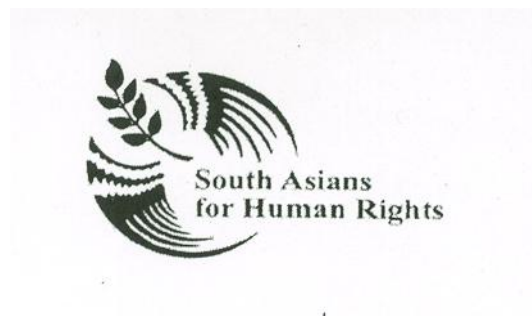


PARLIAMENT WATCH – SRI LANKA*

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A new legislature and new challenges

April was a significant month for the Sri Lankan Legislature. Two months after re-electing President Mahinda Rajapakse for a second term, April 8 was the appointed day to elect a new Legislature.

April witnessed the outgoing Sixth Parliament convened just once on April 6, 2010 to extend the state of emergency prior to the election. Sri Lanka has been ruled under the emergency regulations for over 24 years with a brief departure from this practice being recorded during 2002-2004.

New era

With the war at an end and the President Rajapakse comfortably securing a second term, the month of April also inspired public faith that a new political order could be ushered in post Parliamentary Elections.

On April 22, 2010, the Seventh Parliament of Sri Lanka was convened. There was significant hope that the new legislature may take decisive action with regard to specific laws, repeal and/or relax some of them in a bid to pave the way for normalcy and **de-militarisation in post war Sri Lanka**.

The April 6th session was significant as the ruling coalition made clear pronouncements about relaxing the emergency regulations, introduced under the Public Security Ordinance (PSO) that in effect restricts individual liberties to a significant extent.

This announcement naturally drew mixed responses with some questioning the bona fides of this sudden decision, tying it up with Sri Lanka's need to attract foreign financial support to develop the country. It also drew focus to the fact that the decision stemmed largely from a dire economic need to salvage the GSP + facility.

Government legislators were heard speaking much in support of the need to strengthen the human rights record of Sri Lanka and were heard extolling the virtues of states that uphold rights of the citizenry.

Emergency laws

It was clear from the tone of the government during the debate to extend the state of emergency that while the State considered it important to relax some of the harsher aspects of the regulations, there was stoic insistence that the regulations should not be completely relaxed.

Leader of the House, Nimal Siripala de Silva who opened the debate presented the official government viewpoint. De Silva said he wished he was proposing the extension of the state of emergency for the last time. However, he opined that

the security situation both locally and internationally required the maintenance of the state of emergency for the time being and even remarked that there were accusations of abuse of the regulations by the party in power.

De Silva said: "This is the last time we are debating the extension of emergency regulation in the Sixth Parliament and I wish this is the last time we have to do this. Although we don't like to do this, I think everyone agrees that this is essential. We managed to defeat terrorism with the emergency regulations in force although some people claim that the government is misusing these regulations."²

In justification of the emergency regulations, he said:" We but we must not forget that the Sri Lanka Army is still uncovering caches of weapons from areas like Wellamulliwaikkal. Some LTTE sympathisers still want to rekindle separatism. Even the US State Department has warned us about such efforts, and as a government, we have to be ready to counter them,"³

De Silva's contention was that emergency regulations were required at least for a few more months to effectively carry out the development projects as well as to improve the human rights situation in the North. "We are trying to develop the economy of the north and ensure that people can enjoy their basic human rights. The emergency regulations are necessary for this. However, the government is committed to relaxing some aspects of the emergency regulations."⁴

Stifling democracy

However, the opposition legislators were not in agreement with de Silva's claims but accused the government of blatantly abusing the emergency laws to deny basic human rights and the democratic principles so dear to the average citizen.

Senior UNP parliamentarian John Amaratunge raised the issue of human rights abuses in the North and the flouting of election laws in the South under the guide of emergency.

"The government is abusing the emergency regulations to destroy the basic principles of democracy. While you speak of human rights for the people in the North, the truth is that these rights are not only violated in the North but also in the South as well. Just look at how election laws are being violated? The government is violating the right to one's franchise." Amaratunge noted.⁵

Amaratunge also drew attention to another aspect of rights violations- the stifling of the media and the curbing of peaceful demonstrations to highlight concerns.

² Hansard Report, April 06, 2010, pages 96-98

³ Hansard Report, April 06, 2010, pages 96-98

⁴ Hansard Report, April 6, 2010 pages 96-98

⁵ Hansard Report, April 06, 2010, pages 99

Complaining of the present regime's lack of respect for democratic rights and its abusive practice of violently crushing dissent, Amaratunge further noted: "Last week, Buddhist monks who were protesting were beaten up and arrested. Sirasa TV Complex was attacked in broad day light. The government wants to shut down the only broadcasting station that does comparatively independent and unbiased news reporting. Is this not an attack on democracy? The police have been totally politicized." ⁶

Similar grievances were aired by the Sri Lanka Muslim Congress (SLMC) Leader Rauff Hakeem during the debate to extent the state of emergency.

