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**Editorial**

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**Edited by Leela Isaac**

**Layout designed by Hashini Rajaratna**
Local Government Election 2018
Should Be A Vote Against Corruption

It is generally acknowledged that most if not all Sri Lankan politicians and those who hold powerful positions in our country thrive on corruption. Of our 225 parliamentarians almost 99% are corrupt. The ruling party members and those in the opposition support and defend one another when their corrupt deals are exposed although they pretend to attack each other, to deceive the public. The parliament has become an exclusive club with unlimited perks and privileges, which one enters never to leave even if rejected by the people. They all manage to creep in through some back door if the people reject them at an election. The only exception seems to be the JVP. But at elections people reject this party remembering the acts of violence committed by its past leaders in the 1970’s and 80’s. But the present JVP leadership is different. Many of them are educated young men and women who have maintained a clean record up to now. They are mainly responsible for exposing the corruption within and outside parliament. Shouldn’t they be encouraged to increase their numbers in the local government councils, if not in parliament? It is up to the 15.8 million voters to decide. Although this is only a local government election, the people have an opportunity to show the government that parties which nominate corrupt candidates will be rejected at all future elections. It is the only way to force party leaders to nominate ‘untainted’ capable men and women who will serve the people instead of serving themselves.

Time was when we used to argue that politics must be based on ethical values, that the two cannot be separated. In today’s context anyone who says that would only be laughed at and ridiculed. Today most people firmly believe that politics is the art of the possible and any means used to take over power is justifiable. The end justifies the means, even if it means looting the Central Bank of your country for your election campaign. Without that ill begotten money they say the UNP could not have carried on an effective election campaign which brought victory to the Sirisena – Ranil coalition in 2015. Without that victory the country would still be reeling under the corrupt dictatorial regime of the Rajapakses. Therefore the people should without pointing an accusing finger at the UNP leaders for causing a massive loss of billions and trillions of rupees to the country, be grateful to them for liberating the country from the Rajapakse regime, when people were simply ‘disappeared’ in those dreaded white vans for expressing dissent. But why should the choice be between corruption and murder. People should learn to give up their party loyalties and vote for any party that nominates candidates with clean records. That is the only way they can ‘reform’ their own corrupt party leadership, ‘My party, right or wrong’ should not be their motto. The young men and women within the two major political parties should have the courage to demand a change in the leadership when their leaders have been proved to be corrupt and dishonest, instead of trying to justify the crimes of their leaders by adding ‘foot notes’ to defend them. Educated men and women with ethical values should come forward and contest at elections and do away with ‘party politics’.

Unfortunately Sri Lanka has not produced a Gandhi, Mandela or Lee Kuan Yew, but by rejecting corrupt leaders the people can pave the way for such leaders to emerge in future. Fortunately today people don’t have to fear that they may be forcibly ‘disappeared’ for their dissenting voices, thanks to the yahapalanaya regime under President Maithripala Sirisena. They should make use of this ‘space’ to change the present political culture and save the country.

(Continued on page 4)
from the ever widening mire of corruption that it has sunk into, over the last 40 years or so. The President has vowed to do just that if he is given the necessary support. Let us hope he gets that support at least for the next two years, and that he also means what he says, by getting rid of the corrupt men and women who surround him, from his own party the SLFP and the UNP including the Prime Minister chosen by him.

Thrasymachus in Plato’s ‘Republic’ defines ‘Justice’ or ‘Right’ as “what is advantageous to the strong - to those in power” Our politicians seem to have adopted this as their creed, what is right and just is what is good for them. They have cast aside the qualities Socrates insisted the rulers of the country should possess such as; strength, courage and a philosophic temperament, which would prevent them from doing anything unjust or wrong ….. “But if men hasten to public affairs, thinking that they must snatch goods for themselves, then, ‘to rule’ becomes a thing to be fought for and such a war destroys both them and the rest of the country”.

Our politicians may consider these ideas as ‘western wisdom’ which is not relevant to them. But claiming to be ‘Buddhists’ and spending much of their time in the temple worshipping the Buddha’s statue (much against the Buddha’s teaching) they should remember the words of the Buddha. They should at least try to observe a few of the ten precepts in the ‘Dasa Raja Dhamma’ such as: “Don’t use your position to make money, control corruption, violence and indiscipline in the country, be honest and practice self control and Austerity, be patient and prevent wars and be yourself a law abiding citizen”. But ignoring all this if all political party leaders continue to nominate corrupt men, murderers, rapists and drug traffickers, then what is the choice before the people? They should ignore the political parties and help good men / women of honesty and integrity to come forward to contest at elections. They should not encourage corrupt candidates even if they are offered attractive ‘bribes’ for their votes.

Leela Isaac
January 2018

“Things fall apart ; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity”

From “The Second Coming”
by William Butler Yeats
Govt. may lose referendum on new Constitution

The coalition government of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe has - as one of its primary objectives - the political project of enacting and passing a new Constitution. This requires a two-thirds majority in Parliament and endorsement by the people in an islandwide referendum.

Government strategists opine that the electoral results of 2015 would be repeated in a referendum too. Political support demonstrated by the UNP at the 2015 polls along with the fresh support brought in by the pro-Sirisena SLFP MPs is calculated to be greater than the prevailing strength of the pro-Rajapaksa joint opposition. It is surmised that the UNP-SLFP strength in Parliament would be reflected at the referendum. In addition, the government has the support of two key allies. The Tamil National Alliance (TNA) and Janatha Vimukthi Peramuna (JVP) polled 515,963 and 543,944 votes respectively at the 2015 hustings. Besides, parties like the Ceylon Workers Congress (CWC) and Eelam People's Democratic Party (EPDP) are also expected to support the new Constitution. Sheer arithmetic therefore makes the government hopeful of winning the referendum.

Greek Philosopher Heraclitus stated, "No man ever steps in the same river twice, for it's not the same river and he's not the same man." If I may adapt and adopt it to present circumstances, the electoral rivers of 2015 do not flow now in Sri Lanka. Likewise, the political strengths of the different political parties in 2015 are not the same now. The electorate has changed. The electoral mood has changed. The perceptions and political views of the voting public have changed. The stock of political parties has risen in some cases and fallen in other. Making political calculations on the basis of 2015 could prove dangerously-wrong in 2017 and years to follow.

