



TAMIL WRITERS GUILD

22 August 2007

Ms Megan Mahon and Mr. Peter Carne BA, LLB, FAIC
President and Chief Executive Officer (respectively)
Queensland Law Society
GPO Box 1785
Brisbane
Qld 4001
Australia

Dear Ms Mahon and Mr Carne,

The criminal trial and conviction of Dr Brian Senewiratne (BS) and his wife, Kamalini Senewiratne (KS) - a gross miscarriage of justice

August 2007 is in danger of being remembered by many thousands of Australians and others across the globe as the month when the Australian sense of fair play and a belief in the due process of the Australian legal system was seriously undermined by the decision of Magistrate Arnold at Brisbane's Holland Park Magistrates' Court to convict Dr Brian Senewiratne (BS) and his wife, Kamalini Senewiratne (KS) on a criminal charge of clearing lantana (a noxious weed). This has been accompanied by Brisbane City Council (BCC) formally issuing a notice to BS and KS to compulsorily acquire 26,000 sq m of their land for a paltry sum of \$430,000. **It's in this context that we are writing to seek your urgent help to restore our confidence in the Australian sense of fair play by ensuring that the charges, evidence, conviction and conduct of the case are urgently reviewed by a senior magistrate since there are grave international concerns about the gross miscarriage of justice and some serious legal issues which seem to have been not comprehended and/or blatantly disregarded by Magistrate Arnold.**

We would also seek your assistance in advising Hon Mr Craig Wallace (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) to not sign the BCC's compulsory purchase order effected against BS and KS's land, until there has been an opportunity to fully and independently review the facts relating to this over 15 year determined saga by BCC to unjustly and unwarrantedly harass KS and BS.

Although I am writing to you from many thousands of miles away, the above issue concerns us most dearly as BS has for over four decades been a unique Sinhalese voice speaking against the increasingly genocidal practices of the Sri Lankan government against its minority Tamils. Just two months ago, BS arrived here in the UK to assist our organisation (Tamil Writers Guild) in presenting evidence about the above mentioned genocidal practices to the UK All Party Parliamentary Group for Tamils meeting held at the House of Commons. His leading role in that presentation of evidence has been very favourably commented on by several of the MPs and senior representatives of the major NGO/INGOs and Embassies who were present at that meeting. The subsequent actions by the British and other western governments to highlight the dual issues of the serious erosion of civil rights and the severe worsening of human rights in Sri Lanka is a clear testimony of BS' powerful evidence to these august national and international bodies. (NB. please see our website <http://www.tamilwritersguild.com/> for more information about TWG and BS' invaluable contribution to our work).



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However, we were very disappointed and angered to hear that BS's decade long struggle against BCC's unjust and unwarranted harassment of him and his wife had taken a much nastier turn, with BCC's issue of an acquisition notice on his land and property with a compensation offer of a paltry sum of approximately \$430,000. All reasonable evidence suggests that this is a gross under-valuation of BS's land and property. All of BCC's previous attempts (eg. vegetation protection order, environment protection order, noxious weeds clearance order, compliance notice, replanting order and a criminal charge for allegedly damaging vegetation) to mentally, physically and financially ruin BS has failed. Even so, given that BS and KS are aged 75 and 73 years respectively, you will understand the hugely and unnecessarily traumatic experience they have been subjected to by the BCC over these last 15 years.

BCC's determined efforts to unjustly and unwarrantedly harass BS and KS had even taken a more vicious twist with their instigation of a criminal prosecution against BS and KS. The sheer absurdity of both the charge and the subsequent conviction can only be understood in the context of the over 15 year determined saga by BCC to unjustly and unwarrantedly harass KS and BS.

It is clear that BS enjoys the tremendous support of his medical practice patients and colleagues. We understand that he has made a major contribution not only to patient care and the training of young doctors, but has addressed the significant problems in the health service in Queensland. His tireless activity in the area of human rights abuse in Sri Lanka over the past 40 years is too well known to require elaboration. Only last year (2006), he was publicly recognised and awarded plaques of appreciation by expatriate Tamils in New York, Toronto and Brisbane. What we are looking at here is a serious injustice done to someone who has played, and continues to play, a major role in addressing the escalating violation of human rights in Sri Lanka.

We are writing to you to use your considerable influence to both initiate the urgent and independent review as identified above and to advise Hon Mr Craig Wallace to not sign the compulsory purchase order issued against BS and KS's land until there has been an opportunity to fully and independently review the facts relating to this over 15 year determined saga by BCC to unjustly and unwarrantedly harass KS and BS. We would also urge you to assist in rescinding the acquisition notice or for BS and KS to be compensated on the current property values (not on the intentionally devalued price). The alternative is for BCC to give BS and KS a land of the same size in another part of Brisbane (BCC owns thousands of acres in this area), in what is generally known as a 'land-swap'. Simply to take their land and pay peanuts as compensation is just not acceptable.

As you will appreciate, BCC's harassment has gone on for far too long and BS's ability to speak out against the Sri Lankan government's genocidal policies is being increasingly compromised by BCC's actions. Hence, we are writing to you to seek an urgent and just resolution. The urgency is to a great extent dictated by the need for action before 20 September 2007 when BS and KS have to return to the Magistrates' Court for sentencing. We look forward to your early and favourable reply. Please note this letter has been copied to BS.

Yours sincerely,

Mr Priya Thamotheram,
Vice Chair,
Tamil Writers Guild