

Bindunuwawe Rehabilitation Camp Massacre

Bindunuwawe in Bandarawela became better known after the tragic massacre on 24 October 2000 of Tamil detainees by a marauding mob. Before this pathetic episode, from 20 March 1993 Bindunuwawe was a Rehabilitation Camp that had housed Janatha Vimukthi Peramuna (Peoples Liberation Front), surrendees, then till 1998 drug addicts and from 1998 only Tamil detainees of whom 41 were languishing. Ostensibly meant to effect rehabilitation it offered the Tamil detainees no means for it, other than training in vocational skills and exposure to Buddhist sermons to Hindu and Christian detainees.

The violence let loose on 24 October on helpless detainees ended with the cold blooded killing of 27 youths while 14 inmates were seriously hurt. After mayhem and murder the camp was ravaged and burnt. Some of the bodies were scorched beyond recognition.

The camp was run by the Ministry of Youth Affairs and no armed personnel guarded it and the lawless gang easily entered the premises and spent about one hour devastating the camp. The police after two hours sought army aid. It was late, the mob had decamped and the dead and injured of the inmates were dispatched to hospitals in the proximity. The camp had been under the supervision of an army captain assisted by a second lieutenant.

Before the violence posters inscribed with rabble rousing racial slogans had been publicly displayed in the vicinity of the Camp. This aroused tension and rabid hostility amongst a Sinhalese populace in Bandarawela against the Tamil detainees.

The Tamil youths in custody at the camp too were restless and agitated against long detention with no relief in sight. Meanwhile during the tragic incident, a police officer had further fuelled the restive state in the camp by firing irresponsibly.

Up to the day of the sad incident the villagers around and the inmates of the camp had been in cordial relations. Clearly it was not the villagers but outside ruffians who had been active in the massacre. The 2nd Lt. of the camp further fuelled the tension. Indeed the police tried to compel the villagers to own up the violence but this endeavour was a failure. The police complicity in the horrible crime could not be covered up casting the blame on the rural folk.

A scrutiny of the proceedings at the preliminary inquest, the hearings of the Presidential Commission and the Trial at Bar demonstrate that very poor protection was accorded to the Camp in a largely Sinhalese area but with Tamil inmates; between the members of the two groups there was hardly any love to be lost. There were no sentry stands. Even when the incident occurred a riot squad on alert was not summoned to the site of the camp. Unfortunately two different authorities, the army and the police handled administration and security. The dual administration failed as neither of them exercised responsibility and the police were involved in the reprehensible acts. The inmates were sacrificed. It was a folly to have utilized civilian guards at the camp and it was obviously imprudent to have the police inside a rehabilitation camp with inmates who were not well disposed to the police. The police could better have been in the perimeter. But regrettably there was active police entanglement in the mayhem, in addition to negligence.

The evidence from a police officer in the Criminal Investigation Department confirmed that policemen as well as civilians were assailants in the massacre at Bindunuwawe Camp. Even the weapons used by the police were confiscated. The police were clever to avoid the use of guns generally except on one occasion a policeman instead of firing on the attackers of the inmates of the camp instead attacked the detainees of whom one died in this deliberate violation of the role of the police.

The Tamil detainees who often had surrendered and were not found guilty legitimately, however, received nothing which could rehabilitate them such as counseling or fruitful training so as to make them fit to play a useful role as citizens. Quite contrary to salutary practice in rehabilitation the inmates were utilized as a workforce. There were no competent and experienced personnel in rehabilitation to pay any attention to the inmates. The camp was more akin to a concentration rather than a rehabilitation center.

Apart from the rank and file of the police force and civilians, higher level officials too aided and abetted the committing of mayhem and murder among the defenseless inmates of the camp. An army officer, a lieutenant, aroused the feelings of villagers in an irresponsible manner against the inmates of the camp creating an impression that those detainees could attack the rural folk. An Inspector of Police showed no initiative or interest to quell the dangerous disturbance when those in Bindunuwawe Camp were attacked. Similarly indifferent, nay even hostile to the inmates, were the deliberate apathetic and callously negligent Assistant Superintendent of Police and the Headquarters Inspector at Bandarawela in their disposition toward the Tamil inmates caught defenseless to the onslaught of the murderous armed mob running riot destroying life, limb and other articles within the Bindunuwawe camp.

The inevitable conclusion is that the officials who should be protectors of detainees who were in the custody of the government in one of their state managed rehabilitation camps were compelled to pay even the ultimate sacrifice because of communal animosity displayed by the immediate responsible authorities. This venom was exhibited against the Tamil detainees by aroused Sinhalese mobs of a motley nature, principally introduced into the camp from surroundings elsewhere. Anti Racist Canards had been publicized viciously, frightful among the folks rumors spread and hatred and adversity towards the Tamil detainees was firmly ingrained to estrange the Sinhalese neighbours from the Tamil inmates of the camp. The milieu around the rehabilitation camp had been provoked and prepared by designing police and other officers connected to the camp to burst in frenzy against the Tamil youths who were in custody. The outburst of rioting, rampage and killing was not spontaneous and much of the blame for cultivating inflammatory emotional behaviour rests on those who should have maintained law, order and security, the police.

