

The Linkages of State Terror : The Vijaya Kumaratunge Assassination in Perspective

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A Disease of the Intellect:

The idea of truth as legal truth has become part of the culture of the ruling class, since it is a version of truth that they both control and manipulate. In consequence, objective truth, objective justice and rationality lost their meaning for this class - leading in turn to the atrophying of the intellect. Reality could no longer be seen as connected, for it would challenge the unsustainability of their class interests. The function of intelligence too had to be curtailed.

Social institutions and academic disciplines which sustained the ideology of the ruling class too needed to conform to similar patterns with the keys safely held by those regarded safe. For the ruling interests, the 'unitary status' of this country symbolises in the first place their unchallenged control over the levers of power. Ideologically it is held to be enshrined in history as interpreted from a few chronicles whose scope as relates to the diversity of life and communities in this country is evidently narrow. Cracks in history as a monolithic discipline started appearing from the 70s when social, regional and ethnic discontent was coming to a head.

Prof.R.A.L.H.Gunawardene has argued in his writings that ancient Ceylon was a plurality of autonomous kingdoms. This has become a sensitive contention in the context of a demand for autonomy for the North-East, a civil war, and the political package of the present government that proposed to disannul the unitary status enshrined in the present constitution. The latest critique of Gunawardene by Prof.Mendis Rohanadeera subtitled 'An impeachment Against Professor Leslie Gunawardhana, Historian' was serialised in the 'Sunday Island' last December. It would seem to the reader having acquaintance with scholarly debates in the area that accusations of selectivity and doctoring of evidence levelled against Gunawardene are far too strong.

As an example of evidence suppressed by Gunawardene in his use of Paranavitana, Rohanadeera cites the following from the latter: "Duttha Gamini (circa 161-137BC) was able to devote his energies, during his reign of twenty four years, to advance the cause of Buddhism,, for no enemy either at home or from abroad challenged him after he defeated Bhalluka ..." The quotation is not inconsistent with the existence of autonomous kingdoms besides Anuradhapura, and Prof. Gunawardhana can maintain the substance of what he has said while conceding ritual sovereignty to Anuradhapura.

What the real issue at heart is can be discerned if one poses the more pertinent question: If Dutthagemunu did rule the whole island, did he do so in a spirit of give and take, more akin to the manner of modern federalism, or as a despot controlling economic activity and the disposition of land everywhere, dictating school curricula, and torturing and killing people with impunity all the way from Pt. Pedro to Dondra Head? The fact that Dutthagemunu erected a monument to his defeated foe Elara and commanded respect to it, strongly suggests that he understood the limits of one man's power, unlike our present day rulers.

More curious is the popular exercise of trying to legitimise the modern unitary state from the Elara-Dutthugemunu affair of 161 BC, more than 2 millennia ago, rather than ask, if present arrangements can contain the misrule of the past 50, and especially the last 20 years? We hasten to jump back to our favourite reading of events 2000 years ago, while failing to connect today's developments with what happened barely 3 years ago. Making these links in the last 20 years has become far too uncomfortable. This amnesia is also a disease of the mind. For example the counter-terror used by the State to crush the JVP appeared justifiable only by confining to the immediate present and erasing the memory of how the government of the day actively cultivated it.

We will now take a closer look at the last 20 years where memory seems short.

The Vijaya Kumaratunge Assassination:

A presidential commission comprising Supreme Court Justices P.Ramanathan, S.N.Silva(the present AG) and High Court Judge D.Jayawickrema heard evidence on the assassination of Vijaya Kumaratunge, a rising political star, on 16th February 1988. The commission found that there was a prima facie case against the late President (then Prime Minister) Premadasa and his(deputy) defence minister, Ranjan Wijeratne, for indirect involvement in the killing and for the suppression of the investigation. The motive attributed to Premadasa is political - that VK who appealed to the same populist base as Premadasa was a formidable rival at the presidential elections scheduled for the end of 1988.

