedings	
198.	Gopalasingham, V. K.	.. 4,157 -	4,160
199.	Govindasamy, G.	.. 1,283 -	1,286
200.	Govindasamy, P.	.. 7,815 -	7,818
201.	Govindasamy, R.	.. 2,989 -	2,992
202.	Govindasamy, S.	.. 3,599 -	3,604
203.	Govinthan, S.	.. 4,132 -	4,134
204.	Gregory, Mrs. M.	.. 5,938 -	6,002
205.	Grey, N.	.. 10,237 -	10,248
		.. 10,452 -	10,495
206.	Gunadasa, H.	.. 9,376 -	9,414
207.	Gunaratnam, M.	.. 1,775 -	1,779
208.	Gunaratnam, M.	.. 10,248 -	10,252
		.. 10,828 -	10,854
209.	Gunaratnam, P.	.. 651 -	652
210.	Gunaratnam, Mrs. R.	.. 1,378 -	1,379
211.	Gunaratne, S.	.. 536 -	543
212.	Gunasekera, J. G.	.. 12,667 -	12,896
		.. 12,942 -	12,963
213.	Gunasekera, K.	.. 2,102 -	2,122
214.	Gunasekera, L. K. D. R. S.	.. 1,958 -	1,961
215.	Gunasekera, N. A. D. P.	.. 3,451 -	3,523
216.	Gunawecrasingham T.	.. 1,638 -	1,641
217.	Gunawardene, Rev. A. S.	.. 2,728 -	2,730
218.	Gunawardene, E. S.	.. 8,440 -	8,844
219.	Gunawardene, P.	.. 2,037 -	2,039
220.	Gunawardene, P. H. D.	.. 1,771 -	1,774
221.	Gunawardene, T. D.	.. 15,110 -	15,124
222.	Guneris E. A.	.. 9,080 -	9,091
223.	Gurusamy, P.	.. 734 -	769
		.. 1,341 -	1,373
		.. 1,499 -	1,521
H			
224.	Haniffa A. S. M.	.. 10,267 -	10,270
225.	Harawandi, V.	.. 10,581 -	10,591
226.	Hettiarachchi, Y.	.. 4,060 -	4,061
		.. 9,111 -	9,131
I			
227.	Ibrahim, M. M.	.. 7,833 -	7,840
228.	Ignatius, Mrs. M. I.	.. 1,106 -	1,109
229.	Indrapala, Dr. K.	.. 1,769 -	1,771
230.	Ishad, A. C. M.	.. 8,148 -	8,149
231.	Iyakutty, E.	.. 5,679 -	5,684
		.. 5,761 -	5,765
J			
232.	James, G.	.. 231 -	236
		.. 678 -	679
233.	Jenaki, Miss T.	.. 513 -	517
234.	Jayapragasam, M.	.. 1,794 -	1,796
235.	Jayarajah, T.	.. 857 -	865
236.	Jayarajnam, P.	.. 6,959 -	6,962
237.	Jayarajne, P. R. B.	.. 7,076 -	7,086
238.	Jayasekara, W. M.	.. 3,681 -	3,691
239.	Jayasena, R. G.	.. 1,031 -	1,033
240.	Jayasinghe, W. T.	.. 11,865 -	12,037
241.	Jayatillake, G.	.. 3,262 -	3,271
242.	Jayawardene, K. A.	.. 14,793 -	14,807
		.. 14,899 -	14,916
243.	Jayawardene, K. M.	.. 1,928 -	1,930
244.	Jayawardene, N. A.	.. 10,262 -	10,266
		.. 10,609 -	10,625
245.	Jayawathie, Miss C. B.	.. 6,702 -	6,704

—H.Q.I., Jaffna Police

—Secretary, M/Defence

Name of Witness		Folios in Proceedings	
246.	Jeganathan, M. A.	548 - 639	552 - 640
247.	Jeganathan, S.	779 -	782
248.	Jesudasan, R.	6,571 -	6,574
249.	Jesudasan, S.	226 -	229
250.	Jimadas, H. T.	9,505 -	9,510
251.	Johnpillai, A. W.	7,703 -	7,708
252.	Joseph A. A.	488 - 938	506 - 965
		1,185 -	1,188
253.	Joseph, J. M. D. I.	2,534 -	2,596
254.	Jcseph, M.	3,146 - 3,523	3,152 - 3,527
255.	Joseph, M. R.	770 -	776
256.	Joseph, S.	2,819 -	2,822
257.	Jothimyananda, Swami	1,665 -	1,668
258.	Julius, P. D. N.	2,645 - 2,659	2,650 - 2,660
K			
259.	Kadiravelu, S.	293 -	295
260.	Kadiravelupillai, Mrs. V.	1,098 -	1,101
261.	Kadirgamar, T.	12,207 -	12,236
262.	Kailasapillai, S.	138 -	140
263.	Kalimuttu, Miss. P.	7,856 -	7,861
264.	Kalimuttu, S.	7,855 -	7,856
265.	Kaliuhavarnam, R.	6,604 -	6,605
266.	Kamaladevi, Miss. S.	3,574 -	3,578
267.	Kamalasekeram, R. S.	4,003 -	4,009
268.	Kanagalingam, M.	1,918 -	1,919
269.	Kanaganayagam, V.	7,611 -	7,616
270.	Kanagarajah, Mrs. M.	7,666 -	7,669
271.	Kanagaratnam, R.		1,341
272.	Kanagasabai, A.		1,783
273.	Kanagasabai, R.	5,785 - 5,816	5,793 - 5,821
274.	Kanagasabai, S.	1,462 -	1,463
275.	Kanagasabai, V.	9,809 -	9,810
276.	Kanagasabapathy, A.	290 -	293
277.	Kanagasingham, S.	7,745 -	7,753
278.	Kanagasunderam, V.	4,026 -	4,028
279.	Kanagendran, M. K.	196 -	199
280.	Kanakambikai, Mrs. M.	906 -	908
281.	Kanakaratnam, R.	4,162 -	4,163
282.	Kanakasingham, T.	2,095 -	2,099
283.	Kanapathy Thevar, K. T.	7,669 -	7,672
284.	Kanapathypillai, S.	1,295 -	1,299
285.	Kandaie, S.	3,721 -	3,734
286.	Kandalingam, P.	6,020 -	6,022
287.	Kandanaratchi, N.	2,141 -	2,144
288.	Kandappu, V. S.	689 -	690
289.	Kandasamy, A.	1,071 -	1,072
290.	Kandasamy, E.	1,013 -	1,017
291.	Kandasamy, E.	1,783 -	1,786
292.	Kandasamy, K.	6,616 -	6,617
293.	Kandasamy, K. S.	3,648 -	3,652
294.	Kandasamy, P. K.	933 -	934
295.	Kandasamy, V.	1,752 -	1,767
296.	Kandasamy, V.	3,528 -	3,533
297.	Kandasamy, V.	10,277 - 10,341	10,280 - 10,549

