Federalism is not Separatism
Rules Supreme Court

- Daily Mirror - 19/08/2017
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Unit Report
STAFF INFORMATION

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EDITORIAL

Is it Hobson’s choice for the people?

At the next general election, if there is one, the people may be forced to choose between a corrupt regime and a murderous regime. “Leaders of the coalition government have also been proved to be corrupt with a few exceptions. But if you reject them the murderess Rajapaksas will come back” seems to be the warning from the government supporters. It is a very sad country that has to choose between corruption and murder. But is there any hope of a third force emerging to compete with these two major political parties that have governed this country for nearly 70 years and reduced it to this level of degradation. It seems unlikely, unless the president takes a firm decision to cleanse the present parliament of all those involved in corruption from the UNP as well as the SLFP. People don’t trust the JVP because they remember the atrocities committed by this party in the 1970s and 80s. If the present leaders of the JVP stop glorifying their late leader Rohana Wijeweera and change the name of their party, they probably will get more votes. What about the civil society activists? Can they produce a leader irrespective of party politics who can come forward and clean up the huge Augean stables that is the present parliament? According to Greek legends King Augeas owned a herd of 3000 oxen whose stables had not been cleaned for 30 years. The most celebrated Greek hero Hercules undertook this task as a challenge and cleared it in one day! Had Venerable Maduluwawe Sobitha thero been alive today, there may have been some hope of a Hercules emerging from civil society.

Venerable Maduluwawe Sobitha thero, his followers and civil society activists dreamt of a ‘just society’ that would be established by the Sirisena – Ranil coalition (Yahapalanaya regime). But today that dream lies shattered. Rogues of the previous regime are part of the government. No serious action has been taken against any of the culprits, other than taking them into custody in the morning and releasing them in the evening or sending them to a luxury ward in a hospital. The excuse given is that no evidence can be found to prove any of the allegations of murder, rape or financial fraud made against any of these vultures. It is this that makes people suspect that there is perhaps a ‘secret deal’ between the UNP leadership and the Rajapaksa clan. If this is proved to be true it is President Maithripala Sirisena who might end up behind bars for probing the ‘Bond Scam’. Most election promises made have been forgotten. Corruption flourishes, just as it did under the Rajapaksa regime.

The truth is there is no real opposition in today’s parliament. Both parties work together as members of one family, when they want to increase their salaries, allowances and all other perks. They enjoy all the luxuries of life with the people’s money and are not even ashamed, when serious allegations are made against them. No one is taken to task because they protect one another. Within parliament they may shout at those on the other side merely for the benefit of the viewers, but they all together perpetrating fraud and corruption. Majority of them are not fit to be our legislators, not having gone beyond grade 9. If that is their educational qualification, they are also morally depraved and inhumane.

When the Sirisena - Ranil ‘rainbow coalition’ defeated the Rajapaksa regime, there was great rejoicing in the country. People expected a corruption free society to emerge but hardly had the sound of ‘victory’ crackers subsided when the ‘Bond Scam’ came to light. Supporters of the new regime were shocked and the revelations being made at the Presidential Commission of Inquiry (PCoI) on the Bond Scam hearings are said to be only the tip of the iceberg. This biggest financial fraud ever committed in this country, has destroyed the clean image of this regime and specially the UNP leadership. People will not easily forgive or forget this ‘great robbery’ of their money-unless all culprits involved in this massive fraud are brought to justice and the people’s money recovered from this gang of robbers. Witness after witness at the commission hearings, kept repeating the mantra – ‘I don’t know or I can’t remember’. This mantra helped them to walk out as free men, but is it going to absolve them of all their crimes? Whether the UNP the President’s coalition partner wins or loses at the next election could depend on the answer. Due to this fraud the government is reported to have lost 145billion. People are aware that if the president had not appointed the special PCoI the UNP leadership would have swept the bond scam under the carpet and protected all those.

(Continued on page 4)
responsible for this robbery. The media too played a major role in exposing this massive fraud that the UNP tried to hide from the public. When the COPE committee report that revealed the Bond Scam was discussed in Parliament, even young MPs who were respected as honest men of integrity, joined the ‘foot note’ gang to defend their leadership. Would they continue to act against their conscience merely to protect their leaders is a question that their voters should ask.

Mega projects like the construction of expressways funded by foreign sources also lead to mega corruption in the form of massive commissions given to politicians, who lose interest in the project once their pockets are filled. Minister Patali Champika Ranawaka himself has said that we need more public roads, which would cost a mere fraction of the cost of an expressway. The expressway to Kandy would cost about 5 billion a kilometer. Expressways are not economically viable unless they link two economic centers like the Colombo – Katunayake expressway. How would the fully access controlled central expressway to Kandy help the ordinary people of this country who live in rural areas. Their Motorbikes and three wheelers are not allowed on highways. Highways and superhighways are said to be the fruits of ‘development’, but is it only for the rich? As pointed out by the minister building an alternative highway to Kandy with access controlled at a moderate rate which the common man can afford would have been better and cheaper. It would have eased traffic congestion. It is reported that almost 80% of our population live in rural areas and they benefit very little through these mega projects. In the rural areas as well as the plantation areas, if roads exist at all they are almost impassable. 87% of the country’s rural roads still remain unpaved. The government need not incur foreign debts to maintain these roads.

Getting foreign loans to construct expressways means an increase in our already heavy foreign debts, which everyone including those who cannot afford to use the expressway will be forced to pay. There is also the destruction of the environment, like felling trees, polluting water ways and causing soil erosion. People in the Kurunagala area stage protests daily against this project, because their lands and houses are being destroyed to make way for this expressway. They complain that politicians in the area use thuggery to intimidate and chase them out if their homes. But their lamentations are not heard by the minister in charge, who shamelessly boasts of having millions and billions in the bank. To him the losses suffered by the villages may seem very trivial. While the people question the need for such expensive super expressways, the ministers concerned believe that it is an absolute necessity. Why? People are not wrong if they suspect that it is to fatten their own bank balances with the massive commissions they receive.

It was heartening to see the President recently launching the ‘Gramashakthi – Peoples’ movement for rural development’. The aim is to boost rural agriculture and industry. Unlike the mega projects these rural projects wouldn’t depend on foreign sources for funding and that would minimize the potential for corruption.

Amidst so many broken (election) promises, the government seems to have decided they should fulfill one of their major promises of introducing a new constitution, that would abolish the executive presidency and resolve the ethnic conflict through devolution of power. The report of the steering committee on constitutional reforms has been welcomed by the minorities who see devolution of power as a solution to their problems. But it is opposed by the Sinhala Buddhist nationalists, who believe that devaluation would ultimately lend to separation and division of the country. There are still others who do not want the executive powers of the President transferred to the Prime Minister. They suspect that the present prime minister has plans of taking over these powers and that if would be a disaster. However, this is only a committee report and people await a constitution drafted by all parties concerned, which could be discussed before a referendum is held. The main task of the government would be to educate the people including the Parliamentarians and the members of the Sangha, on the need for constitutional reforms or a new constitution.
**Constitutional Reforms**

Govt. ready to end constitution - enacting process if people so wish: PM

The government is ready to end the process of enacting a new constitution if the people wait it do so, Prime Minister Ranil Wickremesighe said on 07th July.

At the same time the Premier said it would be a crime to end constitution enacting process as such a thing would be a great injustice to the future generations, however the Premier said he would meet the most Ven. Mahanayake Theras of the three Nikayas and explain things to them.

*Reported by Yohan Perera in Mannar - Daily Mirror - 08/07/2017*

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**Excerpts from an interview with M.A. Sumanthiran**

Q : There is concern that the foremost place accorded to Buddhism would be compromised in the proposed Constitutions. What is your position?

A : We have not objected to the foremost place being given to Buddhism although that violates Fundamental Principles of Equality. Sri Lanka cannot say all its citizens are equal if the constitution says Buddhism is given the foremost status.

But, if the Buddhist people want a constitution like that, we have no objection. It should be the Buddhists who should protest giving Buddhism the foremost place. I do not think Buddhism is a philosophy that projects itself to have a higher status than other people. That is a philosophy that is self-effacing. It gives away. That is the core of Buddhist faith. Wanting higher place is antithesis of Buddhism. If the Buddhist people want to be anti-Buddhist and want foremost place to Buddhism, we have no objection to that. That is the religion of majority. But giving that status cannot result in unequal treatment to adherents of other faiths. It cannot result in discrimination of any kind towards non-Buddhists.

*By Kelum Bandara - Daily Mirror - 12/07/2017*

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**Politics Is The Art Of The Possible**

Both partners of the coalition will be thinking whether they should go to the polls in the near future by themselves or together. The best possible solution will be a no contest pact between the UNP and SLFP which could leave the Rajapaksa high and dry.

Parties that have been in power are generally at a disadvantage because of promises not kept and the usual promises of milk and honey by the opposition but new factors and personalities may come into play that could change the outcome entirely. At the last presidential election, there emerged Ven. Maduluwawe Sobitha, a respected monk who came out strongly against the corrupt administration of the Rajapaksa regime and was able to win over a sizeable section of Buddhists for the Common Candidate. He passed away soon after the formation of the Yahapalanya government leaving a huge vacuum in Buddhist leadership.

A recent significant development has been the emergence of Asgiriya Chapter promoting Buddhist interests and their pronouncements happen to coincide and are in consonance with opinions expressed by the Rajapaksa faction. Recently all three Nikayas supported the move initiated by the Asgiriya Chapter to call off attempts to amend the constitution.

Buddhist monks claim their right of entry to politics from historic times when they served as advisors to monarchs but there have been instances where monks and their advice have been rejected outright. While in contemporary times monks are a power in politics before elections, they tend to lose their political clout once they have enthroned their favourites. S. W. R. D. Bandaranaike, the first in modern times to be elected by saffron power as prime minister, fell to the criminal machinations of his saffron robed supporters soon after.

Nonetheless Saffron power seems to be gathering momentum and could play a significant role in politics in the near future.

