

Sri Lankan Attorney General stalls on bail application for Tamil detainees

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2 June 2001

The office of the Sri Lankan Attorney General has so far refused to grant the bail applications of six young Tamil plantation workers held for more than three years under the country's repressive Prevention of Terrorism (PTA) legislation. The six have not been convicted of any crime. Their trial has been repeatedly delayed. On the last occasion in February, it was postponed for another 11 months until January 16, 2002.

Defence lawyers Mewan Balalla and H.M. Mohammed Faiz presented six separate bail applications to Senior State Counsel Athula Livera of the Attorney General's office on April 25. The documents noted that out of the four cases being brought against the six only one had been called in the high court and even that case had been dragged out. The only evidence against the detainees are confessions obtained under duress.

The Attorney General's office responded almost a month later on May 22 by refusing to grant bail. It claimed that the high court, where the cases are being heard, had no power to release PTA detainees. Attorney Faiz rejected the argument and met with Attorney General K.C. Kamalasekera on the same day.

In the course of the meeting, Faiz pointed out that the main prosecution witness—police sub-inspector Mukkhadis who had translated alleged confessions—had absconded from the court, left the police service and fled Sri Lanka. Under these conditions, the prosecution could delay the case endlessly with the result that the six detainees would remain in jail indefinitely—a denial of their most basic rights. The Attorney General said that he would consider the facts.

The six Tamils—Suppu Udayakumar, Pichchamuttu Chandran, Arunasalam Logeswaran, Solamalai Loganathan, Ponnaiah Saravanakumar and Samimuttu Benedict—are all from the tea estate areas near Hatton in central Sri Lanka. They were initially arrested in June 1998, accused of carrying out a bomb attack on the Shannon tea factory in May and tortured.

After being held for a year without charge, the six were indicted in June 1999 on four new charges, including being members of the separatist Liberation Tigers of Tamil Eelam (LTTE), damaging electricity transformers and bombing petrol tanks. Without explanation the police dropped the original allegations concerning the Shannon tea factory.

The case has now been postponed, either by the prosecution or the lack of a presiding judge, on seven separate occasions. If the detainees are allowed to languish in jail until the trial date next January, they will have been detained for over three and a half

years. Moreover, there is no guarantee that the legal proceedings will not be delayed again.

The Socialist Equality Party (SEP) has conducted a lengthy campaign demanding the dropping of the fabricated charges against the Hatton six and their immediate and unconditional release. The *World Socialist Web Site* articles concerning the campaign have been posted on *Yahoo!* and reproduced on the *Tamil Canadian News Web Site*.

Veerakesari, a leading Tamil daily in Sri Lanka, published an article in early May based on a WSWWS report entitled "Tamil detainees in Sri Lanka appeal for support for their release". The newspaper included extracts of a letter sent by the detainees to the SEP thanking the party for its support and pointing to the complete indifference of other political parties and organisations, including those based among plantation workers.

It appears that the article and the growing support for the SEP's campaign has struck a raw nerve. After refusing to take any action on behalf of the Hatton six for three years, a number of officials heading trade unions and other organisations among plantation workers have written to the Attorney General calling for some form of action.

Ceylon Workers Congress (CWC) leader Arumugam Thondaman, who is also Minister of Estate Infrastructure, in a cautiously worded letter on April 25, wrote: "I strongly suggest and appeal that early and constructive steps are taken to discharge the plantation youths." As several of the detainees' parents have told the SEP, when they contacted Thondaman after the arrests he did nothing. He told one of them that there was no way of telling whether the charges were true or not.

B.A. Cader, leader of the Malayaga (Upcountry) National Alliance, has also sent a letter to the Attorney General respectfully requesting "your good self to expedite their cases if there is any charges against them or to release them forthwith."

After making a series of promises to the detainees last year if they called off a hunger strike, Upcountry Peoples Front (UPF) leader P. Chandrasekaran, has taken no further action. In a letter on May 4 to Chandrasekaran, who is also a parliamentarian, the detainees expressed their outrage over his inaction and explained: "We have undergone physical and mental agony. Our families face economic problems." In an act of desperation, they threatened to seek permission from the courts to commit suicide.

Even for relatives to visit the detainees is difficult, because of the obstacles put in their way by police and prison authorities. A letter

of permission from the local police is required but that is often hard to obtain.

Muniandi Arunasalam, the father of Logeshwaran, took a month to get the necessary letter. His initial application on April 21 was turned down by the officer in charge of the Hatton police, who claimed he had no authority. After the intervention of the International Committee of the Red Cross, the officer again refused on April 24. After being sent a letter from his superior, he again blocked the application. A letter was only issued on May 23 after the Human Rights Commission, on the application of the SEP, wrote to the police officer.

