Delay To Establish OMP Raises Hard Questions

A group demanding a credible investigation on missing persons

-The Sunday Leader - 19/02/2017

Conflict can happen in a short time but the journey of national healing is intergenerational

"THE WAR WILL COME BACK IF YOU DON'T HEAL THE WOUNDS OF MEMORIES"

-FR. MICHAEL LAPSLEY

-Daily Mirror - 10/03/2017
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Unit Report

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THE WOUNDS OF MEMORIES MUST BE HEALED

“The war will come back if you don’t heal the wounds of memories” is the warning given to us by the South African anti – apartheid activist, Fr. Michael Lapsley. The process of reconciliation leading to peace and harmony can only begin based on Truth, Accountability and Justice.

Any conflict if not resolved will end in tragedy. There is and there has been an ethnic conflict in our country for almost seventy years. It’s not a mere economic problem as some politicians would have us believe. The root causes that led to this conflict that did not end even after the 30 year war that ended in Nandikadal, have to be understood and accepted by both parties, the ‘Sinhala government’ and the Tamil speaking people.

If this enmity continues with both sides refusing to sit down quietly and patiently analyse the causes that led this conflict it could end in tragedy for all Sri Lankans. Emeritus Prof. R.S. Perinpanayagam, writing from New York under the heading – ‘Shylock’s error and the resolution of conflicts’, wonders whether these two parties would act like two venomous scorpions stinging each other till both die or settle the conflict amicably like a love-less married couple who decide to stay together for the sake of their children.

The hatred and antagonism between the Sinhalese and Tamil nationalist extremists is mainly based on their racial differences. The Mahavamsa abounds with stories of Dutugemunu and Elara, where it is stated that the mother of Dutugemunu, Vihara Maha Devi had a strange craving during her pregnancy. She expressed her desire to drink the bloody water in which the sword that killed the Damila King was washed! According to the author of the Mahavamsa, the two races seem to have feared and resented each other, even at that time, so many centuries ago, but whether it is true is very doubtful. For so many centuries later there was no communal tension between the two races. Some Tamils got Sinhalised and some Sinhalese got Tamilised as they settled down in different parts of the country. What we call the ‘Mahavamsa mind set’ today began to develop much later, during the time of independence which later, produced the Sinhala only Act of 1956 which laid the foundation for racial riots that have plagued us since then.

Both Sinhalese and Tamils carry memories of their past wounds which have not healed. The Sinhalese remember the Chola invasions that destroyed their places of worship and drove them out of their land. They also remember the wounds inflicted by the LTTE – the acts of terrorism that almost paralysed the country and the loss of their loved ones in several ‘Terrorist’ attacks and finally in the war. But the Cholas and the LTTE Terrorists are not alive today and it’s not possible to hold them accountable and demand justice. Therefore should they punish those who belong to the same race as these terrorists and deny them equal rights in the country of their birth or should they learn to forgive and treat all citizens of this country as their equals.

The memories of wounds that the Tamils carry are deeper. In addition to the past wounds fresh wounds continue to be inflicted on them. They remember with bitterness all the pain and atrocities inflicted on them during the many ethnic riots, culminating in Black July 1983 when so many Tamils were killed and thousands fled the country. They had to endure such suffering only because they were Tamils. They also suffered most during the 30 year civil war, losing loved ones including their children, their land, livelihood and their dignity. Who can ignore the agony of those weeping women who appear on Shakthi TV day after day holding the photographs of their loved ones whom they themselves handed over to the security forces at the end of the war, demanding to know what happened to them. Are they still being held in detention camps and tortured or are they killed and if so who killed them? These are festering wounds and so far little has been done to heal them.

The only way to heal the wounds of the war victims, who are mainly Tamils is to set up an impartial inquiry into war crimes, to reveal the truth, hold those responsible accountable and help the victims to come to terms with the truth of their losses. Only then can reconciliation take place. Both communities have to cooperate in this effort. The Tamils are not to be entirely blamed for the atrocities committed by the

(Continued on page 4)
Tigers. These young men and women were not born terrorists but they became terrorists. Why? and how? This question must be answered by our politicians. In Shakespeare’s play Shylock, towards the end became a repulsive, vindictive and venomous creature. But what made him so was the overbearing arrogance of the Venetian Christian community represented by Antonio who refused to accept shylock as a friend or as an equal and continued to insult and humiliate him, calling him a dog and spitting on him because he was of a different race and religion a minority among the majority. The Tamil speaking people are a minority among the Sinhala majority and their grievances should not be ignored if Sri Lanka is to remain as one united peaceful country for the next generation.

The war victims eagerly awaited the setting up of the OMP which would help them to get some information about their loved ones but that did not happen. The Consultation Task Force on Reconciliation Mechanisms which functioned under the Prime Minister’s office submitted its report to the two leaders of yahapalanya. The UN’s Human Rights Commissioner and many Human Rights activists here and abroad have welcomed the Report enthusiastically and have urged the government to implement its recommendations. But unfortunately Sinhala nationalists are up in arms and condemn the members of the Task Force for making recommendations such as: 1. apologies should be tendered by the Sri Lankan state to the victims of the armed conflicts. 2. LTTE cemeteries should be restored. 3. As a means of promoting reconciliation all LTTE detainees who have not been charged be released. 4. A war crimes tribunal with foreign participation be set up. 5. No amnesty should be granted to members of the armed forces suspected of war crimes. In the face of such strong opposition from Sinhala nationalists, the government leadership has opted to leave the report in limbo. It will perhaps remain with many others like the LLRC Report gathering dust for years and then be forgotten.

Of course there are many sane voices from civil society. They come from intellectuals, Human Rights activists, journalists and other professionals, stressing the fact that reconciliation cannot take place unless justice is done and the wounds of war victims healed. What happened in Nandikadal and surrounding areas are facts recorded through a witness in space (satellite imagery) and they cannot be washed away. But these voices are being drowned by the voices of the ‘patriotic’ Sinhala nationalists. They are considered ‘Traitors’ while the Tamil Activists among them are branded ‘Tigers’.

The Tamil nationalists are no better. There are some among them who refuse to be appeased and demand ‘the pound of flesh’. In this instance a piece of land. A separate state or Elam at this moment in our political history is an unreasonable and unrealistic demand. Rational politicians like Sumanthiran and Sampanthan who are willing to cooperate with the government in its attempts to introduce a new constitution based on power sharing are being called ‘Traitors’ by these extremists. This “Traitorization” can be very dangerous as pointed out by D.B.S. Jeyaraj, Prabaharan and his LTTE also branded the most rational, intelligent and educated Tamil politicians and intellectuals like Neelan Thiruchelvam, Lakshman Kadiragamar and many others as ‘Traitors’ before they were assassinated.

The new constitution making process seems to drag on. It may be due to fear of violent opposition led by the Joint Opposition and Mahinda supporters whose intention is to topple the government. It could also be that the leaders of ‘yahapalanaya’ themselves lack the political will. If it is the fear of opposition from the majority Sinhalese the government should go for a referendum and test the will of the people. Although no politician in power has so far genuinely tried to convince the Sinhalese that devolution of power is absolutely essential, (with the exception of Chandrika Bandranaike Kumarathunga) majority among the Sinhalese people are not extreme nationalists or racists who would oppose a new constitution based on power sharing. They would choose to avoid another ‘liberation war’ and live in peace with the minorities. It is time to test the will of the ordinary people and reject the voice of the politicians.

Leela Isaac
The Auditor General’s Department will state in its report on a controversial coal tender that the deal had cost the Government billions of rupees in losses, authoritative sources told the Sunday Times. The report is expected to be presented to Parliament and will reveal that the losses were in excess of Rs 3.9 billion. In June 2016, the Supreme Court held that the same coal contract awarded to Swiss Singapore Overseas Enterprises Pte Ltd was flawed and had “shocked the conscience of the Court”. It ruled that Lanka Coal Company (LCC), the Government’s procurement arm, may terminate the contract and call for fresh bids following competitive bidding procedure.

Despite this, Power and Renewable Energy Ministry has instructed LCC to place an order from Swiss Singapore for a fresh consignment of coal by January 7 this year. This is the date on which the purchasing of coal through spot tenders ends. Swiss Singapore will be called upon to supply 1.1 million tons of coal under its long-term contract with LCC.