*Sunday Leader – 16/07/2017*
Excerpts from an article by Rajan Philips

No symphonies, only constitutional cacophonies ... and the forgotten legacy of Sobitha Thero

It is also inexplicable, or perhaps not, that the President and Prime Minister were not focused on keeping the Mahanayakas and the Sangha informed of the need for and the government’s plans to, reform the constitution. This failure is attributable, on the one hand, to the general inability of this government to target and address risks and problem areas promptly and consistently without letting them morph and magnify into unmanageable challenges. On the other hand, and more importantly, the government’s ethical flaws and lapses have hugely eroded the credibility that the people invested in it in January and August 2015. Unless these flaws are addressed and lapses reversed, the government cannot make a moral claim for implementing constitutional reform.

On the more practical side, the President and the Prime Minister are increasingly drifting apart on critical issues. And nothing is more critical than the constitution and corruption investigations. The President and the Prime Minister are giving marching orders to their respective parties to prepare not only for the overdue local government elections and upcoming provincial elections, but also for the next presidential and parliamentary elections. It is disappointing, if not betraying, that the President and the Prime Minister are not thinking about honouring the promises they made to the people in 2015, but are planning to win elections that are not due till 2019 and 2020. They were not elected in 2015 to prepare for the next election but to fulfill the mandate they were given before the next election. As things stand, they have little to show on the two critical files.

-The Sunday Island - 23/07/2017

Excerpts from an article by D.B.S.Jeyaraj

Federalism is not Separatism Rules Supreme Court

The month of August saw a flurry of hectic political activity in Sri Lanka. The statement made by controversial Minister Ravi Karunanayake at the Presidential Commission of inquiry followed by his resignation, the move to postpone Provincial Council polls by way of the 20th Constitutional amendment, the revolt within UNP ranks against the conduct of maverick UNP Minister Wijeyadasa Rajapaksa and the fast-tracking of probes concerning allegations against family members of ex-President Mahinda Rajapaksa, along with other issues like the SAITM affair have been drawing the attention of the nation at large for the past few weeks.

In the midst of all this August excitement, the Supreme Court of Sri Lanka delivered a landmark judgment of profound importance on August 4th.

The three member bench comprising Chief Justice Priyasath Dep, Justice Upaly Abeyrathne and Justice Anil Goonaratne in a landmark ruling gave a clean chit to the federal form of governance and the chief Tamil political party espousing federalism in Sri Lanka namely the Ilankai Thamil Arasuk Katchi (ITAK) popularly referred to in English as the Federal Party (FP).

From the very early years, since its inception in December 1949, the ITAK/FP had been accused by its political detractors of being a party attempting to divide the country by espousing Federalism. This has led to the growth of an erroneous impression among many Sri Lankans that Federalism amounts to Separatism. In its long political journey, the ITAK/FP found this perception of equating Federalism with Secessionism a major obstacle in pursuing the objective of power sharing through negotiations.

-Daily Mirror - 19/08/2017

“As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom”.

-Anthony Kennedy
People’s power drives Constitution

Who is taking the constitution forward?

It has become clear that the Sirisena-Ranil (S&R) combo does not have the spunk, the gall and the balls to lead mass mobilisation subduing impediments to the constitution. So new actors have pushed them aside and taken matters into their hands. From civil society we have the Just Society Movement founded by the reverend Sobitha now guided by Sisira Jayamaha and a string of distinguished persons, and Purawasi Balaya (People’s Power) where Gaminii Viyangoda, Janaranjana and Chandragupta Mauriya are those I am familiar with. There is Rights-Now whose firebrand is Philip Dissanayake and cheerful leader, Suddharshan Gunda. I give names because with the milquetoast duumvirate S&R scooting into the shadows and as others coming forward to take up the January 8 mandate, the public needs to know who they are.

Another force accepting the challenge is a grouping of parties and personalities. Prominent are those who spoke at a "Respect the January 8 Mandate" forum on August 3; DEW Gunasekra, leader of the Communist Party, the JVP’s Vijitha Herath, Athauda Seneviratne an SLFPer with an LSSP background, the ULF’s Jayampathy Wickramaratna and the UNP’s Ajith Perera. The TNA has thrown its weight into the constitution making process. Its spokesman Madiyaparanam Sumanthiran also addressed the forum. Enough is enough; no more concealing Tamil involvement in the constitution. Let us defy bigots in the sangha, racists in the Joint Opposition, hunched professors and English-literate, bogus-Marxist mouthpieces. Let us openly declare: "This is a democratic, plural, non-divisive constitution carried on the shoulders of the Sinhala, Tamil and Muslim people. Damn racists, damn peddlers of religious opium and damn opportunists!"

Frontline leaders must call the tune

Those who put their neck on the line earn the right to call the shots. If the national leaders take fright and hide under the bed while others take the fight on their shoulders, then they earn the right to influence the constitution’s contents. Furthermore they must not allow themselves to be used to push provisions that are not acceptable to the people’s movements.

"Unto the breach dear friends"

The objective of the satyagraha is to pressure the government to live up to the mandate on which it has been backsliding; a poor show in bringing the corrupt – previous and current - to book, hither and thither uncertainty on the constitution, and an inability to inspire confidence about good governance. The last matter, in part, is inability to discipline its own ranks, e.g. the Karunatilaka incident, Wijedasa Rajapakse courting racists, and the bond scam. In part it is incompetence, e.g. cancelling Sampur coal power station, the corrupt coal purchase contract, and worries of sleaze in the award of the proposed LNG power station contract. More worrying is the government’s reluctance to confront disruptors head-on, defeat trouble makers like the GMOA and student hooligans, and its unwillingness to smash thugs who attack Muslim institutions and monks who incite the thugs. Good governance is getting one’s house in order but it also entails crushing reaction, hooliganism and thuggery.

The satyagraha was supported by several organisations and an encouraging first step in an island wide campaign to continue till the government wakes up to its pledges. Some elements in the sangha, following the JO’s lead, are attempting to undermine the new constitution. The reply of the people’s movement on August 15 to these reactionaries was clear: "Go fly a kite!"

-Sunday Island - 20/08/2017

"The rule of law is the basis for any democracy. And without the rule of law in democracy, you have chaos".

-Meles Zenawi
Excerpts from an article by Dr. A.C. Visvalingam

Executive Presidency, Constitution, "Supremacy" of Parliament and Separation of Powers

The disgraceful packing of the Courts with compliant judges would have been much less likely if there had been a sufficient separation of powers between the executive and the judiciary, allowing the latter to develop its own rules for the appointment, promotion, transfer and dismissal of judicial officers without being dictated to by the executive.

We must be alert to the danger that, during the exercise of forging multiple compromises in writing a Constitution from among the conflicting demands of all stakeholders, we could find ourselves being unwittingly dropped from the frying pan into the fire. Most specifically, there is the ever-present danger that the Constitution would create a Prime Minister endowed with all the powers of an Executive President minus only "presidential immunity". We must not let this happen or we shall be no better off than we are at present.

The foolhardiness of having a too-powerful Prime Minister would be compounded if we were also to allow Parliament to be anointed with the "supreme" label. J.R.Jayewardene implicitly fashioned this concept through the wording of Article 4 of the 1978 Constitution. Anura Bandaranaike, when he was Speaker, went one step further and declared explicitly that Parliament was "supreme" and, in particular, was not obliged to respect the views or decisions of the Courts.

It is nauseating to recall that many of those who had signed the impeachment motion against Ranasinghe Premadasa later claimed that they had not read what they had signed! In the case of the 18th Amendment, the text of it was not seen by most MPs until just before they were dragooned into voting for it. Most of the 117 MPs who signed the impeachment motion against Shirani Bandaranayake were not given the opportunity or time to examine critically what they were being asked to sign and its implications. These three cases demonstrate how little the MPs concerned would have reflected upon their obligations in respect of the doctrine of public trust. With MPs of this calibre comprising the majority in Parliament, should the people consent to this body being classified as "supreme"? Assuredly not.

-Sunday Island - 20/08/2017

Is this Yahapalanaya?

Mass Murder By Doctors?

It is high time the National Unity Government awoke from its democratic slumber and commenced governing the country.

The writing is on the wall quite clearly. Mahinda Rajapaksa who was thrown out by the people two years ago has not only clearly said that he will topple this government before the end of the year but has set in motion the modus operandi for him to grab power.

Some medical practitioners with their half-baked education, unable to think for themselves, are Rajapaksa's willing tools. They have the cheek to tell a sovereign government: Nationalise the private medical college, SAITM (South Asian Institute of Technology and Medicine), or we will strike indefinitely. That is: We will not attend to the sick in government hospitals and let patients die, in beds, floors or anywhere until our demands are met.

If this is not blackmail of the highest order, what is? This is threatened murder by a group of potential serial killers blindly following the orders of their political master. These state employees are bound by law on being appointed medical practitioners to treat the sick to prevent their deaths to the best of their abilities. Failure to do so is obviously a criminal act. They cannot play about with human lives. If they strike, they know well what they are doing.

What is being threatened is murder by inaction by these government employees of hundreds of thousands of the sick when their bounden duty is to attend to those who seek their assistance. If they fail to take cognisance it is the duty of the government to implement this law in full in the interests of the people.

-Editorial
-The Sunday Leader- 02/07/2017
**Excerpts from an article by Professor Jayadeva Uyangoda**

Sri Lanka’s Current Political Impasse

The yahapalanaya regime is finding itself unable to move forward as a government. Its major initiatives for corruption free governance, political reform through constitutional change, and rebuilding ethnic relations through minority rights are now halted. The government seems to be happy with achieving minor gains, here and there. While the regime’s popular support base has significantly eroded, its leaders have no strategy to maintain the backing and loyalty of its own support constituencies. With increasing public disenchantment, and progressive isolation from the electorate, the Sirisena-Wickremesinghe regime’s political survival at future elections – local, provincial and national – is likely to be at serious risk.