-Daily Mirror - 07/10/2017

Excerpts from an article by Kishali Pinto Jayawardene

Adding insult to a very deep constitutional injury

Sneaky strategies adopted by the Government to smuggle hasty amendments to the Provincial Councils Elections (Amendment) Act at the committee stage so as to transform that Amendment into an entirely strange creature altogether must be condemned, strongly and categorically.

A nightmare becomes real

Such wily tricks on the part of those in political power are not unknown to us. Previous Governments also attempted to twist Bills employing this device. Anxious care was taken when Bills were constitutionally challenged in the past therefore to ensure that no committee stage amendments were brought in later so as to reverse judicial rulings already made.

In the mid 1990’s when the Supreme Court took its constitutional role of checking executive and legislative excesses with due solemnity, I recall perturbed conversations following the Court’s jurisdiction being invoked, as to what preventive action could be taken if, in fact, entire sets of committee stage amendments were passed bypassing public scrutiny. At that point, the dangers were intermittent. None involved pasting entirely different amendments to a Bill of a much different character. Now it appears as if this nightmare has indeed become real, ironically under the seal of the ‘yahapalanaya’ (good governance) administration.

In this instance, the exercise is both blatant and unscrupulous so as to circumvent a recent ruling of the Court. It effects amendments (totally unrelated to the initial Amendment) which interalia, results in the postponement of provincial polls. This is certainly not a feat that this Government should be proud of. More than a decade ago, it had been sternly warned by the Court that the power given to the Commissioner of Elections to determine the date of polls is not merely symbolic. It is a
substantive power and must be exercised independently. That reasoning holds true even now.

This is not responsible law making

Surely these dubious machinations could not have been intended when Prime Minister Ranil Wickremesinghe, enveloped rosily in the 2015 election euphoria, promised that Parliament would return to responsible law making. Yet what is happening now is exactly the converse of what was promised. In the first instance, Sri Lanka allows only for judicial review of Bills rather than scrutiny of unconstitutional laws. This is the very anti-thesis of a democratic process. Advocates had long been fighting for this to be changed. Denying even that slim window of opportunity for public challenge by a devious tactic of committee stage amendments is adding insult to a very deep constitutional injury. It also exposes the 19th Amendment to be farcical in its avowed objective of reversing past constitutional degradations. And in a context where the legislative process is instrumentally subverted, how can discussions on reform of the Constitution take place with any credibility, I may ask with reason?

- The Sunday Times-08/10/2017

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BASL expresses grave concern over proposed constitutional changes

-...poses dozen queries to govt. seeking answers
-...questions fate of unitary character of state
-...frowns on apparent bid to introduce federalism

The Bar Council of the Bar Association of Sri Lanka, at a special meeting, yesterday (23) resolved to express its grave concern about the proposed amendments to Articles 1 and 2 of the present Constitution.

The Bar Council also noted that proposed amendments in the Interim of the Constitutional Assembly of Sri Lanka had the effect of converting the Unitary character of the State to a Federal structure.

The Bar Council resolved to write to the government, urging it to respond precisely and with clarity to inter-alia the following questions:

1. What is the need/requirement for a new Constitution?

2. a) Will Sri Lanka continue to be Unitary?
   b) If so, what [in brief] is the concept of a Unitary State?

3. What powers will be devolved on the Provinces?

4. a) Can the Central Government/Parliament get back such powers if necessary?
   b) if so, in what manner?

5. In appropriate circumstances, would the President have the power to exercise direct rule in the Provinces?

6. Will the Executive Presidency be abolished?

7. a) What would be the Court structure?
   i. Will there be a Constitutional Court?
   ii. If so, how are the Judges to that Court to be appointed?
   a) How are Judges of the Supreme Court and the Court of Appeal appointed?

8. i. Will there be criteria for such appointment?
   ii. If so, what are they?

9. How will the judges of the Superior Courts be removed?

10. Will all Judges of the District Courts and Magistrates Courts throughout the country be appointed by the Judicial Services Commission and will their transfers and discipline subject only to the judicial Services?

11. a. What are the Fundamental Rights that would be justiciable?
    b. In what Courts would the Rights be justiciable?

12. Would the Courts have the power [up to a limited period of time] to review legislation if inconsistent with the Constitution?

The BASL communique issued regarding the Bar Council Special meeting was signed by its President U.R. De Silva, PC.

-The Island - 24/10/2017
If you were to kill all opponents, only you will be spared

The SLFP led People’s Alliance (PA) government headed by President Chandrika Kumaratunga presented a set of proposals which were generally known as the “package” in 1995 under which Sri Lanka was to be a “Union of Regions” rather than to be a unitary State. The “package” was drafted by the then Constitutional Affairs Minister Professor G.L.Peiris in collaboration with Constitutional expert and TULF politician Dr. Neelan Thiruchelvam. Again the same government presented in the Parliament in October 1997 the government’s proposals submitted to the Parliamentary Select Committee on Constitutional reforms headed by Professor Peiris. Again the country had been referred to as a “Union of Regions” in these proposals as well.

President Kumaratunga presented a draft new Constitution in the Parliament on August 3, 2000 based on the “package” and the 1997 proposals. Kumaratunga dared to openly call it a federalist draft Constitution. The draft had even provided for the merger of the Northern and the Eastern Provinces and the establishment of an interim administrative council for the amalgamated unit for ten years, after which a referendum had to be held to decide the continuation of the merger.

The UNP members burnt the copies of it within the Parliament chamber when it was debated, on the grounds that it would pave the way for the division of the country. All those three documents were fathered by Professor G.L.Peiris and the majority members of today’s Joint Opposition, including Mr. Mahinda Rajapaksa were to vote for them, had they been put to vote in the Parliament.

In fact, those three documents had gone far beyond the proposals in the interim report which are currently being debated. Is anybody advocating death now for those who attempt to divide the country by way of Constitutional reforms of the view that those who drafted and supported these documents should have been killed?

