

PARLIAMENT WATCH – SRI LANKA*

OCTOBER 2011



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Overview

October 2011 saw the tragic shooting of former parliamentarian Bharatha Lakshman Premachandra in a heated political argument that resulted in a shootout in Kolonnawa on the final day of the Local Government elections.¹ Premachandra was known as a loyalist of former President Chandrika Kumaratunga and a trade union veteran who has also provided political leadership to the Kolonnawa electorate for nearly two decades. This occurrence led to a spirited debate in Parliament.

October also saw strong words emerging from the Tamil National Alliance (TNA) regarding the failure of meaningful development in the North and East following the end of the war in May 2009. Again, the debate was spirited but the outcome was limited.

October highlighted a crucial Parliamentary concern: the failure to translate dialogue into inclusive, positive change.

Violence mars Election Day

On 8th October, day of the Local Government Elections, Presidential Advisor on Trade Unions and former MP Bharatha Lakshman Premachandra was killed on the spot during a shootout that erupted between him and the Colombo District MP, Duminda Silva at Kolonnawa, in the suburbs of Colombo.² MP Silva was badly injured in the gunfight and was immediately hospitalised for intense medical assistance. Although there were conflicting accounts of what happened, there was open criticism against Silva from members of his own party (UPFA) and demands for justice.³

It has since been revealed that the investigation determined that both sides involved in the shooting had used T-56 weapons. This weapon is neither issued to those engaged in providing ministerial security, nor is it legal to possess T-56 weapons in Sri Lanka.⁴

The government made every attempt to make the case appear as an isolated incident spearheaded by several members in the entourages of two politicians whose battle for political supremacy in Kolonnawa was a well-known secret.⁵ However, the attempt was deemed as a prolongation of the

¹ Sunday Observer, Bharatha, two others killed in shootout, October 9, 2011.

< <http://www.sundayobserver.lk/2011/10/09/sec01.asp>>, accessed June 6, 2012.

² Curfew after BharathaLakshman killed, BBC Sinhala, October, 8, 2011.

<http://www.bbc.co.uk/sinhala/news/story/2011/10/111008_bharatha_killed.shtml>

³ Political awakening after Bharatha's death, The Sunday Times, October, 16, 2011.

<<http://sundaytimes.lk/111016/Columns/political.html>>, accessed June 6, 2012.

⁴ Hansard, Volume 203 - No. 3, page 448-452, October, 19, 2011, Breakdown In Law and Order Of The Country

⁵ Daily Mirror, If they listened to what I said in Parliament, this day wouldn't have come: Dayasiri, June 6, 2012.<<http://www.dailymirror.lk/news/14003-if-they-listened-to-what-i-said-in-parliament-this-day-wouldnt-have-come-dayasiri.html>> accessed June 6, 2011.

government policy of denial in order to avoid any discussion on the structural flaws that may have paved the way for such incidents to occur and the crucial issue of small arms being in high circulation among politicians. Furthermore, MP Silva was not detained and was later permitted to leave the country for medical treatment to Singapore, which has opened the government to heavy criticism.⁶

Breakdown of the rule of law

The Election Day violence was unfortunately not an isolated incident.. Roshan Shanaka was killed during brutal police attacks carried out against the Katunayake Free Trade Zone (FTZ) workers who protested against the proposed private sector pension bill. The government placed the blame on IGP Mahinda Balasuriya.⁷ Recently, several police officers were taken into custody in connection with the murder of two youth in Angulana. The officers were later sentenced to death for the brutal murder of the two youth, who were arrested for a minor offence the night before their death.⁸

In the case of the Kolonnawa shoot out that claimed the life of former MP Bharatha Lakshman Premachandra, the government took the stance that it is only necessary to punish the entourages of politicians, when they engage in violence.⁹ Once they are punished, the matter can be dismissed. This argument was used to assure the citizens that there are only a handful of politically connected individuals who engage in such brazen violence. However, this view overlooks the corruption and the culture of impunity prevalent in Sri Lankan society, which is a contributing cause for this violence.¹⁰

The media and the Opposition MPs had warned authorities about the dispute between the two politicians who backed different candidates for the October 8th elections. Dayasiri Jayasekara, MP of the United National Party (UNP), cautioned the government in Parliament on October 6th, in a prescient warning about what would predictably happen in Kolonnawa. He noted that the growing violence and intimidation in the Kolonnawa area, but he was removed from the Chamber for his efforts and his speech was expunged from the Hansard.¹¹ The Election Monitors and the Department of Elections complained to the Inspector General of Police about the biased

⁶ Lankasri News, Duminda Silva receiving treatment at Singapore: CID, April 17, 2012. <<http://eng.lankasri.com/view.php?22Ip0ac3LD34eRY7303cVFdd3OgO20LdY4e4cTBca3vHs2>>, accessed June 6, 2012.