**Governance crisis**

The incompetence of the government is manifested by its inability to carry out another major function expected from a democratic government – managing and resolving competing demands and aspirations of different social classes/groups though dialoge, debate, negotiations and creative compromise. The unresolved and worsening problem associated with the SAITM issue is the worst example of how the Sirisena-Wickremesinghe administration mishandled a problem, the creation of which is not its responsibility at all. SAITM is a problem created by the previous regime. Yet, showing its undiluted loyalty to the private entrepreneurs involved in the business of education, the government ignored one of its fundamental duties to society – management of social conflict and tension through creative compromise and policy innovation. Now the SAITM conflict seems to have entered a stage beyond a peaceful settlement within the framework of rule of law and democratic accountability. A regime that allows social contradictions to sharpen and move into the level of violent confrontations can only regret its prevarications, sooner than later.

**Process crisis**

The government’s record of consolidating the democratization process is poor. Its democratic victories have been largely negative gains, in the

(Continued on page 10)

**Excerpts from an article by Gamini Weerakoon**

Politicos and Medicos Make Sri Lanka A Joke

Last week the medical men, ignoring the sick in hospitals, came in motorcades to Colombo to jam the streets, bring traffic in the capital to a halt by blocking the vital junction at Lipton Circus with their duty free vehicles. How far they were successful in creating this medical chaos and mayhem on that regrettable day has not been estimated, but one reported incident of an ambulance being blocked and preventing entry into hospital with a sick patient serves the organisers being struck off the roll of medical practitioners.

After one year of SAITM-ITIS the people are tired, bored, sick and angry but the madness continues. The docs are attempting to keep up their insanity going by seeking trade union solidarity. Some unions have obliged with token strikes. And now teachers and principals are being wooed to join anti-SAITM protests. Principals and teachers have been invited to participate in anti-SAITM protests.

Both these categories have smeared their once respected profession: one category being caught red-handed taking bribes for school admissions and the other being tuition ‘mudalalies’ not teaching students in the class room but at private tuition classes for mind boggling fees. If they desert schools and classrooms to join in the frolic of the medicos, parents should know how to deal with them. The young Minister of Education, Akila Viraj Kariyawasam should not spare the rod and spoil principals and teachers.

On Thursday many TV channels showed the sorrow, anger and infuriation of people in the provinces, most of them extremely sick and incapacitated patients stranded in OPDs venting their spleen on doctors. The government cannot afford to permit this blackmail to go on. Not only is the possibility of patients reacting with violence but the government is being blamed for letting this public harassment go on. The cocky young medical men seem to be confident in carrying out this public harassment with impunity. The government has to act if necessary by invoking emergency regulations. It is apparent that this politically inspired blackmail is ultimately directed at a general strike aimed to topple the government in accordance to the declarations of Mahinda Rajapaksa.

- *The Sunday Leader* - 24/10/2017
(Continued from page 9)

sense of refraining from everyday repressive practices through state agencies. As indicated in the recent handling of clashes with anti-SAITM protesters, even that face of government behavior is now coming to an end. The real crisis dimension of this democratic failure of the government is being felt at a different level. It entails the real political risk of relapsing to authoritarianism either by this regime itself, or by the next government of the Joint Opposition. In the case of JO, returning to authoritarianism will have some popular support as well. Return to authoritarian and illiberal governance with popular backing would mark a very negative phase of Sri Lanka’s contemporary politics.

Was it avoidable?

The crises could have been avoided and their consequences could have been managed, subjected to one condition. The yahapalanaya coalition should have prepared itself for governance, that is, to make a transition from being an oppositionist entity to a political body charged with the primary function of running and managing a state in a volatile society. The record of most of the ministries, from the President and the PM downwards, show that we have a regime which is least prepared for governance.

The government should have avoided its overemphasis on the agenda of regime survival through the coalition with a section of the SLFP. It is this UNP-SLFP coalition that has politically and administratively paralyzed the capacity of the government in both its everyday governance functions as well as in fulfilling its reform agenda. The President and PM could have maintained a balance between regime survival and regime stability.

Early warnings

None of these are actually new ideas. Government’s civil society supporters from the very first month of its formation have been suggesting similar ideas to President Sirisena, Prime Minister Wickremesinghe, both directly and indirectly, even warning the possible policy and governance paralysis. Madu-luwawe Sobhitha Thero was in the forefront of the civil society campaign to rescue the new government from the onset of an early process of political decay. But the new leaders had no time, or inclination, to listen to its sympathetic critics. The problem then is not the lack of good will and critical inputs available, but the government’s lack of seriousness about its own political and policy commitments.

A way out?

Is there a tenable way out from this impasse?

Actually, it is not easy to think about one at the momentum because Sri Lanka’s politics seems to be in a flux. While the political balance for forces is no longer in favour of the government, it is not yet clear whether the electorate will opt for an overwhelming shift in favour of the Rajapaksa leadership. The local or provincial elections, if held soon, will indicate the general lines of electoral trends.

Even though a way out is not clearly discernible, let me think about a distant possibility that can be explored by the government, subjected to a few conditions. The JO, despite its apparent abundance of resources and rhetoric, suffers from a serious setback. It is the fact that the JO is pretty hollow in terms of a political programme of reform and transformation that can ignite the political imagination of the Sri Lankan voters across ethnic boundaries. Its only appeal is the former President’s authoritarian personality and his type of clientelist rule.

It is in the JO’s lack of a political programme of democracy and the unrepentant commitment to autocratic and majoritarian politics that the Sirisena-Wickremesinghe coalition can potentially exploit to reverse the current trend and improve its electoral chances. But, if the government leadership were to succeed, it has to undertake four immediate tasks:

- Re-build and re-consolidate the present coalition with a push for a re-invented democratic reform agenda, with a few possible goals to achieve, to be implemented within the coming one year;
- Take immediate steps to overcome the present crisis of governance thorough a new and genuine cabinet reshuffle, making it small, effective and governance-capable. This step should be immediately followed up by a shake up of the bureaucracy;
- Manage the increasing levels of social tension through dialogue, compromise, and policy innovations, affecting a clear break from the UNP’s neo-liberal policy arrogance;
- Articulate a body of political ideas that can effectively counter the emerging arguments for illiberal, authoritarian political alternatives. That body of political ideas should also be rich enough to cement the ruling coalition ideologically and ally Sri Lanka’s diverse communities with a modernizing vision of change.

This is probably too idealistic a proposal for our President and Prime Minister even to have a serious look at. Yet, there is no harm in telling them that this is what they should actually be doing, while engaging in everyday fire fighting.

-The Sunday Leader-09/07/2017
Unity vital for a new Sri Lanka

Two and-a-half years after the spectacular election victory of January 8, 2015, President Maithripala Sirisena appears to be facing one of his biggest conflicts in the National Unity government which was formed after the parliamentary elections in August 2015.

The conflict erupted in an unprecedented way at the Cabinet meeting last Tuesday. According to Cabinet spokesmen and media reports, the main issue was the alleged delays in probing allegations of multi-million rupee frauds and corruption by former President Mahinda Rajapaksa, his family members and top officials. Other issues include disputes over huge development projects such as the Hambantota Port and Trincomalee port development schemes in association with China and India.

In a strange twist of politics, President Sirisena claimed that United National Party frontliners were responsible for dragging on the probes on the huge frauds or corruption allegations against Rajapaksa family members and associates. He said that if he were given the Law and Order Ministry and the Justice Ministry, he would see that these investigations were completed within three months the VIP culprits brought to justice and the money returned to the country. The ministers concerned, Sagala Ratnayake and Wijedasa Rajapakshe, later issued statements clarifying their positions. Mr. Ratnayake, who is in charge of the police department, said his conscience was clear and he had acted according to the rule of law. Mr. Rajapakshe also denied any wrong doing, claiming he had only made some inquiries from the Attorney General’s Department regarding some cases.

The President did not name Prime Minister Ranil Wickremesinghe but his outburst came after the premier submitted a Cabinet note seeking clarification on what the government should do relating to the Anti-Corruption Committee Secretariat (ACCS) whose term ended on June 30, according to our sister paper the Sunday Times.

-Editorial
-Daily Mirror - 10/07/2017

Excerpts from an article by Emil van der Poorten

Down The Slippery Slope To ...Where?

It is increasingly evident that when the President and those he leads in this crusade of ultra-nationalism refer to ‘war heroes’ they refer to every person who donned a uniform of whatever description during the period of conflict with the forces of the criminally insane Prabhakaran.

One has to have taken leave of one’s senses to claim that not one individual among our armed forces which, during the war, totalled half a million, committed a war crime or acted in contravention of internationally-ratified covenants covering human rights and war crimes. That’s right: the numbers I quote for the Sri Lankan security forces approximate those of the entire Russian army!

I am personally aware that there were several individuals in our neighbourhood that no one would entrust with a catapult, leave alone provide training in the use of sophisticated weaponry, who were welcomed into an army that obviously didn’t indulge in criminal record checks to ensure that some of the unemployable flotsam and jetsam of rural and urban Sri Lanka were handed AK 47s and told to get on with it!

To suggest that not one soldier, sailor, airman, policeman or member of the auxiliary forces committed one murder, rape or similar crime or deprived a fellow citizen of his or her human and civil rights during three decades of war puts one in cloud cuckoo land and should constitute qualification for swift entry into a mental institution.

Just in case there is any misunderstanding with regard to my opinion of the conduct of the Tigers during the conflict, let me be absolutely clear: they were farthest from purity in the matter of war crimes and crimes against humanity as defined in international law. They should be subject to the same due process of law as any other, notwithstanding their claim of having waged a ‘just war in defence of the Tamil people’s rights.’

One glaring omission in the matter of the application of the Sri Lankan Criminal Code, Prevention of Terrorism Act or any similar piece of law is that of the “Minister of Finance” of the LTTE who was responsible for all the weapons purchases and, in fact, the entire financing of the Tigers for years, “K.P” or Kumar Pathmanathan.

What also of Pillayan who ended up heading the Eastern Provincial Council thanks to being taken under the large Rajapaksa wing?

(Continued on page 12)
What of the military genius of the LTTE whose defection is held to have been the primary cause of that organization’s total and absolute military defeat, “Colonel Karuna?” Despite the fact that all available evidence points to his being directly responsible for the execution of, literally, hundreds of unarmed policemen in the Eastern Province he not only walks free but was elevated by the previous regime to one but the highest position in their political party! Of course that elevation was also despite the fact that he was jailed in Britain when found to be travelling with fraudulent documentation (knowingly issued by the Sri Lankan government of the time!) as a member of a high-powered delegation to that country!