-Daily Mirror - 03/11/2017

Constitutional Assembly unconstitutional, null and void ab initio

People’s Lack of confidence in Parliament

The media and the public always express their displeasure at Parliament and its members. They allege incompetence, corruption and immorality of the members of parliament. This loss of confidence reached its climax on 21st September 2017, when Parliament passed an amendment to the Provincial Council Elections Act which is an ordinary statute including the provisions for the postponement of Provincial Council elections, indirectly disobeying and deviating from the determination of the Supreme Court made in the 20th Amendment to the Constitution by which the Supreme Court categorically ruled that any postponement of the Provincial Council election is unconstitutional and any change to the said provision of the Constitution needs an approval of the people at a referendum. The Parliament in doing so indirectly violated the Supreme Court decision. That violation of the constitution became far more serious as the provisions for the postponement of the elections were introduced by way of amendments at the committee stage which had no relevance to the proposed original amendment. Thereby they had gone beyond the scope of the amendment and passed the committee stage amendments in gross violation of the Constitution.

It is sad to note that the Attorney-General had advised the Speaker that in the event of the said amendment being passed with a 2/3 majority, it would be deemed legitimate. But the Attorney-General has no necessity or capacity to give such opinion as the said amendment revolves upon the franchise of the people which is not a subject devolved on the provincial councils. Although we have no doubt about the honesty and integrity of the Speaker, it is clear that the Minister of Provincial Council and Local Governments and the Attorney-General by abusing their authority, misled the Speaker on the law and took undue advantage of it for their ulterior motive. No one can deny that it is a death blow to democracy.

-The Island - 04/11/2017
Hidden Agenda a Revealed in Pre-fabricated House Deal

Speculation is rife that there is a hidden agenda behind the Rehabilitation and Resettlement Ministry’s proposed plan to award the much debated contract to a French company to install pre-fabricated houses. There is concern that these houses are to be installed at a high cost using low quality pre-fabricated material to resettle conflict affected families in the north and east.

Niyanthini Kadirgarmar a Researcher in the north, told the Daily Mirror.

“Brick houses with tiled roofs and grills on doors and windows allow the hot air to escape, but the steel houses don’t have grills, which models have been designed for cold climates. We understand that the Government has planned to obtain a foreign loan to pay off the money to the contractor. If the country is facing an economic crisis as claimed by the Finance Ministry, due to the foreign debt the country has obtained, the economic crisis would deepen if another foreign loan is obtained. Our proposal included a domestic financing option where a formal term sheet from a leading local investment Bank has been secured. This demonstrates that raising domestic resources through a Rupee bond is more beneficial and indeed a viable option. Why does the Government opt for imported prefab houses, when brick houses, built locally, will generate employment, boost local enterprises and benefit the economy? From what the Government is going to spend on the 6,000 steel houses, more than 15,000 houses can be constructed. The Rehabilitation and Resettlement Ministry built 10,000 houses in the north and the east last year at a cost of Rs.850,000 per house. What is the reason for them to spend Rs.650,000 extra for a house which is not durable which the potential recipients would not like, but will accept as they don’t have any other option,” Kadirgarmar queried.

Kadirgarmar further said that she had the opportunity to visit the two model houses on display, one which was furnished and the other not.

“Although Government claims that a fully furnished steel house would cost Rs.2.1 million and a non furnished house Rs.1.5 million, the furnished house consists of plastic furniture. The furniture and the other equipment provided in furnished houses will not cost more than Rs.600,000 as the quality of furniture seems to be inferior,” Kadirgarmar claimed.

Close confidant

Meanwhile allegations have been leveled against the decision to offer the contract to a single multinational company, ArcelorMittal of France. The contract was offered to this company solely because the Chairman of their local agent, who also handles the logistic part of the project, is said to be a close confidant of not only Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs Minister D.M. Swaminadan, but also many high-profile ministers and MPs in the good governance administration.

“Ravindra Buddhadasa Wettasinghe alias Ravi Wettasinghe is alleged to have links with few powerful ministers in the Government. With a questionable past record, Wettasinghe has three cases against him in courts including an indictment relating to criminal breach of trust and another custom related case.

With such a controversial track record, some officials of the Rehabilitation and Resettlement Ministry are worried that the quality of the planned 6,000 steel houses would be substandard,” sources added.

However we met the Rehabilitation and Resettlement Minister D.M. Swaminathan at his Ministry a few weeks ago, he refuted the allegations leveled. “We are going to sign the contract with the French Company which would be an environmentally friendly project. We can save the environment as there is no necessity to purchase sand and timber to build these houses. We have followed the Government procurement guidelines and selected the best company in the world. We aren’t going to offer the contract to a mushroom company. We didn’t want to go for 65,000 houses given the country’s financial situation. These houses would have a well fitted pantry, toilets with water service,” Swaminathan said.

When asked as to why his ministry failed to
Over 4,000 more LG members heavy burden on taxpayers

Doubling of the number of members of local authorities from current 4,000 to 8,000 in accordance with the newly introduced hybrid electoral system would be a massive burden on the taxpayer, civil society grouping, the 'March 12 Movement' said yesterday.

People's Action for Free and Fair Election (PAFFREL) spokesperson Rohana Hettiarachchi said the very purpose of the new system would be lost if electors failed to choose honest candidates who hadn't been jailed, received suspended sentences, embroiled in corruption or abuse of political power.

The 'March 12 Movement' came into being within weeks of the change of government in January 2015.

Manjula Gajanayake of the Centre for Monitoring Election Violence (CMEV) also affiliated to the March 12 Movement said the number of local government members could be as many as 8,300. Gajanayake emphasised the urgent need to examine future requirement in respect of infrastructure as well as funding to meet the 100 per cent increase in the strength of local government representatives.

The civil society activist said that once the local government elections were held those elected would agitate for several months demanding facilities. Both Gajanayake and Hettiarachchi pointed out Provincial Council and Local Government Ministry wasn't geared to cater to more than 4,000 additional councillors in the absence of a proper system now.

Gajanayake urged the ministry to conduct an immediate survey to identify the needs.

When The Island asked whether the March 12 Movement's call made to political parties to field honest politicians at the forthcoming local government polls applied to Provincial Council and parliamentary polls as well, Hettiarachchi said "Yes."

