

# PARLIAMENT WATCH – SRI LANKA\*

**APRIL 2011**



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April from the outset was overshadowed by the UN Special Panel's Report on Sri Lanka and generated much heat and debate outside the Sri Lankan Parliament. The House in contract demonstrated a cautious attitude towards the report.

The report of the Panel of Experts appointed by the United Nations Secretary General (UNSG) Ban Ki-Moon was officially shared with the Government of Sri Lanka on April 12. The UN report was released just four days after the release of 2010 Human Rights Report on Sri Lanka compiled by the Bureau of Democracy, Human Rights and Labour of the US State Department which was extremely critical of the Rajapaksa administration.

The State Department report, published on April 8, stated that the Sri Lankan military forces were responsible for human rights abuses emboldened by official impunity and that security forces "tortured and abused detainees; poor prison conditions remained a problem; and authorities arbitrarily arrested and detained citizens."<sup>1</sup>

It further stated that denial of fair public trials remained a problem adding that the judiciary was subject to executive influence; which has greatly increased with the passing of the 18th Amendment to the Constitution. The government also infringed on citizens' privacy rights, freedom of the press, assembly, expression and movement.<sup>2</sup>

Four days later, just before the Sinhala and Tamil New Year, the Sri Lankan mission head in Washington DC, Jaliya Wickramasuriya was handed over the UN report which the Ministry of External Affairs immediately denied as 'biased and flawed.'<sup>3</sup>

Among the main allegations levelled by the UNSG's Panel report are that the Sri Lankan Armed Forces shelled civilians, hospitals and other humanitarian institutions, failed to provide adequate aid for those trapped by the Liberation Tigers of Tamil Eelam (LTTE), human rights violations of the detainees and Internally Displaced Persons (IDPs) and attacks on media freedom (carried out outside the theatre of war.)<sup>4</sup>

The unifying theme of both reports remained 'accountability,' which is a much talked about topic in Parliament and the general public forums ever since, or even during, the Eelam War IV.

However, instead of encouraging and critically analyzing the possibilities of rights abuses, the Panel Report seems to have blunted the debate. The response of mainstream Sinhalese opposition political parties was an effort to combine the condemnation of the report with a critique of anti democratic actions of the Rajapaksa regime. Given the prevalence of the triumphalist nationalism of the majority and the government's successful branding of the report and its findings as a LTTE/Tamil Diaspora conspiracy, it is unlikely that any mainstream party would agree with the report's recommendations.

In essence, a middle path is required when dealing with the twin reports. While there is no need to abdicate Sri Lanka's international obligations or to subjugate its sovereignty to a foreign report,

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<sup>1</sup> 2010 Human Rights Report: Sri Lanka; 2010 Country Reports on Human Rights Practices.  
<http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>

<sup>2</sup> *Ibid*

<sup>3</sup> UN Panel Report fundamentally flawed and patently biased, News.lk, April, 13, 2011.

<http://www.news.lk/home/17888-sri-lanka-un-panel-report-fundamentally-flawed-and-patently-biased>

<sup>4</sup> REPORT OF THE SECRETARY-GENERAL'S PANEL OF EXPERTS; ON ACCOUNTABILITY IN SRI LANKA.  
[http://www.un.org/News/dh/infocus/Sri\\_Lanka/POE\\_Report\\_Full.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf)

there is every reason for the government to take serious note of the concerns expressed through both reports and to make an honest commitment to addressing the same.

Mirroring this cautious attitude that prevailed in the House, there was little discussion about both reports in parliament. Even the outspoken Tamil National Alliance (TNA) was cautious when commenting on the report in Parliament after an initial press statement welcoming the report.<sup>5</sup>

Despite the relative docile attitude at the home front, the report was widely cited by various human rights groups as well as the Tamil Diaspora groups as concrete evidence that war crimes indeed occurred in the final phase of the war and highlighting the possibility of Sri Lanka once again facing a resolution against its conduct at the United Nations Human Rights Council (UNHRC).