—Addl. G.A., Jaffna

Name of Witness

Folios in Proceedings

298.	Kandiah, K.	..	2,564 -	2,568	
299.	Kandiah, K.	..	10,332 -	10,336	
			10,496 -	10,503	
300.	Kandiah, Dr. P.	..	7,844 -	7,848	
301.	Kandiah, R.	..	1,277 -	1,280	
302.	Kandiah, S.	..		400	
303.	Kandiah, S.	..	1,286 -	1,288	
304.	Kareem, A. C. M.	..		701	
305.	Karthigesu, M.	..	1,564 -	1,565	
306.	Karthigesu, S.	..	1,375 -	1,377	
307.	Kasipillai, V.	..	1,261 -	1,265	
308.	Kathiravel, V.	..	1,047 -	1,051	
309.	Kathiravelu, K.	..	1,271 -	1,274	
310.	Karunadasa, P. W.	..	7,243 -	7,247	
311.	Karunakaran, M. G.	..	7,733 -	7,737	
312.	Karunamoorthy, E.	..	1,920 -	1,927	
313.	Karunaratne, B.	..	6,326 -	6,344	
314.	Karunaratne, H. H.	..	6,287 -	6,294	
315.	Karunaratne, S.	..	1,911 -	1,917	
316.	Karunasena, H.	..	6,763 -	6,768	
317.	Karunawathie, Mrs. G.	..	5,179 -	5,203	
318.	Karunawathie, Miss. R. A.	..	9,193 -	9,201	
319.	Karupanapillai, A.	..	2,429 -	2,441	
320.	Karupiah, G.	..	3,189 -	3,193	
321.	Karupiah, K. A.	..	3,446 -	3,450	
322.	Karupiah, P.	..	6,428 -	6,435	
323.	Karupiah, R.	..	2,983 -	2,984	
324.	Karupiah, S.	..	2,312 -	2,316	
325.	Karupiahpillai, M.	..	1,962 -	1,967	
326.	Kathan, A.	..	7,906 -	7,911	
327.	Kathirgamathamby, R.	..	6,864 -	6,871	
328.	Kodewwaran, N. K.	..	1,669 -	1,670	
329.	Kitchchan, Mrs. N.	..	3,605 -	3,608	
330.	Kodituwakku, Mrs. K.	..	7,249 -	7,296	
331.	Kodituwakku, S.	..	2,035 -	2,036	
332.	Krishnadasan, N.	..	4,307 -	4,316	
333.	Krishnakumar, P.	..	6,543 -	6,550	
334.	Krishnan, M.	..	7,641 -	7,643	
335.	Krishnasamy, P.	..	1,664 -	1,665	
336.	Kugadasan, S.	..	10,284 -	10,298	
			10,655 -	10,661	
337.	Kulanayagam, V.	..	203 -	206	
338.	Kulasekaram, S.	..	2,320 -	2,323	
339.	Kulendei, Mrs. S.	..	7,849 -	7,854	
340.	Kulendran, K.	..	1,860 -	1,865	
341.	Kulendrasingham, G.	..	1,716 -	1,718	
342.	Kulendrasingham, Mrs. S.	..	1,718 -	1,720	
343.	Kumarajothi, Mrs. N.	..	3,185 -	3,188	
344.	Kumaran, V.	..	2,049 -	2,051	
345.	Kumarappapillai, Dr. R.	..	15,127 -	15,140	
346.	Kumarasamy, K.	..	6,579 -	6,584	
347.	Kumarasamy, N.	..	553 -	561	
			606 -	610	
348.	Kumarasamy, R.	..	1,326 -	1,328	
349.	Kumarasinghe, Dr. S.	..	5,159 -	5,160	
350.	Kunjappu, K.	..	1,971 -	1,974	
351.	Kuppusamy, M.	..	3,444 -	3,446	
L					
352.	Leelasena, L. G.	..	6,371 -	6,378	
353.	Letchumi, Mrs. S. T.	..	3,176 -	3,180	
354.	Liyanage, G. W.	..	14,342 -	14,502	S. P., Anuradhapura
355.	Liyanage, J.	..	9,868 -	9,874	
356.	Liyanage, K. C. D. U.	..	8,845 -	8,878	
357.	Liyanawaduge, D.	..	9,225 -	9,319	
358.	Lokubanda, W. M.	..	8,964 -	8,972	

Name of Witness

Folios in Proceedings

M

359.	Madavan, S.	..	6,551 -	6,552
360.	Madavan, Mrs. S. G.	..	7,949 -	7,954
361.	Mahalingam, Miss K.	..	2,993 -	2,995
362.	Mahalingam, R.	..	7,574 -	7,587
363.	Mahasivam, A.	..	337 -	340
364.	Mahendran, S.	..	7,897 -	7,902
365.	Mahendrarajah, S.	..	10,339 -	10,346
		..	10,509 -	10,517
366.	Mahendrarajah, Mrs. V.	..	4,151 -	4,152
367.	Maheswaran, G.	..	701 -	714
368.	Maheswaran, S.	..	824 -	828
		..	—	842
369.	Maheswari, Mrs. S.	..	1,843 -	1,846
370.	Mailvaganam, S.	..	1,270 -	1,271
371.	Mailvaganam, S.	..	3,207 -	3,210
372.	Mani, S.	..	7,800 -	7,881
373.	Maniccam, A.	..	658 -	660
374.	Manickam, P.	..	3,214 -	3,220
375.	Manickarajah, A.	..	2,219 -	2,236
		..	2,268 -	2,272
376.	Manickarajah, M.	..	6,588 -	6,600
377.	Manmadan, Mrs. R.	..	6,008 -	6,013
378.	Manuel, A. G.	..	—	3,401
		..	9,844 -	9,854
379.	Mapa, M. M. L.B.	..	4,191 -	4,197
380.	Marasinghe, R. S.	..	4,538 -	4,556
		..	4,731 -	4,745
		..	5,512 -	5,533
		..	7,967 -	8,011
		..	8,014 -	8,058
381.	Margaret, Mrs. S.	..	7,698 -	7,703
382.	Mariadas, M.	..	6,821 -	6,832
383.	Marampulle, Mrs. N.	..	6,808 -	6,820
384.	Mariasengal, Mrs. M.	..	3,571 -	3,573
385.	Marimuthu, Mrs. T.	..	3,059 -	3,064
		..	3,077 -	3,078
386.	Marimuthu, V.	..	3,544 -	3,546
387.	Mariyanayagam, S.	..	—	1,561
388.	Markupillai, P.	..	1,535 -	1,536
389.	Maruthamuthu, P.	..	6,023 -	6,029
390.	Mary, A.	..	2,536 -	2,541
391.	Mary, Mrs. J. S.	..	3,152 -	3,154
392.	Masilamany, K.	..	7,624 -	7,628
393.	Matheshamy, B. A.	..	9,472 -	9,492
394.	Meepage, T.	..	—	8,911
		..	8,994 -	9,025
		..	9,132 -	9,166
395.	Mendis, A. N. S.	..	14,149 -	14,168
		..	14,214 -	14,218
396.	Mendis, B. D.	..	8,933 -	8,940
397.	Mendis, J. J.	..	1,945 -	1,956
398.	Michael, M. S.	..	4,204 -	4,205
399.	Misinona, Mrs. A. T.	..	6,693 -	6,699
400.	Mitraratne, Mrs. L.	..	1,486 -	1,489
401.	Mookiya, A.	..	2,406 -	2,428
402.	Muhajireen, G. K.	..	14,833 -	14,847
		..	14,880 -	14,898