For half a decade, procurement for the Lak-vijaya coal power plant has been dogged by allega-tions of corruption and bid rigging. The last contract–for two million tons of coal–was awarded in July 2015 to Swiss Singapore by a Standing Cabinet Appointed Procurement Committee (SCAPC). But confidential documents which found their way into the public do-main demonstrated that Swiss Singapore had secured the multibillion rupee deal by directly and illegally inter-fering with SCAPC’s evaluation process.

The Supreme Court held in its judgment that the SCAPC’s decision to award the tender to Swiss Singapore cannot stand valid in the eye of the law. It said act or decision made by SCAPC was outside its jurisdiction and, therefore, null and void for all purposes. It also said the Cabinet of Ministers had been misled.

By Namini Wijedasa  
- Sunday Times - 01/01/2017

An extract from Tisaranee Gunasekara’s article

A Wasted Second Year; An Uncertain Future

2016 was darkened by the Sirisena-Wickremesinghe administration’s willingness to emulate some of the worst Rajapaksa errors. The best case in point is a plan formulated by the UNP-half of the government – and specifically by the unelected minister Malik Samarawickrama – to handover the Hambantota port and 15,000-acre-exclusive-industrial-zone to China on a long lease. If that imprudent plan succeeds, Sri Lanka will be saddled with its own version of Guantanamo. And we the people will find ourselves in the politico-economic-military crosshairs of other countries’ battles.

As the fate of the Hambantota deal hangs in balance, it is instructive to remember that American marines first entered Guantanamo to assist Cuba in its struggle for independence against Colonial Spain. Once Spanish imperialists were driven out, Americans, instead of leaving, passed the Platt Amendment, giving Guantanamo to itself. Cubans tried to resist and failed and the lease agreement was signed in 1903.

The president and the prime minister on occasion indulge in the delusion that each can survive without the other. The truth of the matter is that neither can survive alone. If the president withdraws his support, the premier can be unseated; if the premier withdraws his support, the president can be impeached. President Sirisena will not be president for a long, if Mahinda Rajapaksa becomes the PM. Premier Wickremesinghe will find himself back in the opposition – possibly after a short stint as the acting president – if Maithripala Sirisena is impeached. The only way one can survive is if the other survives.

But neither will survive, if they fail to acknowledge and alleviate the growing public discontent. This is not limited to a rapid rise in living costs. Hints of other discontents abound, from an attack by affected villagers on a quarry in Padukka (supplying stones to the Colombo Port City) to the ongoing strike by lottery sellers. These localised or sectoral problems, if

(Continued on page 6)
allowed to fester, can cause a generalised sense of disillusion and persuade a majority of the populace that the government is incapable of improving their living conditions. If such a feeling gains ground, the SLFP parliamentarians currently supporting Maithripala Sirisena are more likely to shift back to Mahinda Rajapaksa. It doesn’t need a crystal ball to predict that they will be joined by some UNP parliamentarians.

-Sunday Island - 08/01/2017

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**CB Scam should be dealt with as a criminal case: MS**

- Auditor General is an honest official
- After culprits of bond scam are punished previous Central Bank fraudsters will be punished
- Decision to appoint a commission was taken after obtaining legal advice
- Fraudsters would be punished irrespective of whether they are supporters of the government or the opposition
- I threw away the cabinet paper to legalise homosexuality
- No foreign judges will be allowed

President Maithripala Sirisena said today that he had found that the investigation of the Central Bank bond scam was being carried out under civil law after the matter was referred to the Auditor General’s department by the Prime Minister’s office. He said it must be taken up as a criminal case.

Rejecting the allegations against the Auditor General, the President said it was he who had appointed the Auditor General who was regarded by the entire country as an honest official. "It was I who removed Arjuna Mahendran and replaced him with Dr. Kumaraswamy who is acclaimed by the whole world," he added.

Addressing a function for the opening of the replica of the Avukana Buddha statue at Abhayaramaya in Narahenpita he vowed that fraudsters would be punished irrespective of whether they were supporters of the government or the opposition.

President Sirisena stated that after those responsible for the recent Central Bank bond scam were punished he would take action to punish those involved in frauds at the Central Bank during the seven or eight years prior to the current scam.

Turning to the Ven. Bellanwila Wimalarathana Mahanayake Thera, who had earlier made a remark that the commissions were pointless, the President said that he had decided to appoint a commission on the bond issue after obtaining the advice of top legal luminaries in the country, purely to expedite the investigations.

"There were allegations that I had appointed a commission in order to sweep the matter under the carpet. Having come out of a regime that was corrupt to the core, I do not want to establish a similar rule. A thief is a thief, no matter who he is. I will do what is correct," he said.

He said that he discarded the cabinet paper to legalise homosexuality as he did the proposal to legalise prostitution. "I will reject any proposal that would be detrimental to the country," he said.

He averred that he would not give in to anybody excepting the people of the country. He reiterated his earlier stand that foreign judges would not participate in the investigations into human rights violations.

*Reported by Thilanka Kanakarathna*

-Daily Mirror - 26/01/2017

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**Sri Lanka becomes more corrupt**

Sri Lanka ranked at 95 in the Corruption Perception Index (CPI) 2016, dropping down the rank by 12 slots when compared to 2015.

The report released by Transparency International, the global movement against corruption, ranks countries according to the perceived level of public sector corruption.

Sri Lanka was ranked at 95 out of 176 countries with a poor score of 36 when compared to 2015 when the country was ranked at 83 among 168 countries.

Denmark together with New Zealand topped the list with a score of 90 followed by Finland, Sweden and Switzerland ranked 3rd, 4th and 5th respectively, as the least corrupt countries.

India was ranked the least corrupt in the South Asian region with a score of 40 and was ranked at 79 in the overall index. Following India, Sri Lanka and Maldives were jointly ranked at 95.

*Reported by Darshana Sanjeewa*

-Daily Mirror - 26/01/2017
AUDIT BILL DILUTED

The National Audit Bill is one of the major promises of the good governance government.

The surcharge powers of the Auditor General under which the damage on public property and money could be recovered from Secretaries to the Ministries have been removed from the AG. Surcharge powers can be considered the major pillar of the Audit Bill. Instead, the Audit Commission has been vested with the surcharges powers.

The employees of the Auditor General’s Department have been agitating for a long time against the government’s attempts to dilute the Audit Bill.

When we inquired about this, a senior official of the Auditor General’s Department pointed out that only the Auditor General has the powers to impose surcharges.

“Surcharges are a process which takes about a year to proceed from the bottom. The Auditor General develops this process. Only the Auditor General has powers to issue an order for surcharge.

Under the law, the Audit Commission has no power even to enter the Auditor General’s Department. How can the Audit Commission impose surcharges in such context?” the official questioned.

Reported by Niranjala Ariyawansa
-Ceylon Today - 29/01/2017

An extract from Ranga Jayasuriya’s article

MR’s opportune return

Mr. Rajapaksa did not promise to end corruption. He thought it was perfectly normal. His relatives, goons, acolytes, cronies, all of them had an opportunity to get rich. Whereas, this government pledged to fight corruption, and haul corrupt doers to court and recover billions that have allegedly been siphoned from the country. However, now it seems to be doing a Rajapaksa, even more egregiously than the latter did. The level of high-level corruption blamed on the incumbent government such as the Central Bank bond scam would put Basil Rajapaksa to shame. The government has suddenly developed an unholy interest to dig into bond deals dating back to 2008, only after the mega bond scam that took place right under its nose was highlighted by the Auditor General. The government’s tactics are a ruse to distort and distract the public opinion on the bond scam, which is by far the mother of all scams that ever happened in this country. Thus, the problem is not just corruption, but impunity with which corruption is whitewashed.

President Sirisena has belatedly appointed a Special Presidential Commission to investigate the bond scam. Unfortunately though, he spent too long pondering over his action -- or perhaps waiting for the opportune moment, i.e. forthcoming local government elections, to score a point. However, by then, the damage will be done. Still, better late than never.

