

Your Honour,

First of all I like to thank you for giving me an opportunity to inform the court the illegality, injustice and torture which I have endured. Five years elapsed, three judges have been changed and justice have been denied to me.

I am a respectable citizen of Sri Lanka and I never had a case there. Even in India except for this case I do not have any other cases. I am denying all charges against me because this case was falsely implicated on me. I am not surprised to see how the police is trying to prove me guilty with repeated lies and fabricated evidence. Ramanathapuram sessions court judge warned the police about this and I would like to submit a small portion of the judge's judgement of Pandiyamahl murder case. "It is obvious that the police torture make innocent people to accept the guilt. The witness given by witness who were well trained and coached by the smart police officers, the court doesn't have a choice but to believe it. So the release on the conviction of a person depend on the police officers' hands. If any body care of have any interest about the well being of this country and want to bring any changes to this society, keep this case as an example and should try a solution." Above, was a portion of his judgement. Even after a judge's judgement there was not any change and my case is a very example of that.

I am to India to make my travel arrangements to go to Canada and joining my brother who is a Canadian citizen, and living there. I came here legally, but I didn't get any legal protection, instead they are torturing me illegally. 24-04-90 I flew to Madras with an Indian visa, and stayed in Valasanavakam with one of my relatives. There Tamil Nadu Government's request I registered myself at the nearest police station, because all the Sri Lankans were ordered to register at the police stations. While I was making the arrangements to go to Canada on the 12th March 1991 around 2:00 am "Q" Section Police came and arrested me. The "Q" section police led by the assistant Commissioner Ramayah, took me to the Mandaivelly "Q" office and kept me there. The (Federal Intelligent Bureau) F.B.I. agents threatened me to cooperate with them to plot against Karunanithy's political party. Kalignanar Karunanithy's D.M.K. party was dismissed by the Federal Government and gaining much more sympathy among the people. F.B.I. agents were planning to destroy that support and prove D.M.K. is a violent party. They threatened me to cooperate with them to do that. I refused to cooperate with them. They got angry and with all the falsely implicated charges, central district spies are torturing me all these years. They are taking revenge on me for my refusal to cooperate.

-2-

“Theleeban Centre” president Mr. Thiyagu found out that I was arrested by the C.I.D. and not have been taken to courts, he filed a Habeas Corpus application at the supreme court. After this they could not keep me illegally and I was produced before Nilakkottai judge on 16-03-91 and remanded in Madurai Central Jail on the judge’s order. Here I would like to say certain things about my arrest. “When a person is arrested he has to be told why he was arrested, and should be allowed to take somebody with him/her to the Police Station with the arresting officer. If the arrested person willing to inform anybody should be done and recorded immediately without further delay.” (This is what the Supreme Court says. And also it says that the police officers or the judges who doesn’t follow these rules will be subjected for condemn court. In my case none of these rules were followed. When I was arrested I was not told why I was arrested and the police didn’t allow my relatives to accompany me. I wasn’t allowed to contact my lawyer from where I was remanded. Neither my lawyer nor my relatives were informed why I was arrested, nor where I have been remanded or that I was taken to Madurai Central Prison and remanded there. The Judge who remanded me in prison neither heard my complaints nor allowed me to submit a written petition to the court. Then I realized that the judge was also going along with the illegal activities with the Police have been doing.

After being remanded in the Central prison, I know that I was charged for Kodaikanal T.V. tower bomb blast and the Nehru statue bomb blast. It is very strange because they involved me in Madras Nehru statue bomb blast case and I should have been produced before Madras judge and remanded in Madras central prison, but they brought me to Madurai and placed me in Madurai central prison. The police did this to prevent me getting any help from my lawyer, relatives and friends as well as to keep me in prison for a long time. What I wanted to ask here is according to the police report the bomb blast occurred in 1988 and they arrested the people who were involved. If they really suspected my involvement in this case why didn’t they try to arrest me. At that time I.P.K.F was in Sri Lanka. If they wanted to arrest me they could have, but why didn’t they do so. They could have summoned me with a court order in a paper, why didn’t they do it. While I was collecting my visa to come here they could have arrested me or when I arrived in the airport they could have arrested me or at Valasaravakam police station when I went to register myself they could have arrested me why did they not arrest me then? Without doing so arresting me after the Kalaiganar (Mr. Karunanithi’s) Government’s dismissal proves that I was not arrested for this case but for refusing to cooperate with the C.B.I. and to take revenge on me for that, and I hope you can understand that.