Name of Witness

Folios in Proceeding

403.	Muniyanidi, K.	3,653 -	3,659
404.	Murugamoorthy, K.	296 -	298
405.	Murugan, M.	4,149 -	4,150
406.	Murugesu, A.	1,060 -	1,064
407.	Murugesu, S.		1,565
408.	Murugesu, S.	6,029 -	6,030
409.	Murugiah, K.	1,018 -	1,021
410.	Murugiah, M.	6,611 -	6,616
411.	Murugesupillai, K.		1,136
412.	Murugupillai, S.	5,822 -	5,833
413.	Murugupillai, S.	6,575 -	6,578
414.	Muthiah, P.	2,997 -	3,015
415.	Muthiah, Miss, S.	1,029 -	1,031
416.	Muthiah, S.	3,071 -	3,077
417.	Muthiah, Mrs. S.	3,752 -	3,577
418.	Muthu, Mrs. J. M.	6,417 -	6,422
419.	Muthu, Mrs. S.	690 -	693
420.	Muthubanda, M.	2,123 -	2,124
421.	Muthukaruppan, P.	2,462 -	2,464
422.	Muthukumar, N.	3,360 -	3,362
423.	Muthulechumi, Mrs. A.	3,419 -	3,427
424.	Muthulingam, A.	5,684 -	5,686
		5,724 -	5,741
425.	Muthureddiar, P.	3,194 -	3,201
426.	Muthusamy, A.		3,627
427.	Mylvaganam, N.	724 -	727
N			
428.	Nadaraja, Mrs. K.	1,872 -	1,873
429.	Nadarajah, C.	451 -	452
430.	Nadarajah, M.	6,974 -	6,977
431.	Nadarajah, Mrs. M.	7,696 -	7,698
432.	Nadarajah, Mrs. P.	627 -	632
433.	Nadarajah, Mrs. S.	904 -	906
434.	Nadarajah, S.	1,266 -	1,270
435.	Nadarajah, S.	3,436 -	3,443
436.	Nadarajah, R.	4,121 -	4,125
437.	Nadarajah, V.	1,496 -	1,498
438.	Nadarajah Kurukkal, P. R. K.	1,588 -	1,591
439.	Nadarajan, A.	994 -	997
440.	Nadarajapillai, K.	10,354 -	10,355
		10,702 -	10,710
441.	Nadesan, A. M.	4,055 -	4,057
442.	Nadesan, M.	2,284 -	2,286
		2,317 -	2,320
443.	Nadesan, K. V.	2,552 -	2,555
444.	Nadesapillai, G.	1,333 -	1,336
445.	Nadesapillai, Y.	4,062 -	4,064
446.	Nagalingam, Miss P.	6,410 -	6,417
447.	Nagamany, V.	256 -	259
448.	Nagarathan, D.	1,846 -	1,860
449.	Nagappapillai, P.	3,997 -	4,003
450.	Nagarajah, K.	648 -	651
451.	Nagarajah, K.	663 -	666
452.	Nagaratnam, K.	1,390 -	1,391
453.	Nagaratnam, M. A.	4,164 -	4,166
454.	Nagaratnam, Mrs. S.	1,011 -	1,013
455.	Nagesh, K.	7,841 -	7,843
		7,872 -	7,875
456.	Nageswaran, S.	1,330 -	1,332
457.	Nageswari, Mrs. S.	7,811 -	7,815
458.	Nallanathan, N.	1,322 -	1,325

Name of Witness		Folios in Proceedings	
459.	Nallathamby, Rev. M. G.	2,237 - 2,263	2,263
		2,287 - 2,300	2,300
460.	Nallathamby, S.	3,362 - 3,364	3,364
461.	Nandarama Nayaka Thero, Ven K.	4,229 - 4,242	4,242
		4,408 - 4,465	4,465
		4,664 - 4,690	4,690
		4,695 - 4,729	4,729
		4,745 - 4,871	4,871
		4,874 - 4,960	4,960
		4,962 - 5,011	5,011
462.	Nampath, Mrs. M.	3,559 - 3,565	3,565
463.	Nandasena, S.	7,086 - 7,087	7,087
464.	Nandawathie, Mrs. H.	6,734 - 6,738	6,738
465.	Narayanasamy, R.	2,522 - 2,527	2,527
466.	Narendran, Dr. R.	848 - 856	856
467.	Natchiappan, P.	7,672 - 7,677	7,677
468.	Nathan, S. N. G.	1,214 - 1,238	1,238
		1,671 - 1,714	1,714
		1,724 - 1,749	1,749
		10,308 - 10,311	10,311
		10,723 - 10,754	10,754
469.	Navarasa, S.	680 - 682	682
470.	Navaratnam, P.	7,538 - 7,564	7,564
471.	Navaratnam, S.	4,019 - 4,023	4,023
472.	Navaratnam, S.	10,315 - 10,320	10,320
		10,754 - 10,770	10,770
473.	Navaratnam, V. N.	1,650 - 1,663	1,663
474.	Navarupan, N.	973 - 980	980
475.	Navaratnasingham, Dr. G.	1,117 - 1,119	1,119
476.	Nayagam, M. K.	2,834 - 2,850	2,850
477.	Neelacandan, N.	4,014 - 4,015	4,015
478.	Nithiyanandan, K.	641 - 646	646
479.	Niyas, A. T.	14,112 - 14,119	14,119
480.	Nordeen, M. N.	12,321 - 12,505	12,505
		12,621 - 12,667	12,667
P			
481.	Pachehamuttu, V.	3,638 - 3,644	3,644
482.	Packiam, M.	2,448 - 2,458	2,458
483.	Packiyanathan, D. A.	7,647 - 7,649	7,649
484.	Padmanathan, R.	1,101 - 1,104	1,104
485.	Palaniandipillai, S.	4,083 - 4,103	4,103
486.	Palaniappan, V.	7,597 - 7,601	7,601
487.	Panagoda, D. C.	2,601 - 2,608	2,608
488.	Pandaram, S.	7,787 - 7,791	7,791
489.	Panditharatna, Rev. Fr. H.	2,922 - 2,927	2,927
490.	Pannaseeha Mshanayake Thero, Ven. Madihe	12,897 - 12,941	12,941
491.	Paramagurusamy, S.	9,814 - 9,815	9,815
492.	Paramanandan, A.	1,800 - 1,800	1,800
493.	Paramanathan, T.	6,641 - 6,648	6,648
494.	Paramanathan, V.	1,594 - 1,595	1,595
495.	Paramasivam, S.	3,538 - 3,544	3,544
496.	Pararajasekeram, P.	1,874 - 1,875	1,875
497.	Parwathy, Mrs. M. O.	3,040 - 3,044	3,044
498.	Parawathy, Mrs. W.	4,071 - 4,076	4,076
499.	Pasupathipillai, Mrs. K.	6,004 - 6,008	6,008
500.	Pasupathy, K.	1,189 - 1,194	1,194
501.	Pathirana, D. H.	3,945 - 3,993	3,993
502.	Pathamanathan, M.	6,606 - 6,611	6,611
503.	Pathamarajah, E.	219 - 220	220
504.	Pelpola, W. A. W.	3,069 - 3,071	3,071