Corruption, both real and perceived, would erode the appeal of recent democratic gains and endanger the future constitutional reforms that are intended to address the national question. Some time back, TNA MP Sumanthiran prophesied that if any it would be corruption that would derail a new Constitution. His prediction is menacingly coming closer to become a reality. High-level corruption would swallow up all the goodwill of this government and create a vacuum that would be filled by opportunistic charlatans who offer very simple solutions to complex problems, and govern the country by sowing divisions. That is where Mr. Rajapaksa comes in.

-Daily Mirror - 31/01/2017

Mahendran spent Ra.66mn for his own purposes : VAC

Former Central Bank Governor Arjuna Mahendran spent Rs. 66 mn of Central Bank funds on 163 occasions during a span of 21 months for his own purposes, Voice Against Corruption (VAC) Convener Wasantha Samarasinghe alleged on 05th February 2017.

He said his allegations were based on an audit report prepared by the CB’s Internal Audit Department and that the money allegedly embezzled was second only to the infamous bond issue, in which Mr. Mahendran is also said to be involved.

“The audit report gives details of Mr. Mahendran’s foreign tours and his credit card bills during his tenure up to August 1, 2016. He has failed to produce valid invoices for the 163 occasions he had either

(Continued on page 8)
Parliamentary Committee on Public Enterprises (COPE) has presented its third interim report to Parliament on February 8, which pinpointed Rs. 110 billion losses incurred to the State from 15 State institutions.

The interim report has covered activities from 1 May 2016 to 31 August 2016, based on the inquiries carried out in 15 State-owned institutions. If one were to peruse the list of the institutions that had been under scrutiny by the Committee one would be surprised as to how the institutions such as The Cooperative Wholesale Establishment, Sri Lanka Insurance, State Engineering Corporation, Telecommunication Regulatory Commission, Sri Lanka Cricket, Sri Lanka Rupavahini Corporation, National Lotteries Board, Ceylon Electricity Board, Sri Lanka Ports Authority and Employee Trust Fund could incur losses as their earnings are clearly evident to the people.

A former State Minister for Transport during President R. Premadasa’s tenure M.S. Sellasamy who was originally a trade union leader once innocently but validly questioned the officials of his Ministry in the presence of journalists how could the Railway Department and the Ceylon Transport Board (CTB) run at a loss when passengers do not use those services on credit. The officials could not convince the State Minister, literally a common man, the real reason for the continuous loss incurred by the two transport giants in the country. On the other hand, his question was food for thought for any reasonably thinking person.

Sellasamy’s question applies to many of the institutions mentioned in the latest COPE report as well.

-Editorial
-Daily Mirror - 06/02/2017

We have today run three of the concluding paragraphs of the Indian Supreme Court judgment on the Sasikala case on our front page today as we believe that there are many things for us in Sri Lanka to learn about how India tackles corruption among politicians.

There is no need to labour the point that corruption among politicians is as bad here as in India. India being a huge country, the scale of corruption there must necessarily be much greater than in this small island of ours. But the fact that the various investigative agencies were able over a period of many years to gather reams of material to convict both Jayalalithaa, Sasiskala’s mentor and her protégé who may yet ascend the chief ministerial throne in Chennai is a matter of no small import. True, the Karnataka High Court overturned the original court verdict but the Indian Supreme Court has delivered the final judgment and Sasikala is in jail.

-Sunday Island - 26/02/2017

“There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest ” - Elie Wiesel -
Final paras of Sasikala Judgment

"A growing impression in contemporary existence seems to acknowledge, the all-pervading pestilent presence of corruption almost in every walk of life as if to rest reconciled to the octpoid stranglehold of this malaise with helpless awe.

"Emboldened by the lucrative yields of such malignant materialism, the perpetrators of this malady have tightened their noose on the societal psyche. Individual and collective pursuits with curative interventions at all levels are thus indispensable to deliver the civil order from the asphyxiating snare of this escalating venality".

-Sunday Island- 26/02/2017

Extract from the Editorial : CJ condemns denial of justice to the poor

This is an era where our social analysts say that largely due to the globalised capitalist market economic system and its negative consequences, Sri Lanka’s two main professions – the medical service and the legal service -- have to a large extent become big businesses. Social scientists have warned that if medicine is put in the market, the poor will be left to die. Similarly if the law is put in the market the poor will be denied access to justice. Unfortunately this seems to have happened and the National Government needs to bring about some major structural changes in both these essential services to make them accessible to all people, specially the poor. Otherwise the law will be no ordinary ass but the rich people’s ass, the social analysts say.

-Daily Mirror - 07/03/2017

An extract from Dayaseeli Liyanage’s article

Parliamentarians getting more rewards

How over the history MPs salaries and perks increased

The Supplementary Estimate for the financial provision of Rs.537,962,790 to purchase vehicles for seven ministers, three State ministers and two Deputy ministers was tabled in Parliament this week. Presented by the Chief Whip of the Government Gayantha Karunathilaka, the Supplementary Estimate states that it was necessitated, as provisions allocated last year for this purpose were not utilized.

Accordingly, the Supplementary Estate sought approval to purchase a vehicle for the Special Assignments Minister at Rs.42,600,000. It also requested the provision of Rs.42,000,000 to purchase a vehicle for the Telecommunication and Digital Infrastructure Minister, Rs.86,000,000 for the vehicle of the State Minister of Irrigation and Water Resources Management, Rs.41,000,000 for the Science, Technology and Research Minister, Rs. 43,000,000 for the Tourism and Christian Affairs Minister, Rs.43,000,000 for the Higher Education and Highways Minister and Rs.43,000,000 for the Sustainable Development and Wild Life Minister. The Supplementary Estimates also include financial provision of Rs.62,250,000 to purchase vehicles for the Auditor General’s Department and for a vehicle on lease for the Auditor General.

-Daily Mirror -09/03/2017

Opening a can of worms

Following the ill-famed Treasury bond debacle which incurred approximately Rs 200 billion loss to the country, Arjun Aloysius is all set to take on a new venture, a liquor factory in Kalkudah. It is a well-known fact that Arjun Aloysius and his father-in-law Arjuna Mahendran are the chief suspects of the Treasury bond scam. It is reported that massive tax concessions are to be granted to Arjun Aloysius' liquor company.

Reported by Panchamee Hewavissenti

-Ceylon Today - 26/03/2017
Plenty of paddy in stores, but Govt. goes for foreign donations & imports

Sri Lanka continues to receive donations of rice from the international community while the government and private traders are holding on to millions of kilos of paddy and rice in their stores, a Sunday Times investigation has revealed.

In the main paddy production areas of the Eastern, North-central and Northern provinces, Government officials confirmed that despite the adverse weather conditions, paddy stocks were available in the Paddy Marketing Board (PMB) stores and with private traders.

In addition, the Government has also approved the import of 250,000 metric tonnes of rice. In paddy cultivating areas, farmers expressed serious concern over moves to import rice as the purchase price of local paddy would be affected.

Reported by Kasun Warakapitiya
-The Sunday Times - 12/03/2017

Excerpts from an article by Hafeel Farisz

On Dayan’s “Project Gotabaya”, Gunaratnam and moral hypocrisy

The ideology that Gotabaya represents, justified by Dr. Jayatilleka, extends further. Inherent within the nativism is also the militarist dictatorialism. The Weliveriya, Chillaw and Katunayake murders are but a minute fraction of the practical realities of this ideology. I was on the ground covering the Rathupaswela murders. A 19-year-old only boy living with his mother and grandmother was murdered, among others. For no reason. The Army shut off the electricity in the entire area that night and went on a rampage.

The Church premises weren’t spared. The Army stormed into the Church and mercilessly beat those who sought safety from their rampage within it. Rathupaswala is an hour’s drive at most from Colombo and all of this and more would be attested to by the priest at the Church and the villagers. “Sinhala apita mehemanam, apita hithaganna puluwana Yaapane mun monawa karanna athda kiyala” (If this is how they treated us Sinhalese, we can only imagine how they must have treated those in Jaffna) was the villagers’ cry at the boys funeral, on record.

The newspapers were barred from publishing the full story, because Gotabaya’s long arm extended that far. Dr. Jayatilleka would not know this, or pretends not to.