When The Island asked him whether he realized the impracticability of their effort against the backdrop of Central Bank-Perpetual Treasuries bond scams perpetrated weeks before the setting up of the March 12 Movement,

Hettiarachchi emphasized their resolve to fight for a better system.

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Excerpts from an article by Shamindra Ferdinando

Over 4,000 more LG members heavy burden on taxpayers

100% increase under new system

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- The Island - 19/10/2017

Sri Lanka categorized among the worst

Resident US advisor here to assist CIABOC

‘US support of global efforts to recover stolen assets and ensure corrupt actors cannot benefit from their ill-gotten gains is an important part of this work’

The US State Department Special Project has made provision for a Resident Legal Advisor in Colombo to provide anti-corruption and asset recovery training and also support the Commission to Investigate Allegations of Bribery and Corruption (CIABOC). The State Department has revealed the decision in a statement headlined The Global Forum on Asset Recovery: Assistance for Combating Corruption in Nigeria, Sri Lanka, Tunisia, and Ukraine posted its website, on the eve of International Anti-Corruption Day.

The announcement was made while a high level Attorney General’s Department team was in Washington to participate in the inaugural (Continued on page 10)
Global Forum on Asset Recovery (GFAR) co-hosted by the US and the United Kingdom.

During Barak Obama’s presidency, then Secretary of State John Kerry announced in Colombo his country’s readiness to help track down stolen money. The incumbent government has repeatedly accused former President Mahinda Rajapaksa of having stashed away as much as 18.5 bn USD in foreign accounts.

The State Department has said that since 2016 financial year, the US provided assistance for anti-corruption efforts in Sri Lanka to improve the functioning of Sri Lanka’s legal system and civil society, and to enhance good governance.

In addition, programmes included the provision of a Resident Legal Advisor.

Although the exact amount allocated for Sri Lanka hasn’t been revealed, the State Department says that since fiscal year 2016, the State Department and US Agency for International Development (USAID) has spent USD 115 mn annually to a wide range of foreign assistance efforts to counter corruption, including capacity building of foreign governments to create stronger laws and more effective institutions; investigate, prosecute, and secure convictions for corruption offences; and put in place measures to prevent corruption, foster oversight, and promote government integrity and transparency.

"US support of global efforts to recover stolen assets and ensure corrupt actors cannot benefit from their ill-gotten gains is an important part of this work."

The United States has also provided significant technical assistance to Nigeria, Sri Lanka, Tuniisia, and Ukraine to strengthen anti-corruption and asset recovery efforts.

- The Island - 07/12/2017

Debt-ridden Sri Lankan Airlines faces closure

The national carrier SriLankan Airlines faces closure “in the larger interest of the country’s economy” if “tangible and sustainable restructuring cannot be achieved,” its Chairman Ajit Dias has warned. Pointing out that the airlines’ principal lenders, the two state-run banks, are at a “risk situation,” he has said in a message to all SriLankan employees that there were only two options.

One was to restructure the company in such a way “as to attract an equity partner.” The other, he has said, is to “carry-out the restructuring in a manner that the airline can manage its own affairs without Government funding if finding a partner fails.”

Mr Dias’s bad news for SriLankan employees, during the Christmas season, comes as President Maithripala Sirisena has declared that a Commission of Inquiry would be appointed to probe the national carrier. Several ministers have complained to him about alleged widespread corruption and salaries in millions of rupees drawn by the top rungs in the airline.

- The Sunday Times - 10/12/2017

Fertiliser shortage: Minister goes for emergency spot purchases

A delay in ordering fertiliser stocks on time has compelled agriculture Minister Duminda Dissanayake to seek ministerial approval to waive laid-down tender procedures. He now wants to complete the procurement within seven days thus eliminating the seven day appeal period in terms of tender procedures.

This is after it came to light that the company to which an award had been made for the supply of 72,000 metric tonnes of urea had “deviated from procurement procedures.” The finding has been made by the Standing Cabinet Appointed Procurement Committee and the Technical Evaluation Committee even after the Cabinet of Ministers had approved it on November 21.

Both Committees have raised doubts on the authenticity of documents submitted by the company in question. Considering the delay in purchases, Minister Dissanayake has now forwarded a Cabinet memorandum to purchase fertilizer at “international market prices” since the stocks were required urgently. This is to be carried out

(Continued on page 11)
"under the supervision" of the Standing Cabinet Appointed Procurement Committee.

Mr Dissanayake now wants to import 36,000 metric tonnes of urea, 12,000 metric tonnes of Triple Super Phosphate, 12,000 metric tonnes of Murate of Potash “on credit basis” within 180 to 270 days. He also wants a Government guarantee given to State fertilizer companies to open import documents and to reimburse the companies in the event there are fluctuation of prices.

Reported by Anthony David
-The Sunday Times-
10/12/2017

Excerpts from an article by Rajan Philips

The corrupt quartet in Washington Forum: Nigeria, Sri Lanka, Tunisia and Ukraine

The Global Forum was hosted by the governments of the United States and the United Kingdom with support from the World Bank’s Stolen Asset Recovery Initiative (SARI). Its sole purpose is to help four countries – Nigeria, Sri Lanka, Tunisia and Ukraine – to recover their public assets stolen due to government corruption. Attorney General Jayantha Jayasuriya was a listed speaker in the plenary session along with his counterparts from other countries including the US Attorney General Jeff Sessions. Lawyer JC Weliamuna, introduced as Chairman of the Presidential Task Force for the Recovery of Illegally Acquired State Assets, was a panellist in one of the Working Sessions of the forum.

One of would have thought that the Washington forum and its focus on Sri Lanka would stir some discussion in Colombo. More so in light of the 2015-2016 bond scam inquiry, the Prime Minister’s announcement of a new inquiry into pre-2015 bond transactions, and his announcement at the Commission of Inquiry about the technical assistance from the US Treasury for managing public debt in Sri Lanka.