There are also the only two surviving Tiger commanders – “Masters” if memory serves me right – from the final Nanthikadal battle who run free in the north, untouched by the provisions of any law, thanks to their swearing fealty to the (Rajapaksa) government of the day! Does all of this not say something about people who mouth platitudes about “war heroes” while looking after some of the major war criminals from a group that was the most feared terrorist organization in the world?

Our leaders are, simply put, knowingly lying through their teeth when they claim that every single Sri Lankan who donned a uniform during the thirty-year war that ended in 2009 is a ‘war hero’ and should not be subject to the provisions of Sri Lankan law, international covenants or anything of that kind.

- The Sunday Leader - 16/07/2017

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Has party politics let down the people?

Elections Commission Chairman Mahinda Deshapriya has been quoted by several print and electronic media institutions as saying that there is an unusual drop in the registration of voters this year in Colombo and its suburbs.

He is reported to have said that only 60,000 new names had been registered while 76,000 names were removed from the voters’ register in areas such as Colombo, Dehiwala, Mt. Lavana, Moratuwa and Kotte because of the failure by the voters to enter their names in the electoral register. In the Colombo suburbs, such as Maharagama, 9,500 names were added while 14,000 names would be deleted owing to the same reason. Mr. Deshapriya said a marginal increase or decrease was normally expected but pointed out that the drop in registration this year was considerable.

This is particularly evident in the case of Maharagama which has a sizable middle class and an upper middle class population. The usual pattern of change in the electoral register thus far had been a regular increase year by year corresponding to the population growth and the migration of people to the Western Province.

Two reasons for the decrease in registration of voters -- sagging interest among low-income people and the change in attitude among youth and professionals are serious. There may be various reasons for the dissociation of people from politics or election. However people’s disappointment over the goings on in the country and their understanding that they are repeatedly being cheated by the consecutive governments should be a major reason.

For instance, one of the main reasons for the voters to vote against the previous government was the large-scale corruption that was widely prevalent then and the hope of a corruption free country that was instilled in their minds by the leaders of the present government. However, any right thinking man who had voted this government into office would have felt being taken for a ride, after the Central Bank bond scam came to light.

In the same way people would have been disappointed over the opportunism of the two main parties exposed in issues such as SAITM. In the case of youth, they have been longing for better opportunities for education and employment and might feel being let down by the two main parties.

This is a grave situation as people cannot be immune from the effects – especially the bad effects of politics, in spite of keeping away from politics or elections. If the trend continues, there is a danger of them finally drifting towards other methods of regime change, as happened in the past.

- Editorial

-Daily Mirror - 29/08/2017
The Provincial Council Elections Amended bill which was passed in Parliament on 20th September, was the most irregular amended which violated democracy of Sri Lanka, issuing a press release Executive Director of Campaign for Free and Fair Election (CaFFE), Rajith Keerthi Tennakoon said on 21st September.

He said that the Bill had violated all accepted democratic norms, transparency and rule of law under the pretext of establishing a mixed electoral system. He exposed five reasons as to why the Bill had violated the democracy of Sri Lanka.

1. The SC deemed the said Bill was not keeping with the constitution on September 19; however it was ratified with a two-thirds majority through the backdoor.
2. Certain clauses in the 13th Amendment to the Constitution will be affected by the Bill. Thus this is the first such time that the Constitution had been changed through a Bill.
3. The Bill is also a violation of parliament procedure. The submission of 31 page Amendments to change a three page Amendment further shows the danger posed by this Bill. Also there is no relevance between increasing female representation in PCs and the Amendments made.
4. MPs only saw the Amendments to the Bill on September 20. no other citizen had access to the text of the Amendments. Thus this was a Bill that was not considered in the Supreme Court or was discussed among professionals.
5. The EC officials only saw the Bill on September 20 as well. no member of the Commission or the legal officers of the Commission were consulted. Even the infamous 2012 Bill used the services of elections department officials.

Reported by Sheain Fernandopulle
-Daily Mirror - 22/09/2017

Excerpts from an article by Vishwamithra 1984

Yahapalanaya at risk

“To know nothing of what happened before you were born, is to forever remain as a child”~ Cicero

Good Governance, however much it looks easy to shout about on platform and introduce, is incredibly hard to sustain even for a short period of time.

The present government is proving it. With each passing week and month, the level of trust and confidence and the enormous expectations the people placed on the incoming government are evaporating. And they are evaporating fast, albeit the forced resignation of former Finance Minister Ravi Karunanayake and firing of former Justice and Buddha Sasana Minister Wijeyadasa Rajapaksha. The people are opening their eyes. They thought they displaced a regime of corruption and nepotism and it does not seem to be so. At the beginning itself, the incoming government made many strategic blunders:

A) Not holding the general elections immediately after the presidential election.
B) Making a Cabinet of Ministers look like an inflated body of massive and unworkable committee. The present Cabinet consists of 48!
C) Absence of a macro-economic plan.
D) Continuance of the Presidential System. Instead of an overhaul of the Constitution, the passage of the 19th Amendment has paved the way for a confusing state of governance. Let’s take these one by one.

The government of Maithripala Sirisena lost all its sheen and sense of urgency with which the Rajapaksas were rejected at the elections when much-awaited general elections were not held immediately after the presidential election.

The advantage Mahinda Rajapaksa obtained as a result of the postponement of general elections paved the way for the emergence of a formidable joint opposition made up of some senior SLFPers who were no longer ministers and deputy ministers.

The size of the current Cabinet of Ministers, 48 in number, is beyond sustenance. Mahinda Rajapaksa had a Cabinet even larger than this and within the main Cabinet, he governed the country through an inner Cabinet that consisted of himself, his two brothers Basil Rajapaksa and Defence Secretary (although not in parliament, Gotabaya had more powers than a Cabinet Minister) and his Finance Secretary (once again, not in parliament but as powerful as a Cabinet member).

The current Cabinet comprises of 48 ministers; an unbelievable number for a small country such as ours. And it is unwieldy, to say the least. Being a coalition government and having to please everyone is no excuse. Follow the various compositions of Sri Lanka’s Cabinet since 1947:

(Continued on page 14)
Mahinda Rajapaksa made a mockery of both the Cabinet size and its composition. Collective Responsibility, a lofty ideal of the traditional parliamentary system, was thrown out of the window.

India, a country that has a 1.2 billion population, has only twenty ministers including the Prime Minister. Sri Lanka which has 22 million people has Forty Eight (48).

That is not including those so-called ‘State Ministers.’ It is the height of absurdity! All credibility is gone. Those in power never realise how much the masses hate to see these bigwig politicians roam about the country in Mercedes and BMW cars. Hate and jealousy are extremely destructive emotions.

Abrogation of the Presidential System of government was one of the key components of the ‘One Hundred Day Programme’ the current rulers promulgated at the Hustings.

Yet, they seem to be quite comfortable with a mere 19th Amendment and its somewhat easy passage in parliament. This is a very complicated issue especially in the context of the very diverse and convoluted minds inside the coalition, particularly those who identify with the SLFP. It would have been not so complicated, nor mind-gruelling to have proposed an amendment to the constitution with the current president being named as the succeeding Prime Minister that had a total annulment of the Executive Presidency. We do have constitutional and legal luminaries among our judicial ranks who could have helped the government had they so chosen to seek them out.

Instead of adopting a strategic approach to the country’s burning problems and issues the government became entangled in ‘retail politics’

That is a sure way to lackadaisical governing style. The government seems to be bogged down in a constant crisis-management mode. On the positive side, the very ouster of the Rajapaksas from power was a tremendous leap for a nation that was increasingly becoming accustomed to a grossly warped and corrupt culture. We have not got over it and signs of getting over it are not on the horizon either, yet a consistent clamouring from outside forces should not stop. Forced resignations of two leading ministers would not be enough.

-Daily Mirror - 30/08/2017

**Excerpts from an article by Ranga Jayasuriya**

Ravi K and the Penthouse: The acid test for Yahapalana integrity

Minister Karunanayake is also a close confidante of Prime Minister Ranil Wickremesinghe. He stood by Mr. Wickremesinghe during those not so distant turbulent days in the UNP. The Prime Minister is thus constrained by old loyalties. In fact, both messrs. Wickremesinghe and Karunanayake defended former Central Bank Governor Arjun Mahendran, who is also the father-in-law of Mr. Aloysius from allegations of foul play in Central Bank bond sales. The UNP members of the Committee on Public Enterprise (COPE) attempted to influence a COPE report that held Mr. Mahendran responsible for the extensive financial losses incurred due to dodgy bond sales. The UNP MPs threatened to table a dissenting report. When it was found out that the Standing Orders do not allow for a dissenting report, they inserted footnotes in the main report. The thrust of the footnotes were to absolve Mr. Mahendran from allegations of irregularities.

Since then, a host of witnesses who gave evidence before the Presidential Commission of Inquiry have revealed scandalous details including the CB Governor visiting the Debt Department on the day of controversial bond sale and instructing a many-fold increase of bond sales on the particular day.

Some time back, President Maithripala Sirisena complained about a nexus of political heavyweights in his own government who had been defending the suspects of the former regime from being investigated for corruption. Does this one too sound like a nexus?

-Daily Mirror - 01/08/2017
A minister’s removal cannot heal the ‘beggars wound’ of high corruption

The agitated pleas of the ruling United National Party (UNP) parliamentarians that they became ‘fully aware’ of former Justice Minister Wijayadasa Rajapakse allegedly stalling corruption cases against the Rajapaksa clan only now, must be taken with more than a pinch of that proverbial salt.

Overstepping the line a long time ago
That explanation, as rich as it is, is a tad too disingenuous to swallow in one gulp. Let me be clear. If the basis for the ejection of the Minister was the violation of the principle of collective Cabinet responsibility, that is another matter altogether. But the Government should not try to ride high on the removal and hold out that the one obstacle to a successful anti-corruption drive has now been disposed of. That will only be accepted by the exceedingly naïve.