-Daily Mirror - 20/03/2017

Excerpts from an article by Kishali Pinto Jayawardene

Instruments for political purposes

The LLRC, was conceived by former President Mahinda Rajapaksa to get the pesky international community calling for accountability in respect of atrocities committed in the Wanni during the closing days of the ethnic conflict, off his back. Many of the LLRC’s excellent recommendations were disregarded in the same cavalier manner as its predecessors.

Time for pleasantries over

And brought into being on a similar rationale as the LLRC, (in other words, to divert international pressure plainly and simply), the Unity Government’s Consultation Task Force on Reconciliation which came out with its report this week, is now being contemptuously attacked by prominent Ministers. It seems, and unequivocally so, that hypocritical pleasantries and the time for sheathing the sword is now over.

Certainly the coyness on the part of both President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe to publicly endorse the effort, even if not agree with all the recommendations therein should not be seen as accidental. Clearly this was an initiative that was useful while it lasted.

(Continued on page 11)
On December 28, Aingkaran Kugathasan accompanied a friend to the Jaffna police station to lodge a complaint. It was around 10.40 a.m. and there was a long queue. But even after one hour, the line did not move.

“When we inquired, we were told there was only one policeman conversant in Tamil and that he had been summoned by a senior police officer for an urgent matter,” Mr. Kugathasan, an attorney-at-law, said. He returned over one-and-a-half hours later. And their turn came around 1.15 p.m.

“Just as the policeman started recording my friend’s statement, we were told there was an issue at the Governor’s office and that he had to go there,” Mr. Kugathasan said. “And we were asked to come the following day.”

This is just one in many problems faced by the people on a daily basis owing to a failure to implement the Official Language Policy.

The fundamental law on languages is enshrined in Chapter IV of the 1978 Constitution. These provisions were amended by the 13th and 16th Amendments in 1987 and 1988, respectively. Accordingly, Sinhala and Tamil are both official and national languages of Sri Lanka while English is the link language. Article 12(2) in Chapter III of the Constitution recognizes the right to language as a fundamental right.

But language policy implementation has moved at a snail’s pace over the last few decades. The lack of bilingual proficiency in the State sector is an obstacle to reconciliation, states the recently released final report of the Consultation Task Force on Reconciliation Mechanisms (CTF). “Shortcomings in bilingual language proficiency throughout the machinery of the State were identified in most submissions across the country as a major impediment to reconciliation,” it said, recommending that the issue be addressed as a priority.

By Sandun Jayawardana
The Sunday Times - 15/01/2017

National Question and grievances faced by a minority

In a recent article in the Daily mirror of January 5, 2017, titled “Let’s make Sampanthan’s New Year wish come true, the writer refers to the fact that the Opposition Leader has pinned his hopes for a peaceful and prosperous country in 2017 on a resolution of the National Question. The writer poses the question, ‘What is the National Question’. He takes the view that it boils down to, what the grievances are of the Tamil people, which he says should be spelt out.

In this article, I am attempting to list out some of the grievances, and would like to quote from the LLRC report which states as follows. “The Commission takes the view that the root cause of the ethnic conflict lies in the failure of successive governments to address the genuine grievances of the Tamil people”-Chapter 9 para 184. This is the conclusion of a very eminent panel after an exhaustive examination of the subject, and has to be treated with due respect. The Commission’s statement hardly fits into the writer’s notion of “tired ethnocentric narratives typical of Tamil nationalists”.

If Mr. Sampanthan’s wish is to come true, a prerequisite is that the citizens of the country belonging to all communities feel that they are equal and that the State provides services to all equally. This would require;
1. That the official languages policy is implemented in full, and this includes the Central ministries, and that Tamil-speaking citizens (and Sinhala-speaking

(Continued on page 12)
citizens living in North and East) are able to communicate with and receive communications from the State in their language in any part of the country. Although the Tamil language has been one of the official languages of the country from 1987, and this is set out in the Constitution, this provision is still to be implemented fully. This fact is mentioned in the LLRC report as a grievance to be rectified.

2. That all citizens must have equal access to services and opportunities, and this includes employment in the government services. As of now, the number of Tamil persons in the Central ministries, armed forces police etc is very low. Colombo the capital city which is 52% Tamil-speaking, is a telling example where there are very few public officials (example Grama Niladaris or police officers able to speak and provide services to the Tamil-speaking public in Tamil. The long wait for a solitary Tamil-speaking officer who is expected to double up as a translator is a familiar experience of most Tamil-speaking public who cannot communicate in Sinhala or are unable to take someone with them to interpret.

3. That justice is administered to all citizens equally, and that all citizens are equally subject to the law. At present the public perception is that certain categories of persons, are given immunity. It is an obligation of the State to investigate and take action on complaints made. In this context I refer to the crime of ‘enforced disappearance’ which is one of the most heinous crimes. Although numerous Commissions have been set up to hear such complaints there is little in the way of action taken.

The Paranagama Commission which was the last such Commission, heard and recorded 23 thousand complainants the large majority of whom were Tamil civilians who had been caught up in the armed conflict in the northern and eastern provinces. Many of the complainants while repeating their sad stories were also able to give specific details of to whom and where they had handed over their loved ones, or who the persons were who took them away (being public officers of the armed forces, the police or the STF as well as Tamil para military groups associated with the armed forces). However, no meaningful action has been taken apart from and I here quote from an article by Kishali Pinto Jayawardene, in the Sunday Times on January 8, 2017, “A stuttering Office of Missing Persons and a victim-protection system which includes members accused with good reason of terrorizing witnesses in the previous regime”. The LLRC Report Chapter 9.146 states "The government is duty bound to direct the law enforcement officers to take immediate steps to ensure that these allegations are properly investigated and the perpetrators brought to justice. It will be recalled that this report came out quite a few years ago, but evidently these recommendations have fallen on deaf ears.

4. Furthermore a justice system requires that indictments should be duly filed in respect of those held in detention whether they be ex combatants, terrorist suspects or ordinary criminals and they be tried for their crimes, and depending on the verdict either released, rehabilitated or further imprisoned. However so many years after the end of the armed conflict many ex-combatant and terrorist suspects remain in limbo without being brought to trial. Although the numbers of such persons have reduced the proper administration of justice and not the numbers affected is still the issue, and the perception of discrimination is still to be erased.

5. Transitional justice requires that citizens adversely affected by war and ethnic conflict as in the case of those whose properties have been destroyed, or who have been disabled or have lost the support of their family members should in the aftermath of the war be given some form of reparations by the State. In the aftermath of the armed conflict there are in the Northern Province approximately 50,000 women who have been widowed and who are now the breadwinners of their families, i.e. women-headed households. Similarly in the Eastern Province. These persons need livelihood support, as also psychosocial support and counselling for the trauma hey have undergone. Government resources are not being adequately allocated towards alleviating the hardships of these people. As these women are subjected to exploitation and sexual assault the observation made in the LLRC report that the women need to live in a safe environment is a pertinent one. This requires the provision of more police stations and Tamil-speaking policewomen. The absence of sufficient and adequately-staffed police stations in the North is also allowing free reign for criminals and gangsters.

6. That the State returns to the rightful owners lands and properties taken over for the military or other purposes. Security concerns can be met by setting up such establishments in state land and releasing the people’s property. Although this process is taking place it remains extremely slow and there are still IDP camps across from Army camps or farms run by the Army, where the original owners can see others making use of their property to which they themselves have no access? 7. Ever since independence, there has been little State-sponsored economic development of the northern and eastern provinces.

In the eastern province such schemes have

(Continued on page 13)
been largely with a view to aiding colonization by persons from outside the province rather than looking to the interests of the farmers of the province. Similarly there has been no development of the fisheries sector in comparison with the rest of the country. Today the northern fisherman are struggling to make a livelihood, the farmers are doing likewise as so many small tanks destroyed during the war have still to be repaired. Development in the north has remained confined to a few sectors especially the service sector, hotels and promoting tourism in which the military and wealthy busi-

(Continued from page 12)

nesses from outside the province have the major share. This does not bring benefits to the ordinary people who are crippled by debt and unable to move forward with their lives because of an absence of employment opportunities.

8. We now come to the issue of devolution. Non-implementation in full of the 13th Amendment to the Constitution especially in its spirit is probably the most obvious example of how the state has failed in its commitment to respond to the demand for greater and more meaningful devolution.

