

A letter written by Hemantha Warnakulasuriya, a President's Counsel has posed pertinent questions to Bruce Fein, the US Attorney said to be representing the Tamils For Justice. Given below is the full text of the letter sent by Hemantha Warnakulasuriya to Bruce

Fein: June 17, 2008

Bruce Fein Esqr,  
Attorney  
Tamils for Justice  
USA

Via email: bruce@thelichfieldgroup.com

Dear Mr Attorney,

I read with interest your letter, dated 07.06.2008 and addressed to President Mahinda Rajapaksa, Defence Minister and Defence Secretary Gotabhaya Rajapaksa under the title 'Bruce Fein and Tamils for Justice. You have been mentally disturbed when the website of the Sri Lanka Defence Ministry called you 'A Carrion Bird of LTTE Terrorism'.

### **“Is Bruce Fein a Carrion Bird of LTTE Terrorism?”**

I regret the fact that being called a “carrion bird of LTTE terrorism” has caused you much pain. You have given gratuitous advice to the recipients that they must consider discharging the Intelligence Unit and save the Ministry a treasure trove of money, as there is no investigation necessary about you as everything about you is disclosed on the website free of charge.

I logged on to your website and found that one of the onerous tasks entrusted to you was to de-proscribe the LTTE. I believe, as an attorney, that you have been instructed by the LTTE to make representation on behalf of them and on behalf of Prabhakaran. I believe you are not only acting upon instructions, but getting a large fee for doing a professional job.

If you deny the fact that you have been retained by the LTTE, then you may be in violation of the code of ethics, as you are appearing for a client without proper instructions. Therefore, I believe it is a fair call to say that you are a 'carrion bird of LTTE terrorism'. As you know, the LTTE has been proscribed by the US and the FBI has classified it as the most ruthless terrorist organisation in the world. Thus, you have the task of transforming the most ruthless killer, a megalomaniac and a murderer of Tamils, women and children, into a Mahatma Gandhi, or an

apostle of peace. Therefore, the political reference to you has not done any dis favour in the eyes of the LTTE, as they would have by now earned the wrath of all peace loving people in the world.

Therefore, you could, without much difficulty request for an enhancement of your fee, which the Tamils for Justice could pay on behalf of the LTTE. If, as you claim, the TFJ doesn't represent the LTTE and neither receives or sends funds to the LTTE, how could you appear on behalf of a terrorist organisation and a Mono Ethnic Dictator and strive to remove the proscription, unless you are advised by the very organisation that is proscribed, as no one knows whether the LTTE is enjoying the proscription to keep on killing innocent civilians, as no terrorist organisation is bound by any international law, ethics or morality. They may be enjoying the proscription which permits them to kill and watch the cry of anguish and pain of the civilians from a vantage point. I cannot think of any phrase that could describe Prabhakaran's pleasure at these killing. Therefore, they may not want the proscription lifted.

Naturally, any reasonable man could come to a just and fair conclusion, that in spite of the several denials made by you and by your cohorts, you are representing a terrorist outfit which has turned terrorism into an industry-enterprise and which is now using its methods and knowledge to export terrorism for profit. As the perfection of the suicide kit and the method used to brainwash the suicide bombers has been used by all other terrorist organisation like the Al Qaeda and Hamas.

To de-proscribe the LTTE would effectually mean painting the father figure of Terrorism, Prabhakaran lily white and would show the Al Qaeda and other terrorist outfits how to kill and earn the respect of the West.

### **Are Tamils outside the law in Sri Lanka?**

In the third paragraph of your letter, you counter the belief that the Tamils are not outside the law in Sri Lanka, and to further augment the argument that the Tamils are outside Sri Lankan law, you have referred to Sri Lanka's Prevention of Terrorism Act.

### **Prevention of Terrorism Act**

Sri Lanka is one of the first countries in the Asian region that saw the terrorist movement emerging, and during that time the legislator, in his wisdom and in order to protect the unity of Sri Lanka, established the Prevention of Terrorism Act.

At that time, most Sri Lankan Tamils and some Sinhalese took offence to the so-called Draconian nature of these laws; the US, UK and even the Indian Government impressed upon the Sri Lankan Government to remove these laws from the Statute books.

During that time, the Indians and all the other Western countries were fooled by the LTTE to make believe that they were a force fighting for the liberation of their people from the oppressive

Sinhala Government.

Unfortunately, when the problems come to one's doorstep, it is a common human trait for one to forget the advice and follow the same laws which were considered deterrent.

After 9-11, the US implemented similar laws; later, the UK and even the Indian Government followed suit. In fact, the very passage you quote from the Prevention of Terrorism laws were not intended to incarcerate any framed Tamils, who had rarely demonstrated using peaceful means, but against the Sinhalese, who would by word of mouth extol the virtue of racism and coerce the very minor percentage of radical Sinhalese Buddhists to commit communal disharmony. It punishes persons who cause communal disharmony.

This very passage was against the posters that appeared in the aftermath of the riots to kill Tamils. In fact, the Sri Lankan Government even belatedly introduced these passages first in the Emergency laws and together with other laws arrested the Sinhalese and kept them in custody for a number of months without trial. If you have the time to go through the case laws or laws that incarcerate the terrorist you would see that not a single Tamil was arrested under these laws.

