



நீதியரசர் க.வி.விக்னேஸ்வரன்
முதலமைச்சர் - வட மாகாணம்
නීතිසුරු සී.වී. වික්නේශ්වරන්
ප්‍රධාන අමාත්‍ය - උතුරු පළාත



Justice C.V.Wigneswaran
Chief Minister - Northern Province

நிதியும் திட்டமிடலும், சட்டமும் ஒழுங்கும், காணி, மின்சக்தி, வீடமைப்பும் நிர்மாணமும், சுற்றுலா, உள்ளூராட்சி, மாகாண நிர்வாகம், கிராம அபிவிருத்தி, வீதி அபிவிருத்தி, மோட்டார்வாகன வீதிப் போக்குவரத்து ஒழுங்கமைப்பு மற்றும் போக்குவரத்து அமைச்சு
මුදල් හා කුම සම්පාදන, නීතිය හා විනය, ඉඩම්, විදුලිබල, නිවාස හා ඉදිකිරීම්, සංචාරක, පළාත් පාලන, පළාත් පරිපාලන, ග්‍රාම සංවර්ධන, මාර්ග සංවර්ධන, මෙරට රට විගතමයේ නීතිය සහ ප්‍රවාහන අමාත්‍යාංශය

Ministry of Finance and Planning, Law and Order, Lands, Electricity, Housing and Construction, Tourism, Local Government, Provincial Administration, Rural Development, Road Development, Motor Traffic and Transport

எனது இல
என் எண்
My No

CM/NP/RES/A'pura Prisoners/2017

திகதி
நாள்
Date

16.10.2017

Hon' Chandrika Bandaranaike Kumaranatunga
Chairperson
Office for National Unity and Reconciliation

Dear Hon' Chandrika Madam!

Fasting Prisoners at the Anuradhapura Prison

It is with great expectation that I address this note to you. You have taken upon your good self the task of bringing about peace and reconciliation in this Island of ours. It is therefore appropriate that your good self gives your earnest consideration to the plight of the fasting prisoners at the Anuradhapura Prison.

It appears that the purpose for transferring the prisoners from Vavuniya to Anuradhapura is not because the Government wants to give protection to the witnesses in the case. I am told the three witnesses who turned State Witnesses have gone abroad and their whereabouts are not known. Even if known I am not sure the Government has taken any steps to bring them down to Sri Lanka. Therefore the purpose appears to be to take the case before a Court which would convict an Accused purely on his confession under the PTA.

It is well-known since I gave my judgment in the Nagamani case when I was in the Supreme Court, many courts in consonance with my Judgment had asked for corroborative evidence to confirm that the events mentioned in the confession did take place. What I had said in the said judgment was it was unsafe to convict a person purely on a confession without making sure that the acts or events mentioned in the confession did in fact actually take place. Consider a case where the confession says "I killed "X" and it turns out that "X" is in fact alive. In fact I had a case in Batticaloa where the confession said an Army Camp was attacked and destroyed while it was said by the Army that no such attack ever took place.

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There are a few courts like the Anuradhapura and Polonaruwa Courts which have refused to consider the *ratio decidendi* of my Judgment. Many other courts in Colombo and elsewhere have instead asked for some form of independent corroborative evidence to confirm that the matters referred to in the confession did in fact take place.

It appears that the State is interested in the case of the fasting prisoners to obtain a conviction with regard these prisoners for political reasons. Already before any inquiry could start Hon' Ruwan Wijeyewardene has categorized the fasting prisoners as LTTEers or Tigers. I am told that the prisoners had denied their connection to LTTE. Therefore before categorizing them we should patiently await their trial. It was unbecoming of Hon' Ruwan Wijeyewardene to have labeled them before Trial.

In any event it is hardly fair for cases to be transferred to other Courts purely to accommodate with witnesses. Witnesses' protection is the duty of the State. There are 150000 soldiers in the Northern Province. It is amusing that the Attorney General wants to protect three State Witnesses by transferring the case from Vavuniya to Anuradhapura. We could have given them adequate protection with so many Army and Police personnel around. My information is that none of the three State Witnesses have asked for protection nor are they present in Sri Lanka.

If witnesses had asked for protection from the Attorney General he should publicize the nature of the document received from the witnesses in this regard. The transfer seems to be for political reasons to get conviction purely on confessions. The Anuradhapura High Court has convicted many accused purely on confessions under the PTA.

Your Honour would have by now realized the extent to which the fast of the prisoners had affected the feelings of a large majority of Tamil speaking people in the Northern and Eastern Provinces. Life came to a stand still in the Northern Province on the day before His Excellency the President visited us.

Under the circumstance may I urge Your Honour to intervene in this matter and have the fasting prisoners sent back to Vavuniya or even to Jaffna High Court. Your intervention, Madam Chandrika, at this point of time would ensure understanding and good will among our people if you choose to be empathatic towards the fasting prisoners.

Thank you

Sincerely

Justice C.V.Wigneswaran
Chief Minister
Northern Province

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Chief Minister
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