From the final outcome in a Trial-at-Bar judgment it was evident that the three Judge Bench on 17 February 2003 found that thirteen needed to be acquitted of charges owing to a want of evidence. Five were convicted and sentenced to death. Two were from the ranks of the police punished for negligence of duty and three were civilians from Bandarawela. The judge observed that out of the dead inmates ten bodies have not been still identified.

An adverse consequence of the horrendous massacre and assault of the inmates was that the relations between the Sinhalese villagers and Tamil plantation labourers around Bandarawela grew sour and manifestations of attacks time to time on the hapless plantation community's members.

After the miserable and despicable massacre it was acknowledged by many that the rehabilitation camp should not have been in a predominantly Sinhalese area. The Police hopelessly failed as guardians or in providing security to inmates in state care and custody, and committed grave lapses. Security for the Bindunuwawe camp was totally inadequate. There had to be Tamils, and Tamil speaking personnel when the detainees were Tamils. Worse, it was obvious and evidence proved that the police fired on Tamil inmates, a grievous act of homicide. After being subjected to Mayhem to chain injured detainees in hospital is unforgivably degrading treatment. Neither the police nor any others than competently trained well-versed civilian personnel in rehabilitation should have been used at the rehabilitation camp. Officers who were left in charge of the camp were guilty of several lapses. Unfortunately the Commissioner General and his assistants themselves hardly knew anything worthwhile in rehabilitation camps and could function as desk bound bureaucrats. Also, unidentified bodies are in the mortuary still to be handed to parents or guardians. Compensation is partly made. This is lamentable indifference on the part of government. Likewise death certificates are awaited and the Presidential Commissions' report to has to be tabled in parliament and issued as a sessional paper.

The Center for Human Rights and Development (CHRD), Aloe Avenue, Colombo 3, upholds the observance of human rights and civil governance. In case of violation of human rights, it assists victims to gain justice and redress. In the Bindunuwawe massacre, the CHRD took a sustained interest ab initio and involved itself energetically ascertaining the truth behind the massacre. The inquest proceedings were held at the Bandarawela Magistrate Court and on behalf of the CHRD and to be of aid to those who suffered, attorneys-at-law, K.S. Ratnavel and Ajith Ratnayake were present at proceedings led by D.W. Desmond Fernando PC. CHRD legal team's visit on the survivors indicated that they had suffered intense shock and were incoherent. Mr. A. Vinayagamurthy, MP and Attorney-at-Law visited the scene of the massacre and the injured in the Diyatalawa Military Hospital.

The late D.W. Abeyakoon PC, Attorney-at-Law and Mr. K.S. Ratnavel watched the interest of the Bindunuwawe at the Presidential Commission in the BMICH (Bandaranaike Memorial Cultural Hall). Amongst others retired Deputy Inspector General of Police and MP Mr. A. Vinayagamurthy gave evidence at the Presidential Commission. Throughout the CHRD with its team of lawyers proved to be of relentless assistance to the helpless victims. While the magisterial inquest was on, on behalf of the CHRD, Mr K.D.C. Kumarage, a senior Attorney-at-Law was also participant on behalf of the massacred and injured. Although the National Human Rights Commission exhibited some interest, their lawyers were not present at the inquiries. When the terms of reference of the Presidential Commission were drawn, lawyers on behalf of the CHRD made their own submissions to help formulate the Commission. Even they went up when this case was taken up for adjudication. At a Trial-at-Bar headed by Justice Sarath Ambepitiya and two other judges, Justice Eric Basnayake and Justice Upul Abayaratne, on behalf of the CHRD, appeared Mr. D.W. Abeyakoon PC, Mr. K.D.C. Kumarage, Mr. K.S. Ratnavel, and Ms. Vasantha Abeyakoon. The Trial-at-Bar began on 11 March 2003 and continued till judgment was given on July 2003.

The significant inference is invaluable role played by the CHR and its team of lawyers in bringing to book the culprits who perpetrated on the helpless Tamil victims in the Bindunuwawe Rehabilitation Camp mayhem and massacre, which caused deaths injuries and destruction. The suffering was entirely borne by Tamil Youths in the custody of the government of Sri Lanka. Apart from the repulsive and horrible deaths in the Welikada high security prison inflicted on Tamil detainees on two occasions, one after the other while they were in the custody of state and thereafter the Kalutara Remand Prison killings in a similar manner; the Bindunuwawe Rehabilitation Camp massacre and assault ranks equally horrendous of the state being unable to protect those in custody. While the Welikada Massacres were not pursued in court nor inquired into by Commissions, the Bindunuwawe Massacre stands out as a singular example where the CHR succeeded in getting the Sri Lankan state to appoint a Presidential Commission of inquiries and also conduct a case in court and mete out justice.

Lately, in August 2004 the Court ordered that the remaining ten unidentified bodies which were lying in police mortuary be buried on state expenses. The ICRC made the necessary arrangements.

Furthermore, the five convicted appealed against their conviction. The Court of Appeal found SI Tyrone Ratnayake not guilty as no evidence was brought forward against him. He was released from death sentence.