One could argue that this whole process was against the principle of freedom of expression. However, this prevented any misguided Sinhalese from carrying out violent acts against the Tamils. These laws effectively protected the Tamils from the small percentage of misguided, racist Sinhalese, who would have strived to attack the Tamils merely to destabilise the Government in power. The measures taken by the Government, by invoking anti-terrorism laws, prevented any communal conflagration in the last so many years. The lessons learnt by the Sinhalese were incarcerated for years and had softening effect that despite the daily bombings and killings of Sinhalese civilians in the cities not single Tamil was attacked.

Today, your friend Prabhakaran instead of using words, signs of visible representation, is throwing claymore mines and other explosives to kill hundreds of innocent civilians. Last month alone, more than 80 civilians died due to attacks by the LTTE. But the Sri Lankan Government and the people have not fallen prey to the overtures made by Prabhakaran, to harm or kill Tamils living like brethren in the South. Your information and sources of the TFJ will tell you that 80 percent of the Tamils live outside the two and a half districts controlled by the terrorists, in peace and harmony. The Sinhalese know that the majority of Tamils living in government-controlled areas do not support or agree with the methods of terrorism adopted by the human predator Prabhakaran.

In fact, your country has quite rightly, by innumerable legislative Acts after the 9-11 attack, taken exception to any publication which violates these anti-terrorism laws. The Patriot Act, which we are still to emulate, permits the obtaining of information from wire and telephone tapping. Like your country, all countries have taken appropriate steps and followed the example set by your country. As you know, in September 2002 your Congress approved the Patriot Act, which provides law-enforcement agencies with the powers to monitor and detain suspected terrorists without charges or trial. Similarly, in December 2002, the UK Parliament approved the

### Counter-Terrorism Security Act.

Some of the laws and the freedom which your people have cherished have been misused by terrorists. They were able to find loopholes and create disasters by killing more than 3,000 US citizens. We have been living under such terrorist threats for the last 25 years and thanks to the resilience of the Sinhalese, Tamils and Muslims we have not lost our composure and equanimity. Though your client Prabhakaran is the biggest killer of human beings after Pol Pot, we have with little or no support from the West managed to thwart his advances. His ambitious goal would be to commit genocide of the Sinhalese and Muslim communities.

His dream is to drown every single Sinhalese, Muslim and Tamil, whom he considers traitors, in the Indian Ocean and to carve out for himself an Eelam from the entire country, then destabilise India to carve out a Tamil nation joining South India and Sri Lanka. He has misguided foolish Westerners like you, who for a fee support a man and his organisation, who believes in achieving his goal by killing, to believe that one way of achieving this goal is to deproscribe his terror outfit.

Prabhakaran's intention is to destabilise the entire world and Western civilisation and the way of life which is anathema to him. The West and Europe are gradually realising this truth. But, unless they support the government, which is with limited resources fighting to eliminate terrorism, it would engulf the whole of the civilised world as the West knows it.

### Detention of persons under PTA compared to detentions in US

It is true when you state that under the Prevention of Terrorism Act in Sri Lanka, the Justice Minister could detain a person for up to 18 months, as compared to detentions of persons for six years. You find that incarcerating a Tamil for 18 months, without charges being preferred, is a violation of the fundamental freedoms.

Every suspect arrested under the law can file a petition complaining of a Violation of his or her fundamental rights and get the apex court to arrive at a decision on whether one's arrest was without any foundation. If the suspect succeeds, then he could be released with compensation. At the time these laws were introduced, the West and many other countries opposed the legislation. The reason for this false notion was their inability to gather information about the true nature of terrorism and the sophisticated methods followed by the LTTE.

It is mandated that any terrorist arrested by the government should commit suicide by biting on a cyanide pill. The time period given to any law enforcement agency was so limited that they could hardly find any evidence against a suspect, as his accomplice may have committed suicide by swallowing a cyanide capsule. The time period had to be extended but nothing prevented the Supreme Court releasing a suspect arrested without any justification.

Yet, these laws drew criticism mainly due to the very sophisticated methods of dissemination of misinformation by the LTTE and the Western media swallowed it hook line and sinker. But today, the process has reversed as it was shown by the detention of terrorists by your own country at Guantanamo Bay, without charges, not for 18 months but for six years. The Bush

administration and the Republicans, which controlled the Congress, would change the laws when the court made orders to inquire into dozens of complaints made to it about illegal detention, so that no one had the right to challenge the detention.

I understand the concerns of the Republicans as these terrorists were arrested with much effort, with evidence to show their involvement, but they were unable to prove the same in court as the State laws, which prevent restriction of the admission of evidence, have done everything to prevent these matters coming before a Court of law. In fact when the Supreme Court made the decision restoring the Writ of Habeas Corpus, many Lawmakers felt that the decision of the Supreme Court enshrined the rights of the terrorist as against the protection of the American people.

What made your government use methods and the power to keep the terrorists in detention for six years, in inhuman condition, without any charge being preferred against them? What made your country's legislature legislate new laws to virtually nullify the decision of Court? Obviously, President Bush, who was the President when the terrorists attacked the US, has a better knowledge of the immense difficulties the government faces in dealing with terrorists who take advantage of civilized laws meant to be applied to civilized people and not to terrorists, who kill innocent people to achieve their goals. - Asian Tribune

To be continued