For if one fact was clear in this messy saga, it was that the former Justice Minister was overstepping the line a long time ago, with little consequences from the party hierarchy. There are many examples. Six months into the new Government being installed for instance, he questioned if it would be correct to allow former Secretary to the Ministry of Defence Gotabhaya Rajapaksa to be arrested under anti-terror legislation as this was a ‘law implemented against Prabhakaran.’ His claim was that, if so, this would be to ‘make a Prabhakaran’ out of the former Defence Secretary (Hiru talkshow programme, Salakuna, December 15, 2015).

The personal partiality and categorical bias reflected in that exchange was unbelievable. It is not the business of a Justice Minister to declare as to what individuals a particular law should apply to. That is the function of the courts. And in any event, the sham ‘patriotic’ fervor in that question is contradicted in a practical sense. The Rajapaksas themselves had little compunction in using anti-terror laws against the celebrated ‘war-winning’ Army Commander Sarath Fonseka. Several of his bodyguards were arrested under emergency law.

Is the dismissal too little, too late?
So there is no impunity protecting the former Secretary of Defence and the former President’s brother from arrest under the law which applies to whatever offence that an individual is accused of. The law is the standard as applied/investigated/prosecuted by the very institutions that the former Minister pleads with considerable fervor that he could not have ‘interfered with.’ He cannot hide behind that cover and privilege some over others. The same reasoning was evidenced in his defence of the private maritime security firm Avant Garde, accused of maintaining a floating armoury of purportedly illegal weapons in the Galle harbour, when investigations were ongoing.

Making up ‘our own minds’
So we return to the initial question underlying the introductory paragraphs of this column. Will the departure of this Minister make a difference to the trajectory of Sri Lanka’s anti-corruption efforts? As pointed out previously, the octopus-like tentacles of corruption reach into the highest places of government, then and now.

The UNP’s silence for more than one and a half years while this beggar’s wound festered and its hysterical effort to prevent the truth regarding the Central Bank bond scandal is telling. It will take a considerable effort to rid itself of allegations of bad faith that cling so persistently to it, much like an unpleasant smell.

Undoubtedly, the people will ‘make up their own minds about the Government’ as the former Justice Minister exhorted with passion following his dismissal this week. Yet, it is a stretch to think that sympathy for him will feature prominently in that equation. That much is quite evident.

- The Sunday Times - 27/08/2017

Greed is a bottomless pit which exhausts the person in an endless effort to satisfy the need without ever reaching satisfaction.

-Erich Fromm
Effective ways to expedite corruption probes

The outgoing Minister Wijeyadasa Rajapaksha had something succinct to say in his farewell comments to the media on Wednesday. He said that while other Justice Ministers were blamed for interfering with the Attorney General and the Judiciary, he was being blamed for not doing so. We know how former Justice Ministers humiliated judges and one more recently even ordered the AG to send out an indictment when the AG said there was “no case”. The entire issue revolves around the impotence of the incumbent Government to successfully prosecute corrupt wrongdoers of the previous Government. Now, leaders downplay the accusations saying “election rhetoric must not be taken seriously” while finding various excuses for the inaction.

We have said this before; the reasons for these delays are four-fold i.e. 1) the lack of forensic skills to follow paper trails of mega deals and banking secrecy overseas; 2) bribery within the investigations; 3) volume of files on petty thefts; and 4) political interference – not necessarily in that order resulting in half-baked files being sent up to the AG’s department for indictment.

We were told in the early days of this Government that World Bank teams from the Stolen Assets Recovery Initiative (StAR) and US Federal investigators were there to identify the rogues of yesteryear and help recover the loot.

Insofar as special courts to accelerate these cases go, step one is not to have half-baked investigations sent to the AG. The Bond Commission is being skilfully handled partly because the crimes committed are local, and there is a willingness to go ahead. The long arm of the law is not long enough overseas. Examples from other countries, even China, and how they are having special courts to fight corruption, are worth studying.

There is a need to bring in the Suo Moto provisions found in India where various legal instruments exist for civil society groups and even lower court judges to initiate investigations. Some Ministers glibly talk of High Courts sitting morning, noon and afternoon. Already two Supreme Court judges of a 11-member bench are sitting in the Bond Commission. However important and onerous their work is, law’s delays are a real issue for the ordinary citizen. It is time the respective age-limits of the Appellate Court and High Court justices are reviewed with a view to raising them as is happening all over the world, and also their numbers increased – without lowering standards, to accommodate the junior judicial officers to meet the demand. Over to the Government to walk the talk. Where there is a will, there is a way.

-Editorial

- The Sunday Times - 27/08/2017

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Excerpts from an interview with MP Udaya Gammanpila

Q: You referred to the govt members who expressed their reservations in terms of ‘footnotes’ in the COPE report on the Bond scam. But, these members defend themselves. What are your comments on this?

A: We are in fact depressed about the lethargic attitude of the government towards the bond scam. As the State Minister of Finance correctly said, the total loss to the nation is more than one trillion rupees. It happens in three ways. First, it is not only the cost of borrowing of the government but also that of the ordinary people have gone up. It is by way of increased interest rates prevailing in the country. When you obtain a loan to build your house or to buy a vehicle through leasing and a bank overdraft, you have to pay higher interest rates.

Secondly, foreign investors lost confidence on Sri Lanka’s capital and money market because of the Bond scam. They, in fact, began to withdraw their investments soon after the scam. It resulted in the depreciation of the rupee to Rs.155 from Rs.131 against the US dollar. Sri Lanka’s capital market is now crunching. The economic growth has also been affected by the Bond scam.

It took place 30 months ago. So far no arrests have been made. Not even a single B report has been filed in a Magistrate’s court. There are no travel bans, arrests or confiscation of ill-gotten wealth. This money is being used to acquire lucrative businesses such as liquor distilleries and influential business such as media institutions.

Such money is spent to buy over politicians as well. The best example was the admission by MP Ravi Karunanayake that his penthouse rent was paid by

(Continued on page 17)
Arjun Aloysius. The government should have frozen his bank account or confiscated his ill-gotten wealth. We are disappointed with the government’s inaction.

The ‘footnote gang’ (The UNP MPs who served in the COPE that investigated the Bond scam) tried to defend the government in regard to the Bond scam. They should be brought before the Commission and questioned. We are grateful for those serving in the Bond Commission for their excellent, professional job. But, from the government’s side, nothing has been done.

Q: The govt says the Bond Commission was appointed to probe the entire process as it does not want to ‘sweep anything under the carpet’. Your views on this...

A: (Laughs loudly) This is a damned lie. This Bond scam took place in February, 2015. Since then, the govt has been trying its best to cover this up. The PM openly said no scam had taken place. He appointed a committee of his own men to brush aside this issue. Secondly, we took it up. We fought on the streets, complained to the Bribery Commission and lodged a complaint with the Criminal Investigation Department (CID).

But nothing happened. Then, we went to the courts. This was inquired first by the COPE under the leadership of then MP D.E.W. Gunasekara. Its interim report was to be produced in Parliament on June 26, 2015. While the COPE members were signing the interim report, President Sirisena dissolved Parliament to avoid the report being tabled in Parliament.

Q: It means you directly hold the President responsible...

A: Of course, yes. In fact, my view is that the President should be summoned before the Presidential Commission. He possessed vital information about this scam. First, he should tell the Commission and the nation as to why he had gazetted the Central Bank under the purview of the PM although it should have been under the Minister of Finance.

The law says the Monetary Board of the Central Bank should be appointed by the President on the recommendations of the Finance Minister. Once Minister Rajitha Senaratne openly said he opposed the appointment of Arjuna Mahendran as the Governor of the Central Bank.

The President should tell as to why such a rogue was appointed as the Governor despite resistance from his own Cabinet. Mr. Mahendran is a foreign citizen. So, he did not take oath affirming his loyalty to the Constitution of Sri Lanka. The President should tell people why he dissolved Parliament to avoid the COPE interim report being presented there.

By Kelum Bandara
-Daily Mirror - 06/09/2017

If tried impartially, half of MPs behind bars: VAC

The Voice Against Corruption (VAC) said yesterday if 89 investigations were followed through by the Attorney General, half of the government members would be imprisoned.

Addressing a press briefing, VAC Convener Wasantha Samarasinghe said although it revealed many fraudulent activities involving parliamentarians, not a single case was filed against these individuals in court despite inquiries being held.

“The unity government came to power on the promise of taking legal action against corrupt individuals. This is not a united government but a government that is united in corruption,” he said.

Commenting about the unused building rented out by the Agriculture Ministry, Mr. Samarasinghe said the building owner had been paid Rs. 23 million including VAT as service charge.

“The transaction is an utter waste of public funds. The deal was made ignoring the guidelines set by the Auditor General. A total of Rs. 1,140 million has been paid as rental when the premises had not been used at least once in three years, and the agreement expires a year from now. However, the names of several ministers and their families surfaced on major corruption cases which we will expose in the coming weeks,” he said.

Meanwhile, Mr. Samarasinghe appealed to President Maithripala Sirisena and relevant authorities to take prompt action against those responsible for corruption.

“The VAC has already exposed corrupt government projects with justifiable evidence. If impartial trials were made on the accused, at least half of the government will have to be caged in the Welikada prison,” he said.

Reported by Thilanka Kanakarathna
-Daily Mirror - 08/09/2017
Faction of relatives of missing persons claim:

‘OMP eyewash’

In the wake of President Maithripala Sirisena signing the Office of Missing Persons (OMP), a group of relatives of people disappeared during the war in the north on 21st July dismissed the OMP as a device to hoodwink them and the United Nations.

Kanajaranjini Yogarasa, a representative of the relatives of the missing person in the North who were on a sit-in protest for the 152nd day yesterday said it was regrettable to note that the international community and the Tamil diaspora had also welcomed the government’s move to set up the OMP.

The OMP which is to be instituted under the resolution that was adopted in the United Nations Human Rights (UNHRC) in 2015 and a Bill was passed in the Parliament in August last year to give effect to the resolution. The OMP Act was signed by President Maithripala Sirisena on Thursday.

