

Canadian's ordeal in Sri Lanka attracting international attention (1986, April 28) The globe and mail.

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COLOMBO

Paul Nallanayagam leans forward and peers through the wooden bars of the prisoner's box in Colombo High Court as his lawyer cross-examines a witness. Mr. Nallanayagam, 61, is no ordinary accused.

His trial, on seven counts of bringing the Sri Lankan Government into disrepute and of causing public alarm with false statements, is an international *cause celebre*. Amnesty International has championed him, and the former head of the Sri Lankan bar council has come out of retirement to defend him. A supportive Canadian diplomat attends his trial daily.

The Jaffna-born Tamil is a naturalized Canadian. He left his native Sri Lanka in 1972 with his wife and three daughters, and moved to Toronto, where he worked as an accountant and his wife was a nursery-school teacher.

Leaving his daughters in Canada, Mr. Nallanayagam returned to Sri Lanka with his wife in 1979 to become warden of a Methodist orphanage. "I came back to give some service to the land of my birth," he says during a court recess.

But as a result of the service rendered by this gentle, dignified man, he faces seven charges, each of which is punishable by five years' imprisonment.

(Mr. Nallanayagam's ethnic group, the Tamils, are in the minority in Sri Lanka and a faction has been fighting a guerrilla campaign for an independent state in the northern part of the island country.)

As a prominent citizen of the Eastern Province community of Kalmunai, Mr. Nallanayagam became head of the local branch of the Citizens' Committee for National Harmony, a non-sectarian body that helps people whose sons have been swept up in counter-insurgency raids by the armed forces.

Last April, in that capacity, Mr. Nallanayagam visited Tamil refugees from a nearby village. They told him that Moslem extremists, backed by police commandos of the Special Task Force, had attacked their homes and forced 10,000 of them to flee. He reported these accounts in letters to the Citizens' Council in Colombo, the president of the Methodist Church of Sri Lanka and several foreign journalists.

Then, last May, at the request of worried parents, he inquired into the disappearance of 21 Tamil men, all in their twenties. There were accounts that they had been rounded up by the STF, shot and buried in unmarked graves near a cemetery.

A few days after he had asked the local police to investigate, they took Mr. Nallanayagam into custody. He was interrogated, then locked in a cell with 15 others.

When he launched a fundamental rights suit on the ground that no charges had been laid within 30 days, Mr. Nallanayagam was charged with offences under the Government's emergency regulations. He was released on bail in September.

(The Supreme Court eventually ruled that his detention without charge had been a violation of his constitutional rights and awarded him compensation. But it also ruled that his detention under emergency regulations was lawful.)

In the Supreme Court hearing on the fundamental rights suit, the prosecution argued that, under the regulations, it did not matter whether Mr. Nallanayagam's reports were true: merely by publicizing an event he had not witnessed, he had conspired to discredit the Government.

The day after Mr. Nallanayagam was detained, National Security Minister Lalith Athulathmudali told Parliament that the massacre reports were false. But Mr. Nallanayagam, in his appeal to the Supreme Court, recounted that the police superintendent who ordered his detention had earlier sent a deputy to accompany him to the Tambiluvil cemetery, near which they found several recent graves and unearthed the body of one of the missing Tamils.

Interviewed by The Globe and Mail, Sri Lankan President Junius Jayewardene insisted that prosecutions are not launched on Government order. Asked why someone who reported accounts of human rights violations by Government commandos should find himself, rather than the commandos, on trial, Mr. Jayewardene replied: "That's the best place for him to make the accusations. The courts are independent."

He refused further comment, saying he was unfamiliar with the case.

"Greater people than I have gone through this kind of ordeal," Mr. Nallanayagam said. "I feel fairly confident the case cannot go against me, but it may take a long time."

The trial, which began on March 17, is expected to last at least another two months.