Name of Witness		Folios in Proceedings	
505.	Perera, A. H. W. ..	14,267 -	14,282
506.	Perera, B. A. F. L. ..	2,697 -	2,698
507.	Perera, B. J. B. S. ..	8,973 -	8,993
		9,026 -	9,060
508.	Perera, D. M. A. ..	2,623 -	2,637
509.	Perera, G. A. R. M. ..	3,168 -	3,170
510.	Perera, J. A. A. ..	4,205 -	4,211
511.	Perera, Lt. K. P. ..	14,922 -	14,944
512.	Perera, M. C. ..	14,130 -	14,148
513.	Perera, S. ..	2,637 -	2,645
514.	Perera, V. T. ..	1,252 -	1,254
515.	Periaiah, M. V. ..	4,126 -	4,131
516.	Perinpanayagam, A. ..	871 -	873
517.	Periyar, A. ..	6,022 -	6,023
518.	Periyannan, Mrs. L. ..	6,405 -	6,407
519.	Periyasamy, M. ..	3,357 -	3,359
520.	Periyasamy, V. ..	4,106 -	4,108
521.	Perumal, G. ..	7,875 -	7,880
522.	Perumal, M. K. ..	3,090 -	3,093
523.	Perumal, V. ..	4,156 -	4,157
524.	Perumalpillai, A. V. P. ..	3,015 -	3,040
525.	Phillips, J. A. ..	7,623 -	7,624
526.	Phillips, Dr. J. P. ..	102 -	104
527.	Pitchimuttu, N. S. ..	3,556 -	3,559
528.	Piyasena, B. W. ..	9,431 -	9,471
529.	Piyasena, P.	2,032 -	2,035
530.	Podisinghem, K. ..	1,572 -	1,574
531.	Ponnambalam, Dr. S. ..	718 -	724
532.	Ponnambalam, S. ..	1,042 -	1,046
533.	Ponnambalam, S. ..	1,648 -	1,650
534.	Ponnambalam, S. ..	10,084 -	10,087
535.	Ponnampalam, M. ..	1,627 -	1,637
536.	Ponnampalam, P. ..	7,861 -	7,864
537.	Ponnampalavanar, Mrs. P. ..	1,391 -	1,393
538.	Ponniiah, B. M. ..	7,656 -	7,658
539.	Ponniiah, P. ..	3,144 -	3,145
540.	Ponniiah, R. ..	2,099 -	2,101
541.	Ponniiah, Mrs. S. ..	4,120 -	4,121
542.	Ponniiah, V. M. ..	306 -	308
543.	Poobalasingham, S. ..	654 -	658
544.	Poothathamby, K. ..		1,876
545.	Poulter, L. M. ..	2,127 -	2,140
546.	Power, R. S. ..	1,781 -	1,782
547.	Premadasa, A. M. ..	9,562 -	9,571
548.	Premadasa, P. L. ..	9,224 -	9,253
549.	Premaratne, B. A. ..	5,266 -	5,511
550.	Pulendran, K. T. ..	2,075 -	2,089
551.	Punniyam, M. ..	686 -	688
552.	Pushpa Jayanthi Mrs. G. V. ..	6,660 -	6,693
553.	Pushpalingam, T. ..	910 -	912
554.	Puthirasingamany, M. ..	9,815 -	9,844
R			
555.	Ragunathan, S. ..	808 -	809
556.	Ragunathan, V. ..	694 -	700
557.	Raja, S. ..	3,320 -	3,324
558.	Rajadorai, S. R. ..	7,687 -	7,689
559.	Rajagopal, G. ..	5,640 -	5,655
		5,694 -	5,707
560.	Rajagopal, S. ..	3,083 -	3,089
561.	Rajakumar, T. ..	621 -	625
562.	Rajamanickam Pather, S. ..		653
563.	Rajanathan, K. ..	6,397 -	6,405