Corruption is the dark side of globalization and the domination by market forces. This is quite a departure from the priorities of the development decades, when governments were in the saddle running economies. International agencies were focused on dispensing development aid. Now they are preoccupied with fighting corruption. A majority of Sri Lankans like their counterparts in other countries have experienced the worst of both worlds: the old era of universal scarcities that was followed by the current era of universal corruption. Corruption is endemic in the development of public infrastructure – the area of partnerships between governments and businesses. It is unfortunate that Sri Lanka is being warmed up to public-private partnerships for infrastructure development even as others are getting tired of them.

The current global forum is an off-spring of the 2016 Anti-Corruption Summit in England which President Maithripala Sirisena attended. Nigeria, Tunisia and Ukraine have been receiving external support for asset recovery since 2013 and Sri Lanka since last year. Assets of varying amounts have been recovered in Nigeria, Tunisia and Ukraine. In addition, over 300 criminal indictments have been effected in Ukraine. According to the Forum’s website assistance to Sri Lanka includes providing a resident legal adviser and training and technical support to the local CIABAC (Commission to Investigate Allegations of Bribery and Corruption).

It is still quite a way to go before we could see positive effects of the Global Forum in Sri Lanka. But the Forum by itself will not yield results and it is up to the Sri Lankan government to use the resources of the Forum for good results. On the other hand, being part of an international network might itself be pressure on the government to be on its feet exposing corruption rather than sit on its hands covering up corruption. The irony is that the yahapalanaya government, that was elected to address the corruption of its predecessor, has to address corruption generated by its own officials on its own watch. Wouldn’t it have been the height of irony if Sri Lankan delegates at the Washington Forum presented the experience of the Commission of Inquiry on the bond scam as a case study in fighting corruption and recovering assets?

Addressing the final press conference in Washington, Mr. Weliamuna indicated that Sri Lanka was able to initiate at the forum, 11 bilateral processes and another initiative involving four countries for recovering assets. In addition, Sri Lankan officials had technical discussions involving 34 cases of corruption. The
There is a necessary and legitimate question to be asked first. Could the Sirisena-Wickremasinghe government be saved at all, or does it even deserve to be saved? The inveterate school of CBK detractors will raise the corollary question as to whether she can save anyone from anything. The prima facie answer to the first double-question is – the government could be saved, but it does not at all deserve to be saved. Not after all the full-serial exposes from the ongoing Central Bank bond scam inquiry. Not after the government’s parliamentary chicanery of passing laws by abusing the committee process. And not after a government minister insists that no one should question the legitimacy of tender awards in his ministry because he is incorruptible owing to his large bank balance and the tens of thousands acres of land his and his wife’s grandparents owned by divine blessing, or had come into possession of through human (mis)appropriation. In other words, a government of superrich ministers must invariably be considered super-clean. This is not evidence of ministerial smartness but manifestation of open-mouth-idiocy (OMI).

If the government does not deserve to be saved, why should it be saved at all? It is because the alternatives are worse – especially when the choice is between throwing out the lesser rascals and letting back the bigger rascals. Equally, the present government, given its two-party structure, is more vulnerable to public pressure between elections than the family-monolithic Rajapaksas ever were, or would be, if they were to return to power. The Rajapaksas have shown no intention of changing but only the calculated readiness to cash in on the copy-cat blunders of the present government. On the other hand, the ongoing Commission of Inquiry into Central Bank bond scam is clear evidence of the government’s vulnerability to pressure. There should be more of them for the government’s own good.

By Rajan Philip
-Sunday Island - 22/10/2017

**Politics in a time of amnesia**

**Backsliding**

The 2015 election was also a contestation between politics of personality and politics of policies. Maithripala Sirisena and Ranil Wickremesinghe won not because of who they were but because of what they stood for. Neither of them had Mahinda Rajapaksa’s charisma. That absence didn’t matter because the voters were looking for substance and not for theatrics. In 2015, Mr. Sirisena and Mr. Wickremesinghe, in combination, represented the antithesis of Mahinda Rajapaksa. That was why they won. But once in government, once ensconced as president and prime minister, they began to forget this simple truth.

Instead of ending corruption, the UNP has expended most of its political capital on protecting alleged bond-scammers. Living costs are higher than ever, driven up primarily by an unprecedented increase in the prices of rice and coconut; since the president’s brother is a gargantuan player in the rice market, he cannot avoid the charges of complicity. Not only is the Colombo port city forging ahead; China has been given the Hambantota port as well, plus a huge expanse of land in an environmentally vulnerable province for a special industrial zone. To compensate, India will be given the Mattala airport, placing Sri Lanka in the crosshairs of Sino-Indian rivalry.
TNA wants all arrested under PTA released, now

TNA and Opposition leader R. Sampanthan has called for the immediate release of all persons arrested under the PTA during and after the war, in talks with United Nations Special Rapporteur on the promotion of truth, justice reparation and guarantees of non-recurrence Pablo DE GREIFF, on Saturday.

A senior party official told The Island that the Opposition Leader had highlighted contentious issues faced by the Tamil people with regard to the release of lands belonging to civilians, missing persons and political prisoners.

Apprising on the land issues to special rapporteur Sampanthan pointed out "that our people have strong attachment to the lands not merely a sentimental but much beyond that and people are protesting and demanding the release of their lands in some areas for more than three hundred days, they are in the sun in the rain and they are exposed to all kinds of elements but they are determined that they want their land to be returned". Sampanthan said "the government must understand that this is a matter where they are dealing with feelings of people and the rights of people and it must be resolved without any further delays". He added "if we are seeking for a genuine reconciliation these realities must be recognized."

Speaking of the Missing persons Sampanthan said "if a mother handed over her son to armed forces or a police officer she wants to know what happened to him it is a legitimate demand". Therefore, these demands could not be ignored he added. Highlighting the delay in operationalizing the Office of the Missing Persons, Sampanthan pointed out the importance of having the office established in the Northern and the Eastern provinces as well.

On the issue of political prisoners, Sampanthan said "they are in custody not because they robbed or stole for personal gain. Every one of their cases has a political dimension, therefore their cases need to be looked at in that context and resolved. The TNA Leader said the Sri Lankan Government had failed to understand that fact. He said, "the government has already accepted the fact that the PTA is a detrimental law and a law that should be removed from the statutory books" and he raised the question as to how any government could keep someone in custody under such law. All those prisoners should be released, Sampanthan added.

