

PARLIAMENT WATCH – SRI LANKA*

SEPTEMBER 2011



* Conceptualised, implemented and funded by South Asians for Human Rights; Research carried out and assistance provided by Transparency International, Sri Lanka

Overview

There was a sense of euphoria among government members when Parliament met in September 2011 with the much abhorred emergency regulations being lifted by President Mahinda Rajapaksa, the previous month. Elated by the positive impact such a move had both in Sri Lanka and overseas, government members decided to bring an adjournment motion to Parliament titled “Acclamation on Withdrawal of State of Emergency” to thank the President for the move. However, all was not as rosy as it looked on the outside because later in the month an attempt was made to extend the term of a controversial piece of legislation that would allow for detention of suspects for up to 48 hours without being produced before a Magistrate. However, due to wrangling on a technical issue, this was temporarily put off. Lifting the State of Emergency also led to calls from some opposition parties to do away with the dreaded Prevention of Terrorism Act (PTA), with harsh laws which are still being used to arrest, detain and keep suspects for prolonged periods in custody without trial.

Jaffna '*grease yakas*' and the Security Forces

Parliament session began on September 6, 2011 with Opposition Leader Ranil Wickremesinghe making a special statement to the House on the “Restoration of Law and Order in the Jaffna Peninsula”. Mr. Wickremesinghe referred to the continuing phenomena of “*grease yakas*”, a group of men covering themselves in tar who were said to be terrorizing the people in the Jaffna peninsula. “There are well over 50,000 security force personnel stationed in Jaffna. Twenty five to thirty per cent of the land is within the High Security Zones. There are many checkpoints and patrolling that takes place round the clock. This is sufficient to apprehend the “*grease yakas*,” he said.¹

Leader of the House Nimal Siripala de Silva, in response to the “*grease yaka*” issue in Jaffna berated the Opposition Leader for undermining the security forces in Jaffna, saying that it is these very security forces that liberated the people of the North including the people of Jaffna from the brutal terrorists that dominated the Northern Province for many decades.

“The issue is a mythical creation of those who want to throw this country into turmoil and instability. The police and the armed forces have worked together with effectiveness to allay fears among the people and apprehend and bring to book any mischievous elements that have masqueraded as “*grease yakas*,” Minister de Silva said.²

Acclamation on withdrawal of Emergency

The adjournment motion titled the Acclamation on Withdrawal of State of Emergency was moved by UPFA Kurunegala District Parliamentarian Shantha Bandara on September 7, 2011 and was seconded by UPFA National List Parliamentarian A.H.M.Azwar who praised President Mahinda Rajapaksa for having ushered in a new

¹ Hansard, Volume 202 - No. 1, Page 59, Tuesday, 06th September, 2011

² Hansard, Volume 202 - No. 1, Page 60, Tuesday, 06th September, 2011

epoch, especially after the conclusion of the war in May 2009, when the scourge of terrorism was wiped out forever.

“We should be thankful to him for lifting the Emergency Regulations paving the way for a more relaxed environment contributing towards the peace process,” MP Azwar said.³ Among the many government speakers was Minister of Justice Rauff Hakeem – who joined the proposer of the motion in congratulating the Government for having brought the state of Emergency to an end.

“The state of Emergency has been in existence, except for a very brief period, for almost 30 years. It is indeed a matter of relief for everyone concerned that we have seen the back of the state of Emergency in this country”, he said.⁴

However, all the enthusiasm surrounding the lifting of the emergency and the eagerness to heap praise on themselves did not go down well with most opposition members including Tamil National Alliance (TNA) MP M.A. Sumanthiran who questioned as to why they should thank the President when there has not been much change in the ground situation even though emergency regulations were no longer in place and the armed forces continue to maintain security in the whole of the country.

“You come here and thank his Excellency the President for lifting the state of Emergency. What a foolhardy thing is this exercise today in this House? It is an act that means nothing either on paper or on reality. It is an act that in reality seeks to fool the world,” MP Sumanthiran said.⁵

UNP National List MP R. Yogarajan too mocked at the Government sponsored motion, brought to commend the President for withdrawing the state of Emergency.