Name of Witness		Folios in Proceedings	
564.	Rajanayagam G. S...	7,770 -	7,772
565.	Rajanayagam, R. ..	1,534 -	1,535
566.	Rajanayagam S. ..	7,709 -	7,719
567.	Rajasingham, M. ..	523 -	528
568.	Rajasunderam, V. ..	4,242 -	4,278
569.	Rajendran, A. ..	6,394 -	6,396
570.	Rajendran, N. ..	2,882 -	2,884
571.	Rajendran, S. ..	333 -	337
572.	Rajeswary, Miss K...	2,486 -	2,491
573.	Raju, G. A. ..	1,315 -	1,322
574.	Ramachandra, Mrs. S.	3,365 -	3,366
575.	Ramachandran, C. ..	1,008 -	1,010
576.	Ramachandran, K. ..	7,808 -	7,811A
577.	Ramachandran, M. ..	7,617 -	7,620
578.	Ramachandran, T. V. ..	4,203 -	4,204
579.	Ramadas, R. P. ..	7,588 -	7,595
580.	Ramalingam, K. C. ..	1,975 -	1,978
581.	Ramalingam, Mrs. L. ..	7,902 -	7,906
582.	Ramalingam, M. ..	2,184 -	2,188
583.	Ramalingam, Dr. R. ..	2,465 -	2,469
584.	Raman, V. ..	4,065 -	4,068
585.	Ramanathan, P. ..	620 -	621
586.	Ramanathan, R. ..	4,023 -	4,026
587.	Ramansyake, B. M. A.	14,201 -	14,211
		14,219 -	14,230
588.	Ramasamipillai, P. ..	3,065 -	3,069
589.	Ramasamy, Mrs. A. ..	3,625 -	3,626
590.	Ramasamy, Mrs. K. ..	7,891 -	7,892
591.	Ramasamy, K. ..	7,895 -	7,896
592.	Ramasamy, M. ..	7,794 -	7,804
593.	Ramasamy, P. ..	3,137 -	3,140
594.	Ramasamy, R. ..	7,870 -	7,872
595.	Ramasamy, R. S. ..	2,557 -	2,564
596.	Ramiah, A. ..	3,613 -	3,621
597.	Ramiah, K. ..	8,067 -	8,077
598.	Ramiah, P. ..	3,580 -	3,581
599.	Ramupillai, P. ..	561 -	565
		611 -	615
600.	Ranatunga, Brig., S. C.	13,599 -	13,629
601.	Rammuthugala, S. D. P.	1,244 -	1,246
		11,591 -	11,598
602.	Rasalingam, E. ..	7,772 -	7,781
603.	Rasammah, Mrs. V. ..	5,768 -	5,784
604.	Rasan, N. ..	1,587 -	1,588
605.	Rasiah, Rev, Fr, L. V.	1,536 -	1,541
606.	Rasiah, R. ..	1,274 -	1,277
607.	Rasiah, Mrs. R. ..	1,595 -	1,598
608.	Rasiah, V. ..	914 -	919
609.	Rathanasara, Ven. K.	2,017 -	2,027
610.	Ratnasingham, N. ..	965 -	972
611.	Ratnasingham, R. F. ..	1,122 -	1,123
612.	Ratnayake, P. R. ..	3,737 -	3,746
613.	Ratnayake, S. E. ..	7,057 -	7,068
		7,087 -	7,094
		7,172 -	7,188
614.	Rayapu, B. A. ..	1,093 -	1,096
615.	Rengasamy, Miss M.	7,822 -	7,829
616.	Rodrigo, B. K. G. ..	2,696 -	2,697

—S. P. Jaffna

Name of Witness		Folios in Proceedings	
		S	
617.	Sadacharar, K. ..	6,846 -	6,850
618.	Sadayan, K. ..	700 -	701
619.	Sahadevan, R. ..	6,566 -	6,571
620.	Sahayanathan, L. E. ..	1,109 -	1,116
621.	Samayavelar, W. ..	2,608 -	2,612
622.	Sambanvelan alias Thambu Baliah ..	528 -	529
623.	Sambasivam, M. ..	7,920 -	7,923
624.	Samaraweera, R. ..	2,053 -	2,074
625.	Saminathan, A. ..	2,818 -	2,819
626.	Sammie, M. A. ..	3,398 -	3,400
627.	Sampanthan, R. ..	5,554 -	5,631
		5,853 -	5,977
		6,031 -	6,162
628.	Samsudeen, T. I. ..	14,231 -	14,247
629.	Sandanam, A. ..	2,682 -	2,696
630.	Sandanam, P. ..	4,153 -	4,156
631.	Sandanam, S. ..	4,142 -	4,145
632.	Sangiah, K. ..	7,805 -	7,807
633.	Santhanam, M. ..	7,916 -	7,920
634.	Santhosam, P. N. ..	1,017 -	1,018
635.	Saranagama, M. A. ..	9,078 -	9,079
636.	Saranakirithi Thero, Ven. S. ..	6,994 -	7,057
		7,095 -	7,147
		7,150 -	7,172
637.	Saranapala, J. B. ..	2,653 -	2,655
638.	Saravanamuttu, T. ..	10,312 -	10,315
		10,770 -	10,776
639.	Satchithanandan, K. ..	249 -	256
640.	Satchithanandavel, S. ..	6,857 -	6,863
641.	Sathanandan, V. ..	1,073 -	1,080
642.	Sathasivam, E. ..	1,574 -	1,575
643.	Sathasivam, S. ..	277 -	285
644.	Sathasivam, Mrs. T. ..		1,594
645.	Satkumaraiah, S. ..	1,575 -	1,578
646.	Sattanathapillai, V. ..	400 -	407
		410 -	424
647.	Satyapillai, A. ..	2,713 -	2,716
648.	Savarimuttu, S. ..	1,786 -	1,789
649.	Saverimuttu, L. A. A. ..	108 -	112
650.	Sebamalai, Mrs. P. ..	3,746 -	3,751
651.	Sebamalai, Mrs. S. ..	1,558 -	1,559
652.	Sebastianpillai, Dr. G. ..	4,103 -	4,106
653.	Sebastian Reddy ..	2,214 -	2,219
654.	Seclaratane Thero, Ven. A. ..	2,028 -	2,030
655.	Seclawansa Thero Ven. A. ..	6,169 -	6,195
656.	Seetha, Mrs. J. ..	7,883 -	7,886
657.	Seevaratnam, L. A. ..	6,532 -	6,534
658.	Seevaratnam, Mrs. R. ..	5,983 -	5,987
659.	Segarajasingham, V. ..	1,968 -	1,971
660.	Selladorai, Miss M. ..	7,595 -	7,597
661.	Selladurai, R. V. ..	3,095 -	3,099
662.	Sellathambu, X. M. ..	1,394 -	1,459
		10,855 -	10,959
663.	Sellathurai, K. V. ..	3,171 -	3,174
664.	Sellathurai, M. ..	315 -	317
665.	Sellathurai, P. ..	320 -	327
666.	Sellayi, S. ..	3,710 -	3,719
667.	Selliah, A. ..	7,886 -	7,890
668.	Selliah, K. ..	4,010 -	4,014
669.	Selliah, N. ..	1,337 -	1,340
670.	Selvarajah, A. ..	6,977 -	6,981

