

Sri Lankan High Court whitewashes massacre of Tamil detainees

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A three-judge bench of a Special High Court in Sri Lanka in early July sentenced five defendants—two police officers and three civilians—to death for their part in a vicious mob attack at the Bindunuwewa rehabilitation camp on October 25, 2000. Of the 41 Tamil detainees at the camp, 27 were hacked or beaten to death and the remaining 14 were injured, in some cases severely.

On the morning of the massacre, a crowd of 2,000 to 3,000 Sinhala extremists surrounded the camp. A sizeable contingent of police, armed with automatic weapons, stood by and did nothing as the mob armed with clubs and knives entered the camp and attacked the inmates. The police did not use their weapons to prevent the attack but instead turned their guns on the detainees as they fled for their lives.

The Socialist Equality Party (SEP) has consistently demanded that the massacre be thoroughly investigated and those responsible be brought to trial. But the High Court decision is a whitewash aimed at covering up the truth about what took place and who was responsible, particularly in the upper echelons of the state and political establishment. Those convicted were no doubt involved in a heinous crime and deserve protracted jail sentences. But they have been made convenient scapegoats for the real culprits.

Moreover, the SEP denounces the court's decision to impose the death penalty, which will only serve to further encourage the growing clamour for state-sanctioned killings as a form of retribution. Sri Lanka has the death penalty on the books but no executions have been carried out since 1976. By sentencing the five to death, the High Court has provided further grist for the Attorney General and others calling for the resumption of executions as part of their rightwing law-and-order campaign, aimed above all against the working class.

The fact that anyone was found guilty at all is bound up with political considerations. The United National Front government is currently attempting to negotiate an end to the country's bitter 20-year civil war. It will no doubt use the High Court decision to try and convince the Tamil masses that the Sri Lankan state has dealt with at least one of the many violent crimes against the Tamil minority by the security forces and Sinhala extremists.

The case was only brought after considerable delays. Initially 41 police and civilians were charged for their role in the murders. But in the course of the trial, 23 were released due to "lack of evidence". Of the remaining 18, only the five were found guilty and the rest were acquitted of all charges. The High Court used the excuse that 12 of the bodies were burnt beyond recognition to dismiss some of the charges.

Three men—Munasinghe Archchige Samy, Dissanayake Mudiyansele Siripala Dissanayaka and Rajapakse Mudiyansele Premananda—were found guilty of murder. Inspector Jayampathy Karunasena and Sub-Inspector Vajira Ratnayake were found guilty of not taking action against the criminals and therefore sharing a common motive with the killers.

After being sentenced to death, Karunasena, an inspector at the Bandarawela police station, accused his immediate superiors—Officer-in-

Charge of the Bandarawela police, Jayantha Seneviratne, and Assistant Superintendent of Police A.W. Dayaratne—of being responsible. "I was not involved in the massacre anyway," he said. "I would not have to face this if I did not go out of my way to do my duty. Those who gave the orders that day have been spared."

Karunasena was the senior officer in charge of the police detail outside the camp and bears a heavy responsibility for what took place. But his comments, which have not been followed up, point to the many questions concerning the massacre that remain unanswered.

The attack on the Bindunuwewa detention camp took place in the highly charged political atmosphere following the general election in early October 2000. In April that year, the Liberation Tigers of Tamil Eelam (LTTE) had overrun the army's key strategic base at Elephant Pass and then in May had rapidly taken much of the Jaffna Peninsula to the north. At one point, it appeared that the bulk of the Sri Lankan army trapped on the northern tip of the island might be overrun.

The military debacle provoked a sharp political crisis. As well as imposing draconian new emergency measures, President Chandrika Kumaratunga and her Peoples Alliance (PA) began to make moves towards a negotiated peace with the LTTE. Pushed on by the major powers and sections of big business, the PA sought the support of the opposition United National Party (UNP) for a "devolution package" that would offer limited concessions to the Tamil ruling elites.

The move was vehemently opposed by Sinhala extremist groups such as the Janatha Vimukthi Peramuna (JVP) as well as the Buddhist hierarchy and members of both major parties who have close relations with layers of business, the state bureaucracy and the military that have profitted from the war. Kumaratunga presented the constitutional package to parliament in August 2000 but was forced to withdraw it after the UNP, swayed by the chauvinist campaign, reneged on its pledge to vote in favour.

The PA narrowly won the election that followed but the entire campaign was dominated by appeals to Sinhala chauvinism, mudslinging and outright thuggery. Having failed in her attempt to pass the devolution package, Kumaratunga launched a series of reckless military offensives, sacrificing hundreds of lives, in an effort to demonstrate the PA's patriotic credentials. Not surprisingly it was the Sinhala extremists—the JVP and Sihala Urumaya (SU)—who made the largest gains. In the aftermath of the poll they continued their agitation for a military offensive against the LTTE.

The Bindunuwewa massacre occurred in this context. The low-security centre in the central hill district of Sri Lanka was a relatively easy target. At the time, thousands of Tamils were being arbitrarily detained in prisons and camps throughout Sri Lanka without trial as "LTTE suspects". Bindunuwewa, with its small contingent of staff and guards, housed only 40 or so detainees and the focus was on rehabilitation. The inmates were at times allowed to leave and even work outside the camp.