Speaking to the media at their protesting site, he KanDasawamy Kovil in Killinochchi Yogarasa said that President Sirisena was duty bound to keep his promise given to them last month to disclose the names of those surrendered to the armed forces and those arrested by the law enforcement authorities before the setting up of any office on missing persons.

She rejected the OMP claiming that it would never resolve their problem. She stated that the government had to show its sincerity to the relatives of the missing people in dealing with the problem before addressing its international obligations.

Reported by S. N. Nipojan
-Daily Mirror- 22/07/2017

Office of Missing Persons mandated to go back to 1948

The government says that the Office of Missing Persons which was established last week could investigate complaints that go as far back as February 1948, when Sri Lanka then known as Ceylon, gained independence.

President Maithripala Sirisena who chose to break the news about his signing the Office of Missing Persons(OMP) Gazette last Thursday, through his official Twitter Account said “ I signed the Office of Missing Persons Gazette today. This marks another step forward in Sri Lanka's path to sustained peace.”

The President’s office and Foreign Minister Ravi Karunanayake subsequently confirmed that Sirisena had signed the OMP Gazette. Karunanayake revealed that the President wanted some corrective action with regard to the OMP, which was done about three weeks ago.

The OMP, which would function directly under the President’s Office, could inquire into complaints as far back as February 1948 when Sri Lanka gained independence, he said.

“It can even investigate complaints relating to the 1971 JVP insurrection. Those who have been rejected by the people, are trying to hang on to nationalism as a last refuge by claiming that the OMP is targeted at the security forces. Those who have done no wrong need not worry. The broad objective is to achieve reconciliation and peace after a three decade separatist war. It is because Prime Minister Ranil Wickremesinghe refused to sign the Rome Convention that none of our political and military leaders can be hauled up before the International Court of Justice.”

Pointing out that absence of war did not mean peace, the Minister said that the OMP would try to ease the pain and suffering of families from all communities whose loved ones had gone missing.

Karunanayake explained that Transitional Justice had four mechanisms, one on which was the OMP. The President, he said, will soon decide on its Chairman and members based on recommendations of the Constitutional Council.

The Minister appealed to “certain sections of the media” who were distorting the truth not to do such things since it would be the country which would have to suffer the consequences of such actions.

Reported by Zacki Jabbar
-Sunday Island - 23/07/2017
End the practice of Enforced disappearance

The term ‘enforced disappearance’ became a part of the Sri Lankan lexicon in the aftermath of the passage of the Prevention of Terrorism Act (PTA) in 1978 which became operational in 1979. The PTA was first enacted as a temporary law in 1979 under President J. R. Jayewardene and subsequently became law of the land in 1982.

Since then, no matter from which race ethnicity or religion, Sinhalese, Tamils, Muslims and Burghers have lived in fear, not knowing for whom the bell would toll next, so-to-say.

Thousands of people have disappeared in Sri Lanka since the 1980s. A 1999 study by the United Nations found that Sri Lanka had the second highest number of disappearances in the world and that 12,000 Sri Lankans had disappeared after being detained by the Sri Lankan security forces.

In 2003 the Red Cross stated that it had received 20,000 complaints of disappearances during the Sri Lankan Civil War of which 9,000 had been resolved but the remaining 11,000 were still being investigated.

One of the best examples of enforced disappearance is the case of D. Sivaram’ a former journalist of the ‘Daily Mirror’ and founder-editor of the ‘Tamilnet’ better known by his nom de plume ‘Taraki’. Sivaram was brazenly disappeared in front of a police station and in the presence of witness. His body was subsequently discovered in a High Security Zone, where at that time the public were not permitted to enter!

The Prevention of Terrorism Act or PTA as it is widely referred to, can be seen as the handmaid to the enforced disappearances which over took and held hostage the people of Sri Lanka until the present regime was elected to office.

In an effort which the government claims will bring to an end the phenomenon of enforced disappearances in our country, the present regime on May 22 last year introduced and gazetted a bill to establish the Office on Missing Persons (OMP).

The OMP is mandated to search and trace missing persons, clarify the circumstances in which persons have gone missing and their fate, make recommendations towards addressing incidents of missing persons, protect the rights and interests of missing persons among other tasks.

Despite sections among the opposition criticizing the bill as an act of betrayal against troops who helped crush the separatist war to divide the country led by the Liberation Tigers of Tamil Eelam (LTTE), the bill was unanimously passed in parliament.

While this move by the present regime to bring about an end to the deplorable practice of enforced disappearances must be applauded, it cannot be said that the measure is sufficient.

The passage of the OMP Bill is an applaud able first step to eradicate this nasty criminal practice of disappearing opponents which both the main political parties –the United National Party and the Sri Lanka Freedom Party- stand guilty of.

-Editorial
-Daily Mirror - 28/08/2017

Excerpts from an article by Kamanthi Wikremasinghe

The debate on ICPAPED Bill Continues

The International Convention for the Protection of All Persons from Enforced Disappearances (ICPAPED) is an international human rights instrument of the United Nations. This Convention aims to prevent forced disappearances defined in international law and crimes against humanity. According to the Convention an ‘Enforced Disappearance’ is defined as ‘the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.’

Sri Lanka signed the Convention on December 10, 2015 and the Government ratified it on May 25, 2016. Hence a Bill was proposed to criminalise Enforced Disappearances in the Sri Lanka Penal Code. While Sri Lanka has a significant record of missing persons the establishment of this Bill as well as the Office of Missing Persons (OMP) has given some hope to the families as well as to all citizens if there are such occurrences in the future. But the Premier himself said that this Bill would have no retrospective effect and would only relate to incidents that happen in the future. But taking a new turn, the debate which was scheduled for last Thursday (September 21) was postponed in the face of objections from the Joint Opposition (JO) and several other factions. In an attempt to weigh the pros and cons of passing the Bill, the spoke to a few concerned factions:

(Continued on page 20)
"We need to know the truth" - Sandya Eknaligoda

Sandy Eknaligoda, wife of disappeared journalist and cartoonist Prageeth Eknaligoda, said that when the President assumed power he promised to serve justice to the families of the missing persons. "He gave hopes to all mothers whose children, spouses and relatives went missing. But today he has forgotten about the promise. Although the OMP has been discussed upon, to date there has been no progress. I remember him telling me that he will introduce a special investigation to probe in to the cases of Prageeth and Lasantha Wickrematunga. What would these investigations entail? He has to have discussions with the families, but that hasn’t happened. A missing certificate was issued on certain instances, but a piece of paper isn’t what these families need. They need to know the truth. If their family members were killed, please tell them who their killers were or what happened to them. Some of these people were forcibly recruited by the LTTE while others had to hand them over to the Army because they were suspects. I would like to know what’s happening with the investigations referring to Prageeth and Lasantha? When will we be able to find out the truth? As a result of delaying the legal process the children of these families will face challenges with regard to their education and the future. Who will take care of them when their caretakers are no more? We need answers to these questions,” she said.

"If soldiers have committed crimes they too should be punished" - Brito Fernando

Brito Fernando, President of the Families of the Disappeared, said that there was a promise to ensure justice to those who went missing during the 1989 JVP insurrection. "This task should have been done by Mahinda Rajapakse, but the setting up of the OMP was delayed due to various influences. No mercy should be shown to the people who were responsible for those who were handed over. They said the Office would be setup on October 21, but there are no signs as yet. But the OMP will not be the sole solution to the issue. It is the first step. During the ‘89 Insurrection, when JVP supporters went missing, MR appeared for the case, but I would like to know whom he supported? If any of the soldiers have committed any crime they have to be punished. But today, some of the Army personnel are even sent overseas. The discussions were postponed and now the debate on Enforced Disappearances too was postponed. In order to play safe, sometime back they issued a death certificate to the families, but after staging protests we were able to convince them to issue a missing certificate. If they are dead, the families need proof, but if they aren’t how can they prove that these people are dead?” inquired Fernando.

Speaking further Fernando said that some time back, people were forcefully issued with the death certificate. And because they had no other option, they had to take it. "Not everybody is willing to receive money in place of a missing person, but the families of persons that had disappeared during the ‘89 insurrection were offered some money. My request is to establish the Office and implement its procedures. Appoint commissioners and probe in to the incidents. I remember the Government allocating a budget for the Office as well. Branches of these offices should be setup in the North, East and the South. They should be made independent and all transactions should be transparent,” Fernando said.

-Daily Mirror - 26/09/2017

I am ready to give evidence against Gen. Jayasuriya: SF

Minister and Field Marshal, Sarath Fonseka said today he had information on the crimes committed by former army commander Jagath Jayasuriya, the then Vanni commander and that he was ready to give evidence if proper legal action was instituted against him.

"I received complaints that Mr. Jayasuriya was engaged in crimes as Vanni commander with regard to those who were arrested. He continued the same strategy even after he was promoted as army commander. I have information regarding those who committed the crimes. I am ready to explain the crimes committed in detail if proper legal action is instituted," he said.

The minister told a news conference that he attempted to launch an investigation against Mr. Jayasuriya just after the war had ended but he was removed from the post of army commander when the investigation was launched.

"I was aware that he committed crimes and I tried to initiate an investigation. As the initial step, I arrested Mr. Jayasuriya’s Aide-de-camp,” he said.

The minister said crimes had been reported from certain

(Continued on page 21)
places and added that he was of the view that an investigation should be launched to find out those who committed such crimes to protect the dignity of the country and the army.

“They are not crimes that the army has to be collectively responsible for but they are isolated incidents committed by a few individuals. We need to reveal those incidents and punish those involved,” he said and added that if proper action was not taken within the country, the UN and the Security Council could do so according to international conventions.

“If there had been any crime, legal action can be taken against those involved according to martial law. Country’s law is not necessary for that,” he said.

When asked if he was ready to give evidence against Mr. Jayasuriya before an international court, he said it should be decided by the government.