In Madurai jail they had separate section for the Srilankans in the remand prisoner's section. In that section without keeping me with the Srilankan Tamils they locked me in the "mental cell" which is behind the remand jail section. It is always in this cell prisoners who are mentally sick, prisoners suffering from severe infectious diseases and prisoners who are under capital punishment are kept. I am an ordinary remand prisoner. The purpose of not accommodating me with my co-prisoners and to accommodate me in the mental cell section was to isolate me and to destroy me physically and mentally. Within two or three days of my detention in the "death cell" Gurusamy who was next to me in the "death cell" was hanged to death. Manikam, who could not bear the torture by the officials, committed suicide by jumping from a tall tree. Incidents of these nature caused mental agony and surprise to me. Without any health facilities, provincial medical facilities and any recreational facilities I was kept in an isolated cell. I made representation to prison officials and Magistrate of Kodaikanal that I should be kept with the other remand jail prisoners. But no action was taken on my representation. There was no use making representation.

On 07-05-91 I was informed that I had been remanded under National Security Act. They handed me documents which explained why I had been detained under national security act. It was stated that I had conspired to plant combs. In that document it was stated I was arrested on 15-03-91 at about 5:00pm together with Polilan who had conspired and attempted to plant a bomb at the Thiyagaraya Nagar (T-Nagar) bus stand in Madras. The surprise in this is that I was arrested on 12-03-91 and I could have conspired in that incident that had occurred on 15-03-91. Further, how it was possible to do that in a public place. If that was true why Polilan had not been arrested. If the Police has evidence and proof why a case has not been filed yet. This shows why I wasn't released on bail, why national protection Act was brought up to justify keeping me longer in prison and the incidents they were referring are lies and never happened. They imagined reasons and fabricated lies under the National protection Act to block me up and torture me. This is very clear.

On 20-06-91 I was produced before the research committee for people who are locked up under the National Protection Act. I explained to the committee Judges that I have been falsely implicated and the reasons they gave for my arrest under the National Protection Act is a lie and no proof. The judges accepted my explanation and said that they can understand the law has been misused, but they have orders not to release me and they could not do anything.

-4-

So I did not have a choice but to send a written petition to the High Court. The court delayed my hearing without considering my petition. Finally on 22-02-92 on my final days of National Protection Act detention Court dismissed my written petition.

After the N.A.A. on me was over I tried for bail. On 26-06-92 they got an order to transfer me to Velur Fort Special Camp. (The Special Camp Government Order Number S.R.111/1219-4/92). But on 21-07-92 I got a condition bail release from the high court. The condition was for me to go to the Madurai Police Station and sign before the Asst. Commissioner of Police Investigation once a week at 10:00 am. But I wasn't released on bail according to Court ruling instead taken to the Velur Special Camp. So I filed a representation for condemned of court (Condemned Court Case no. ON APPL.NO. 433/92). Instead of punishing the officers who didn't obey the court ruling and serve the judgement to release me, the court dismissed my case. It was a surprise for me because in CC. NO. 5/92 (Pathmanaba Murder case) case, Jeyabalasingam was arrested and remanded in Madras central prison. His special camp order cancelled by this high court (HPC no. 151/94). In this case also Mr. Easan's (A Sri Lankan) special camp order was cancelled by the cases also cancelled by the same court. The cancelling judgement says that "when a person is in prison by court ruling it is wrong to give a special camp order." For me also the Special Camp Order was passed but also hearing the prosecution's evidence and judgements high court gave me the bail order. The high court should have emphasized that I should have been allowed on bail with conditions on the basis the high court order is more authoritative. But the high court's decision against this shows that they must have an inner reason for doing so.