⁷ Sri Lankan police chief Mahinda Balasuriya resigns. By Charles Haviland, BBC News, June, 01, 2011. <<http://www.bbc.co.uk/news/world-south-asia-13619409>>

⁸ Angulana OIC, 3 others sentenced to death, <http://www.ft.lk/2011/08/26/angulana-oic-3-others-sentenced-to-death/>

⁹ BBC Sinhala.com, Suspect arrested for multiple murder, October 10, 2011. <http://www.bbc.co.uk/sinhala/news/story/2011/10/111010_bharatha_firearms.shtml>, accessed June 6, 2011.

¹⁰ Suspect arrested for multiple murder http://www.bbc.co.uk/sinhala/news/story/2011/10/111010_bharatha_firearms.shtml

¹¹ Daily Mirror, If they listened to what I said in Parliament, this day wouldn't have come: Dayasiri, June 6, 2012. <<http://www.dailymirror.lk/news/14003-if-they-listened-to-what-i-said-in-parliament-this-day-wouldnt-have-come-dayasiri.html>> accessed June 6, 2011.

indifference of the Kolonnawa Police to the complaints lodged by them about the growing violence of the pair's supporters. However, the authorities did not take preventive action, which practically encouraged further violation of election laws.¹² This failure to react to the MPs' behaviour only strengthened the belief that political influence can protect against the penalties of unlawful behaviour.

On October 19th, UNP MP John Amaratunga opened the debate on an adjournment motion on the "Breakdown in Law and Order in the country" by stating that recent events have displayed an alarming breakdown in law and order. He stated that an increase of armed gangs have led to the deterioration of democratic processes, intimidation and disorder with the deciding factors being muscle power and politics. "There is a hand behind the drug cartels and those who use illegal weapons. We have told this many times. However, neither the police nor the army took any action and allowed these rogue politicians to do whatever they wanted."¹³

The government attempted to regularize VIP security by making it mandatory for police officers that provide security for MPs to wear their uniform on duty and by issuing directives that unauthorized persons cannot travel in vehicles provided for MPs' security. MP John Amaratunga commented that the above measures were merely attempts to bolt the stable door after the horses have bolted.¹⁴

MP Jayasekara followed up on his comments from October 6th, during the same debate, to allege that it was the negligence of the government that had led to a breakdown of law and order in Sri Lanka. Opposition Leader Ranil Wickremesinghe added that the citizens were now experiencing the cost of the politicization of the police force. After the repeal of the 17th Amendment to the Constitution, which was designed to reduce Presidential Influence in many key oversight functions and the public service at large, the consequences of politicization of the police were seen in the Free Trade Zone protest and in the grease devil incidents reported in the North and East. The latter incident led to the death of a policeman in Puttlam. He suggested that the loss of faith in the police compels the citizens to take the law into their hands, with often, deadly results.¹⁵

The Government responded by stating that investigations into Premachandra's death and those responsible for the incidents mentioned by the Opposition MPs have begun and said that because of one incident, it was unrealistic to allege there is a breakdown in law and order in the entire country.¹⁶ "It's absurd to say that the rule of law has broken down, because only a minute percentage of the people engage in such activity. The 17th

¹² Kotikawatte police bias led to tragedy – CaFFE, By Rathindra Kuruwita, Lakkima News, October, 9, 2011

¹³ Hansard, Volume 203 - No. 3, page 141, October, 19, 2011, Breakdown In Law and Order Of The Country

¹⁴ Hansard, Volume 203 - No. 3, page 414, October, 19, 2011, Breakdown In Law and Order Of The Country

¹⁵ Hansard, Volume 203 - No. 3, page 414-20, October, 19, 2011, Breakdown In Law and Order Of The Country

¹⁶ Hansard, Volume 203 - No. 3, page 420-24, October, 19, 2011, Breakdown In Law and Order Of The Country, Mervyn Silva

Amendment has failed. The Opposition could not agree on a member to appoint to the Constitutional Council If you did that we would not have to bring the 18th Amendment“, Prime Minister D.M.Jayaratne said.¹⁷

Tamil grievances unaddressed

Since the end of the war, the Tamil National Alliance (TNA) has held several rounds of discussions with the Government to discuss a political solution to the national question. However, despite the discussions, the TNA has repeatedly alleged that nothing concrete was achieved and the dialogues were nothing but talk shops.¹⁸ The problems faced by the Tamil people also was the focus of an adjournment debate in Parliament on “Injustices to Tamil-speaking people in North and East” on October 21st, where TNA Parliamentary Group Leader R Sampanthan stated that the government policies have an adverse impact on the cultural and linguistic identity of the North and East.¹⁹

He listed eleven specific grievances of the Tamil population against the government, including the forcible and unauthorized occupation of lands - by the armed forces and members of the majority community with the explicit or tacit approval of the Government; for preventing displaced Tamil people from occupying and using lands which they have occupied and used in the past and which they are legitimately entitled to occupy and use; for the destruction of Tamil religious sites historically used by them; for politically motivated changes in administrative boundaries adversely impacting on existing administrative boundaries to the detriment of the Tamil people and for not respecting the democratic verdicts of the Tamil people depriving them of due political recognition, and access to any form of governance.²⁰