The Trincomalee District MP brought to the notice of the special rapporteur that those matters must be resolved, and could not be allowed to drift. "If it drifts it will create a serious impediment to the reconciliation process. There are people waiting to disturb the reconciliation and the political solution process and we must not play into the hands of those people", he said.

Sampanthan urged the Special rapporteur to ensure that the voluntary commitments made by the Sri Lankan government to the people of Sri Lanka and to the international Community are implement-ed fully. He highlighted that those commitments were made by the government for the betterment and the advancement of the country and for its people, therefore, the government must honor its commitment and deliver so that the commitments did not end with just blueprints.

The Special Rapporteur appreciated Sampanthan and assured his commitment and the UN’s involvement in achieving a lasting solution to the national question.

- The Island - 23/10/2017
UN urges SL to start investigating war crimes

A United Nations expert warned Monday that Sri Lanka must speed up its own long-stalled investigation into war crimes by troops or risk action by the international community.

Pablo de Greiff, the UN special rapporteur on the promotion of justice and reparation, said Sri Lanka had been slow to deliver on its promise of justice for atrocities during the island’s bloody 37-year civil war.

He said allegations of war crimes levelled last month against Sri Lanka’s then-ambassador to Brazil, who was a general during the war era, underscored the risks faced by senior military officers past and present.

"As the recent case presented in Brazil against a former member of the armed forces demonstrates, accountability will be sought either here or abroad," de Greiff said in Colombo on Monday.

The case in Brazil against retired general Jagath Jayasuriya was just the “tip of the iceberg”, de Greiff said.

He said Sri Lanka could expect similar efforts by foreign jurisdictions until it had taken steps to ensure a credible investigation of its own.

Jayasuriya left Brazil two days after the International Truth and Justice Project, a South Africa-based rights group, filed a case against the former general.

De Greiff criticised a public assurance given by Sri Lankan President Maithripala Sirisena to troops that he would not allow "war heroes" to be prosecuted for alleged atrocities.

Reported by Amal Jayasinge

On November 15, 2017 the UN Human Rights Council’s (UNHRC) Universal Periodic Review will once again be reviewing Sri Lanka’s human rights record. The major issue it will focus on will be the war crimes allegations against Sri Lanka’s armed forces and the LTTE.

Other than some extreme nationalists, Sri Lankans in general are not averse to trying those who had committed war crimes. Even the present government is not against charging and trying those accused of war crimes. The problem lies in the composition of the trial judges. A majority of Sri Lankans believe Sri Lanka’s legal system is capable of trying the case, but large sections of the Tamil community have no faith in local judges trying this particular case.

The UNHCR has called for an international panel of judges to try the case. Government on the other hand insists that imposing an international panel of judges infringes on the sovereignty of the country. And there-in lies the problem.

-Editorial
-Daily Mirror - 13/11/2017

Excerpts from an article by Michael Hart

The long road to justice for Sri Lanka civil war victims

In the year after his election victory, President Sirisena spoke at the UN General Assembly of the importance of confronting his country’s past, pledging to “follow a process of truth-seeking, justice, reparation, and non-recurrence.” He appeared to back up these words in September 2015 by tentatively agreeing to the terms of a UN Security Council resolution to establish a hybrid court – made up of both Sri Lankan and international judges – which would put on trial those suspected of committing war crimes during the Tamil conflict. The move was praised by most member states.

Yet progress in establishing the tribunal has been slow, and Sirisena appears to have backtracked on some of his early promises. A reconciliation consultation committee appointed by Sri Lanka’s government recommended earlier this year that “international participation in the court be phased-out” once the “required expertise and capacity has been built-up” among locally-appointed judges. The tribunal has still not come to fruition, and Sri Lanka received a two-year extension in March this year to fulfill its commitment to the UN resolution, further delaying the process.

Last month, the UN’s special rapporteur for transitional justice, Pablo De Greiff, warned the government in Colombo that further delays in making good on the promise to establish a war crimes tribunal involve significant risks. After a two-week visit to Sri Lanka, he said “no-one should be under the impression that waiting is a costless alternative,”

(Continued on page 15)
adding that “failure to achieve progress in fully addressing issues [related to the civil war] constitutes a denial of justice.”

The longer it takes to establish the truth and secure justice for what happened in the final weeks of the conflict back in May 2009, the more likely it is that the frustration of victims and tensions between Sri Lanka’s Tamil and Sinhalese communities will rise. Many Tamils still hold grievances and resent their perceived repression at the hands of the state – particularly at the hands of the military – who retain a dominant presence in the northeast of the country. These suspicions will surely continue to fester for as long as relatives of the deceased and the disappeared sense a continued lack of accountability for abuses committed by state actors during the war, and an absence of justice for its thousands of civilian victims. (Erasia Review)

President Sirisena’s government has undoubtedly made progress through the introduction of limited reforms, yet accusations of human rights abuses and impunity for state actors continue to be made. It is time for the tougher and more controversial issues related to the final stages of conflict to be tackled – including confronting allegations of human rights abuses and war crimes on both sides – if reconciliation is to be achieved and Sri Lanka is to finally move on from a dark chapter in its history.

-Nation - 10/12/2017

U.N. asks urgent reforms to end arbitrary detention in Sri Lanka

The United Nations on Friday urged the Sri Lankan government to urgently implement reforms to end war-time arbitrary detention and strengthen independent monitoring of tough legislation.

Sri Lanka has used the 1979 Prevention of Terrorism Act (PTA) to pursue a tough line to prevent aiding and abetting terrorism in the island nation’s long conflict with Tamil Tiger rebels.

That legislation gives wide powers to police to arrest a suspect without informing the immediate family, restricts access to lawyers and allows detention of up to 18-months without charging.

The war ended in 2009, but the government has not repealed PTA, though it had promised to end arbitrary detentions.

Many ethnic minority Tamils who have been arrested under the PTA have complained of years of detention without being charged.

The U.N. is now asking Sri Lanka to repeal the draconian law and introduce an internationally acceptable law.

The government says it has begun moves to replace the PTA and is in the process of introducing new legislation.

