

## EXCESSES .....

human rights. One such body was the Coordination Committee on Kashmir (CCK) headed by justice Tarkunde. When N.D. Pancholi, the General Secretary of the Citizens for Democracy, one of the members of the CCK, learnt about the setting up of the Committee by the Press Council, he contacted Verghese and asked him if he would like to study the reports of the inquiries made into the cases of atrocities in the Valley by his organisation and the People's Union of Civil liberties (PUCL). In reply to a query, Pancholi told Verghese that the reports were about the atrocities committed by the paramilitary forces. Verghese then told him that he did not need these reports as the terms of reference of his committee pertained only to the conduct of the Army. Why did he not think that these reports would have at least helped him understand better the situation that prevails in the Valley?

The Committee, however, did not leave the paramilitary forces out of its investigation as is clear from para 338 of its Report. It says: "Although the Committee's terms of reference pertained exclusively to the Army it has reviewed the functioning of the paramilitary forces in passing as anti-terrorism and counter-insurgency operations are indivisible and the militants are operating under an overall unified strategy."

Why did the Committee do so despite Verghese having told Pancholi that its terms of reference would not permit it? Why did it not occur to the Committee earlier that anti-terrorism and counter-insurgency operations are "indivisible" and, therefore, a case of atrocity may involve both the army and the paramilitary forces? Why did it not seek the reports Pancholi wanted to hand over to Verghese when it decided to review the functioning of the paramilitary forces? And even when it went against the terms of reference,

why did it not say a single word whether it treats as true the stories about the atrocities committed by some of these forces and widely reported by the media? The critics, however, refuse to believe that this lapse occurred because the senior officers of these forces had not made a "request" to the Press Council to review the media stories against them.

For any judicious, if not judicial, inquiry into the kind of matter that formed part of the terms of reference of the Verghese Committee, it is expected from the persons conducting it that they meet as many persons as possible who may be of help to them. The Verghese Committee too was expected to meet persons like Justice Tarkunde, Justice Rajinder Sacher, Dr. Amrik Singh, Inder Mohan, Tapan Bose, Ms Premila Lewis, Ms. Nandita Haksar and Ms. Sakina Hasan in Delhi who had visited Kashmir and looked into the cases of atrocities allegedly committed by para-military forces. None of these persons were approached by the Verghese Committee, though the work done by them had been widely reported in the media. On the contrary, their human rights organisations came in for a severe criticism by it.

The Committee was also expected to issue public notice in Jammu and Kashmir inviting the members of the public to bring to its notice allegations of army atrocities. This is a normal practice and is followed by any committee - even if non-official - holding an inquiry into a serious matter like rioting, rape or murder. But the Verghese Committee did not do anything like this. If it had, it may have come to know of some other cases of atrocities than those about which the Army wanted it to review. It is also possible that the Committee may have come across some independent evidence against or in support of the charges against the Army it was looking into. It is not known why the Committee did not follow this normal procedure. But by not doing so, it has raised serious doubts about the authenticity of its Report.

## A Letter to President Premadasa

from Article 19  
dated 24 October 1991

Your Excellency,

ARTICLE 19, the International Centre Against Censorship, is disturbed at reports of a break-in at Navamaga Printers and the damage to printing machinery while the premises was under seal and police guard.

The seals and the police guard were placed on the Navamaga Printers' premises on October 4 1991, by police officers attached to the Mount Lavinia Police Station.

ARTICLE 19 notes that on September 18 1991, police officers searched the premises of Navamaga Printers and took two of its employees into custody who were released later that day. On the following day, Kelly Senanayake, the owner of the business, reported to the

Mount Lavinia Police Station where he was questioned and asked to make a statement about the printing work undertaken by Navamaga Printers.

ARTICLE 19 believes that these incidents of unwarranted harassment and intimidation by official and unofficial means are a direct result of the printing by Navamaga Printers of a special edition of the Sinhalese newspaper *Yukthiya* which carried leading articles on the subject of the attempt to impeach President Premadasa.

ARTICLE 19 calls on your government to investigate the circumstances of the break-in at the Navamaga Printers, to prosecute those responsible, and to compensate the printers for loss of earnings and damages caused to the printing machinery.

ARTICLE 19 reiterates its call to your government, as stated in its letter dated October 11 1991, to allow Navamaga Printers to reopen, and to refrain from further interference with the rights of printers and publishers to practise their professions as guaranteed by Article 14 (1) (a) and (b) of the Constitution of Sri Lanka, and respectfully requests that your government lives up to its obligations under Article 19 of the International Covenant on Civil and Political Rights.

Sgd. Frances D'Souza  
Director  
Article 19  
90 Borough High St  
London SE 1 1LL, United Kingdom

**Article 19 of the Universal Declaration of Human Rights:** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.