Some of the reasons given for the conclusion by the commission are given below:

- The CID and CDB of the police worked closely in the investigation and obtained a description of the assassins from witnesses. On 14th March 1989 (3 months after Premadasa became president), the CDB arrested the suspected chief assassin Lionel Ranasinghe, who in turn confessed to the act. Subsequently he was interviewed by Minister Wijeratne and Earnest Perera, IGP, at a high security cell at Slave Island Police Station. Ranasinghe was shortly afterwards transferred to the CID on orders of the minister, faithfully carried out by the IGP. Frank de Silva, then DIG/CID, denies that he was either consulted or knew anything about the transfer.

Another circumstance, Bennet Perera, SP, Director CID, who was closely involved in the case had already been transferred out of the CID with one hour's notice just after Premadasa had become president in December 1988. He was shot dead subsequently by an unknown person. Before leaving the CID he had told a subordinate of his discovery of the involvement of some government ministers in the assassination and advised him to keep out of the case. General Attygalle, then defence secretary, and the IGP could give no reason for the transfer of the admittedly effective officer, except that they were possibly passing down a ministerial order. Chandra Jayawardana, the new director installed, recorded a statement from the suspected chief assassin Ranasinghe, now in his custody, implicating him as a JVP assassin for the record, but did nothing pursue leads, make arrests or carry out any further investigation.

Frank de Silva, DIG/CID, was transferred out of the CID on the 8th April 1989, on the day he went abroad on an official trip and was replaced by Amarasena Rajapakse, a hand picked officer given a 3 years extension of service. 'Passing down a ministerial order' was again adduced as reason for the transfer. The CID to which the investigation had been transferred from the CDB by the order of the Minister Wijeratne had thus been rendered completely

ineffective. In September 1989, six months after his arrest, Ranasinghe, the suspect, disappeared in circumstances where the police account is completely uncorroborated.

- A similar fate befell the principal accomplice, Tarzan Weerasinghe. His presence in a CID cell from December 1990 into the early months of 1991 is unrecorded and denied by Jayawardena, the Director. But it is confirmed by his sister and four fellow detainees including Susantha Dias Dahanayake, himself a detainee. Weerasinghe had told the latter of the involvement of the Minister Wieratne and Deputy Minister Gamini Lokuge in the killing, and that the murder weapon had belonged to the latter. Weerasinghe disappeared after being heard groaning, following interrogation by Director, CID. The latter and Lokuge declined to cross examine witness Dahanayake despite being given the opportunity.

The commission found that Deputy Minister Lokuge's weapon had been used in the killing, while the available evidence was insufficient to implicate him.

Protests

There were several protests after the commission report was made public. The absence of legal proof was the principal objection (eg. UNP Secretary Athukorale's statement). A.C.Alles (Island 12/3/97) argued that the commission had been swayed by the charisma of the victim - it had produced evidence of subversion of the investigation, but not a shred of evidence against Premadasa.

In her statement (Week-end Express 8/2/97), Premadasa's daughter, Mrs.Jayakody, further challenged the political motive attributed to her father by the commission. She argued that at the time of VK's murder (February 1988), her father's nomination as UNP presidential candidate (against the two contenders Athulathmudali and Dissanayake or Jayewardene running for a third term) in 1988 was still very uncertain. The commission did not 'categorically state' that the assassin Ranasinghe 'was a staunch member of the JVP'. This contention of Mrs.Jayakody's is based on Ranasinghe's alleged confession recorded by the CID director who replaced the ill-fated Bennet Perera, and whose testimony was mostly discredited. The commission for its part found that Ranasinghe and Weerasinghe had 'links' with the JVP, while having no evidence of the extent of their involvement. It is also significant that the commission report adverts to a fictitious report on state television shortly before VK's assassination, that VK had in a speech attacked the JVP over a political killing. Records of the origins of this news item are missing. Mrs Jayakody did however refer to an official JVP statement of 21/2/88 implicitly admitting responsibility for the killing.

Upali Wijewardene

Here is one classic instance where the possibility of any legally valid conclusion had forever been extinguished, and one needs to look far and wide for factors that help us towards a conclusion. As for Premadasa's nomination as presidential candidate, it took place late, three months before the election, until when a possible third term for Jayewardene was floated about. Premadasa for the past year had been distancing himself from Jayewardene who had brought in the Indian army, taking a populist anti-Indian line appealing to the same base as the JVP. According to an analyst who closely followed events at that time, nearly all those in the UNP hierarchy who advocated a third term for President Jayewardene were killed, ostensibly by the JVP, from the fall of 1987.

