

PARLIAMENT WATCH – SRI LANKA*

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Since the conclusion of the Eelam War IV, the international community, Tamil diaspora and several human rights organizations have been calling for an international probe into the alleged war crimes during the final phase of the war.

They have also been critical of the government resettlement as being slow. In addition, they have consistently raised concerns with regard to the lack of information regarding thousands of former Liberation Tigers of Tamil Eelam (LTTE) combatants in camps around the Island.¹

These demands gained momentum as the Sri Lankan government appeared hesitant to address these allegations. It was in this backdrop that the United Nations Secretary General Ban Ki Moon appointed a panel of experts to probe Sri Lanka's human rights record. . By the time President Rajapaksa appointed the Lessons Learnt and Reconciliation Commission (LLRC), the issue had provided a platform for the Tamil diaspora to unite over alleged human rights violations during the final phase of the war.

The strength of the Tamil diaspora was evidenced during President Rajapaksa's visit to the United Kingdom where thousands demonstrated objecting to his presence leading to the subsequent cancellation of the President's scheduled address at the Oxford Union. Although the government was quick to point fingers at the diaspora and select opposition politicians, the opposition political parties countered that this was the result of Sri Lanka's disastrous foreign policy and its reluctance to ensure basic human freedoms for its citizens.²

Addressing the Parliament on December, 2, 2010, Chief Government Whip, Minister Dinesh Gunawardena alleged that the United National Party (UNP) Member of Parliament (MP) Dr. Jayalath Jayewardene collaborate with the Tamil diaspora to discredit the government. Jayawardena was also accused of breaching the Sixth Amendment to the Constitution.³

Speaker Chamal Rajapaksa informed Parliament that an inquiry will be conducted to determine whether Jayewardene was indeed responsible for any action that undermined the sovereignty of the country or breached the duty of a Member of Parliament to demonstrate allegiance to the State in the backdrop that Jayewardene had claimed of not being in London at the time of President Rajapaksa's visit.⁴

¹ Sri Lanka: Ensure Tamil detainees are charged or release.

<http://takeaction.amnestyusa.org/siteapps/advocacy/index.aspx?c=jhKPIXPCloE&b=2590179&template=x.ascx&action=15438>

² Mahinda Rajapaksa's Oxford Union talk cancelled.

<http://www.bbc.co.uk/news/world-south-asia-11891866>

³ Dinesh Gunawardana blames Dr. Jayalath Jayawardana. Access the video

at Law blog, posted on December, 2, 2010. <http://lawyers-law.com/dinesh-gunawardana-blames-dr-jayalath-jayawardana/>

⁴ Page 342, Hansard of December, 2, 2010.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB2998>

However Jayewardene was assaulted by several government ministers later that day in front of the UNP office in the parliamentary premises raising concerns over the government's respect for human rights. It also demonstrated that there is declining standards of conduct in the House where members physically express their dislike towards others. If allowed to continue, such behaviour would further erode the public trust in the institution. As for the specific incident itself, the assault also proves lack of respect for the Speaker who has already informed the House that an investigation will be carried out.

"When Minister Gunawardene accused me of treachery I showed the members my passport and offered an explanation raising a matter of privilege. I was harassed by several government MPs after I went to the opposition office after seeing you."⁵

The Speaker had to silence the Chief Government Whip, Minister Dinesh Gunawardene who continued to accuse Jayewardene of treachery as the beleaguered MP reminded the House that freedom of expression was a right guaranteed by the constitution and that the legal norm was to consider someone innocent until proven guilty.

"If something happens to a parliamentarian within this complex, the question should be whether this right exists in the august House that guaranteed this right through the Constitution?, if it is not so, not what freedom is accorded to legislators? And it is clear that MPs cannot be accused without a sound basis for such allegation. I demand to know where the evidence is."⁶

A few days after the Jayewardene saga, The Sunday Times reported that the government intended to use the Sinhala version of the National Anthem at all government functions. The Tamil version of the anthem, which can also be found in the Tamil print of the Constitution, was hitherto used in the North and East.⁷

The report sparked heated discussions but the government refrained from making an official statement on the issue. However, upon the murder of Assistant Director of Education Urumpirai, Jaffna, Manikkam Sivalingam, it was alleged that his murder was linked to his stoic refusal to adhere to the Sinhala anthem only policy.⁸

⁵ Page 547, Hansard of December, 2, 2010.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB2998>

⁶ Page 800, Hansard of December, 3, 2010.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB2994>