When a similar resolution was tabled at the Geneva-based UNHRC, Sri Lanka's former Ambassador to Geneva, Dr. Dayan Jayatilleka led Sri Lanka to a resounding victory.

Speaking at the crucial session, Dr. Jayatilleka claimed that Sri Lanka had just concluded a just war and that although there was a possibility that some human rights violations may have taken place, the world should look at the situation openly and give the regime a chance to achieve genuine reconciliation in the post war era. It was this promise of transparency and committed reconciliation pledges delivered in Geneva that saved the situation.<sup>6</sup>

Nevertheless, two years after the conclusion of the war, the entire country continues to be ruled under emergency regulations. Access to certain northern villages remains strictly regulated by the military.

Under these repressive regulations, thousands of Tamil youth are detained in security facilities scattered around the country without access to judicial process. These regulations do place enormous powers in the hands of the state to maintain peace and normalcy, yet it failed to provide security to Janatha Vimukthi Peramuna (JVP) Member of Parliament (MP) Sunil Handunnettii who came under attack in a High Security Zone (HSZ) last year<sup>7</sup> and in March 2011 TNA MP S. Shridaran's vehicle was attacked at Nochchiyagama.<sup>8</sup>

With the commencement of the UNSG Special Report preparing exercise expected to highlight the use of emergency regulations and the prevention of Terrorism Act (PTA), there was general understanding that the report would indeed contain a severe critique not just on the style of governance, the conduct of the war but also the legal instruments that aid such rule.

Despite the general aversion to the repressive laws that were perhaps useful at war times but are now required to relax, Prime Minister D M Jayaratne was heard on April 7 in Parliament, stoically defending these laws as being fundamentally necessary to monitor the activities of 'rehabilitated' LTTE cadres. A month ago, he told parliament that these laws were required to keep an eye on LTTE regrouping activities in South India that nearly led to a diplomatic spat.

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<sup>5</sup> TNA statement on UNSG Advisory Panel Report.

[http://transcurrents.com/tc/2011/04/tna\\_statement\\_on\\_unsg\\_advisory.html](http://transcurrents.com/tc/2011/04/tna_statement_on_unsg_advisory.html)

<sup>6</sup> Dayan Jayatilleka: From Geneva to Sri Lanka, Groundviews, August, 1, 2009.

<http://groundviews.org/2009/08/01/dayan-jayatilleka-from-geneva-to-sri-lanka/>

<sup>7</sup> Thug attack on Handunnettthi in Jaffna – journalist too assaulted, 2010-11-14,

<http://sunandadeshapriya.wordpress.com/2010/11/15/thug-attack-on-handunnettthi-in-jaffna-journalist-too-assaulted/>

<sup>8</sup> TNA's Sridharan under attack, Daily Mirror, March, 7, 2011, <http://www.dailymirror.lk/news/10196-tnas-sridharan-under-attack.html>

“We have realized that some who were released post war have returned to their old practices due to wrong advice being received. Therefore, we might have to arrest them. In the past few months, we have apprehended many who have been involved with LTTE activities and possessed caches of weapons. Legal action has been instituted against such persons. You have to recognize the importance of maintaining emergency regulations as a matter of necessity.”<sup>9</sup>

Prime Minister D M Jayaratne also asked the opposition parties not to speak about ‘internal affairs’ to ‘foreigners’ thus becoming party to the international conspiracy against the country.”<sup>10</sup>

However United National Party (UNP) parliamentarians quickly pointed out that it was President Mahinda Rajapaksa with the help of Vasudeva Nanayakkara and J S Tissainayagam who went to Geneva during the second JVP uprising in the late 80s pleading for UN humanitarian intervention to save the comrades. UNP frontliner Lakshman Kiriella sought to highlight the doublespeak in the present administration with regard to human rights during his speech delivered during the emergency extension debate.