While I was remanded in Velur Fort Thippu Maakal Special Camp I was denied my basic needs and was treated inhumanly and cruelly. In name only it is a special camp, but it is a torture camp worse than a prison. Since I was in special camp I wasn't produced at the court for my motions. They said it was illegal to withhold and not to produce a detainee without a valid reason. So not producing me in the Court is a justice denial and its illegal. When they take me to kodaikanal Courts I have to travel 40 hours with handcuffs and weeding chains and never let to take a break or given any food. I gave petitions about this to Kodaikanal judge. Velur District Collector and Special Camp Officer in Charge to take action and stop this inhuman treatment. Nothing happened and I did not have a choice but to give petition to the High Court. In that petition (H.P.C. 526/93)

-5-

Saying that travelling 40 hours to go to the courts is very hard for me and to transfer me to a camp closer to the court and also as a refugee it is illegal for them to chain and handcuff me while travelling. I asked the high court to give me justice and take proper action for the denial of my human rights.

While my case hearing was going on at Kodaikanal High Court, I was not produced at the court and the court issued a warrant and I was jailed at Madurai Federal Prison on 12-07-93. it is the officer's duty to produce a detainee at the court hearing. At the Special Camp in Police custody the District Collector's responsibility to produce me in court or to give the reason why I was not produced. It was not my fault not being in courts.

Knowing that I was in special camp detention, instead of ordering explanation from the Collector, the Kodaikanal judge gave an order to lock me up in Madurai Jail. This means that the judge is also cooperating with the Government's revenge taking activities. So I informed the high court that without listening to my explanations the judge was going along with the government and put me in Jail to take revenge on me. The high court understood that without any reason I was put in jail illegally and ordered to send me to Thunayan Special Camp immediately on 24-08-93. Madurai jail supervisor did not implement the court order and I informed that to this court. This court on 26-11-93 ordered to implement the high court order. This news appeared in the papers also. I was going to be sent to the Special Camp and the jail supervisor did not implement this court order too.

Again in Madurai jail I was tortured mentally and physically. On 12-07-93 when they put me in jail they considered me as a L.T.T.E member and placed in an isolated cell. Not even the capital punishment prisoners are allowed to put in the isolated cells but I am ordinary detainee and they put me in the isolated cell was illegal. Not only that the facilities given to the prisoners such as papers, magazines, radio, T.V cinema are denied to me. No recreational facilities were given and I was not allowed to talk to any other prisoners. I was kept in condemned cell full of poisonous insects, without ventilation or light or any medical care. When I requested treatment for my toothache, treatment was denied because I was considered to be a L.T.T.E member and suffered with my toothache, and I gave a representation to the Commissioner of Prisons and the judge about this but the jail supervisor did not send them. So on my court date I tried to give a petition personally but the present judge refused to hear my complaints and denied my petition. I was not allowed to talk to other accused or my Lawyer Mr. Baskaran. My Lawyer Baskaran and one of the accused of the same case Mr. Polilan sent a petition

regarding all the above to the High Court Chief Justice. Tamil Nadu Youth movement president Mr. Muhilan also published a notice condemning this. But no action was taken and the torture continued.

The charges against me in this case specify that I belong to the Tamil people protection movement and the government's "proven witness" statement also say so. Not only that on 7-05-91 when they kept me under National Protection Act their documents say the same thing. Since the beginning they considered me a T.P.P.M member and when they locked me in Madurai Jail purposely with a revenge motive they labelled me a L.T.T.E member. In courts the police refer me as a T.P.P.M member and outside the court they call me L.T.T.E. without any proof. This is why I was locked up in an isolated cell. Medical attention was denied and brought among people chained and hand cuffed to show me as a terrorist. Because of this I was affected very badly both mentally and physically.