“There are no effective safeguards against arbitrariness in this context and there is an urgent need to strengthen mechanisms for independent monitoring and oversight,” Leigh Toomey, a member of the UN working group on arbitrary detention told reporters in Colombo after concluding a 11-day mission.

She said they had identified significant challenges to the right of personal liberty in Sri Lanka, resulting in arbitrary detention across the country.

The Working Group also said their attention had been drawn to a loss of liberty among the socially vulnerable, such as children, women, elderly people, people with psycho-social problems and the poor.

Sri Lanka is under criticism from the rights groups over its slow progress on the commitments it made to the UN human rights council following a U.N. resolution that called for post-war reconciliation and an investigation of all alleged war crimes.

Sri Lanka ended a 26-year civil war crushing the separatist Liberation Tigers of Tamil Eelam in 2009. The United Nations and rights groups have accused the military of killing thousands of civilians, mostly Tamils, during the final weeks of the conflict.

The Tamil Tigers were also accused of widespread abuses during the war, such as using child soldiers and targeting civilians with suicide bombers.

In November European lawmakers said they were disappointed about Sri Lanka’s slow roll-out of human rights reforms that it had promised in exchange for trade concessions.

A U.N. rights watchdog in 2016 called on Sri Lanka to investigate documented allegations of torture and rape of detainees by security forces and to rein in broad police powers.

The U.N. Committee against Torture described continuing reports of abductions, deaths in custody, poor conditions of detention and the use of forced confessions in court.

Reported by Ranga Sirilal
www.reuters.com
15/12/2017
Eight years after the 30-year ethnic conflict, Sri Lanka is now treading a path to reconciliation. While various attempts have been made to establish physical offices to serve justice to those affected, they still seem to be in limbo. Rehabilitation programmes took centre stage when the war concluded, but to what extent they have been successful still remains a question. Upon completion of their rehabilitation courses, ex-LTTE supporters have been released back into society to start a life on their own. But the support extended by the Government is rather questionable once again. Although reconciliation can’t be achieved overnight, eight years would have been sufficient enough to change their lives for the better.

While on a recent visit to Kilinochchi, we learned that many of the rehabilitated LTTE supporters in Kilionicchi are still unemployed. With the assistance of Corporal Chandraratne and Sergeant Ginghagama, two officers serving the Sri Lanka Air Force, the walked into some of the houses where these rehabilitated people dwell to speak to them.

“People still don’t like to speak with us”
- Sathgunasingham Dayabaran
Sathgunasingham Dayabaran, a father of five, resides in Kilinochchi. He has been a strong supporter of the ‘cause’ who later surrendered to the Army. “We had many workshops and were given extensive training in various aspects. I was in a rehabilitation camp for one year and returned home earlier this year. Now I undertake contracts to do road construction work. I earn a healthy income as well. But still there’s a stigma in society and people still don’t like to speak to us. I hope their mentality will change as we move on,” said Dayabaran.

“Many ex-supporters who are unemployed”
- Singalavel Satheeskumar
"The LTTE forcibly took me away," recalled Singalavel Satheeskumar. "I worked in the medical section because I have done a MBBS course. I learned medicine and worked in Government offices as well. During the war I had to take care of casualties and treat them. There weren’t many qualified people in the ‘cause’ and because of that they took me in. I surrendered in 2009 and was sent to the Welikanda Rehabilitation Camp. We were provided with training according to our capabilities and therefore I received training in IT. I was released in 2011 and joined the Civil Security Division and also worked at the National Transport Medicine Authority. The Government provided coconut plants to rehabilitated supporters and also provided them with job opportunities. But today there are many ex-supporters who are unemployed. Those who haven’t had any education don’t have professional qualifications. These people ask for Government jobs and they end up with none since qualifications come first,” he said.

“Many ex-supporters who are unemployed”
- Daily Mirror - 24/10/2017
Sri Lanka Army to hand over occupied Keppapilavu land in Mullaitivu District to residents

Sri Lanka Army will officially hand over 133 acres of land it had occupied in Keppapilavu area of the Mullaitivu district today, the Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs Ministry said.

The official ceremony to return the land will be held at the Keppapilavu Kovil in Mullaitivu today.

The Army has vacated the land and relocated the troops in order to return the land to the general public. The Army has also assured the buildings situated in the area which were utilized by the armed forces will not be demolished and can be utilized by the people.

With the return of the land, the Ministry has also taken measures to resettle those who had been displaced at Keppapilavu in the new year.

A group of Residents in the area early this year launched a Satyagraha campaign demanding the government to release the 133-acre land in the area back to its rightful owners.

Leader of Opposition and leader of main Tamil party, Tamil National Alliance (TNA) R. Sambanthan had sought President Maithripala Sirisena's intervention several times to secure the release of land held by the Army.

Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs Minister D. M. Swaminathan has received cabinet approval to release Rs.148 million for the relocation of the troops.

Following the Army's decision to vacate the camp and return the land, the 300-day protest staged by a group of residents ended.

According to the Rehabilitation Ministry, since the change of government in 2015, the armed forces had released altogether 37,427 acres in the North.

www.colombopage.com-28/12/2017

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Excerpts from an article by Sanjeewa Fernando

Shedding the war mentality: Are we capable of it?

Shift the focus now to the North. Thousands of acres taken over by the Army remain occupied by men in uniform. Any rational justification escapes the mind. Yet the majority of nationalists and their political spokesmen seem hell bent on not letting go of these lands; not to any body else but to the rightful owner! The impression created is as if the civilians who owned the lands for centuries are the encroachers and not the military. Should the Northerners never be left alone to run their civil life other than without the prying eye of state military? So much for all the lofty talk of normalcy returning to civilian life.

The obsession with an unrelenting war mentality seems an addiction that refuses to go away, with the attendant suspicious and sceptical attitude towards the Tamil community. The ill-founded rhetoric of Army Commanders of never allowing future rebellions adds momentum to this martial law mentality. As if, rebellions, both in the North and South, waited for aegis of the army to take up arms. As if insurgents send notices by Registered Post to Army Headquarters before they rise up in arms.