Every effort was made in court to present the massacre as a spontaneous communal outburst that, in part at least, the Tamils detainees had brought

upon themselves. However, the circumstances, and indeed the evidence itself, points to something quite different—a highly orchestrated mob killing carried out with the complicity, if not the active involvement, of the police and military.

In the aftermath of the massacre, the government and media in Colombo claimed that bad relations between detainees and local villagers were responsible for the attack. The High Court judgment repeated these allegations, stating: “When considering the evidence what became clear is the displeasure of the villagers towards maintaining the rehabilitation camp at Bindunuwewa.” According to the judges, the villagers feared the inmates because they were LTTE suspects and also accused them of “making unnecessary harassment of young girls passing by the camp”.

The SEP in Sri Lanka carried out an extensive independent investigation of the massacre and published several reports. Interviews with local villagers revealed that hostility to the detainees was certainly not uniform. A school principal described them as “very good boys” who carried out voluntary work in the area and worked alongside villagers. Several others expressed their appreciation for the detainees’ assistance and explained that there had never been any trouble.

In the weeks prior to the attack, however, Sinhala extremist groups, all of which have close connections to the security forces, had been active in the area. SU had stood in the general elections and several of its candidates lived in villages near the camp. According to local villagers, a petition calling for the removal of the camp had been circulated.

On the night of October 24, Captain Y.P. Abeyratna, the Officer in Charge (OIC) of the camp, returned from a few days leave. After the ritual evening meeting, during which the detainees were forced to sing the national anthem, several of the inmates complained to Abeyratna about delays in their release and the way in which their personal letters had been lost. The tension was heightened when a guard fired a gun, but subsequent media and police claims that a riot took place proved to be false.

The gunshot triggered concern in nearby villages and a crowd of several hundred gathered. Following the confrontation, camp officials rang the Bandarawela police and the Officer in Charge Seneviratne appeared at the scene. A contingent of some 70 police and a group of soldiers from the Diyatalawa army base arrived. Seneviratne left, however, apparently satisfied that the situation, inside the camp at least, was secure.

There were plenty of signs, however, of what was being prepared. Even the High Court judgment noted that the police outside the camp were engaged in discussions with a group of people arguing for the closure of the camp. In the course of the night, vicious anti-Tamil posters appeared around the camp, including in the vicinity of the police post. Inside the camp, detainees became increasingly concerned about the situation and rang the International Red Cross Office at Batticaloa.

No action was taken to reinforce the police presence outside the camp. In fact, the soldiers were withdrawn in the early hours of the morning. And Red Cross officials who rang the local police were told that everything was “under control”.

Early on the morning of October 25, a large crowd of 2,000 to 3,000 gathered outside the camp. It was anything but a spontaneous affair. Many had been trucked in and were armed with clubs and knives. Local villagers who spoke to SEP reporters following the massacre angrily denied any involvement and pointed out that none of them owned a vehicle.

What followed was cold-blooded murder. The police made no attempt to stop the mob as it entered the camp and set about killing all of its inmates. According to at least one report, the attackers did not even have to force the gate—it had been left open. Inmates were hacked or beaten to death, their corpses were set alight and the buildings were ransacked. Those who escaped the mob were shot at by police and even attacked in police vehicles as officers stood by. Neither the police nor the soldiers who later reappeared on the scene made any attempt to arrest those involved in the killings.

In its investigation of the attack, the Sri Lankan Human Rights Commission (HRC) concluded that the murders were not “an unpremeditated eruption of mob violence caused by the provocation of the inmates,” but were “more consistent with a premeditated and planned attack”. Yet the Attorney General’s prosecutors and the High Court judgment continue to perpetrate the myth that the massacre was spontaneous.

As a result, the most obvious questions have been ignored. Who planned the attack on the night of October 24-25? Which Sinhala extremist groups were involved in agitating against the Bindunuwewa camp and putting up posters? Who in the chain of command in the police and military had been alerted to the menacing situation developing there? And who in the government knew of what was taking place?

None of these issues has been raised, let alone investigated, because they may lead directly into the upper echelons of the police, the military, the state bureaucracy and the political establishment, all of which are deeply mired in Sinhala chauvinism. At the time, the SU, JVP and other extremists groups were allied to the United National Party, which currently holds power. Now these same organisations are gathered around Kumaratunga and the PA.

No one in the ruling elite wants a proper accounting of who was responsible. In fact, the court proceedings into the killings only began after widespread strikes and protests by Tamil speaking plantation workers outraged at what had taken place. Neither the LTTE nor the so-called parties of the left—the Lanka Sama Samaja Party (LSSP), the Communist Party and the Nava Sama Samaja Party (NSSP)—issued strong condemnations over what had taken place.

When a presidential inquiry commission was set up in 2001, the SEP submitted a written offer to provide evidence from its investigation but was never called upon to testify. The commission’s findings have never been released and remain under tight lock and key.

In the wake of the High Court ruling, the issue has been all but dropped. Apart from a feeble attempt by the most chauvinist sections of the media to call for the defence of the convicted killers, the press has been completely silent. Likewise the left parties and middle class radical outfits have said nothing about the sentences or the killings.

No one has been prepared to call the legal decision by its right name: a politically motivated whitewash aimed at blocking a serious investigation of this horrific crime.



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