“In the present context, the same human rights defender turned President of Sri Lanka does not even refer to disappearances or abductions. If you do, then such people are quickly labelled as traitors. Why? Most of the people who died were Tamils. That is the truth. This cannot go on like this. The international community seeks accountability for all the people who died during the last so many years in Sri Lanka. The Government may not understand it. But, we have a serious situation and our international image is on a rapid decline. There was no accountability for the people who died in the last months of the civil war”<sup>11</sup>

### **Journalists to cover COPE and PAC sessions**

Transparency, accountability in the Sri Lankan Parliament is being debated once more. It would be too farfetched to believe that the ongoing and vibrant anti corruption debate in India is having any influence on Sri Lanka, yet there appears to be some insistence on a more transparent and accountable Parliament, post war.

With the failure to reactivate the Bribery Commission and both the vital parliamentary oversight committees, the Committee on Public Enterprises (COPE) and Public Accounts Commission (PAC) brought under two ministers in violation of parliamentary practice, there appears little scope for enhanced transparency and accountability in Parliament.

Nevertheless, UNP MP Ravi Karunanayake presented a Private Member’s Motion on April 8, 2011 urging the opening of both Committees to journalists. Karunanayake argued the point that both Committees dealt with public finance and placement of information was possible through by permitting journalists to cover the PAC and COPE proceedings, which is also a longstanding request of the journalistic community.

This move, if supported by the government would provide the media with an opportunity to report on the findings and the workings of these two important committees. It would also expose the

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<sup>9</sup> Hansard, Volume 198 - No. 9, page 1285-86, 07th April, 2011.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3190>

<sup>10</sup> *Ibid*

<sup>11</sup> Hansard, Volume 198 - No. 9, page 1295, 07th April, 2011.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3190>

existing weaknesses in the process and the lethargy of Committee members in carrying out its mandate.

“In 2006, Jeyaraj Fernandopulle estimated the cost of Colombo Katunayake highway to be at Rs. 12, 800 million. Deputy Minister of Ports and Highways Nirmala Kothalawala quotes Rs. 32, 000 million for the same project. How did this happen? We discussed this at length, during the COPE meetings. If media was present at this session, there would have been a great dialogue generated in the country. It is a vital debate and one that must take place in order to promote accountability in Parliament”<sup>12</sup>

At a time when the glory days of COPE and PAC are but a distant memory, and the peoples’ faith in them has reached an all time low, reporting by journalists would have at least brought what is discussed in the committees into the public sphere. However, the government turned down the motion by stating that, ‘there were advantages and disadvantages in exposing these meetings to the media’<sup>13</sup>

### **Growing polarization**

In the meantime, adding a sense of drama, the Government declared the 1<sup>st</sup> of May (Labour Day) as a day of agitation against the UNSG. It is expected that the state machinery will herd in thousands from all around the country in a display of solidarity and to oppose the UN report. Giving a hint of government action to deal with UN criticism, Defence Secretary Gotabaya Rajapaksa told local media that the Government will appeal for support to both Russia and China if the UN failed to protect its member state.<sup>14</sup>

Whatever the official stance of the Government would be, it will place immense pressure on opposition political parties and rights groups. Given the pressure that is exerted by the Government in refusing to allow dissenting opinion, critics will feel compelled to adopt a neutral stance regarding the report.

On the other hand we see the main Tamil political party, the TNA employing media lobbying to pressurize the government instead of working in collaboration with other opposition parties from the South.

This increasing polarization at a time when reconciliation efforts are required will only dwindle the opportunity for Sri Lanka to emerge from the impact of 30 years of protracted war.

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<sup>12</sup> Hansard, Volume 198 - No. 10 08th April, 2011, Page 1444.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3193>

<sup>13</sup> Dilan Perera, Hansard, Volume 198 - No. 10 08th April, 2011, Page 1450.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3193>

<sup>14</sup> Forced to seek protection from Russia, China: Gota, Sunday Times, April 17, 2011.

[http://sundaytimes.lk/110417/News/nws\\_02.html](http://sundaytimes.lk/110417/News/nws_02.html)