According to Ernest Perera, Ranasinghe, when questioned by Minister Wijeratne, had admitted to killing Harsha Abeywardena (UNP secretary), Nandala Fernando, Prof. Stanley Wijesundera and SSP Terence Perera. This received corroboration from the Government Analyst who examined markings on recovered T56 cartridges, that the weapon used in the murders of VK, Harsha Abeywardena and Terence Perera were the same (i.e Deputy Minister Lokuge's). This evidence needs to be assessed in the light of a systematic cover up set in motion soon after Premadasa got hold of the reins of the state machinery.

Also relevant to assessing Premadasa's ambitions is the testimony of Ranjith Wijewardene, Chairman of the Sunday Times in the 10th anniversary issue of the latter (8th June '97). In 1990 when Vijitha Yapa was editor, a columnist published some cabinet news that Premadasa was angry about. At a function at Gangaramaya temple, Premadasa told Ranjith W. in a small gathering: "I want to advise you, do not let those who destroyed Upali destroy you". He then enumerated three instances where he claimed to have been pilloried in the Island newspapers - a paper founded by Upali Wijewardene with Yapa as pioneer editor. Upali, Ranjith's cousin, a very successful entrepreneur by the early 80s, and a close relative of President Jayewardene, was a front runner to succeed Jayewardene. In 1982 his private jet mysteriously disappeared in the South China Sea after taking off from Kuala Lumpur. Foul play was widely alleged and details of the supposed conspiracy were circulated in the rumour mill. Premadasa's words if correctly reported by RW, could have been understood in only one way by the speaker and hearer. On being told about it, Yapa resigned as editor.

The Udugampola Revelations

The findings of the Kumaratunge assassination commission throw further light on the claims made from hiding by DIG Udugampola, widely credited with spearheading the campaign against the JVP in the late 80s. He was subsequently placed in charge of the Bureau of Special Operations (BSO) by Minister Ranjan Wijeratne. The BSO was wound up after the assassination of Wijeratne by a car bomb in February 1991, allegedly the work of the LTTE. This happened shortly after the BSO raided the establishments of Singaporean casino magnate Joe Sim, and uncovered proof of large kick backs to senior police officers and other leading persons. Wijeratne at the time of his death was to make a statement in parliament on the matter. Later in the year (1991) the government moved to revive the inquiry into the death in 1988 of the lawyer Liyanarachchy, who was allegedly involved in the JVP and is said to have been in the committee that passed the death sentence on Udugampola's family, who were murdered. The revival of the inquiry was held to evince a newly found sensitivity on the part of the government to international human rights concern. Udugampola went into hiding after he was given notice of retirement in January 1992. His statement appeared in early April 1992 (Sunday Times 5/4/92, Island 6/4/92).

Udugampola said: "...It is a fact that I hit the JVP hard and crippled them. But in the closing period of the Jayewardene regime [i.e. the run up to the presidential elections of December 1988] there was an intensification of JVP killings and several UNP activists in the Matara and Hambantota districts were killed...."

In this connection, the Kumaratunge commission record tells us that between March and May 1988 the CDB arrested 5 suspects in connection with the assassination, two of whom confessed before a magistrate admitting complicity. But no further action was taken. On 26th September 1988 Ignatius Canagaratnam, SSP, CDB, received a query from A.S. Seneviratne, DIG, Colombo, calling for particulars on these five suspects. Canagaratnam replied that three

of them (Dhanapala, Dharmasena & Sri Kantha whom the commission found to have JVP links) were involved in aiding and abetting the murder of VK. He recommended that the three be kept in detention to be indicted for murder following completion of investigations. The other two (whom the commission found not having JVP links), Canagaratnam said were involved in aiding and abetting, but could be released on bail.

On 10th October Canagaratnam received a message that the Defence Secretary had revoked the detention orders on all suspects (on 4th October). Alarmed by this Canagaratnam checked with A.S.Seneviratne, who assured him that he had recommended continued detention of the suspects. It then turned out that the recommendation to revoke the detention had been made by the IGP, Earnest Perera, who said that he had inadvertently signed a letter containing a typing error. By the time the IGP ordered remedial action the key suspects were out.

