

# NOTES AND COMMENTS

## Disappearances and Other Assorted Violations

When subjected to enormous pressure by the local populace and by the international community, the last government appointed a Commission to probe into disappearances. However, they also saw to it that the disappearances of the period of terror in 1988 to 1990 would not be investigated by empowering the Commission to look into disappearances from the date of its appointment, that is, 11 January 1991.

This error has been rectified but the present government which has appointed three new Commissions on a territorial basis to look into disappearances from 1st January 1988. This date, however, poses further problems. It will in effect ensure investigation of the disappearances that took place in the South after this date. This ignores the fact that disappearances began to take place under the conditions created by the enactment of the Prevention of Terrorism Act in 1979 and that they became a commonplace in the North and the East after 1983. Are these disappearances not worthy of investigation? Do we not need to know the truth of ethnically motivated disappearances?

Human rights organizations have asked the government to push the date back but there has been no response so far.

These three Commissions have been empowered to receive complaints of disappearances from the public, to investigate these complaints and, wherever evidence is available, to fix responsibility for such disappearances. The Commissions can determine their modes of operation and investigation and use such methods as appear appropriate to them.

This sort of mandate gives rise to certain very important problems regarding the results we expect from these commissions.

At a basic level, we want to find out how many disappeared and who was responsible. The relatives of those who disappeared want to go further: they want those responsible punished. And it is likely that these Commissions will find certain specific members of the security forces responsible for certain specific disappearances; these persons may be punished. However, even these investigations will be selective; it is impossible to expect that every single disappearance will be investigated and culpability fixed. We agree that these things need to be done, but is this all we expect from investigations into past atrocities?

We need to know the truth about these disappearances at this level, but, if we are to prevent similar abuses in the future, we need to know the larger truth.

We need to know the truth about political accountability. We need to know how the state and the regime in power created the conditions under which disappearances were not only tolerated but also encouraged. We need to know the structural characteristics within the security forces which permitted and then hid these violations. It is the "cleansing power of truth" that will arm us to prevent the possibility of such abuses in the future.

It is in this context that we publish in this issue extracts from an article that undertakes a comparative study of Truth Commissions that have been set up in a number of countries that have suffered periods of violations similar to ours.

These are attempts to find out the larger truth. While not ignoring individual cases, they are more concerned with establishing the political and structural factors underlying widespread violations.

Particular attention might be drawn to the Truth Commission established in El Salvador by the UN as part of the peace agreements between the government of El Salvador and the FMLN. Based on a large number of individual cases, it sought to trace and set out the patterns of violence and the socio-political contexts in which these patterns emerged.

There is a further point that is of interest. This concerns a moral issue. What are we concerned with - the punishment of certain individuals guilty of specific violations, a further rendering of the social fabric or a process of reconciliation based on knowledge of the truth? Mandela has set up a Commission on Truth and Reconciliation. He has promised immunity to those who freely confess their crimes; the truth will be publicised, political and social responsibility will be clearly established, but there will be no punishment because punishment in these cases will inevitably merge into revenge. And revenge will work against reconciliation.

## Freedom of Expression

One of the main issues of both the Parliamentary and Presidential election campaigns in 1994 was freedom of expression. The issue became manifest in two areas: first, freedom within state owned or controlled media such as the radio, television and some newspapers and second, freedom of expression in privately owned print and electronic media.

In the first instance, the charge was that state owned media had simply been converted into propaganda instruments for the ruling party. In the second instance, private media has been coerced to follow a line sympathetic to the ruling party by harassment of owners and intimidation of journalists.

The PA in its campaign stood firmly for the total freedom of expression. It promised a media policy that would guarantee this freedom for all sections of the media, including radio and television. In November, the PA put out a document outlining its media policy; this was reproduced in the last issue of PRAVADA (vol. 3 Nos. 8 & 9). But the gap between policy statement and practice has now so widened that the Free Media Movement felt compelled to organise a public rally at Nugegoda on February 16 th to ask : "Where is the promised Freedom of Expression ?"

The policy statement said:

The PA government is determined to put an end to the abhorrent practice of intimidating and assaulting journalists, directly or indirectly , by state agencies and others , in response to carrying out their professional duties.

The threats levelled in the recent past against journalists as well as media institutions have largely emanated in response to their attempts to expose and bring to the notice of the public, corruption and the abuse of political power. In order to eradicate one major threat to media freedom, our government recognises the media's right to expose corruption and misuse of power.

Lasantha Wickrematunga, the editor of the Sunday Leader, was pulled out of his car and he and his wife were both assaulted by unidentified persons in early February. He believes that the attack was instigated by elements in the PA who were displeased with his column and his editorial policy. Police investigations into the attack have conspicuously failed to identify the assailants.

Sinha Ratnatunga, the editor of the Sunday Times, has been hauled into the notorious fourth floor of the CID in order to find out the source of certain stories appearing in his paper. The investigations were said to be connected with a complaint of defamation lodged with the police by the President.

These incidents have been taken by media personnel as signals of the government's displeasure concerning the publication of material which may discredit the government.

While these incidents are frightening, some incidents in the state media are even more so. The policy statement was explicit in promising freedom:

Media personnel in the state-sector media institutions will have the freedom to decide the content of news bulletins and news feature programmes based primarily on the newsworthiness of events. We will not use state-owned media for party propaganda.

The state media will also be encouraged to give a place to non-government opinion, be it of opposition political parties or professional or community organizations, in the presentation of news and in the content of other programmes of social relevance.

The New Educational Service of the Sri Lanka Broadcasting Corporation took this assurance seriously. They raised and discussed questions of contemporary social significance in their non-formal education programmes. They invited persons to these programmes representative of various shades of opinion across the intellectual spectrum. They involved listeners in these issues by inviting participation through phone-in programmes and other devices. They used the promised freedom to the fullest extent possible.

Unfortunately they could not long survive. After months of harassment on both important and trivial issues, the service was abruptly terminated; on February , a newly appointed director just switched off the service while it was in transmission. The service is now confined to formal educational programmes broadcast during school hours. It is understood that some programmes put out by them were deemed "anti-government".

The conclusion then would be that the state media have no license to deal with material in a way that could be construed as working against the government's interests. State media must continue to serve only the interests of the ruling party.

We find this state of affairs extremely disturbing. The government must quickly retrace its steps and endeavour to practise what it has preached.

**P**

**The review of M.R. Narayan Swamy's book "*Tigers of Lanka: From Boys to Guerrillas*" that appeared in the last issue of Pravada was written by Ketheeswaran Loganathan. We regret our error in not naming him as the author of the review.**