⁷ National Anthem only in Sinhala; Tamil version out, the Sunday Times, December, 12, 2010. http://sundaytimes.lk/101212/News/nws_01.html

⁸ Rights Group Says Jaffna Official Murdered for Opposing Sinhala National Anthem. <http://www.allvoices.com/contributed-news/7755639-rights-group-says-jaffna-official-murdered-for-opposing-sinhala-national-anthem>

In the meantime, the Tamil National Alliance (TNA) MP MA Sumanthiran stated that 18 incidents of violence in Jaffna allegedly committed by unidentified gunmen raising concerns over normalcy being restored in Jaffna.⁹

TNA MP M A Sumanthiran had mentioned that the real issue was not about the murders taking place in the north but as to why nobody is being apprehended for such crimes. He pointed out that there were nearly 50,000 military personnel still in Jaffna claiming that it was natural for the citizenry to suspect the government in the absence of a proper investigation.

“The issue is this, when JVP MP Sunil Handunnetti was assaulted in November the JVP alleged that the army intelligence was behind the attack. They even published the photos but no one was arrested. When an investigation is not conducted, naturally suspicion falls on the government ”¹⁰

The media reports of unresolved incidents carried out by ‘unidentified gunmen in white vans’ and their impact on the lives of Northern Tamils forced Minister Douglas Devanada to acknowledge that there did exist a fear psychosis in Jaffna. However, in the absence of culprits being apprehended amidst allegations of parties associated with the administration also being linked to some incidents. Many including human rights groups and the Tamil diaspora have begun to raise concerns over the human rights situation in the north of Sri Lanka and the safety of citizens living there.

Transparency and corruption

It is not a new phenomenon for the Sri Lankan legislators to sell the duty free vehicle permits to bidders.¹¹ However it was indeed a revelation to learn that over 60 vehicle permits issued to legislators have been sold by them. It also transpired that MPs representing almost all the political parties in parliament have done so within the first six months of being elected to Parliament. This demonstrated how widespread the practice is.

It was reported that United Peoples Freedom Alliance (UPFA) MPs Upeksha Swarnamali, Malini Fonseka and UNP MP Ranjan Ramanayake have sold their permits at prices ranging from 13-15 million rupees.¹²

⁹ Question for our Voltaire-quoting external affairs minister as to whether we have freedom of expression in our country, before we preach to the Brits? Tamil News Daily.
<http://www.tamildaily.net/2011/01/13/question-for-our-voltaire-quoting-external-affairs-minister-as-to-whether-we-have-freedom-of-expression-in-our-country-before-we-preach-to-the-brits/>

¹⁰ *ibid*

¹¹ Doing business JHU style By Vimukthi Yapa, The Sunday Leader, August 5, 2007.
<http://www.thesundayleader.lk/archive/20070805/issues.htm>

¹² MPs using vehicle permits to earn a fast buck, by Lal Gunasekara, The Island, December, 15, 2010. <http://pdfs.island.lk/2010/12/15/p3.pdf>

Janatha Vimukthi Peramuna (JVP) MP Sunil Handunnetti linked this to the lack of transparency of the process of issuing permits and no monitoring of the use of vehicles upon being purchased. He raised concerns about the impossibility for the public to know what their elected representatives do with vehicle permits. This lack of accountability, where the Minister of Parliamentary Affairs does not investigate whether the MP has properly used the vehicle permit and the recent decision to provide a Toyota Prado vehicle to UPFA MPs in addition to the permit have increased the tendency to sell permits.

“There is a plan to give a Prado to all UPFA MPs. The parliament will maintain them and pump fuel, so the users do not have to spend a single rupee. Why give this in addition to the permit? Why does anyone need two luxury vehicles? The message is quite clear. It is an indirect way to encourage government members to sell the first issued permit and to retain the government maintained luxury Prado for personal use.”¹³

The government decided to issue MPs with permits to import luxury vehicles valued less than US \$ 50,000 each under duty concessions. They need to pay only 18% of the total duty value.

The permit issue has driven the point home that while a single MP, namely Ranjan Ramanayake was hounded for the alleged sale of his vehicle permit, it is widespread practice and sadly, one that appears to be supported by the House itself. It also brings home the dark truth that our legislative practices fail to ensure accountability and transparency contributing to further erosion of faith in the parliamentary system.

¹³ MPS sell vehicle permits, while Govt. turns blind eye, LAKBIMANEWS, December, 19, 2010 page 13. http://www.lakbimanews.lk/archvi/lakbimanews_10_12_19/special/spe8.htm