By Dr. Nirmala Chandrahas
-Daily Mirror - 30/01/2017

The forgotten victims of the PTA

"First they would strip me. Tie my hands behind my back and hang me upside down from a baalkaya (wooden ceiling beam). Then the beating would begin. They’d each take a turn... beating me with whatever they could get their hands on. Poles, steel rods, even a wooden stool at times... Then another night came... They tied my hands behind my back... put a polythene bag over my head, and then started burning the bag with lit cigarettes. The searing pain was unbearable."

This is Ravi’s* story. Ravi is a Tamil man from the plantations, who was abducted, tortured, and arbitrarily detained under the Prevention of Terrorism Act (PTA), and released five years later, all charges against him dropped. Ravi’s story is representative of hundreds of such detainees languishing in prisons around the country. Many are made to contend with multiple charges, trudge from court hearing to court hearing, without an end in sight.

For the few who are convicted, they start serving their sentences after having already spent years in prolonged detention.

“I was never part of the LTTE, and I was born and bred in Kandy,” says Ravi. "Everyone in town knew our family because my brother used to run the marathon for the army, and he was very popular. He ran like the wind." After being arrested in 2008, Ravi was brutally tortured by officers of the Criminal Investigation Division (CID) for three months straight, until he couldn’t withstand the pain anymore and agreed to sign a confession written in Sinhala, the contents of which he’s still unaware of.

Immediately after he signed the confession, the torture stopped, and he spent the remainder of his 4 ½ year prolonged detention (as he was never convicted of any crime--), without assault.

Activists, both locally and internationally, have long been calling for the repeal of the draconian counter-terror law, the PTA, but to no avail. Although the PTA as a whole infringes on a person’s basic rights and freedoms, these are some of its most alarming provisions: confessions to police officers in the absence of legal counsel, prolonged administrative detention without judicial supervision, excessive power to law enforcement officers and security forces, and creating a permissible environment for enforced disappearance and systematic torture to take place. The PTA has also been widely used to suppress dissent and free speech and assembly.

The Ceylon Independent - 14/01/2017

Excerpts from an article by Kasun Pussawala

Prisoner Reveals Horror Of Welikada Massacre

♦ Thirty five Tamil prisoners including Selvaraj Yogachandran aka Kuttimani were murdered on July 23, 1983 by state terrorism
♦ STF even fired tear gas into the wards with disabled prisoners and those who were very old.
♦ Thushara and a few other inmates were taken out and killed
♦ Although the official death count was 27 around 35 inmates were killed

Thirty five Tamil prisoners including Selvaraj Yogachandran aka Kuttimani were murdered on July 23, 1983 by state terrorism inside Chappell Ward of the country’s most secure correctional facility, the Welikada Prison. Two days later 17 more prisoners were executed inside the same ward, raising the death toll to 52.

Twenty-nine years after this terrible event, on November 09, 2012 twenty-seven prisoners were

(Continued on page 14)
executed. At that time, the government carried out an extensive cover up operation with the help of several allied media institutions to showcase the incident as suppressing a prison riot in order to create a different public opinion on the event. However, on several occasions the ugly truth behind these summary executions emerged with eye witness evidence.

The incident was investigated by a three member committee appointed by the then Minister In charge of Prisons Chandrasiri Gajadeera and the report was handed over to then President Mahinda Rajapaksa in 2014. After taking office in 2015, the new government also launched a fresh investigation into the issue on the instructions of the present Justice Minister Wijeyadasa Rajapaksh.

Although the fresh report was handed over to the Prime Minister in 2015, even after two years, the contents of the report have not been made public.

- The Sunday Leader - 05/02/2017

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Sampanthan thanks President for prompt action taken on Mullaithivu district land issues

The following is the text of Opposition and TNA leader, R. Sampanthan’s letter to President Maithripala Sirisena:

Your Excellency,

I write to thank you for the meeting I had with you on Monday the 27th with fellow Members of parliament of the Tamil National Alliance to discuss land issues in Mullaithivu District. I wish to sincerely thank you for the prompt action taken. I wish to convey to you the following:-

Kepapulavu – Pillakudieruppu –
On the basis of information received - 54 lands have been handed over to the persons entitled to same on documents. There are 30 other persons who were in possession of their lands earlier, but who still do not have permits. They are entitled to be given the lands as they were in possession earlier, before displacement. They had not obtained permits in view of the prevalent situation. The Government/Agent /Mullaithivu District Secretary/ Maritimepattu should be able to obtain the necessary information.

-Kepapulavu – Pillakudieruppu –

-Sunday Island – 5/3/2017

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Excerpts from an article by Ashanthi Warnasuriya

Shocking Details Emerge On Joseph Camp

Shocking details have emerged about “Joseph Camp” in Vavuniya, said to have been used to torture detainees during and after the war.

The International Truth and Justice Project (ITJP) led by a former member of the UN panel on Sri Lanka, Yasmin Sooka, have in their possession witness statements, photographs and other details on the alleged torture camp.

A case study by ITJP on the camp quotes, witnesses as saying there were cells at ground level and cells that were underground at the camp. Most were purposely built as detention cells with metal bars or doors. Three witnesses spent over eighteen months incarcerated at the camp. None was visited by the ICRC at Joseph Camp or by family members.

It is improbable that Sri Lanka’s top military leadership, many of whom have been based in Joseph Camp, are unaware of the unlawful detentions and violations carried out at this camp. Repeated allegations of bribery and extortion by ransom for the release of witnesses corroborate an established pattern of organized crime at the heart of Sri Lanka’s security services.

This should be of grave concern to a government elected on a pledge of “good governance”. Documentation and investigations by the ITJP and others validate allegations that a culture of torture and sexual violence, mainly of Tamils, has become institutionalised within the security forces in Sri Lanka during the conflict and its aftermath. A legacy of violations and accompanying impunity remains entrenched despite Sri Lanka’s international and domestic commitments to investigate and prosecute such abuses.

-The Sunday Leader - 19/03/2017
Excerpts from an interview with Fr. Michael Lapsley

“The war will come back if you don’t heal the wounds of memories”

Following is an interview with Fr. Lapsely who went around the country speaking to different audiences about the need to promote the mission of healing of memories.

We may provide water, housing, electricity and other facilities, but if there is hatred and bitterness, we will not create a better society. We cannot turn the pages of history without reading. If we want to live in peace, we have to accept the damage done to one another.

Q: Didn’t you think, specially in a backdrop of terrible violence, human rights violations and murders it would have been better to encourage people to bury the past move forward?
A: In the 1980s and 90s, many preferred the historical option. Let us bury and forget the past. Many countries still prefer that option. The problem is that it never worked anywhere. Because the reality is that the past keeps coming back and biting the next generation, specially because there are deep psychological, emotional and spiritual wounds in all those affected. In a war situation all parties are affected. For example today at the institution in the United States where we work with war veterans and soldiers who participated in just or unjust wars, they are damaged as a result of having served as soldiers.

Q: Do you think it is worth digging into the root causes of a war when it is over?
A: Since the war ended, whatever the manner in which it ended, it is important find the answers to the question as to how that war came about. If we don’t attend to that question, we could be calling for another war tomorrow. It can take one generation, two generations or three generations but the war would come back if one does not address the root cause.

Q: Don’t you think that healing can happen in a different way and somebody else might strongly think that let time become a healer?
A: If you want have a war for another generation yes. Evidence of history is that past will never go away. There is a difference between healing the past and burying the past. There are many examples around the world. Dominant societies say we have forgotten the past and everything is fine and we can move forward but victims pass their pain from generation to generation. If they don’t have an opportunity to heal this poison that will pass on from generation to generation.

By Susitha R. Fernando
-Daily Mirror - 10/03/2017

Excerpts from an article by Kusal Perera

Healing wounds and forging North-South dialogue

In post-independent Ceylon and later Sri Lanka, the war victims stand convinced; it was the Sinhala leaders who prepared the ground for an unwanted, unnecessary war when the Tamils wanted a “shared future”.

Sinhala leaders weren’t ready to walk together to a new and a shared life in post independent Sri Lanka. They instead dragged the country into a ruthless war that left misery and agonising devastation all round.