Reported by Ajith Sriwardana
-Daily Mirror - 02/09/2017

A comment from Vishwamithra
Caught between phony patriots & Colombo cockroaches

Field Marshal Fonseka has chosen to free himself of the shackles of a caged animal. His character, that of a fearless leader and forthright speaker of the truth, should stand out as an exemplary one, yet it should not display any recklessness that no modern political leader of any calibre to reckon with would be weighed down by. Societal inhibitions need to be addressed, if any political leader aspires to gain political power through the ballet. The collective mindset of any electorate invariably oscillates between varying options; it tends to absorb more of the superficial stuff than profound political theories.

-Daily Mirror - 27/09/2017

Religious violence

Excerpts from an article by Gnana Moonesinghe
Will ‘timid’ Government responses encourage anti-social elements?

THE INTERVENTION OF THE SANGHA

The misty environment in Sri Lanka has turned increasingly dark and threatening and provocative following the statement issued by the Mahanayake of Asgiriya. This statement received weightage as it is the considered conclusion to the discussions within the Karaka Sangha Sabha of the Asgiriya chapter. It can be gathered from the press release that while the Sangha was not in empathy with the “style of communication” of the Secretary of the BBS, Galaboda Aththe Gnanasara Thero, they were sympathetic to his line of ‘thinking’.

The statement called upon all “patriotic people” to act in unison to confront the challenge to Buddhism. The majority of the Buddhists in the country look for guidance to the Sangha. This call asking Buddhists to protect the challenge to Buddhism will be construed as asking the Buddhists to support the BBS standpoint.

The Daily Mirror of June 6 carried another statement issued by all three Mahanayake’s and other Sangha Sabhas. The statement:
1. that there is no need or urgency to bring another Constitution or an Amendment to the Constitution
2. Government should find swift resolution of the SAITM issue.
3. Proposed that ‘bringing the International Convention for the Protection of All Persons from Enforced Disappearances Bill to parliament should be delayed to enable parliament to study the Bill;
4. That a special committee be appointed to look into the grievances facing Buddhists with regard to religion and culture, and the prevailing racial and religious unrest,
5. Attention to be focused on protecting religious places of archeological interest in the country;
6. Buddhism to retain the foremost position in the constitution;
7. Retain the Executive power of the President.

The statement of the Sangha may be looked upon as a directive to the Buddhists; at this point the Sangha becomes a contributor to conflict situation in society.

Has Parliament abdicated its policy initiative and its decision making prerogative? Apart from the religious bodies other organizations like the Trade Unions some of whom are also seen to be dictating to policymakers on what should be strictly be an aspect of the constitutional right of Parliament. While suggestions on policy making are welcome as the democratic right of the people, insistence and intimidation through work stoppage etc is not.

-Sunday Island- 16/07/2017
Human Rights Back In The Spotlight

The Human Rights issue is back in the spotlight following the recent visit to Sri Lanka by the United Nations Special Rapporteur on the promotion and protection of Human Rights and Fundamental Freedoms while countering terrorism, Ben Emmerson.

Government spokesman Dr. Rajitha Senaratne said the government is taking measures to address issues pertaining to disappearances, and political prisoners. He also pointed out that measures are in place to implement a systematic plan in this regard.

Brito Fernando stated that all political prisoners who are in custody over the ‘71 and ‘89 period too should be released as it was not necessary to keep them in custody any longer. However, he said that although they too had indicated to the government that these political prisoners should be released, the government keeps making various excuses and avoiding the issue. He also pointed out that during the elections the government had promised the release of political prisoners and this is something that the people now expect from the government.

In a hard-hitting statement at the end of his Sri Lanka visit, the United Nations Special Rapporteur on the promotion and protection of Human Rights and Fundamental Freedoms while countering terrorism, Ben Emmerson, had said that two years on since the current government took office and four months into a two-year extension granted to the government by the Human Rights Council, progress in achieving the key goals set out in the Resolution on Sri Lanka adopted by the Council was not only slow, but seems to have ground to a virtual halt.

"None of the measures so far adopted to fulfil Sri Lanka’s transitional justice commitments are adequate to ensure real progress, and there is little evidence that perpetrators of war crimes committed by members of the Sri Lankan armed forces are being brought to justice,” he said.

The Special Rapporteur said he was given a personal assurance by the Prime Minister that once the current process of counter-terrorism reform had been completed, the government would pass legislation paving the way for a Truth and Reconciliation Commission to be established, and set up an Office of the Special Prosecutor to bring criminal charges against those involved in the most serious atrocities committed on both sides of the conflict.

However he said these are, of course, steps which the government promised to the international community that it would have delivered in full by now.

He said the indications fall far short of Sri Lanka’s international commitment to achieve a lasting and just solution to its underlying problems, for the benefit of all of its communities, to establish a meaningful system of transitional justice that is governed by the principles of equality and accountability, and to put in place essential and urgently needed reform of the security sector.

In this context, the Special Rapporteur was extremely concerned to learn that 80 per cent of those most recently arrested under the PTA in late 2016 complained of torture and physical ill-treatment following their arrest, in cases which were later dealt with under ordinary criminal law. The Human Rights Commission emphasised that torture in custody formed a major priority in its work, and remains a pressing human rights concern.

"The significance of the systemic use of torture to obtain confessions needs to be seen against the deplorable delays that are built into the framework for the handling of cases under the PTA. Through a combination of extended executive detention, and grossly protracted criminal proceedings, suspects arrested under the PTA have commonly been held in detention, in conditions that amount to inhuman and degrading treatment, for many years without ever having been found guilty of anything, and without any effective judicial review of their detention,” he said.

The Special Rapporteur called for the government of Sri Lanka immediately to provide for effective judicial review of the legality of the detention of those still behind bars, and to submit individuals charged under the PTA to a fair trial with all guarantees of due process. He also calls on the Government to establish an effective mechanism for investigating all allegations of torture by the police, and for reviewing the safety of all past PTA convictions in which evidence of a confession to the police was central to the prosecution case.

"When the two sides of the accountability equation are viewed side by side, the resulting picture is stark: The government has thus far done almost nothing to hold to account those members of the armed forces and security services who committed gross human rights violations during and since the conflict. At the same time, it has, until now, continued to operate the cruel and unjust PTA system, a system that has overwhelmingly impacted on the Tamil minority. These are precisely the conditions likely to produce festering grievances, to foster unrest and even to reignite conflict,” he said.

- The Sunday Leader - 23/07/2017
Sudesh Nandimal de Silva, chief witness in the Welikada Prison massacre where 27 inmates were allegedly shot dead by Special Task Force (STF) and Army personnel who entered the prison on the directive of higher authorities in the Mahinda Rajapaksa regime on 9 November 2012, is seeking State protection.

De Silva is the secretary of the Movement to Protect Rights of Prison Inmates. President of the organization is lawyer Senaka Perera, Counsel for de Silva.

Around 11 p.m. on Monday, 4 September, unknown gunmen shot at de Silva’s sister’s residence on Weera Puran Appu Road, Moratuwa, where he was living. Speaking to Ceylon Today, he said the killers of Welikada had been trying to destroy evidence by shooting at his residence, by trying several times to abduct him and by threatening him over the phone.

He stated that the yahapalana government should provide him security unless it wants to sweep the brutal massacre by the previous regime under the carpet.

"Personnel directed by the previous regime massacred the prisoners and I was eyewitness to the crime. None of the murdered men were my relatives or friends. But they were humans. I cannot be silent after seeing unarmed men being killed that way. My conscience pushes me to act to ensure justice for them. That is why I am struggling for them without considering threats to my life. This incident was hidden for six years and the government must now take legal action against the culprits if they are actually working for good governance," de Silva alleged.

Sudesh Nandimal de Silva came to public attention in early 2015, immediately after the regime change, when the eyewitness evidence of the brutal prison massacre came to light.

Speaking on the recent shooting incident, de Silva said: "I believe that those who threaten my life are the ones who planned the killing in Welikada. No others would want to threaten me and stop me speaking out. I won't disagree if someone suggests that last week’s shooting was orchestrated by the yahapalana government because serious incidents such as the prison massacre that happened during the previous regime can be taken up now for political gain."

De Silva and three others were held in jail from April 2007 to September 2013 without being charged. Twenty-two of the arrested ‘Sinhala Tigers’ were released earlier.

De Silva was transferred from prison to prison and finally he was detained in the temple ward of Welikada Prison. He was a supportive man and an artist. Because of that, he had been given comparative freedom within the prison premises. He was freed 10 months after the infamous massacre in Welikada.

STF personnel and 43 prisoners were injured in this clash. CID recorded statements from de Silva and many others several days later. "If you tell everything, you too will have to die in the prison," the CID officer who recorded de Silva’s statement had warned.

De Silva had to keep this top secret in his mind for 10 more months until he was freed. He was released in September 2013. Straight after he was released, he met lawyer Senaka Perera and pleaded with him to expose the truth of the incident. But the lawyer, who was well aware of the nature of the Rajapaksa regime asked him to be patient. Later they rallied about 400 relations of the prison inmates and formed the Organisation for the Rights of Prisoners.

-Ceylon Today - 10/09/2017

“Injustice anywhere is a threat to justice everywhere”.

-Martin Luther King
LES SONS FROM THE MONTH OF JULY

W e Sri Lankans, like other inhabitants of this planet are first and foremost, citizens of this earth and in this context, creed, breed, high-born or menial should not matter. Yet our history has been regularly punctuated with incidents/actions which belie this eternal truth.

All of our leaders save one came from families of privilege effectively dividing the country between the privileged few and the toiling masses. When the exception was assassinated large sections among the Sinhalese lit crackers! Our system of government ensures only citizens of a particular creed and breed rules over us.

And... the month of July in our history is replete with events that should have taught us the dangers of fostering and enhancing such differences.

July 26 1957 - The date of the official signing of the Bandaranaike-Chelvanayakam Pact designed to give a degree of autonomy to the Tamil minority in the country. Its unilateral abrogation by SWRD Bandaranaike led to the communal riots of 1958.

July 1960 - The SLFP who had a pre-poll agreement with the FP regarding the implementation of the Banda-Chelva Pact won the elections but reneged on its promise.