They say that India is a democratic country and every body is equal under the law but in this case among the 15 accused all the 14 were on bail and free.

I do not understand what kind of justice is this to keep only me in jail and special camp because I am a Srilankan. They are keeping me here only for this case. So I asked them to pursue the case faster and when it is over I can go home. If necessary they can separate my case and pursue my hearing faster and it was denied. I understand that to keep me there and torture me they are delaying everything. I gave a petition to the Kodaikanal judge saying that life is threatened by the central district C.I.D's. they will kill me and put the blame on me by saying that I was trying to escape and they didn't have a choice but to shoot me. This is what they are planning. So if I am dead the central Government and their spy squad is responsible for my death. The judge told me that he is going to send it to the High Court and take necessary action through the High Court. But later he dismissed my request to go along with the police. This proves that justice system is going along with the contemplated police justice.

Another complaint was submitted at the high court asking justice for me. (H.P.C. 480/94). The request was to approve my bail or send me to a refugee camp closer to the court. No chain or handcuffs, not to consider me as a L.T.L.T.E. member and punish the authorities who did not implement the court ruling. High court authorities who did not implement the court ruling. High court accepted this complaint for a hearing and ordered to produce me for the hearing on 27-04-94 I was produced before judge Mizra's bench. Knowing that the Police officers did not implement the high court's and session court's ruling judge Mizra suggested that the high court bail order has to be implemented and the officers should be suspended. Realizing that the judge is going to be against

Then the crown attorney asked for a recess and the hearing was postponed for 21-06-94. by the Crown Attorney's influence my hearing was transferred to another Judge's bench named Kuptha. So the hearing took place on 20-06-94 and the judge ordered the government secretary to appear before the bench and the Secretary Mr. Baskara thus appeared before the bench and apologized for everything and promised it won't happen again.

According to High Court's ruling I was brought to Thuraiur Special Camp on 1-09-94 and the State Secretary promised me fair treatment and justice. But against that promise I was treated very badly. Not even the few facilities which were given in prison were not given here. In these special camps refugees are being tortured very badly and the Thuraiur Camp is the worst camp among these. In the order given to me as regards my placement in the special camp (No. S.S.R.3/866-9/95 dated 20-12-93) 1946 foreigners act 3 (2) (E) section (Central Law 31/1946) delegated under the authority of – as stated in the notification of Home Ministry's instruction N.4/3/56)1)F.1 to regulate the foreigners from Srilanka living in India. Balan alias Balachandran son of Sivapragasam was ordered by the Government of Tamil Nadu to be placed hereafter in the Special Camp situated at Thuraiur. Under this law in a case filed in high court (No. W.P. 150.44/91) High Court Judge Arunasalam and Judge Predapsingh it was decided the following:

- In the Special Camp a supervisor will be nominated to supervise and distribute food
- Special Camp refugees have all the rights except limited movements
- Refugees can call their family members to the Special Camp and keep them in the camp. Government will take responsibility for their expenses.
- Special Camp refugees should not be locked in cells like prisons and should allowed to move around the camp boundaries.
- Visitors are allowed and there are no time limits for visits or to bring gifts.
- Police will be guarding the camp from the outside of the camp. Supervisor will be responsible for the whole management.

- If the refugees like to back to their country they will be sent by the Government at its expense or at the refugee's expense.

This order was granted on the basis of the statement made by the Government. The Tamil Nadu Government informed the High Court that the Special Camp is being conducted on the basis of the above rights. But in fact none of these rights were granted in the Special Camp. On the contrary Tamil Nadu State and its officials torture and treat the Tamil Refugees in the most inhumane manner.