Premadasa's Nomination

The parallel developments are instructive. Premadasa was made UNP presidential candidate in September 1988, when he effectively obtained control of the UNP machine. He postponed public acceptance allegedly for astrological reasons and went to China, returning at the end of September. He publicly accepted his candidacy at a mass meeting on 10th October, the day when the order to release the JVP suspects was communicated and when it was least likely to be noticed. This shoddy affair should not be pinned on Premadasa alone. Most of those in the UNP knew that their future prospects depended on their usefulness to Premadasa, and the party had an entrenched tradition of sycophancy and corruption. The episode also suggests a complex subterranean relationship between the UNP and the JVP.

Udugampola's statement went onto allege that the killers known as Black Cats were mobilised by the UNP, and in areas where he was, were supplied by UNP MPs, and their killings were principally directed against the SLFP. He claimed to be in possession of a list of 60 SLFP activists killed by these cats. Both the government and the opposition, who had their own share of killings, found him a convenient scapegoat, he said, on whom they could hang everything. He cited the example of Eppawela Black Cat killings in March 1989 which he was keen on investigating since his name was being mentioned, but was prevented from doing so, on the pretext that a CID team was nominated for that purpose. When he said that one victim was a hard-core JVP'er, it was reported in the media that all were hard core rebels. Udugampola asserted that it was Black Cat terrorism that helped the UNP to win the elections, by providing a cover for organised irregularities. The killings, he said, had commenced from the run up to the presidential elections of December 1988 when he was in charge of the deep South, after which he was moved to the NCP ahead of the parliamentary elections of February 1989. Both these areas were opposition strongholds. What happened on the ground helped the label Chief of Black Cats to stick on Udugampola, who thus became the bete noir of human rights activists.

As for the reopening the Liyanarachchy inquiry, Udugampola dismissed it as bogus, saying that at the trail-at-bar, all the accused were acquitted, and he was found guilty only of issuing a detention order under lapsed regulations. He also pointed out that in its Human Rights Status Report of December 1991, the government had cited the closure of the BSO as strong evidence of its concern for human rights. But in reality those who had complained about the BSO were not human rights activists, but bigwigs deprived of kick backs.

Wijetunge's Response

Responding to Udugampola in parliament on 7th April 1992, Prime Minister Wijetunge accused Udugampola of malicious vengeance against the government. The investigation into the assassination of Minister Wijeratne, he said, was as the IGP (Earnest Perera) had informed him, the function of the CDB and the CID, in which the BSO had no concern. (Udugampola had said that he had been prevented from carrying out an investigation using the BSO machinery, despite his knowing the forces arraigned against Mr. Wijeratne. The investigators assigned, he said, had turned up nothing.)

Prime Minister Wijetunge then went on to make claims and allusions that are very revealing in retrospect: “The Inspector General of Police informs me that from time to time numerous representations have been made with regard to DIG Udugampola and his operations. International organisations, including Donor Agencies, Human Rights Groups and Diplomats have been making very adverse comments on his conduct....In the Liyanarachchy murder trial the High Court passed strictures on Mr. Udugampola. The Court [18th March 1991] expressed the fervent hope that the law enforcement authorities will probe and investigate who caused the death... Mr. Udugampola claims that he was not responsible for the killer squads known as “Black Cats”. It is a significant co-incidence that these “Black Cats” had surfaced wherever Mr. Udugampola was stationed....”

It was patently a ritual statement that was not meant to carry credibility. Mr. Wijetunge’s function was, it had come to be accepted, to talk shop. A revealing act in this saga was not far round the corner. President Premadasa was assassinated on 1st May 1993. D.B. Wijetunge became president and Ranil Wickremasinghe took his place as prime minister. After appropriate messages were passed, Udugampola returned from secret exile in India on the 20th June 1993. He was given a sinecure as Deputy Director, Ports Authority, by the very same victims of his “malicious vengeance”.

