

# PARLIAMENT WATCH – SRI LANKA\*

## NOVEMBER 2010



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From 2005 onwards, the month of November had been an important month in the Sri Lankan political calendar. President Mahinda Rajapaksa was sworn in as President for the first time on November 18, 2005, incidentally his birthday

November 18, 2010 marked the beginning of President Rajapaksa's second term in office. Four days prior, on November 14, the *Janatha Vimukthi Peramuna* (JVP) Member of Parliament (MP) Sunil Handunnetti and three others were assaulted in Jaffna when they visited the northern township to organize a protest demanding the release of a list of Tamil youth detained at the military-run detention camps.<sup>1</sup>

On the same day, during the Lessons Learnt and Reconciliation Commission (LLRC) sessions held in Jaffna, Journalist P. Winslow of *Yaal Thinakkural* was threatened with death, allegedly by members of the Eelam Peoples' Democratic Party (EPDP).<sup>2</sup> These incidents occurred in areas where there is a strong military presence that lead to many questions about 'freedom' and 'rights' in the North.

The attacks on the two individuals who were raising rights issues of the Tamil people in Jaffna, in different styles, did demonstrate that the path to re-establishing democracy in the North may require considerable time and significant effort.

However, there were attempts to downplay the seriousness of the attack on Handunnetti with some efforts to indirectly justify the attack, by levelling allegations that the JVP and the Tamil National Alliance (TNA) were joining forces to destabilize Jaffna and hinder development work that is currently taking place in the war-ravaged province. It appeared that the opponents of the JVP protest and the threatened journalist were indirectly urging the citizens to make that difficult and often unfair choice between development and democratic freedoms.<sup>3</sup>

In a clear indictment of the parliamentary duty to protect parliamentary privileges, including a member's rights to free expression and unrestricted movement, the House failed to do justice to the attack on the JVP legislator by treating it as a nonissue.

Only the JVP MPs raised the matter of their fellow parliamentarian coming under attack and questioned the civil, political and basic human rights of the northern populace, especially those living within the military camps as detainees nearly two years since the conclusion of the military engagements. This lukewarm attitude towards human rights and political freedoms by

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<sup>1</sup> Sunil Handunnetti and others attacked in Jaffna, November 14, Newsfirst.lk, [http://www.newsfirst.lk/index.php?option=com\\_content&view=article&id=14431:sunil-handunnetti-others-attacked-in-jaffna&catid=97:news-items-2&Itemid=294](http://www.newsfirst.lk/index.php?option=com_content&view=article&id=14431:sunil-handunnetti-others-attacked-in-jaffna&catid=97:news-items-2&Itemid=294)

<sup>2</sup> CaFFE and CHR Sri Lanka condemn the systematic intimidation during LLRC sessions at Kytes Island, [http://www.chrsrilanka.com/CaFFE\\_and\\_CHR\\_Sri\\_Lanka\\_condemns\\_the\\_systematic\\_intimidation\\_during\\_LLRC\\_sessions\\_at\\_Kaytes\\_Island-5-4.html](http://www.chrsrilanka.com/CaFFE_and_CHR_Sri_Lanka_condemns_the_systematic_intimidation_during_LLRC_sessions_at_Kaytes_Island-5-4.html)

<sup>3</sup> . Gota says TNA, JVP cause of continuing Emergency Regulations, November 29, <http://ceylon-ananda.blogspot.com/2010/11/gota-says-tna-jvp-cause-ofcontinuing.html>

members of the country's supreme law making body gives rise to multiple concerns about the future of Sri Lanka's democracy.<sup>4</sup>

Speaking in Parliament on November, 16, JVP MP Sunil Handunnetti stated that the people in the country needed to feel and enjoy the benefits of development, emphasizing that they needed to live in a free and democratic environment where their rights were protected.

"You can build a harbour in Hambantota or an airport in Toppigala. But for the people to enjoy these benefits there should be democracy and freedom. After 30 years of war, people of this country need to feel that they have the freedom to live, freely express and to unrestricted movement."<sup>5</sup>

At the end of the military engagements in May 2009, President Mahinda Rajapaksa declared that there was no divide between the North and the South and there were to be no more divisions on the basis of ethnicity or any other ground.

Despite the pledges made by the government and the work that is underway in the northeast to drive economic advancement, opposition political groups including those representing the regions once consumed by the war as well as human rights groups claim that the situation is yet to improve. They say that the rights of people continue to be violated and with increasing frequency in both the South and the North.

"The people in the North live in fear just like they lived in fear of the LTTE all these years. Despite all the rhetoric of resettlement, most of the displaced still live in temporary shelters and tents provided by NGOs. Not only do they live under enormous economic hardships but they also live with tremendous anguish over the loss of loved ones. Mothers and wives are going from military camp to camp searching for details of their loved ones," Sunil Handunnetti said.<sup>6</sup> The importance of addressing the human rights concerns of the Northern Tamils came to the fore during the LLRC sessions held in Jaffna in November. The majority of submissions were in connection with persons missing, abducted, or detained. There were many allegations raised by those making submissions before the LLRC about the lukewarm attitude of the government, and also grievances and allegations of extortion by various armed groups affiliated to the government.