Against the Chief Secretary's promise I was treated illegally and tortured at the Thuraiyur Camp. I was locked up in a small cell with 6 people and it was closed 24 hours a day. I was forced to answer to my nature calls, eat and sleep inside the cell. No bed facilities. No paper to read. I was not allowed to buy them with my own money or to keep money with me. The police officer took my money and never gave me a receipt. In prisons prisoners get nutritious food, pure water, blanket, pillows, bed sheets, soap, oil, shampoo, papers, radio, T.V. and cinema. And also they get a telephone call once a week. Visitors are allowed. We did not even get the facilities which the prisoners were getting in the prison. We are locked up in the cells and police is guarding us with modern weapons. The collector has the administrative responsibility of the Special Camps but in practice police officers have the authority. Tamil Nadu Chief Minister, Jeyalalitha stated that the Collector will visit the camps to get the complaints from the refugees and take action. But he never came and never responded to our complaints or took action. On the 17-10-94 Mr. Siva who was affected by the torture gave the following statement at Karur Court.

“On the 21-12-93 Mr. Anpalahan's lead police Attached me and broke my leg. That day not Only me but also they beat up and tortured Every body at the camp. I have no words to Describe the torture which they did. For my broken leg they did not take me to the hospital or given any treatment. Family members are locked up separately and never allowed to talk to each other. They pretend to take women out for medical treatment and rape them. Women complained about this, but never got a response or any action. I think this is happening with the Government's and High Officials approval and blessings. Education is Denied for the children and it is ruining their future. We brought this to the authorities attention but they did not care.”

After hearing this statement in courts Government or Courts did not take any action to stop this.

In Special Camps high court ruling was to allow visitors. But when accused Mr. Muhilan came to see me but he was not allowed. Personally he gave a complaint to the Tiruchy Collector and permission was denied. My Co-ordinator Ganeshan also was not allowed to visit me. On 21-07-94 I was produced in this court and I made the following request to the Judge.

“ Sir, I am a Special Camp Refugee and was brought here with hand cuffs and a weeding chain. They are breaking the High Court order
And you should stop this illegal action. I was locked up in the cell
24 hours and never allowed to talk to anybody, even to my
lawyer. So I am begging you to help me get the justice I deserve. “

After hearing my request I hoped the Court will make arrangements regarding my request. But the response was that my Special Camp being under the Thirunelvely Collector's jurisdiction and this courts does not have any authority over that. If so, they should have sent my statement to the High Court and made some action. But they failed to give me justice.

I used all my chances to let the Courts know our situation and get justice and it did not work. Finally all of us decided to go on hunger strike on 25-07-94 police threatened us to give up the strike and used very bad language. I could not believe in a country where Mahathma Gandhi was born denied request like ours. Threatening to stop a hunger strike and behaving brutally. I hope you can understand what kind of situation we are in. labour party president Dr. Ramthas condemned the Government and demanded all the request be given and finish the strike. Tamil Nadu Youth Movement president Muhilan sent telegrams to Chief Justice, Chief Secretary, Home Secretary, National Human Rights Commission to take action, (and open this to the public by the media). We continued our strike for 14 days. On the 14th day we ended our strike with the Collector's promise of giving us some facilities. As usual the government did not keep the promises. So again I sent complaints to the Chief Justice, national Human Rights Commission, American British, Australian, German, French, Norwegian, Denmark, Swiss, Japan and Sri Lanka High Commissioners to help us get justice. But nothing happened except the torture.

The torture which we are going through by the Tamil Nadu Government reminds me of Nazi torture camps. How can Tamil Nadu government condemn Rwanda Refugee Camp murders and Burma's opposition leaders arrest while they have torture camps for refugees in their own country. How can we expect a Government who kills their own people and rape their own women to treat refugees differently. The Government has to take responsibility for all the tortures and rapes happen in

the Special Camps. One day the Government has to answer to this horrible injustice and one day people will teach them a good lesson.