“This so-called withdrawal of the state of Emergency is the biggest fraud in this country. It is not a national fraud but an international fraud. We are hoodwinking the whole world that we have withdrawn the State of Emergency without changing even a speck in the administration of this country,” he charged.⁶

The doubts about the sincerity of the Government in lifting the emergency regulations came into question when an attempt was made in Parliament on September 8, 2011 to promulgate regulations under the Code of Criminal Procedure (Special Provisions) Act, which allows the detention of suspects in custody for up to 48 hours without being produced before a judicial officer. Minister of Justice Rauff Hakeem said that this law has been in operation for two years and was about to lapse and the Government is seeking to extend the operation of this Act.

³ Hansard, Volume 202 - No. 2, Pages 183-184, Wednesday, 07th September, 2011

⁴ Hansard, Volume 202 - No. 2, Pages 183-184, Wednesday, 07th September, 2011

⁵ Hansard, Volume 202 - No. 2, Pages 231-232, Wednesday, 07th September, 2011

⁶ Hansard, Volume 202 - No. 2, Pages 215-216, Wednesday, 07th September, 2011

“The legal effect is to enhance the period of detention in police custody beyond the 24 hours that is described in the Criminal Procedure Code to 48 hours and that too, in certain specified circumstances only,” Minister Hakeem explained to the House.⁷

However, there were objections to the regulations being approved in the House by Opposition Leader Ranil Wickremesinghe who pointed out that the necessary regulations had not been gazetted as required by the law and hence it is illegal to attempt to pass them in Parliament.

“We insisted that it be published in a gazette, then, people may know about it. Because this interferes with people's legitimate rights where you could have been confined to 48 hours instead of 24 hours”, the Opposition Leader said.⁸

Due to non-agreement between Government and Opposition members on the validity of passing this Bill, the debate was adjourned to be taken up on a later date.⁹

Calls to abolish the Prevention of Terrorism Act

Meanwhile, lifting the emergency also led to calls by the leftist Janatha Vimukthi Peramuna (JVP) to abolish the Prevention of Terrorism (PTA) Act, if the government is genuinely interested in re-establishing democracy in the country.

“Many more things needed to be done to re-establish democracy in the country. PTA should be removed and rule of law should be re-established”, JVP Parliamentarian Anura Kumara told journalists in Colombo.¹⁰

International Human rights organization Amnesty International (AI) too made the same call saying that the Sri Lankan government must follow up its repeal of the state of emergency by removing repressive legislation such as the PTA, Amnesty International said on August 27, 2011.

The PTA was enacted as a temporary provisions act in 1979 for a period of three years but was made a permanent Act in 1982 as the Tamil rebellion in the north began to surface.

Conclusion

The questions raised about the '*grease yakas*' concluded with the Government assuring that special police teams have been deployed to investigate the matter while the calls for the lifting of the PTA was dismissed by the Government on the grounds that such a call could only be made by those who want terrorism to once again, raise its ugly head in the

⁷ Hansard, Page Volume 202 - No. 3, Page 337, Thursday, 08th September, 2011

⁸ Hansard, Volume 202 - No. 3, Page 352, Thursday, 08th September, 2011

⁹ Hansard, Volume 202 - No. 3, Page 364, Thursday, 08th September, 2011

¹⁰ The BBC News website, JVP calls for the abolition of PTA, August 26, 2011

<http://www.bbc.co.uk/sinhala/news/story/2011/08/110826_jvp_pta.shtml>

country. Meanwhile, lifting emergency regulations, though a welcome move, has also led to more questions, if this in itself is adequate to restore democracy and rule of law in the country. The fact that the military continues to be heavily deployed in many areas across the country was also an issue of concern particularly for legislators from the North and East who doubted the government's sincerity in moving the country towards the path of democracy in the post war era.