He added that the Sri Lankan Government has not responded in any useful manner to the multiple grievances of the Tamil people, and continues to engage in action, which clearly indicates that the Government is implementing a policy designed to exacerbate the challenges faced by the Tamil community.²¹

Responding to the TNA Leader, Minister of Economic Development Basil Rajapaksa, stated that the land taken by the security forces during the military operation will be handed back and that already a majority of those who were displaced have been resettled. “In the Eastern Province up to now we have resettled 325,000 people and according to your information, Sir, only 1,700 people have not been resettled,” he said.²²

¹⁷ Hansard, Volume 203 - No. 3, page 420-24, October, 19, 2011, Breakdown In Law and Order Of The Country

¹⁸ Groundviews, TNA’s withdrawal from talks and the emerging political paralysis, August 10, 2011. <http://groundviews.org/2011/08/10/tna%E2%80%99s-withdrawal-from-talks-and-the-emerging-political-paralysis/>, accessed June 6, 2011.

¹⁹ Hansard, Volume 203-No 5, October, 21, 2011. 673-84.

²⁰ Hansard, Volume 203-No 5, October, 21, 2011. 673-84.

²¹ Hansard, Volume 203 - No. 3, page 414, October, 19, 2011, Breakdown In Law and Order Of The Country

²² Hansard, Volume 203-No 5, October, 21, 2011. 684.

He added that only the lands taken for the Sampur Special Economic Zone have not yet been returned. After a decision is made about the land required for the power plant to be constructed in the area, the excess land will be returned to the people.

“Now the final agreement with the Indian Government has been finalized. So they will decide on the extent of land that is required for the power plant. That will be done according to the Sri Lankan law - the acquisition procedure has to be followed. We have taken over lands not only in Sampur but also we have acquired lands for Kerawalapitiya and Upper Kotmale power generation projects.”²³

In addition, Minister Rajapaksa noted that the government has taken action to establish land registries and enrol administrative officers from the Tamil community, to be deployed in the North and the East. These were recommendations indicated in the LLRC’s Interim Report that was released in 2010; however, the administration of the above activities will only commence after a year, due to international pressure.

Specifically addressing the land registration issue, Minister of Public Administration and Home Affairs W.D.J. Senewiratne also added to Minister Rajapaksa’s words;,, “We have established six Land Registries. In Jaffna District alone, 19,782 deeds have been registered by September 2011. That is, under the concept of "*Bim Saviya*". In all, 28,000 deeds have been registered during the period of the past nine months in the Northern Province. At present, nearly 82 Notaries are serving in the Northern Province and we are taking necessary measures to appoint staff from the respective areas.”²⁴

However, these necessary measures are not immediately clear. In the December 2010 intake of 135 recruits to the Sri Lanka Administrative Service (SLAS), there were no Tamils and only a single Muslim recruit. SLAS, the apex of the government’s bureaucracy should represent all communities of the country. Besides, Sri Lanka’s language policy requires the assignment of staff to public offices with relevant local language skills to ensure smooth service delivery. Secretary of the Ministry of Public Administration and Home Affairs P.B. Abeykoon has publicly stated that there were no Tamil medium candidates among the 257 candidates who were short listed for interviews.²⁵

However, he added that, the Government plans to recruit 79 SLAS employees from the Tamil community in 2011 to be deployed in the North and the East, while Minister Seneviratne contradicts the above statement and affirms that the number of recruits will be maintained at 60.

²³ Hansard, Volume 203-No 5, October, 21, 2011. 684.

²⁴ Hansard, Volume 203-No 5, October, 21, 2011. 702.

²⁵ Lakmiba News, No Tamils in new intake of 135 For Sri Lanka Administrative Service.
<http://www.lakbimanews.lk/archvi/lakbimanews_10_12_26/special/spe3.htm>

“We are taking action to recruit 60 officers to the Sri Lanka Administrative Service (SLAS) by holding a special examination in the Tamil medium with a view to remove the dearth of SLAS officers in the relevant areas.”²⁶

Conclusion

The shootings in Kolonnawa and the grievances of the Tamils in the North and East may have little in common. Yet both are serious and tragic issues that have yet to see effective resolution. While October saw much debate, the government remained quite divorced from a process that seeks practical solutions. As a result, one senior politician is dead and another is a likely to end up in a permanent invalid state of life. Tamil citizens cannot reclaim their homes and they feel excluded from the political process besides having their inherent right as citizens violated. Different problems yes, but both avoidable and key when seeking a process of reconciliation and moving forward as a responsible nation state. The debate demonstrated an understanding of the importance of resolving such conflicts. Action however, appears unlikely or way too little.

²⁶ Hansard, Volume 203-No 5, October, 21, 2011. 702.