

# WHAT'S GOVT. STAND ON EXTRADITION?

— Taraki

The Minister of Information, Dharmasiri Senanayake, informs us that the peace talks with the LTTE will be resumed soon after Christmas. While he and his cabinet colleagues keep talking the hope about the peace process, one problem after the other is cropping up. On the other side, the government cannot afford to ignore if it is indeed planning to make something out of its intended negotiations with the Liberation Tigers of Tamil Eelam.

Apart from uttering the standard niceties about 'national interests', the government has to think about its standing among the Tamils who overwhelmingly supported it at the Presidential election. Some of the problems pertaining to the negotiations raised by the LTTE from time to time have been discussed in these columns since the peace process began in earnest. The authorities concerned, I am sure, are in a better position to study and understand these issues in order to prepare the ground for future talks with the LTTE.

But the government has to impress upon

its Tamil constituency that it has a proper grasp of matters in dealing with the northern question. One such issue which the government seems to be unclear about is how it hopes to define its peace agenda in relation to the politico-legal interests which Delhi (though it does not emphasise them these days) has in an overall settlement of the conflict.

There are those who will fret and fume that it is a malicious exercise indeed to drag India into the picture — which is rather an unpleasant one at that — at this juncture when a smooth and commercially cordial relationship is being cemented, between Colombo and New Delhi. Nevertheless the matter has to be considered in connection with the peace process because the LTTE insists that it is a central question. In fact, the LTTE keeps giving so much prominence to it that the peace-makers, if they are keen about the task entrusted to them, should examine the LTTE's view closely and thereby enable the government to present a clear picture to the Tamils. Some statements made by the LTTE on India, among other things, were referred to in these columns last week. Now we find that the latest issue of their official organ 'Viduthalai Pulihal', which is published in Jaffna has a page one story claiming that India is taking covert measures to sabotage the peace process. "India does not like a permanent settlement being found for the Tamil problem and goodwill developing between the LTTE and the Sri Lankan government. The Indian government which utterly dislikes the progress of the peace moves, is taking indirect measures to block them. The longstanding anti-Tamil national feeling of India's ruling class, and the growth of the Liberation Tigers who are being the source of Tamil Eelam national formation are the reasons for this (the Indian government moves)."

"There is room for suspicion that the Indian government might call Sri Lanka's President Chandrika (to India) and bring some pressure on her in connection with the peace talks. The Tamil people had to face great suffering because governments in the past paved the way for unjust intervention by India," says the 'Viduthalai Pulihal'.



Minister Dharmasiri Senanayake

shoot-out at Paardi Bazaar realising the advantage that could be derived from retaining the two.

Everything changed after the Accord. There was much cooperation at several levels — particularly in matters relating to intelligence. Though the Indian investigators handling the Rajiv assassination case

What is the present government's line on the question of extradition, particularly in view of the fact that it is intent on pursuing peace talks with the LTTE, the leader and intelligence chief of which are wanted in connection with the Rajiv Gandhi assassination case? More so because the LTTE, as we noted above, is insisting that the Indian factor is extremely relevant at this juncture for assessing the government's bona fides in the peace process, and that any possibility of the government taking India's concerns about the LTTE into account the extradition issue in particular — would lead to unmanageable disaster.

The LTTE's English publication 'Tamil Eelam' quoted my friend Sunanda Deshapriya (editor of Yukthiya) to make this point. The publication said "The Chief Editor of the Colombo-based popular Sinhala weekly 'Yukthiya' which has a circulation of over 40,000, Mr. Sunanda Deshapriya has urged the Indian government to refrain from interfering in the latest peace initiative in Sri Lanka".

And then the publication proceeds to quote him at length. Rounding up his

views Sunanda says: "We need to give them (the Tigers) a chance for at least a year before pushing for democratic elections. And it is here that India needs to cooperate and let our internal dynamics take their own course by resisting the temptation to intervene".

At this point 'Tamil Eelam' paraphrases Sunanda in its own words to say: "Any demand for Prabhakaran's extradition at this juncture could only drive the LTTE back to their jungle hideouts and Jaffna strongholds, unleashing a bloody war — that nobody could hope to win — on a tired and weary civilian populace he (Sunanda) remarked".

The message herein is quite clear. It is in this context that one should view a recent event which was little noticed in the press. Poethambaram Sivagnanam, a registrar of marriages, aged seventy, from Vantharumoolai in the Batticaloa district was taken in for questioning recently by the CID. Later, it is understood, he was taken to India to be handed over to authorities there handling the Rajiv case. Sources in Batticaloa

claim that he was the person who registered Pottu Amman's marriage in 1987 soon after the Accord while the LTTE was still on good terms with the Indian army. The LTTE's intelligence chief who at that time was working under Kumarappa — the Commander for Batticaloa in 86-87 — fell in love with a girl from Kommathurai a village adjoining Vantharumoolai on the main road passing Chenkalady Junction and married her with the blessings of the organisation.

His Commander Kumarappa also got married to a girl from a village across the Batticaloa lagoon during that period. Now the seventy-year-old Poethambaram Sivagnanam is a crucial factor in the investigations connected with Rajiv's assassination because he is the only person around who can help the Indian investigators clearly establish the legal identity of Pottu Amman, who is the second accused in the Rajiv assassination case.

The question is in the absence of an extradition treaty or, for that matter, anything approximating to it, what is the basis in Sri Lankan law which enabled the government

to 'transfer' Poethambaram Sivagnanam through the CID to the Indian investigating authorities? It was stated earlier that even if there is an extradition law between India and Sri Lanka an accused person has to be proved guilty before the government can take a decision on the said person's extradition. Though Poethambaram is not an accused in the case nor is guilty of any crime but only a witness or a useful instrument in the investigation, the question about the procedure in Sri Lankan law remains relevant.

What is the status of a Sri Lankan citizen sent thus vis-a-vis fundamental rights? The government may be inclined to treat the matter as routine and hence inconsequential. But its implications for the Tamil body politic are serious if one considers the LTTE's apprehensions about India in the peace process.

It may be too late when the government discovers that striking a balance between cementing a solid friendship with India and striking a peace deal with the LTTE is a task high impossible.