—M. P. for Trincomalee

—M.P. for Mullaitivu

<i>Name of witness</i>		<i>Folios in Proceedings</i>	
671.	Selvarajah, G. ..	7,724 -	7,733
672.	Selvarajah, K. ..	424 -	428
673.	Selvarajah, N. ..	7,720 -	7,721
674.	Selvarajah, S. ..	261 -	264
			680
675.	Selvarajah, S. ..	2,857 -	2,864
676.	Selvarajah, S. ..	4,028 -	4,034
677.	Selvarajah, V. ..	259 -	260
678.	Selvaratnam, T. V. ..	1,796 -	1,799
679.	Selvasunderam, V. ..	5,742 -	5,761
		5,800 -	5,816
680.	Senanayake, D. G. ..	2,048 -	2,049
681.	Senanayake, D. S. E. P. R. ..	12,040 -	12,165 —Ex. I.G.P.
682.	Senarath, D. T. M. ..	12,506 -	12,620 —S. P., Vavuniya
683.	Senaratne, S. M. J. ..	341 -	399
684.	Seneviratne, A. D. A. ..	1,984 -	2,016
685.	Seneviratne, A. S. ..	12,963 -	13,002 —S.P., Jaffna
		13,027 -	13,279
		13,281 -	13,314
686.	Seneviratne, P. ..	15,181 -	15,182
687.	Senthilvel, Rev. Fr. C. ..	2,619 -	2,622
		3,224 -	3,257
688.	Senthivel, Mrs. M. ..	5,978 -	5,983
689.	Shanmugam, K. ..	820 -	823
690.	Shanmugam, M. ..	3,758 -	3,944 —S.P., Kandy
691.	Shanmugam, P. S. ..	3,183 -	3,184
692.	Shanmugam, P. ..	6,387 -	6,394
693.	Shanmugalingam, S. R. ..	4,111 -	4,119
694.	Shanmugalingam, K. ..	997 -	998
695.	Shanmugarajah, K... ..	3,193 -	3,194
696.	Shanmugavel, Mrs. L. ..	3,257 -	3,262
697.	Sidambarapillai, S. ..	2,051 -	2,052
698.	Sidique, Dr. A. M. ..	2,651 -	2,652
699.	Silva, G. M. J. ..	7,241 -	7,243
700.	Silva, P. K. D. E. ..	8,961 -	8,964
701.	Silva, P. K. E. ..	8,945 -	8,960
702.	Silva, S. P. ..	6,364 -	6,371
703.	Silva, W. H. ..	1,246 -	1,252
		11,598 -	11,606
704.	Silva, Y. H. ..	8,887 -	8,901
705.	Simon, H. E. ..	9,782 -	9,809
706.	Sinnakaruppan, P. ..	3,734 -	3,737
707.	Sinnapan, S. ..	3,634 -	3,638
708.	Sinnarasa, Mrs. S. ..	1,377 -	1,378
709.	Sinnasamy, S. ..	6,871 -	6,875
710.	Sinnathamby, P. ..	1,463 -	1,464
711.	Sinnathamby, S. ..	887 -	892
712.	Sinnathamby, Mrs. S. ..	1,035 -	1,036
713.	Sinnathamby, S. ..	6,436 -	6,440
714.	Sinnathamby, V. ..	216 -	218
715.	Sinniah, A. ..	2,530 -	2,536
716.	Sinniah, K. ..	3,131 -	3,136
717.	Sinniah, M. ..	2,698 -	2,703
718.	Sinniah, N. ..	2,491 -	2,499
719.	Sinniah, P. ..	3,079 -	3,082
720.	Sinniah, S. ..	3,671 -	3,675
721.	Sirimalee, M. ..	2,090 -	2,094
722.	Siriniwasan, S. ..	7,628 -	7,641
723.	Sirisena, D. ..	2,850 -	2,852
724.	Sirisena, R. ..	1,124 -	1,130
725.	Sirisena, R. A. ..	7,068 -	7,076
726.	Sirisena, W. ..	6,195 -	6,239
727.	Sirisoma, M. H. ..	7,440 -	7,536
		9,875 -	10,083

Name of Witness		Folios in Proceedings	
728.	Siriwardene, P. P. G. L.	5,160 -	5,178
729.	Siriwardene, S.	5,248 -	5,266
		10,329 -	10,331
		10,601 -	10,609
730.	Siriyawathie, C. B. ..	6,725 -	6,733
731.	Sithambaram, P. ..	3,549 -	3,554
732.	Sithambaram, Mrs. R.	3,212 -	3,214
733.	Sithambarapillai, Mrs. P.	6,407 -	6,410
734.	Sithamparanathan, P.	10,141 -	10,148
735.	Sithamparapillai, M. S.	817 -	820
736.	Sittampalam W. P.	1,166 -	1,173
737.	Sivagnanam, K. ..	171 -	191
738.	Sivagnanam, N. ..	795 -	798
739.	Sivagnanam, Mrs. N.	1,105 -	1,106
740.	Sivagnanam, S. ..	634 -	638
741.	Sivagnanam, S. ..	897 -	903
742.	Sivagnanamoorthy, S.	1,021 -	1,023
743.	Sivakolandu, K. ..	7,954 -	7,960
744.	Sivakumar, S. ..	2,443 -	2,444
745.	Sivalingam, M. ..	814 -	817
746.	Sivalingam, Mrs. P.	3,666 -	3,670
747.	Sivan, S. ..	3,124 -	3,131
748.	Sivanandan, A. ..	1,464 -	1,467
749.	Sivananthan, K. ..	3,210 -	3,212
750.	Sivanesarasa, M. ..	1,593 -	1,594
751.	Sivann, K. ..	7,911 -	7,916
752.	Sivaperumal, G. ..	3,675 -	3,678
753.	Sivapathasunderam, T.	633 -	634
754.	Sivapillai, K. ..	882 -	883
755.	Sivapragasam, N. ..	1,000 -	1,005
756.	Sivarajah, V. ..	807 -	808
757.	Sivaramalingam, S.	646 -	647
758.	Sivaramalingam, S.	2,031 -	2,032
759.	Sivasambu, Mrs. I. ..	318 -	319
760.	Sivasithamparam, T.	453 -	458
761.	Sivasithamparam, T.	1,142 -	1,165
		10,962 -	11,015
		11,022 -	11,074
		11,432 -	11,475
762.	Sivasubramaniam, K.	809 -	814
763.	Sivasubramaniam, T.	285 -	290
764.	Sivasubramaniam, W.	1,789 -	1,792
765.	Somadasa, G. ..	8,901 -	8,911
766.	Somadasa, H. ..	9,344 -	9,376
767.	Somadasa, Mrs. P.	9,854 -	9,868
768.	Somasunderam, D. ..	6,900 -	6,904
769.	Somasunderam, G. D.	2,774 -	2,776
770.	Somasunderam, N. G.	842 -	847
771.	Somasunderam, P.	2,192 -	2,195
772.	Somasunderam, P.	6,561 -	6,566
773.	Somasunderam, S. ..	1,033 -	1,034
774.	Somasunderam, T.	1,807 -	1,808
775.	Somu, Mrs. H. ..	3,566 -	3,571
776.	Soorikumar, A. ..	1,714 -	1,715
777.	Soosai, H. ..	3,534 -	3,538
778.	Soosathasan, P. S.	1,607 -	1,627
779.	Sornabala, N. M. X.	1,173 -	1,183
780.	Sothilingam, A. ..	684 -	686
781.	Sridharan, V. ..	1,010 -	1,011
782.	Sri Rajasekeram, Dr. S.	15,171 -	15,181
783.	Steinwall, S. C. ..	6,239 -	6,255