Recently Sanker, the brother of Loganathan, attempted to visit the Kalutara Prison accompanied by an SEP representative but was turned away by prison officials who claimed his police letter had not been renewed. He had to return the following day. As no bus is provided, the final stage of each trip involves a four-kilometre walk through checkpoints manned by soldiers who routinely abuse relatives in the most obscene racist way.

A number of workers, intellectuals and organisations have supported the SEP campaign for the release of the detainees by writing to the Attorney General.

S. Vilvarathnam, a Tamil poet from Trincomalee, whose house was set on fire in late 1980s during a communal pogrom, wrote: "For the last 30 years I have been writing Tamil poetry. I am also a humanitarian. I know the SEP from my youth... They always fight for democratic rights of Tamil masses. They oppose terrorism and politics of terrorism... The arrested innocent Tamil youths should be released now. The adjournment of the case for another year shocked us."

R.S. Trotsky, a visiting lecturer at the Faculty of Law in the University of Colombo, supported the SEP campaign stating: "The government has signed a number of international human right accords. According to medical reports, these youths were subjected to brutal torture in police custody. They were denied medical and health facilities. All the Tamil youths arrested in Sri Lanka face a similar fate."

K.S. Keerthi Ariyadasa, a lecturer in the Political Science Department at the University of Colombo, wrote: "The six Tamil plantation youths, including Udaya Kumar, a supporter of the SEP, must be immediately released. Arrest under the PTA and detention without any apparent cause is a serious violation of basic democratic and humanistic rights."

Sampath Wijesinghe, a young graduate, challenged the frame-up of the six, saying: "You have failed to submit any evidence against them except the confessions (written in Sinhala) extracted under the severe torture... But none of them can read or write Sinhala. So there is no validity in any word of those illegal confessions."

D.A. Jothipala, a member of Maritime Officers Union at the Sri Lanka Ports Authority (SLPA) stated: "I take it as my duty as a member of Maritime Officers Union of SLPA and as a worker in general to extend my support to the worldwide campaign carried on by the WSWS to release these youths. To date the case has been postponed under various pretexts such as the non-availability of a judge, no time for hearings, non-availability of prosecuting police officers."

The Diyasa Study Circle, which publishes a bi-monthly Sinhala

magazine *Diyasa*, commented in their protest letter: "It is surprising that at least they were not charged for the Shannon incident for which they were arrested on suspicion. According to the available information it looks as if this case too is a part of a serious state-sponsored attack aimed at plantation workers."

A.A. Cyril Antony, a worker at the Co-operative Wholesale Establishment marketing complex in Welisara, P. Wadivel from the Colmen Estate Bandarawela, K. Subramaniam from the Islaby Estate Bandarawela and K. Kamalam from the Uva Highland Estate Bandarawela have also sent protest letters to the Attorney General.

Contantin Mihai Grigorescu from Rumania wrote: "The nature of civil war in general and the racial nature of civil war in Sri Lanka in particular give rise to the extreme violation of human rights, especially those of the working class and poor. An assault on workers rights in Sri Lanka helps drive down the conditions and the rights of workers the world over. The arrest and continued imprisonment of these six are of consequence to workers everywhere in the world. I am joining the campaign led by Sri Lankan Socialist Equality Party to end this attack on democratic rights, and the racist war. Please do what is right by immediately freeing these six innocent workers and doing it without qualification."

The SEP calls on workers, youth and intellectuals in Sri Lanka and internationally to join the campaign and to write to the Sri Lankan authorities demanding the immediate dropping of all charges and the unconditional release of the six detainees. We are also urgently seeking contributions to the 100,000-rupee fund that we launched on June 1 to cover the legal expenses involved seeking the release of the Hatton six.

Your contributions can be sent to:

The Treasurer,
Socialist Equality Party,
No. 90, 1st Maligakanda Lane,
Colombo 10, Sri Lanka.

Protest letters should be directed to:

The Attorney General,
Attorney General's Department,
Colombo 12,
Sri Lanka

Fax: 0094-1-436421

Please refer to case numbers:

NJ 1290/99, NJ 1291/99, NJ 1292/99 and NJ 1295/99 at the Kandy High Court.

Please send copies of your letters to:

Socialist Equality Party,
No. 90, 1st Maligakanda Lane,
Colombo 10, Sri Lanka.

World Socialist Web Site

e-mail: editor@wsws.org



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact