

Campaign to free Hatton six

Sri Lankan prison officials refuse to release two detainees freed by court

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More than a month after a high court in Kandy ordered the release of four Tamil detainees, prison authorities in Sri Lanka are openly flouting the decision and holding two of them on the flimsiest of excuses. The four are among the six young Tamils from Hatton in the country's central plantation district who have been detained without trial since June 1998 on bogus charges of being members of the separatist Liberation Tigers of Tamil Eelam (LTTE).

Following a campaign waged by the Socialist Equality Party (SEP) and the *World Socialist Web Site* for the immediate, unconditional release of the Hatton six, the Attorney General's department was forced to advance the date of their hearing, which had not been due until next January. Then on July 3, the state counsellor asked the court to be permitted to withdraw the indictments against four of the six.

The reason given for dropping the charges was that "the accused were produced before the Judicial Medical Officer [JMO] when they were taken into custody and when the confessions were recorded, and taking into account the JMO's report." Stripped of the counsellor's deliberate obfuscations, it means that the state had no case. The only evidence against the six were confessions extracted under torture and written in Sinhala—a language none of the detainees can read. The JMO had found signs of torture.

The six young men were detained in June 1998, accused of being LTTE members and of having bombed a tea factory in the Hatton area. They have been held without trial under Sri Lanka's notorious Prevention of Terrorism Act (PTA) and were only charged after being held for a year. The original accusation was dropped and a series of other charges

were added. Their trial has been repeatedly delayed on a series of pretexts by the prosecution and presiding judges.

The decision to drop the charges against four of the six is a vindication of the SEP's campaign and a significant blow against the entire system of arbitrary detention under which hundreds of Tamils are held in Sri Lanka. It is not surprising therefore that the state apparatus has hit back by deliberately blocking the release of two of the four—including Suppu Udayakumar, who is known as a sympathiser of the SEP and has stood in local elections on the party's ticket.

Prison authorities simply refused to free Udayakumar and Solamalai Loganathan, saying that they were wanted in relation to another case before the Nuwara Eliya courts. When it was pointed out that the two had been bailed on those charges even before their detention in June 1998, prison officials demanded official documentation—something that normally is the administrative responsibility of the police, the courts and prisons rather than the prisoners themselves.

When a certified copy of the court record was produced indicating the two had been bailed, the prison officials rejected the document and demanded an order from the Nuwara Eliya magistrate courts. The magistrate, on the other hand, insisted that a new order was unnecessary and that the earlier record was sufficient.

When prison authorities repeatedly refuse to budge, a lawyer for the SEP filed a motion to compel the two to be brought before the Nuwara Eliya magistrate court. The case was due to be heard on August 3 but prison officials informed the magistrate that the detainees

could not be produced as no vehicles were available to bring them from Kalutara jail. With a vacation period coming up, the magistrate put off the case until August 13.

Yesterday, the two detainees were finally brought to the Nuwara Eliya courts where the magistrate confirmed they had been bailed out. Prison authorities, however, have brazenly refused to release Udayakumar and Loganathan, claiming now that they have received no order from the Hatton courts, which originally ordered their detention, endorsing the Kandy high court decision to withdraw the charges. The SEP's lawyer is preparing to take further legal action today if the two are not freed immediately.

The treatment of Udayakumar and Loganathan reveals the utter contempt of state authorities for democratic rights, of the Tamil minority in particular, and, in this case, their flagrant disregard even for the legal framework and procedures under which the police, courts and prisons are meant to operate. The SEP is urging workers, young people and intellectuals in Sri Lanka and internationally to redouble the campaign for the immediate release of all of the Hatton six.

Charges are still pending against two of the six—Ponniah Saravanakumar and Arunasalam Yogeshwaran, who are due to appear in court on August 29. The case against these two is no stronger than against the other four—the only difference being that their medical reports giving evidence of torture were not obtained and presented by the Attorney General's office. The SEP's lawyer has since obtained copies of these reports and has requested their release.

The case of the Hatton six highlights the widespread use of arbitrary detention without trial as the government continues its reactionary war to suppress the democratic rights of the country's Tamil minority. Such methods are used to intimidate and terrorise Tamil-speaking workers and youth who, in the central hill districts, form the backbone of the workforce in the tea and rubber plantations where wages and conditions are deteriorating.

Police routinely stop and harass Tamil workers and youth. Many are detained for questioning and are often subject to torture by the police and special security investigation divisions. Under the provisions of the PTA, detainees can be held for three months without

being produced before a court and up to 18 months before being charged and put on trial. The legislation also allows for the use of confessions as evidence in court—a provision that is open to gross abuse by the security forces. At present there are more than 2,000 Tamils detained in Sri Lanka under the PTA.

The SEP has pledged to continue its campaign to free the Hatton six until all are acquitted and released. The party has launched a defence fund of 100,000 rupees (about \$1,100), which is essential for the legal defence of the detainees. The SEP is appealing for donations and letters of protests demanding the immediate release of Udayakumar and Loganathan and the dropping of charges against Ponniah Saravanakumar and Arunasalam Yogeshwaran.

Please send your contributions to:

The Treasurer,
Socialist Equality Party,
P.O. Box 1270,
Colombo, 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 in Kandy High Courts.

Please send copies to:

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Colombo, Sri Lanka

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