—M. P. for Vavuniya

—M. P. for Mannar

<i>Name of Witness</i>		<i>Folios in Proceedings</i>	
784.	Stephan, M. ..	10,281 -	10,284
		10,644 -	10,654
785.	Subramaniam, A. ..	2,615 -	2,616
786.	Subramaniam, A. ..	6,625 -	6,636
787.	Subramaniam, K. ..	715 -	717
788.	Subramaniam, K. ..	1,054 -	1,060
789.	Subramaniam, Mrs. K.	1,551 -	1,552
790.	Subramaniam, M. ..	788 -	791
791.	Subramaniam, M. ..	2,577 -	2,584
792.	Subramaniam, M. R.	3,120 -	3,124
793.	Subramaniam, M. ..	4,034 -	4,043
794.	Subramaniam, M. ..	7,661 -	7,665
795.	Subramaniam, Miss P.	1,767 -	1,768
796.	Subramaniam, P. ..	3,164 -	3,167
797.	Subramaniam, S. ..	1,866 -	1,871
798.	Subramaniam, S. M. K.	2,987 -	2,989
799.	Subramaniam, S. ..	3,141 -	3,144
800.	Subramaniam, S. ..	10,320 -	10,322
		10,710 -	10,723
801.	Subramaniam, T. ..	220 -	223
802.	Subramaniam, Mrs. I.	912 -	914
803.	Subramania Iyer, V. I.		1,067
804.	Subramaniam, V. ..	1,255 -	1,260
805.	Subramaniam, V. ..	2,381 -	2,406
806.	Subramaniam, V. ..	2,872 -	2,882
807.	Subramaniam, V. ..	10,322 -	10,326
		10,690 -	10,701
808.	Suddahamy, K. ..	2,039 -	2,048
809.	Sukumaran, P. ..		4,108
810.	Sumanasara Thero, Ven. G.	3,272 -	3,289
811.	Sumathipala, P. ..	3,289 -	3,310
812.	Sundaralingam, R. ..	1,528 -	1,532
813.	Sundaralingam, T. ..	1,581 -	1,585
814.	Sundaram, A. T. ..	2,889 -	2,907
815.	Sundaramoorthy, K.	2,474 -	2,486
816.	Sundararajah, S. ..	6,970 -	6,974
817.	Sunderalingam, A. ..	5,671 -	5,679
		5,710 -	5,721
818.	Sunderam, K. ..	6,013 -	6,017
819.	Sunderaswaran, G. ..	1,023 -	1,024
820.	Sundereswaran, P. ..	1,568 -	1,571
821.	Sundralingam, T. ..	928 -	928
822.	Sundram, C. ..	867 -	871
823.	Sundrarajan, Miss M.	1,290 -	1,295
824.	Sunil, G. V. ..	2,124 -	2,126
825.	Suntharalingam, K.	7,781 -	7,786
826.	Suntharalingam, S. ..	302 -	305
827.	Suntharesa Sarma, G. K.	1,522 -	1,528
828.	Suppiah, Mrs. A. ..	2,275 -	2,283
829.	Suppiah, K. ..	1,300 -	1,304
830.	Suppiah, M. ..	3,174 -	3,176
831.	Suppiah, M. K. ..	2,340 -	2,377
832.	Suppiah, M. P. ..	2,307 -	2,311
833.	Suppiah, P. ..	2,177 -	2,184
834.	Suppiah, P. ..	2,196 -	2,206
835.	Suppiah, P. ..	3,162 -	3,164
836.	Suppiah, Mrs. T. ..	2,174 -	2,177
837.	Surendrarajah, K. R.	935 -	938
838.	Susaraj Reddy, S. R.	2,205 -	2,214
839.	Swaminathan, A. ..	2,569 -	2,575
840.	Swarnasiri, Y. B. V.	8,428 -	8,440

Name of Witness

Folios in Proceedings

	T	
841. Talagune, K. W. T.	9,415 -	9,430
842. Thalappillai, M.	4,057 -	4,059
843. Thalaiyasingha, V. K.	408 -	409
844. Thambapillai, K.	1,562 -	1,563
845. Thambiah, N.	1,566 -	1,568
846. Thambiah, S.	2,612 -	2,614
847. Thambiah, Dr. V.	6,647 -	6,650
	6,700 -	6,702
848. Thambipillai, K.	6,534 -	6,543
849. Thambirajah, A.	7,658 -	7,660
850. Thambirajah, E. H.	2,300 -	2,307
851. Thambirajah, J.	194 -	195
852. Thambirajah, S.	2,163 -	2,173
853. Thambithurai, S.	104 -	107
854. Thamotheram, T.	116 -	133
855. Thamotherampillai, V.	327 -	330
856. Thamotherampillai, V.	10,299 -	10,307
	10,662 -	10,680
857. Thanabalasingham, K.	7,620 -	7,622
858. Thanaleetchumi, Miss R.	3,109 -	3,112
859. Thanam, Miss R.	2,868 -	2,872
860. Thangarajah, K.	908 -	910
861. Thangarajah, M.	1,548 -	1,550
862. Thangarajah, N.	1,586 -	1,587
863. Thangavel, E.	783 -	786
864. Thangavel, Mrs. S.	3,659 -	3,665
865. Thangavelu, M.	3,113 -	3,115
866. Thangavelu, N.	1,605 -	1,606
867. Thanigasalam, S.	1,037 -	1,041
868. Tharmakulasingham, K.	310 -	315
869. Tharmalingam, A.	6,902 -	6,991
870. Tharmalingam, R.		1,533
871. Tharmalingam, S.	6,904 -	6,913
872. Thavarajah, T.	6,475 -	6,489
873. Thayaparasingham, M.	330 -	332
874. Theivanayagam, Mrs. V.	6,618 -	6,624
875. Theivanipillai, Mrs. S.	5,793 -	5,798
876. Theivasigamany, K.	1,542 -	1,547
877. Thesomayanandam	2,458 -	2,461
878. Thevarajah, C.	7,605 -	7,610
879. Thiagarajah, M.	7,763 -	7,770
880. Thiagarajah, M.	7,923 -	7,935
881. Thiagarajah, S.	6,838 -	6,845
882. Thilagar, S.	507 -	513
883. Thilagar, Miss V.	625 -	627
884. Thillainathan, K.	1,373 -	1,375
885. Thillainathan, Mrs. P.	1,082 -	1,087
886. Thillainathan, R.	6,882 -	6,886
887. Thirunavukarasu, Mrs. S.	903 -	904
888. Thirunavukarasu, T.	1,097 -	1,098
889. Thirupathy, S.	1,195 -	1,202
890. Thiruvannanathan, P.	928 -	933
891. Thiyyagarajah Kurukkal, A. K.	1,591 -	1,592
892. Thiyyagarajah Sarma, C. I.	268 -	274
893. Thiyyagarajah, N.	142 -	151
	153 -	171
	675 -	678
894. Thiyyagarajah, N.	7,737 -	7,745
895. Thomas, M.	566 -	570
896. Thuraiarajah, T.	1,051 -	1,052