Instead in the Throne speech it announced the full implantation of Sinhala only as the official language and announced Sinhala as the language of the Courts. The Tamil party’s expectation that the unwritten agreement would be honoured was rudely shattered. It only led to greater suspicions and deterioration in relations between the Sinhala and Tamil communities already at a low level in the aftermath of the race riots of 1958.

July 1964 - The leftist parties, LSSP and Communist Party which had earlier stood for minority rights and against the implementation of the Sinhala Only Act joined an SLFP as coalition partners, however the government lost its majority in December 1964 and general elections were held in March 1965. The UNP which was successful at the hustings promised to form a ‘National government’ with the FP and small nationalist parties with a promise to form district councils.

July 25, 1968 - The then Prime Minister Dudley Senanayake announced the abandonment of his District Council proposal in the face of opposition led by the SLFP and its coalition partners the LSSP and CP who used racist slogans to whip up the populace - a rallying cry of both the LSSP and the CP being “Dudleyge bade masalawade”. The breakdown between the communities had reached breaking point and Tamils lost confidence in all Sinhalese-led political parties.

July 23, 1983 - Black July/Karuppu Yulie/ Kalu Juliya marks the state sponsored attack or pogrom against the Tamils. Over the next few days, between 400 and 3,000 Tamils around the country were killed and triggered a civil war that lasted 26 years.

July 18, 1987 marked India’s attempt to force a solution on the warring communities via the Indo-Ceylon Agreement and the entry. The attempt to force a peace on the warring parties failed due to the intransigence of the LTTE and war ensued between the peacekeepers and the LTTE. However the entry of the 100,000-strong Indian Peace Keeping Force (IPKF) to disarm the rebels enabled the Sri Lankan security forces to relocate and tackle the JVP-led insurgency in the south.

The month of July, in short, has been a month of tragedy and jeopardy for us Sri Lankans. Our leaders had opportunities to reconcile differences... yet the tragedy has been... we failed to capitalize on the opportunities for the sake of political expediency.

What is even sadder is that, even eleven years after the worst tragedy which overtook this country, we have still not recognized that we are first and foremost citizens of planet earth and creed and breed should not matter in our short stay on the planet. Scarcely five years after the struggle with the Tamil community ended, we saw attacks directed against different sections of our populace based on religion. To make matters worse, media reports indicate that glorification of breed and creed raising its ugly head in other fields as well.

Are we going to allow a repetition of the mistakes we made in the past? Will we ever learn? It seems as Nobel laureate Bob Dylan penned and sang “The answer is blowing in the wind”.

-Editorial
-Daily Mirror - 17/07/2017
Black July The absence of the collective guilt

This year marks the 34th anniversary of the July riots of 1983 which reshaped the socio political history of our nation forever. Many still recall the grim images of gutted buildings, vehicles set on fire and bodies charred beyond recognition. The damage the Black July did cannot simply be evaluated in terms of physical casualties or monetary terms. It split the body politic with an incisive divide in to North and South, an abyss un-bridged to date.

The July riots became the catalyst for the upsurge of Tamil militancy and pushed the Tamil society in to the bosom of the murderous LTTE, sparking a smouldering Civil war which raged for 30 years and launching the Tigers to international recognition as the sole representative of the Tamils. Hundreds of Tamil civilians lost their lives, while tens of thousands lost all they had on earth to be followed by an exodus of citizens to foreign countries. Very few have returned and very few will. The blame put on some chauvinistic ministers of the then regime who are dead and gone now, and everything else swept under the carpet.

Three leftist parties including the JVP were proscribed. The end of the civil war has not ensured harmony between the two communities and mutual distrust and apprehensions about each other’s motives lurk underneath. We are not the only country to emerge out of ethnic conflict and yet why are we unable to bring these two communities, who are not at war any more, together, begs answer.

The non apologetic mindset
Among many reasons the one that I hold as the most crucial is the lack of remorse and absence of an apology shown by the Sinhalese Majority to the minority that was victimized in the July pogrom. We have not apologized for the gruesome murders, rape, arson, robbery, torture committed by chauvinistic elements of the majority, abetted by authorities and applauded by many non-participants. Who apologized for the total collapse of the law enforcement machinery during those few days? Have we rectified the absolute lack of restitutive measures including legal ones to vindicate the victims?

The commission established, albeit belatedly, by the People’s Alliance government to inquire in to and compensate the victims has led to nothing tangible. Who is the perpetrator punished and which the political bigwigs are held accountable as the orchestrators of this repulsive act of pogrom? Answers to all such questions remain negative. In fact, would it be outrageous if I ventured to utter that we identified ourselves more with the perpetrator rather than the victims?

Why is it that at all times of political and civil unrest our criminal justice system with its law enforcement apparatus comprising of the Police, Law courts, penal regime etc. seem to petrify? This is applicable not only to the Black July, but also to the JVP insurrections as well as the last stages of the civil war as well. Is it due to a technical or structural insufficiency of these institutions or is it more an inherent lackadaisical attitude engraved in our psyche that might is right and nothing could be done about it?

Paralysis of the criminal justice system
The absolute failure of the security apparatus was highlighted in the plight of the Tamil political prisoners, at Welikada prison, where despite being in the heart of Colombo, the Police or the Security forces failed to prevent murder. Why has not the court system been able to prevail and proper inquiries done and perpetrators brought to justice under the criminal laws of the country? The inquest held at the prison premises hit a dead end. Is the Penal Code being the main statute defining crimes bereft of provisions for each and every offence committed in broad daylight? Or are we saying that the law is applicable only when it comes to apolitical deeds and not otherwise? Is the rule of law a mere figment of ambitious imagination and mere rhetoric?
The July riots were horrendous to a civilized mind; yet the apathy and inaction of the majority chills the conscience. The failure of the justice system is mind boggling as murderers, rapists and robbers walk the streets untouched, although obviously aged and bent, even today.

**Restitution before reconciliation**

Jennifer Lind in her book “Sorry States” recognizes acknowledgement of past misdeeds essential for a genuine reconciliation after war. Given to the blame game of “them” instead of “us”, we have evaded the most glaring and immediate spark that led to the civil war. The Germans reconciled themselves with the Jews not by evading the obvious but by revisiting each and every act, place and atrocity attributed to Nazism with a view to reconciling themselves. It is not the Jews who have preserved concentration camp sites as lessons for the future but the German authorities. That, I believe speak volumes for the genuineness of the reconciliation with and reabsorption of the victimized component of the population back to the states citizenry.

Norman Schultz, an expert on critical thinking and ethical theory, in his thesis called “Apology and Forgiveness” claims a genuine apology not only to be an admission of a mistake but also “a reversal of previously held views or policies”. That emphasizes that an apology, even if it becomes a reality, still has to be organically linked to a general turning point of the psyche of our civil society in recognizing ‘collective guilt’ in relation to catastrophes of this nature and not yet another formality.

We brandish lofty words like reconciliation, racial and ethnic harmony as well as reassuring terms as rule of law, due process, restitutive justice, etc. now more than ever. Yet reconciliation as well as a genuine will to that end remains as illusory as ever. Let the Black July become a rally point, not an embarrassing debacle to evade and ignore, to show a genuine will as a nation for a society that each and every citizen, irrespective of his race, religion, caste or creed truly enjoys the equality before law that our Constitution enshrines in unequivocal terms.

By Sanjeewa Fernando
-Daily Mirror - 24/07/2017

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**UNIT REPORT**

**Submission to Parliamentary Sectoral Oversight Committee on Legal Affairs (anti corruption) and Media**

The context is – men and women, in particular outside of Colombo from middle and lower income categories face immense difficulties in relation to breakdown in personal relationships, when in need of support for maintenance, due to sexual and domestic abuse and trafficking. Related to which the CPC since May 2017 has provision to call for expert opinion.

Hence we recommend - formation of experts panels related to the above mentioned areas ideally in all Districts of SL and /or in Colombo to support as possible groups in the districts to be available for citizens in urgent need of advice and dispute resolution in the first instance.

Related to which is the need for Befriending and Mediation services for those referred above at -Stage of complaints, During cases , at conclusion of cases.

Our recommendation is - personnel of Women and Children’s Desk of the Police are given orientation, JSC informs Magistrates and DC Judges of availability of services, counselors employed by M/Social services are duly noted AND a coordination mechanism established in Districts where citizens in need can rapidly seek services to deal with crippling emotional issues in relation to the above.

The Chairman and all agreed to invite key heads of mandated services to Parliament to be addressed by IHR to arrive at a coordinated approach to services recommended.
IHR held discussion Forums on Land Titling and Registration Systems in Sri Lanka. Forum was held on 06th July 2017. Mr. K.R.Sarath, Senior Superintendent of Surveys (Title Registration), Sri Lanka Survey Department briefed the forum on the current situation. Given below summary of same:

Present Status of Lands in Sri Lanka –
Total area 65,610 sq. km, Population 20 Million, State Owned Land – 72 %, Private Lands – 28%, Estimated land parcels – 12 million, Capita, per extent, 20th century 1.53Ha, Today 0.26Ha, Diminishing resource, Needs better management

History of Land Registration of Sri Lanka –
King was the owner/trustee of all Lands, Disposed by the King to certain institutions and nobleman, people had the right to use land for living and cultivation, 1800 survey plan was made mandatory for disposition of land, Registration of documents Ordinance – 1863, Ordinance No. 8 of 1863, focused on two provisions – Registration of Titles, Registration of Deeds.

In 1877, the sections on the ordinance dealt with Registration of Titles repealed.

Title Registration attempt -
Another attempt on Title Registration was made in 1907 – Wellawatta-Kirulapona area still continuing as an improved deed system.

Registration of documents –
Ordinance No. 23 of 1927 exclusively deals with Registration of documents under which all the deeds related to land transactions are registered.

Problems and pitfalls in Document Registration System – Uncertainty of ownership.

Identification of land on ground is an issue, difficulties and delays in finding related documents, lengthy procedures to prove ownership, undervalued transactions / smaller Stamp fees.

Initiated Remedial Action Avenues –
Avenues for fraud in the system, difficulties of identifying actual land and the boundaries, even if there is a survey plan available re establishing boundaries may not be possible, boundary disputes causing negative social impacts.
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