The Batalanda Commission

Proceedings of commissions under the present government showed that Udugampola’s published claims were not far lacking substance:

- The Vijaya Kumaratunge Commission report showed that within four months of the inception of the Premadasa presidency, the CID was in no position to carry out a professional investigation. The Athulathmudali murder inquiry shows that the same fate befell the CDB by 1993. The last thing any UNPer with a sense of honour, who cared a little for the fallen Wijeratne, would have wanted was to have the CID and CDB investigate his killing and to have the BSO wound up. The BSO was better placed and better motivated to do the job.
- Several witnesses have testified before the Batalanda Commission of a secret detention centre and a ‘Black Cat’ operation at Batalanda Housing Scheme, where Minister Wickremasinghe had a house in which top officials had met for security conferences. Houses in the scheme were allocated to Douglas Pieris, SSP, CSU, and others in the operation in mid-1988. The house used for torture and detention had BLACK CATS in green painted on the outer wall. As evidence mounted before the commission, Douglas Pieris left the country last year, and reportedly sought asylum in Switzerland.

Not even a remote connection between the operation at Batalanada and DIG Udugampola has surfaced, although other senior officers have been named. This adds substance to his claim that he had become a convenient scapegoat for an operation run by the UNP politicians.

* On the Liyanarachchy matter, he was brought from custody in the Southern Division that was under Udugampola, to Sapugaskande police station in the Kelaniya electorate on 1st September 1988 on orders from Minister Wickremasinghe, according to a note from IGP Earnest Perera to Athulathmudali who was National Security Minister at that time. Sapugaskande was the legal front of the secret centre at Batalanda opened about the same time. Liyanarachchy may have been intended as one of the first guests at Batalanda. But he was soon sent to hospital and died of the injuries he had sustained. IGP Perera's position is that he had sustained these injuries prior to his arrival in Sapugaskande - i.e. under Udugampola's custody. But even if this were true, the matter should have been raised at that time and Udugampola should have been punished then, instead of waiting for a time more than three years later when his peers wanted to get rid of him. Thus there was never any serious concern about Liyanarachchy's fate, and Udugampola cannot be held solely responsible.

The Politics of Insinuation & Assassination

The foregoing shews that a broader pattern of coherence emerges from the findings of the Vijaya Kumaratunge Assassination Commission Report, when compared with other events and testimony not directly related. This adds to the gravity of the findings that present us with strong links between politics, the underworld and the criminalisation of the State apparatus (eg. the police). From what is known or has been revealed before the commissions, these links in all likelihood hold the keys to the truth about other political killings - especially those of Lalith Athulathmudali and Ranjan Wijeratne. The Report should also caution us against attaching too much importance to the question, who pulled the trigger - an agent of the State, the JVP or the LTTE? This question tends to lead towards oversimplification that fails to do justice to the history of the event. In the case of Athulathmudali's and Wijeratne's killings whether one tries to blame exclusively the state or the LTTE, one seems to run up against inconvenient facts.

We have already created a social culture where there are no moral restraints to ambition. Wishing for the death of an inconvenient person had ceased to be unthinkable. Making some tentative and indecisive moves in that direction was only a step away. We have seen it in political life and even academic life was no stranger to it. The presence of armed militant politics made the desired end realisable. The game was to indirectly pass messages to those with the guns that the person they wished out of the way was a hindrance to the ambitions of the armed group. The players themselves were often most genteel, but knew what to tell whom so that the message would get into the right channel. This kind of lethal canvassing, carrying tales and passing messages about individuals, rather than discuss issues, are symptoms of a deceased political life. To take an example from the North, the LTTE pulled the trigger on Mayor Alfred Duraiyappah in 1975. But the insinuation and canvassing for it had started before there was an LTTE.

In the case of Kumaratunge, Wijeratne and Athulathmudali, their death was wished for or desired by several interests, all of whom had links with the flea market that is Colombo's underworld. Here perhaps the different tentative moves fell into place giving rise to a plot with disparate actors.

The reform of the State and the institutions of law and order need to be the first step in restoring a measure of integrity to our public life. This is why the present commissions are important even if they do the job of bringing out the truth imperfectly. The task of reform

cannot be entrusted to governments alone. Indeed, there have been disturbing instances of the police being misused for party and private ends by leading figures in the present government. Nor has the government addressed the removal of the existing battery of repressive laws, despite having appointed commissions to examine the consequences these laws gave rise to under the previous government.