Name of Witness		Folios in Proceedings	
897.	Thurairajasingham, S.	.. 309 -	310
898.	Thuraisingham, N. . .	.. 10,549 -	10,556
U			
899.	Ulagarajah, A. . .	..	1,024
900.	Uruthramoorthy, S.	.. 6,833 -	6,837
V			
901.	Vadivalagu, M. . .	.. 7,882 -	7,883
902.	Vadivel, Mrs. L. . .	.. 5,656 -	5,664
903.	Vadivel, Mrs. M. S.	.. 6,851 -	6,857
904.	Vaithilingam, K. R.	.. 873 -	881
905.	Vaithilingam, M. . .	.. 4,051 -	4,055
906.	Vaithilingam, S. . .	.. 1,280 -	1,283
907.	Varatharajah, S. . .	.. 134 -	138
908.	Varatharajah, S. . .	.. 264 -	268
909.	Varithambi, K. . .	..	1,803
910.	Veeriah, P. . .	.. 2,827 -	2,833
911.	Veeravagu, K. . .	..	1,794
912.	Velaidan, K. . .	.. 2,703 -	2,713
913.	Velaidan, M. . .	.. 4,134 -	4,142
914.	Velayuthan, P. . .	..	1,560
915.	Velayuthapillai, P. . .	.. 1,494 -	1,496
916.	Vellamma, Miss A. . .	.. 3,582 -	3,599
917.	Vellayan, T. . .	.. 3,115 -	3,120
918.	Veloo, A. . .	.. 3,078 -	3,683
919.	Veloo, K. . .	.. 3,100 -	3,108
920.	Veloo, R. . .	.. 2,823 -	2,827
921.	Veloo, S. . .	.. 2,541 -	2,552
922.	Velupillai, A. S. . .	.. 2,099 -	2,090
923.	Velupillai, K. . .	.. 6,914 -	6,959
924.	Velupillai, K. . .	.. 10,337 -	10,339
		.. 10,503 -	10,509
925.	Velupillai, Mrs. R. M.	.. 4,068 -	4,071
926.	Velusamy, P. . .	.. 5,687 -	5,690
		.. 5,766 -	5,768
927.	Vignarajah, V. . .	.. 892 -	978
928.	Vigneewaran, K. . .	.. 9,811 -	9,813
929.	Vinasithamby, K. . .	.. 1,064 -	1,066
930.	Vipulanandam, S. . .	.. 1,579 -	1,580
931.	Vislatchi, Mrs. V. . .	.. 4,079 -	4,083
932.	Visvalingam, R. . .	.. 6,963 -	6,970
W			
933.	Walisinghe, H. D. . .	.. 787 -	788
934.	Weerappan, M. . .	.. 2,865 -	2,868
935.	Weerasinghe, F. . .	.. 5,058 -	5,093
936.	Weerawardene, A. R.	.. 14,027 -	14,035
937.	Wickremaratne, Major N.	.. 14,945 -	14,990
938.	Wickremasinghe, Dr. D.	.. 9,596 -	9,627
		.. 9,758 -	9,782
		.. 9,492 -	9,496
939.	Wickremasuriya, N.	..	
940.	Wijepala, W. A. L.	.. 12,166 -	12,207—G. A. Jaffna
941.	Wijeratne Banda, W. M. A.	.. 5,096 -	5,159
		.. 5,205 -	5,248
942.	Wijesundera, Dr. C. D. S.	.. 3,325 -	3,341

Name of Witness

Folios in Proceedings

943.	Wijesurendra, K. P.	..	2,769 -	2,773	
			2,777 -	2,789	
944.	Wijesurendra, R. R. M.	..	14,086 -	14,103	
945.	Wijesuriya, H. S.	..	7,188 -	7,239	
946.	Wijeweera, G.	..	8,940 -	8,945	
947.	Wimalabharathi, Ven. W.	..	4,466 -	4,481	
			5,012 -	5,057	
948.	Wimaladasa, S.	..	1,904 -	1,911	
949.	Wimalapala, T. M.	..	7,297 -	7,303	
			7,311 -	7,337	
950.	Wimalasiri, H. A.	..	6,742 -	6,749	
951.	Wimalasuriya, H.	..	6,755 -	6,762	
952.	Wimalawathie, Mrs. J. M.	..	6,718 -	6,722	
953.	Wimalaswaran, R.	..	981 -	985	
X					
954.	Xavier, Dr. J. T.	..	9,627 -	9,757	
955.	Xavier, S. F.	..	7,649 -	7,656	
Y					
956.	Yogalingam, S.	..	3,311 -	3,320	
957.	Yogeswaran, V.	..	83 -	101	—M. P. for Jaffna
			11,075 -	11,260	
958.	Yoonus, Y. M.	..	10,346 -	10,351	
			10,518 -	10,538	
Z					
959.	Zarook, A. C. M.	..	10,270 -	10,276	
			10,591 -	10,601	

APPENDIX IV

COMMISSION OF INQUIRY INTO AUGUST/SEPTEMBER 1977 INCIDENTS

List of Organisations from which Memoranda were received

<i>Name of Organisation</i>	<i>Address</i>
1. Centre for Society and Religion	281, Deans Road, Colombo 10.
2. Citizens Committee for National Harmony	281, Deans Road, Colombo 10.
3. Sri Lanka Bauddha Peramuna	179, Sir James Peiris Mawatha, Colombo 2
4. All-Ceylon Hindu Congress	Saraswathie Hall, 75, Lorenz Road, Colombo 4
5. Federation of Tamil Trade Unions	676, Galle Road, Colombo 3.
6. Tamil Refugees Rehabilitation Organisation	17, Frances Road, Colombo 6.
7. Ceylon Workers' Congress	72, Ananda Coomaraswamy Mawatha Colombo 7.
8. Centre for People of Indian Origin in Sri Lanka.	618A3/3, Galle Road, Colombo 3.
9. Duwa United Fishermen's Welfare Association	422, Duwa, Negombo.
10. All-Ceylon Buddhist Congress	380, Bauddhaloka Mawatha, Colombo 7.
11. The Ceylon Institute of National and Tamil Affairs.	78/1, Ward Place, Colombo 7.

(Memoranda received from individuals : 1843)