He contended that although the war was officially over, the root causes that caused violence to erupt remain unaddressed. He critiqued what he termed the government lethargy in proposing a political solution and blamed the administration for blatant abuse of emergency powers to stifle the democratic rights of opponents and citizens.

"Look at the situation in certain electorates. It is unprecedented in the annals of our history that the conduct of police has come in for so much of criticism. We see that some officers-in-charge have become cronies of certain ministers and organisers of electorates. Absolute cronyism is being practiced. There have been repeated complaints with regard to the situation in certain areas. It is not simply an issue of the officer- in -charge being partial to a candidate, but the officer-in-charge himself being actively engaged in the campaign and is directly involved in terrorising the Opposition." ⁷

New Parliament

The old makes way for the new and three weeks later, on April 22, the inaugural session of the Seventh Parliament of Sri Lanka was held.

Although the ruling coalition had a clear majority with 144 members, the main opposition, the United National Party (UNP) was in complete disarray with its members bickering over issues of party leadership and policies.

It appeared that the Seventh Parliament was keen to demonstrate strong commitment to securing the GSP+ concession, the loss of which could endanger the employment of thousands of workers especially in the manufacturing and apparel sectors. With over a million people likely to have their employment directly impacted if the GSP+ concession is withdrawn, there were visible signs of government commitment to showcase the new administration in a more positive light and specially, as an administration committed to human rights.

Rights for all communities

⁶ Hansard Report , April 06, 2010, pages 104-05

⁷ Hansard Report, April 06, 2010, pages 113-14

As the supreme law making body and the assembly of democratic political representation, it is but only right that the Legislature ensures the rights of all communities.

The need to assure all communities of the protection of their rights was stressed upon in the new Parliament by Tamil National Alliance (TNA) Leader, R. Sampanthan. Addressing the inaugural session, Sampanthan highlighted that the new Parliament, unlike others before, had a golden opportunity to move forward and to address issues that could not be openly discussed during the Sixth Parliament.

He said: "A 30 year old war is over but the national issue is not resolved although the 30 year war has ended and this Parliament has the chance to discuss the issues that could not be addressed in the previous Legislature. The House has shown faith in Chamal Rajapaksa by unanimously appointing him Speaker and hence he must ensure that the rights of all communities are well protected".⁸

There were other developments worthy of note from a human rights perspective. The new Parliament also had to address severe rights infringements of one of their own, newly elected Retd. Gen. Sarath Fonseka, who is also the leader of the Democratic National Alliance (DNA).

The Common Opposition Candidate during the January 26, 2010 Presidential Election - Fonseka, is currently facing a military tribunal for unspecified charges and was among the many fresh faces in the Seventh Parliament.

His entry to the Legislature has been hailed not only as a political achievement by the retired military officer but one welcomed by human rights groups here and abroad given the circumstances under which he was taken into custody and made to face a court martial.

However, the day before, the inaugural session was rife with speculation as to whether Fonseka who is currently under military detention and facing two courts article would be allowed to fulfill his new legislative duties. In fact the possibility of Fonseka taking oaths as a parliamentarian appeared somewhat bleak with legal opinion expressed also not being clear as to whether he was precluded from taking oaths while facing courts martial.

Nevertheless, Fonseka was also among the main speakers during the April 22 inaugural session of the new Parliament.

His speech was naturally a call for the restoration of human rights and civil liberties in Sri Lanka including his own. He also had severe criticisms on the emergency regulations and viewed them largely as tools that could be used to

⁸ Hansard Report, April 22, 2010, pages 21-22

effectively victimise people and allowed authorities to punish individuals without a trace of evidence.

“It is the Parliament that should play a leading role in upholding democracy. It is our responsibility as parliamentarians to safeguard equality, the right to free expression, personal freedom, justice and the Rule of Law. At this point in time, we should work together to ensure basic human rights such as freedom of expression, right to uphold political opinions, the right to association and the freedom from arbitrary arrest. I know the importance of assuring these basic rights,”⁹

In his maiden speech in Parliament, Fonseka referred to the many ‘injustices’ caused to him and many times claimed that he was a man wronged and a “political prisoner”.

Among the key points he highlighted was the need for equality before the law and the right to dissent. “The government wishes to keep me away from the masses but they have believed in me and elected me to this august assembly. While thanking those who voted for me, I also thank those who did not cast their votes for anymore as a sheer mark of protest,” he noted.¹⁰

Fonseka’s clarion call for basic human freedoms may and may not be heeded in the coming months. But the month of April certainly set the tone for review and repeal of emergency regulations under which Sri Lanka had been ruled for over 24 years.

⁹ Hansard Report, April 22, 2010, page 23

¹⁰ Hansard Report, April 22, 2010 page 23