-Daily Mirror 13/12/2017

“People shouldn’t be afraid of their government, Government should be afraid of their people”

-Alan Moore

“Earth provides enough to satisfy every man’s needs, but not every man’s greed”

-Mahatma Gandhi
Issuing a statement to mark the International Day to End Impunity for Crimes against Journalists which fell on 02 November 2017, the Free Media Movement of Sri Lanka has called for a presidential commission with a comprehensive mandate to deliver the justice for crimes against media in Sri Lanka.

Full text of the statement follows:

“Free Media Movement urges the President of Sri Lanka to appoint a Presidential Commission of Inquiry with a comprehensive mandate of investigation. FMM has been campaigning for this for the last 25 years, including lobbying at the meeting with government officials and issuing media statements. However, no justice has been delivered for the deliberate crimes against journalists and media institutions in order to suppress the freedom of expression and right to information.

Murder, attempted murder, disappearances, abductions and torture of journalists as well as attacks against media institutions have been reported in Sri Lanka. We emphasize that the responsibility lies within the Government of Sri Lanka for the investigation and punishing the perpetrators.

The United Nations have nominated the 02nd November as the day to end impunity for crimes against journalists, due to this worldwide trend of impunity. Therefore, Free Media Movement urges the President Maithripala Sirisena to appoint a presidential commission with comprehensive mandate in order to complete the ongoing investigations and to expedite the process of litigation.”

-Sri Lanka Brief - 02/11/2017

Scribes drowning in crocodile tears

No sooner had Prime Minister Ranil Wickremesinghe raked newspaper editors over the coals, the other day, for their absence at a UN-organised press freedom event than Finance and Media Minister Mangala Samaraweera followed suit. Echoing the PM, who asked whether editors were not interested in media freedom, Samaraweera said, at a different event, that invitations had been sent to all editors and he was disappointed that the front-row seats at the UN-sponsored function had been left empty by no-shows.

It looks as if politicians were more interested in media freedom than journalists. Let the Media Minister be told that it is wrong for a bad preacher to condemn parishioners as nonbelievers when he finds pews empty during one of his sermons.

Minister Samaraweera said something to the effect that democracy gained when the media and politicians clashed. That may be true, but, in this country, journalists who take on governments place themselves in harm’s way. One may recall that it was under the Chandrika Bandaranaike Kumarakumbaya government, of which Samaraweera was the Media Minister, Sunday Leader editor Lasantha Wickrematunge and his first wife were roughed up by goons and their house was sprayed with bullets. Editor of the Satana tabloid Rohana Kumara was gunned down.

Journalists were attacked and killed under UNP governments as well. The Premadasa government stooped so low as to vilify Richard de Zoysa posthumously in Parliament having had him abducted and killed. In 1992, a high ranking police officer declared that the Fort Police Station had been closed for the day when journalists went there to lodge a complaint against a goon attack on them near the Fort Railway Station. Pro-UNP goons beat legendary Atta cartoonist Yunus and cut his mouth with a knife. (Prime Minister Wickremesinghe, who is campaigning for media freedom at present, was a minister of the Premadasa regime.) Under the UNP-led UNF government (2001-2004) two of our journalists had to go into hiding owing to a witch hunt against them over an article they had written.

The less said about the Rajapaksa government the better. The Rajapaksa rule saw a spate of brutal attacks on journalists and media institutions. Printing facilities of newspapers and television studios were burnt down. Current (President Maithripala Sirisena was in the Rajapaksa Cabinet then!) Several prominent journalists including Lasantha were brutally murdered. Adding insult to injury President Rajapaksa appointed Mervyn Silva, responsible for many incidents of violence against media institutions and journalists, his Media Minister! Thankfully, that decision was reversed owing to media pressure. Now, Rajapaksa is weeping buckets for journalists!

-Editorial
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The Island - 07/12/2017
“These are Muslim ‘terrorists’ who have killed Buddhist monks. Sri Lanka is not for them. They should be sent out immediately,” shouted protesting Buddhist monks who broke into the UNHCR safe house sheltering 31 Rohingya refugees at Mt. Lavinia.

This is not the first such violent anti-Muslim mob attack led by Buddhist monks. Neither President Sirisena nor Prime Minister Wickremesinghe, who vow to safeguard Buddhism and the Sinhala ‘Unitary’ State, ever thought it right to condemn these attacks on Rohingya refugees, while they hurried to condemn the massacre at LA, USA. These monks not only violated the rights of Rohingya refugees which the Sri Lankan Government is bound to safeguard as a UN member state, but also violated the basic tenets of Buddhism; Meththa, loving-kindness; Karuna, compassion; Muditha, sympathetic joy; and Upekkha, equanimity.

A group of very concerned people including me addressed a letter to the Premier as the Head of Government on September 29, demanding the immediate arrest of all those involved in the attack on the safe house including Buddhist monks, for breach of peace, violence and hate speech. The letter very clearly stated, “This racially-motivated violent incident brought international disrepute and proved the government is uncertain in stopping such hate-mongering violent protests when led by Buddhist monks. It is therefore the government that is wholly responsible in allowing law enforcement agencies to violate the rights of the refugees and avoid taking action against hate-mongering violent groups that create a social mindset that would never allow any degree of reconciliation in this country.”

The first arrests reported were however not made by the three police units deployed. The much-delayed statement by the Secretary to the Law and Order Ministry said they were by the CCD. First a man and thereafter a woman were arrested. This followed with the arrests of three more men. It took another two days to summon a leading monk of Ravana Balaya to the CCD and then arrest him. A public call was thereafter made asking for information about another leading monk and a man. With these few arrests, action against those police personnel who failed to carry out their duties at the protest was casually forgotten.

Most unfortunately, this remains the dilemma the ‘Yahapalanaya’ leadership is unable to face with political acumen and courage.

Politics of this anti-Rohingya campaign is outright Sinhala Buddhist racism. It is fundamentally anti-Muslim. While the degree of violence and focus are somewhat outside the usual target, the thinking, the ideology is Sinhala Buddhist supremacy. It is the same Sinhala Buddhist ideology that drives these violent and ethno-religious hate campaigns against other ethnic and religious presence in the ‘Land of Gautama Buddha.”

-Daily Mirror - 06/10/2017

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