What is the permanent loss in North-East society, that the Sinhala South does not want to listen to and understand?

It is wounds of neglect and ignoring the agonising devastation of war. Healing cannot happen if the Sinhala society is not prepared to accept the necessity to discuss the 69-year post independent history with

(Continued on page 16)
The reluctance in the South to sit for serious dialogue on "Truth" would lead to "another war" which was what Rev. Fr. Lapsley warned about. That begins with the question never asked and always taken for granted here in the Sinhala society. “What led to the emergence of a ruthless LTTE?”

Let’s accept the fact that Sinhala leaders in “Independent Ceylon” created doubts and suspicion in the minds of the minority communities from day one.

In the first year, plantation labour that contributed largely to our economy for over a century were made Stateless and retained as pauperised labour to work on the plantations. The Sinhala Buddhists proved that they can be cruel and wicked to innocent human beings.

Seven years after Independence, all Tamil people and most Muslim people in the East were left outside decision making by declaring Sinhala the “only” official language of the country.

We could have made both Sinhala and Tamil the official languages, but we didn’t. What did we gain more during the 32 years that lapsed till the Constitution was amended for the 16th time in 1988 to make Tamil also an official language?

Nothing but an aggravating conflict.

With those questions, if we browse through the first 30 years of Independence, what is there to learn, is that we betrayed the democratic Tamil leadership of “Thanthai” Chelva and his Ilankai Tamil Arasu Katchi (ITAK) many times over.

We made them irrelevant in all their efforts to compromise and settle for democratic answers. What could take its place there after? We in the South therefore have no right to blame Tamil people for the emergence of the LTTE. The birth of the LTTE was no accident.

There’s nothing maniacal in its emergence. Removing the LTTE from “ground” realities, wouldn’t alter the “political” reality that demand answers.

**-Daily Mirror - 17/03/2017**

**Constitution**

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

**Proposed Constitution somewhat Similar to APRC Proposals**

Q : The SLFP is categorical that it is for a unitary form of governance, and not ready for any compromise on the foremost place accorded to Buddhism. How do you expect power devolution in that context?

A : With regard to the SLFP position, most of the SLFP Ministers are those who opposed the election of President Maithripala Sirisena. All the senior Ministers- Nimal Siripala de Silva, John Seneviratne, S.B. Dissanayake, Anura Priyadarshana Yapa, Susil Premajayantha- opposed this idea at the very beginning itself. They were defeated along with Mahinda Rajapaksa. They cannot dictate terms as to what this government should do. They joined President Sirisena after he was elected President.

It only means they accepted the people’s verdict and the mandate given to the President. They cannot put forward their defeated ideology. Then, they should sit in the Opposition. That is a significant mandate given to President Sirisena to abolish the Executive Presidency. In fact, when he announced his candidature, it was the first pledge he gave to the country. He repeatedly said he would not contest again. Now, that was the promise he gave to the people. People have elected him on that promise. It is not for those who opposed him to come and ask not to abolish the Executive Presidency, and to contest again. It does not fall within their purview now to say that.

(Continued on page 17)
Q : What is the extent of the amount of power you expect to be devolved in the whole process?
A : We have discussed this at length in the Steering Committee. What we found was that we did not need to start from scratch because, in the past, there have been many, many processes. There has been substantial consensus at least two of them. That is the APRC process instituted by Mahinda Rajapaksa as the then President. Before that, it was the 2000 bill of former President Chandrika Bandaranaike Kumaratunga.

That had a large consensus around it. The UNP was the only party that opposed it. It opposed the transitional provision, not the content. Mahinda Rajapaksa was a Cabinet Minister then. It was with the Cabinet approval that the bill was brought to Parliament. He did not object to it. All of these Ministers whom I mentioned now were all in the Cabinet at that time, when they brought forward a bill without the word unitary. It did not have the word 'unitary'. So, what we are now trying to do is to look at all these different processes starting from the Mangala Moonasinghe Select Committee, and come up with a document that incorporates all of these. It does not go beyond any of these. There is no room for anyone to object to any provisions. All provisions contained in the new draft are what had been agreed to in the past.

Q : How do you specify the extent of powers to be devolved?
A : We have the draft bill of former President Kumaratunga, to which all of these people agreed. We are not even going that far. It might be somewhat similar to the APRC report proposals. It recommended the abolition of the concurrent list. There is nothing anyone has ever objected to. The premise is one undivided, indivisible country. It cannot be divided even in the future. That is a matter we, ourselves, suggested. Now, within that framework, we are trying to see how governance can be taken down to the lowest level. One difference between the other proposals and what we are looking at is that there will be power-sharing at three levels- the central government, provincial levels and local government levels.

We have a separate list for local governments as well. What can be done at the local government level should not be taken to the provincial level. There are many things that cannot be done even at the provincial level- national security, foreign affairs and lots of other things. It is a model where people have access to governance in their locality. They do not have to come to Colombo for everything, not even to their provincial capitals.

Q : There is debate over the current foremost status accorded to Buddhism as the majority religion. What is your view on it?
A : We are trying to create a modern Constitution that assures equality to all the people. I do not think anyone in this country will dispute that all the people must be equal. You cannot, on the one hand say everyone is equal, and then say Buddhists have foremost place. That is the contradiction. That must be understood by the Buddhists also. At the same time, we recognize that history of Buddhism and the history of this country have a very close relationship.

There is in fact a special place for Buddhism in this country. We are not grudging that fact. We are willing to accommodate that. Special place to Buddhism is something we will readily agree to. But when you say it is foremost, it says better than the others. That thinking is not consonant with the idea of equality.

Q : When you equalise rights, does it mean the right to propagation of religions?
A : It includes everything. Whatever the Buddhists can do, others must also be able to do. That is equality to people having faiths or without faiths even. On religious ground, there should not be any discrimination.

Q : In your view, what are the rights denied to minorities because there is no power devolution?
A : That is the right to decision making. The Constitution Assembly of 1972 is a good example of it. When there is a permanent majority and there are permanent minorities, decisions will always favour the majority because they are large in number. It is to balance that inequality, at least in areas where they are the majority, that some power is given. Power means decision making power.

By Kelum Badara
-Daily Mirror - 17/01/2017
Q: During your presidency in 1994, you made a pledge to abolish the Executive Presidency, but you failed, what could you say about it?

A: Ranil was the one who did not allow me to do it. I was concerned about the abolition of this post from the beginning. More than that I was keen to find a solution to the ethnic issue. By August 1995, I presented a draft of a new Constitution to the country. But it was brought to Parliament after improving it only after five years.

But it was set on fire inside Parliament. In one chapter of that draft, there was a clause saying that the post of Presidency should be totally abolished. But it was not mentioned that after my second tenure of presidency (1999-2005) that this would be done. We had discussions with the UNP led by Ranil on 33 occasions about every word of the draft Constitution. With the approval of the UNP some of the clauses in the draft were changed, and finally a draft acceptable to all was prepared. Whenever discussions on the abolition of the Presidency was discussed, the UNP always differed the matter.

Finally Ranil did not come for these meetings. Karu Jayasuriya and Tyronne Fernando and a group of UNP members attended the discussions. However, they kept saying that they had failed to arrive at a decision. On seven occasions I allocated dates for discussions, but the UNP representatives always said that they were still to arrive at a final decision.

They might have feared that I would continue to hold office for another five years, I categorically stated that if they voted for this, I would definitely leave this post in two years. There was no reply to this as well. Then I called Rathnasiri Wickramanayake, who was the PM at that time and instructed him to inform Ranil that I would be leaving the post not in two years, but in one. But the response from everybody was for me to go on. Even Tamil parties too wanted me not to give up.

They were of the opinion that my leaving at that moment would create issues. The UNP never gave a definite answer to these questions, but resorted to burning the draft proposals. Rajitha Senaratne had said recently that I wanted to stay for another two years and they objected to it. No one had ever attempted the sacrifices I made towards the abolition of the post of Presidency.

Q: This government has entrusted to you the task of building national reconciliation. What is the present position of it?

A: It is successfully carried out. In the face of opposition and a handful of extremists, activities are continuing with the blessings of the majority. Reconciliation means a lengthy activity. What is urgent now is to bring in a new Constitution, and then comes the establishment of the Office of the Missing Persons. With these in place, there would not be any necessity to have courts to probe war crimes.