Other key issues raised during the month were connected to resettlement and ownership of land. These were among the most discussed topics during the LLRC sessions in Jaffna and a bone of contention amongst the three main communities. While Muslim and Sinhala communities

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<sup>4</sup> Assault on JVP's Sunil Handunnetti: What really happened in Jaffna?  
[http://transcurrents.com/tc/2010/11/assault\\_on\\_jvps\\_sunil\\_handunhe.html](http://transcurrents.com/tc/2010/11/assault_on_jvps_sunil_handunhe.html)

<sup>5</sup> Hansard, November, 16, 2010, pages 1428 – 29,  
<http://parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB2904>

<sup>6</sup> Hansard, November, 16, 2010, pages 1429- 31  
<http://parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB2904>

expelled by the Liberation Tigers of Tamil Eelam (LTTE) wished to return, the Tamil community leaders complained that priority should essentially be given to the Tamils for returning.<sup>7</sup>

While it is incumbent upon the government to address the pressing issues concerning the people with regard to shelter, land and livelihood, the communities complain of slow pace. The opposition political groups allege it had been an 18 month -long spell of non- action.

Eighteen months after the war, the government is yet to publish the names of those kept in detention camps. There are thousands of parents, wives and children who are going from camp to camp even today looking for their sons, daughters or husbands.

The LLRC has consistently maintained that an urgent solution to those in custody was a necessity. However, except for the Marxist JVP parliamentarians, others, with the exception of United National Party (UNP) fresher Dr. Harsha de Silva, failed even to make a remark in passing about the assault of a fellow MP.

It is also ironic that it is only the JVP that insists on addressing the human rights issues of Northern Tamils outside Parliament, strangely, not tackled by the minority-friendly UNP and specifically the TNA, a party representing the minority Tamil interest in the Legislature.

### **MP accused of supporting pro LTTE groups**

The end of Eelam War IV in May 2009 marked the beginning of a new war against the pro- LTTE Tamil diaspora groups. It is a fact that the pro- LTTE lobby remains powerful and influential in many Western countries and could create situations that may prove embarrassing for visiting Sri Lankan dignitaries. This was evidenced when protests in London resulted in the cancellation of President Mahinda Rajapaksa's speech at the Oxford Union.

The government has made it clear that such actions are deplored by citizens irrespective of political differences. This public support base is often used by the incumbency to thwart such protest action and to level allegations against certain opposition politicians for alleged links with pro-LTTE lobbyists and for 'anti Sri Lankan' conduct.

During the parliament session on October 20, 2010 Minister Nimal Siripala de Silva accused the UNP MP Jayalath Jayawardene of alleged LTTE links. The Minister alleged that the UNP MP who is also a human rights advocate stayed at one Chandran's home labelling Chandran as a LTTE supporter. Further, Minister de Silva claimed that the MP made efforts to take Chandran to the Inter-Parliamentary Union (IPU) sessions. It was stated that MP Jayewardene was in Geneva to lodge a formal complaint to the IPU over the Democratic National Alliance (DNA) Leader and legislator, Gen. Sarath Fonseka' arrest.<sup>8</sup>

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<sup>7</sup> Mistrust, discontent and anger at LLRC North sessions,  
[http://transcurrents.com/tc/2010/11/mistrust\\_discontent\\_and\\_anger.html](http://transcurrents.com/tc/2010/11/mistrust_discontent_and_anger.html)

<sup>8</sup> Hansard, November, 16, 2010, pages 1429- 31.  
<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB2904>

On November 9, Jayewardene responded from the floor of the House that Chandran was not a LTTE supporter and that he has been an observer at the IPU for a long time. However, the personal explanation was disrupted by Minister Silva and the United People's Freedom Alliance (UPFA) MP A.H.M. Azwer.<sup>9</sup>

While making allegations of this nature has become common practice in Parliament today, it should be borne in mind that such persons who come under vitriolic attacks in the House could also become moving targets, given the incitement such comments could generate. In addition to being targeted by others, the adverse comments could be, if unsubstantiated, not only detrimental but also an infringement of the respective parliamentarians' rights as well the citizens.

Although a MP enjoys the opportunity to make statements of personal explanation or speak without fear of litigation for what is said under parliamentary privilege, some statements made by MPs will lose credibility over time with people treating them with suspicion or disrespect. On the other hand, the floor of the Parliament should not be treated as a place for heaping scorn on fellow members for the ideological differences they may have. A vibrant democracy celebrates dissent and considers such diversity as an actual strength.

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<sup>9</sup> Hansard of November 09, 2010 pages 1012.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB2886>