Already 3 judges have been transferred but my trial is not over yet. For 5 years I have been changed camps and tortured. They are dragging my case with a false picture. What did I do to lie in a cell and go through this kind of torture? Did I kill or rape anybody? Planted a bomb and killed the public? Or involved in a burglary? Can this Government accuse me of doing any of this and prove? They are doing all of this falsely accusing me. Is it wrong for me to feel revolutionary towards.

For the last five (5) years from the time that I was arrested alternatively I am either kept in the prison or in the Special Camp. I am continued to be ill treated. Purposely they are dragging my trial. For all these what is the crime I committed? Have I shot and killed any innocent people blindly? Or have I raped any women or committed any sexual offence? Or have I thrown a hand bomb at innocent people? Or have I robbed any belongings of people? Or did I get any bribes or corruption? Can the State or it's Police Officers could say whether I committed any of the above? These people who do all these things daily has falsely implicated me under the false pretext of a trial. According to me to abolish all the controversy revolution is necessary. Is it a crime? In my country I wish a democratic revolution by the working class among the Tamil and Singhalese. Only this will bring an ethnic solution. Is it a crime? Every person in this world should live with their heads up. All the suppression against people should be broken. The scheme which one person rob the other should be abolished. Inequality should be taken off and equality should be maintained. I wish a revolution should take place to fulfil all these objectives. I work honestly to achieve this. I was imprisoned alternatively in person and in special camps. I am still experiencing severe torture continuously. I am not bothered about this because who ever tried to work for the progress of the mankind where hunted like animals and tortured. So I am not worried about this government's treatment towards me. I love revolution and revolution is my duty cast upon by history. Because of this I am in prison today. One day I may be released from this prison. That day I will continue my revolution again and I might be arrested by this government or Sri Lankan government and imprisoned. This can happened once, twice or many times. I am not worried about this and I am ready to accept it with a pleasant smiling face. By locking me up in a special camp or in a prison or tutoring or shoot and killing me is not going to stop my idealism. Because there are lots of people appearing day by day. This is happening all over the world in every country, every city and in the manner. There is no limit or end for this. This movement is growing day by day and until all the people like me win, this situation is going to grow.

-11-

It is not possible to educate ourselves, and even if we educate ourselves there is no employment. Even if we manage to get employment the wages is not sufficient. Although we manage to over come all this, there is no guarantee for our lives. Singhalese Racist army is killing us because we are Tamils. Innocent youths are being arrested and tortured by the army. Young women are getting raped and people are bombed and killed. Because of this tamil people became refugees and wandering all over the world. This is the situation of Tamil people in Sri Lanka, and how can I live peacefully beyond this situation. So, for my peaceful good life the revolution, which can bring the above, I was forced to participate. Singhalese racist Government is killing thousands of people with full satisfaction, without any mercy or pain. Do you know the one reason why this racist government is squeezing their life out of tamil people? To keep their power, authority, and slavery mentality and rule over tamil people and have them as slaves. Breaking their hearts and killing tamil people not to defend their lives or their Singhalese race but to keep their belongings, properties, and their interest in capitalism.

I am not angry with Officers who accused me or tortured me. I am willing to forgive them continuously, because they are also tamils. I didn't kill any body or rob anybody. I am against the system which make people rob and kill. The authorities who are safeguarding all this which I am against are inquiring me, and going to give me justice. How can I expect true justice from them? I am enduring this melodramatic inquiry knowing that the judgement has been already decided with hate, Final stage of this case, the police will stage a false pretend bomb blast to make the court to be closed. The news will appear in the papers to create tension. This way they will create a situation to get a judgement which they want. If you refused to cooperate with them they will frame something on you or your family and threatened to take revenge on you. If you cooperate with them they will give you a bag full of money. This is the situation today in Tamil Nadu. And everybody knows that. So in this situation how can I expect to have justice, and it is clear that I won't have justice in my opinion people are the real judges. When people get freedom my case will taken to court and tamil people will give me justice and free me. I am sure of it. Yes History will free me.

Yours truly,

Sgd. S. Balachandran

Place: Thuraiur

Date: 30-08-95