Q: A few days ago after the release of a report by Manori Muththettuwegama, a direction had been made to the effect that Foreign Judges should be included to probe the issues during the final stages of the war, and the Joint Opposition had been very critical on this issue. Would you like to share your thoughts on this?

A: They have no right to comment in that manner. The committee was entrusted to obtain the views of the public and submit its report to the government. That was the responsibility of the committee. Their own ideas too had been incorporated in the report.

By Upul Wickramasinghe
-Daily Mirror - 02/02/2017

“In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.” - Immanuel Kant

“If we don’t believe in freedom of expression for people we despise, we don’t believe in it at all.” - Noam Chomsky
The Sri Lankan government has not met its pledge to curtail police abuses prior to the March 2017 session of the United Nations Human Rights Council, Human Rights Watch said today. Security sector reform was one of 25 undertakings by Sri Lanka in the Human Rights Council resolution adopted by consensus in October 2015. The Sri Lankan government has failed to repeal the abusive Prevention of Terrorism Act or take serious measures to reduce torture in custody.

“It’s crucial that the Human Rights Council consider closely whether Sri Lanka made progress in the security sector as well as its other commitments such as transitional justice,” said Brad Adams, Asia director. “Nearly 18 months after making important promises to the council, Sri Lanka’s leaders appear to be backtracking on key human rights issues, including reforming the police.”

Reform of the security sector has lagged behind action on the council resolution’s four pillars of transitional justice: accountability, the disappeared, truth-seeking, and reconciliation. A recent report from the UN Special Rapporteur on torture, Juan Mendez, highlighted the ongoing “culture of torture” in the country. A 2015 report by Human Rights Watch also found that Sri Lankans routinely face torture and other ill-treatment by the police. In the vast majority of cases, the victims were unable to obtain any meaningful redress.

The government has also yet to repeal the draconian Prevention of Terrorism Act (PTA), which has been used to arbitrarily detain terrorism suspects and others without charge for years. During the country’s 26-year-long civil war, the government asserted that the PTA was a necessary tool in its battle against the Liberation Tigers of Tamil Eelam. Yet, nearly eight years after the war’s end in May 2009, the PTA not only remains on the books but continues to be used to arrest and detain people.

Lawyers and relatives of PTA detainees told Human Rights Watch in May 2016 that police arrests were still being made in the notorious white vans used by the previous government, creating fear of a return to a culture of enforced disappearances. The practice has abated somewhat after an outcry from the rejuvenated national Human Rights Commission and rights lawyers. Lawyers, families, and the Human Rights Commission report having access to PTA detainees, an improvement from past practice.

“A number of those arrested in 2016 under the Prevention of Terrorism Act were implicated in committing or plotting terrorist crimes,” Adams said. “Yet there was no good reason for not using the regular criminal code rather than an abusive law that should have been repealed years ago.”

The Special Rapporteur on torture, following a May 2016 visit to Sri Lanka, found that torture to produce confessions, including beatings, sexual violence, extreme stress positions and asphyxiation, was being committed in police stations, military facilities and detention centers throughout the country.

Human Rights Watch’s own investigations found that police routinely use torture to compel confessions for even minor offenses, such as petty theft and making illicit alcohol, and this affected all ethnicities and social groups. The Special Rapporteur described a “worrying lack of will within the Attorney General’s Department and the judiciary” to investigate and take action against those considered responsible for torture, noting that authorities kept repeating to him that there had been no complaints of ill-treatment or torture, and consequently no investigations.

“Deeply embedded practices linked to the war, like police torture, don’t just go away once the war is over,” Adams said. “Curtailing torture in Sri Lanka requires serious reforms of the security sector, prosecutions of those responsible, and sustained political will from the top.”

In June 2016, President Maithripala Sirisena issued a directive to the police and military to refrain from torture but the impact of the directive has gone unreported. Legal provisions in violation of international law remain on the books, such as permitting criminal liability at the age of 8. Ensuring the right to counsel at all stages of detention has also not been remedied.

The upcoming Human Rights Council session provides an important opportunity for UN member countries to closely examine the Special Rapporteur on torture’s report and the problem of torture and other police abuse in Sri Lanka. They should press the government to address these concerns as part of the overall reform efforts underway under the Human Rights Council resolution. And they need to be careful not to endorse measures that would set back human rights protections, such as earlier draft counter-terrorism bills to replace the PTA.

"UNHRC Demands Accountability: Pledge to End Police Abuse Not Met, HRW urges Sri Lanka"
Govt’s Geneva Dilemma Why Sincerity Matters

As Sri Lanka gets placed, once again, on the Human Rights Council agenda this month, it is difficult to ignore the significant shifts -- internal and external -- that have taken place since Sri Lanka was last on the Council’s agenda in September 2015. Then, flush with victory and the confidence to champion reform, the Sri Lankan Government negotiated a finely-crafted resolution amid global plaudits. Back at home, the President was credited with what was termed an historic victory in Geneva.

Today, the situation is sharply different. While there will inevitably be another resolution requesting Sri Lanka to fully implement the terms of the 2015 resolution, the reporting period appears to be extended by two years, providing the government ample time within which to devise its strategy. Sri Lanka’s claim that the constitutional reform process must be given priority has been respected. However, the global mood with respect to Sri Lanka, and the appearance of credibility carried by the government has shifted. High Commissioner Zeid’s report was critical of the government, noting that the government has failed to advance accountability in sufficient measure. This frustration at the government’s failure to make use of existing political space will also likely be reflected by other country delegations in Geneva. Meanwhile, a number of UN Special Rapporteurs and treaty bodies have also released reports critical of the government’s human rights record.

While these reports point to the lack of progress on a range of human rights issues such as Transitional Justice, land releases, the PTA and witness protection, the fundamental driver of skepticism and frustration manifested in these reports comes from a growing feeling that the government is insincere. The President’s unilateral statements seeking to renegotiate a hard-fought compromise on international participation in the proposed special court may even have been forgiven by the international community, had he not gone further. His needless refusal to assign the Office of Missing Persons Act -- and thereby increasing the agonizing wait by families of the disappeared -- as well as his frequent presidential diatribes against NGOs that champion criminal accountability for human rights abuses have not gone unnoticed.

Left unchecked, the growing skepticism at home and abroad will in time exact a heavy reputational cost on Sri Lanka. For a government whose strategy of progress is hinged so heavily on international support and financial interaction, the loss of global face will not merely be symbolic and will in time come to affect financial bottom lines.

Truth-Seeking Commission legislation in two months

The Sri Lanka Government expected to present the draft legislation on the Truth Seeking Commission to the Cabinet within the next two months, Foreign Affairs Minister Mangala Samaraweera assured member states at the 34th Session of the UNHRC in Geneva yesterday.

The Minister said the Government’s resolve to bring justice to the victims of Human Rights violations remained firm.

He said the public consultations carried out by the Consultation Task Force on Reconciliation Mechanisms were another important undertaking which was successfully concluded.

“More than 7,000 written submissions have been received from persons from all walks of life, many of them victims of Human Rights violations, who came forward to give their views. The Report of the Task Force is presently being studied in the context of designing the relevant Mechanisms for Truth-Seeking, Reparations, Justice, and other reconciliation processes,” he said.

Taking allegations of continuing incidence of torture, he said the Government maintained a zero-tolerance policy towards torture.

“Although the National Human Rights Commission indicated that there was a downward trend of incidents, even one incident of torture is one too many. The Human Rights Commission, the Police and the Law and Order Ministry are working together to prevent and combat torture. This too is an area in which we require technical assistance and I hope that countries will come to our assistance,” he said.

Reported by Lahiru pothumulla
-Daily Mirror - 01/03/2017

Excerpts from an article by Niran Anketell

Truth-Seeking Commission legislation in two months

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The Minister said the Government’s resolve to bring justice to the victims of Human Rights violations remained firm.

He said the public consultations carried out by the Consultation Task Force on Reconciliation Mechanisms were another important undertaking which was successfully concluded.

“More than 7,000 written submissions have been received from persons from all walks of life, many of them victims of Human Rights violations, who came forward to give their views. The Report of the Task Force is presently being studied in the context of designing the relevant Mechanisms for Truth-Seeking, Reparations, Justice, and other reconciliation processes,” he said.

Taking allegations of continuing incidence of torture, he said the Government maintained a zero-tolerance policy towards torture.

“Although the National Human Rights Commission indicated that there was a downward trend of incidents, even one incident of torture is one too many. The Human Rights Commission, the Police and the Law and Order Ministry are working together to prevent and combat torture. This too is an area in which we require technical assistance and I hope that countries will come to our assistance,” he said.

Reported by Lahiru pothumulla
-Daily Mirror - 01/03/2017
Excerpts from an interview with Dr. Nimalka Fernando

Put Victims First When Creating Mechanisms

Q: As part of civil society who backed the current government and who pushed for justice for the victims of human rights abuses, what is your reaction to the government’s decision on foreign judges in the post war accountability process?

A: The choice of what we want is the choice of victims. After all it is these victims of war, who lost their family members, who experienced war violence and rape, who were tortured and hundreds and thousands who were direct victims of war crimes and conflict. The matter is linked to the crimes and violence related to the last stages of the war. I am sad that political leaders who came to power assuring Tamil people that justice will be done, now say ‘we will define justice having other considerations.’ When the leaders wanted the votes of these people no conditions were imposed. There was complete faith in the new government to establish a judicial process that will give them confidence. The government agreed to the participation of foreign judges in the resolution adopted in October 2015. Up to date the authorities have failed to revive and expedite cases of the five youth killed in Trincomalee and or murder of the ACF humanitarian workers in Muttur. Why? What is stopping them? If the government wants to take a stand like this then they must prove good faith by showing the victims that they can deal with these cases openly and in a committed manner.

Nothing has happened to give confidence even to Sandhya Eknaligoda. It is important to question ourselves whether we have a conscience regarding the victims.

Q: Is the government suddenly showing lack of political will on the human rights issue?

A: This is shameful political expediency demonstrated to safeguard themselves and ensure the enjoyment of political power. It is my view that there is abuse of trust that we deposited in the political leadership in 2015.

Q: There seems to be a fear that Sinhalese extremists will use the Geneva issue for their benefit and the government seems to fear that.

A: Half my life I have seen anti-peace and anti-minority political forces campaigning against political settlement to the conflict. This is unfortunate. This country belongs to all those who are citizens and just because we bring a political resolution which is just and equitable upholding the power sharing process the Sinhalese will not lose power. This is a political gimmick to keep their racist constituency nurtured for political gains. This will be proved at a referendum and we have to blast this myth to make Sri Lanka become a powerful country united and led by political leaders of all communities.

Q: How do you see the recommendations by the Consultation Task force on Reconciliation?

A: I endorse the recommendations and call upon the government to make plans to make this report public and develop a consensus.

By Ashanthi Warunasuriya

- The Sunday Leader - 12/03/2017

- Daily Mirror - 01/03/2017
Major General’s book becomes war crime dossier: FM

Anti-Sri Lanka activists have snapped up retired army general Kamal Gunaratne’s tome to buttress their allegations of war crimes against government forces, Foreign Minister Mangala Samarawewa said.

The 741-page “Road to Nandikadal” published by Gunaratne the day after he retired from the army, was a catalogue of atrocities committed by government forces since early 1980s, the minister told reporters at his ministry last week.

Setting fire to homes of Tamil civilians, killing innocent civilians and plundering valuables of homes under the guise of cordon-and-search operations have been listed by Gunaratne in minute detail.

The minister said the language used by Gunaratne also indicated that he derived pleasure by seeing the death and destruction around him and in his own words he had admitted that as an officer he did nothing to discipline soldiers under his command.

The book details how government forces set fire to homes and buses in Jaffna during the “1983 referendum (sic – page 30)” and Gunaratne as a young officer “watched it unfold, at times with amazement and at times with eagerness.” The referendum was actually held in December 1982.

Gunnaratne’s original unit, the Rajarata Rifles, was disbanded but Gunaratne himself escaped punishment according to his book and the unit emerges as the “mighty Gajaba Regiment.”

Minister Samarawera said Gunaratne’s book was replete with day-to-day incidents where Gunaratne admitted that he personally assaulted Tamil youngsters for riding motorcycles without wearing helmets. The minister described the book as a betrayal of the Sri Lankan military.

-Sunday Island - 19/03/2017

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Excerpts from an interview with Niran Anketell

Foreign Judges can hear cases

Attorney-at-Law and Co-Founder of South Asian Centre for Legal Studies Niran Anketell who has litigated human rights, constitutional law, and civil cases in Sri Lankan Courts for over seven years speaks to Ceylon Today on the government co sponsoring the United Nations Human Right Council’s resolution 30/1.

"The Constitution does not say we cannot appoint foreign Judges," the human rights lawyer points out.

?: Will the government be able to implement the resolution fully within the next two years as it promised the international community last week at the 34th Session of UNHRC in Geneva?

A: I don’t think they will do it because they don’t want to. It has become quite clear that the government does not wish to move with the respect of the question of accountability and probably in order to placate the military, has decided that it will to go slow without completely stalling the pursuit of accountability in respect of crimes committed in the past. That was not always the position of the government. I think when they co sponsored the resolution in 2015, there was a different view and that view was not held just by the Foreign Minister and the Prime Minister but also included the members of the SLFP. The President defended the resolution in many forums and at a two-day parliamentary debate in October 2015. But today, there appears to be no interest in moving in respect of this issue.

?: There is a notion that if the hybrid Court and other clauses in the resolutions are to be implemented, this government will ‘lose’ its popularity and may even be toppled at the next election. What do you have to say?

A: This government has done little and a very poor job in communicating the resolution, the transitional justice process to its people. Therefore, there is a huge amount of misconception between communities, particularly the Sinhala community. They are wondering what the transitional justice projection will lead to. Going after the military means only targeting those who are responsible and it does not target the entire security forces. This has to be explained. What is happening is that, soldiers are being blamed for the crimes committed by those who gave the orders. Those who gave the orders to commit crimes are not being held responsible but are scot free. In the Raviraj, Kumarapuram and Mirusuwil massacres, only the junior soldiers were nabbed and tried. They are responsible but they are handpicked to commit crimes by the seniors. The LTTE also did the same. Combatants committed the crimes taking orders from their seniors.

By Sulochana Ramiah Mohan
-Ceylon Today - 26/03/2017
Before the wheels come off...

Just after Chandrika Kumaratunga came to power there was a spate of strikes. The phenomenon was celebrated at first by the then Government as an indication of increased space for the expression of democratic freedoms. Not too long afterwards the very same regime decried strikes as an abuse of freedom. The line changed to, “The strikers are irresponsible and are demonstrating nothing but the freedom of the wild ass.”

It is happening all over again. We hear the same kind of dismissive statements from the Government. Indeed, they’ve gone a step further, borrowing a page from the previous regime, describing agitation as the voice of a disgruntled few who are being used as pawns by the joint opposition.

It’s all too familiar. When agitation is not being celebrated as evidence of enhanced freedoms under the current dispensation, it is dismissed either as abuse of privileges by the irresponsible or the antics of the joint opposition.

Naturally, any Opposition worth the title will not miss any opportunity to piggy-back on any course of action against any government. That’s politics. This Government is a coalition made of the two main political parties in the country. Both parties have played this game and do not have the moral authority to cry foul. This of course doesn’t mean that piggy-backing is all that the Opposition does. Everyone is someone else’s pawn and political organizations are the best positioned to turn any population segment into a pawn, foot soldier or cannon fodder.

-Editorial
-Daily Mirror - 09/03/2017

Healing wounds ......

In 2010 Kilinochchi recorded 180 attempted suicides. In 2011 it was 331. The first six months in 2012 showed 177 attempted suicides.

The misery, the agony and the desperation these war affected people live with need no further details.

According to a University of Jaffna Community Medicine Research study in 2010, 82% were directly exposed to war, 67% narrowly escaped death, 63% had lost family or friend, 43% witnessed killings, 27% had been imprisoned, 23% kidnapped or abducted and 18% had been tortured or beaten.

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