

A statement by the Civil Rights Movement on incidents of recent violence and their implications for the democratic issued on 28 August 1992 is reproduced below.

RECENT VIOLENCE

A Grave Threat to the Democratic Process

*Freedom of expression.....is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock and disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no 'democratic society' "*¹

*"We have seen men enjoying positions of responsibility conniving with hoodlums and rowdies, in some cases actively inciting violence.....The law, to be respected, must be enforced without fear or favour. There are people, probably, who fancy that they have the wit to flirt with thugs and thuggery, take what they want out of them, as one might of people of easy virtue, and then maintain a firm hand over them. To be so deluded is to ignore the lessons of history."*²

The Civil Rights Movement of Sri Lanka is appalled at the new dimension of violence that is disfiguring our society. This is a most serious portent for the future of peace and democracy in Sri Lanka. We wish to underline the grave implications of this development.

First, let us recapitulate some manifestations of this phenomenon. The following is a quick compilation of complaints and allegations of violence based mainly on press reports. It includes allegations, even though not necessarily proven, because they illustrate the climate of violence that is our concern. A fuller account of the news reports together with their sources is given in Annex A to this document.

Recent incidents and complaints of violence include:-

- Destruction, while under police guard, of the Navamaga press which was printing a leaflet containing material allegedly embarrassing to the government, and was also the printer of Yukthiya, the newspaper of the Movement for Inter Racial Justice and Equality (MIRJE). (The Supreme Court in holding that the fundamental right of the printer to pursue his trade had been infringed said, of the police version, " We have outgrown the age of believing fairy tales but can

recognise them for what they are." (October 1991)

- Threats to press which subsequently undertook printing of Yukthiya (October 1991)
- Repeated death threats to an elected member of a local government body that he should quit politics or he will be killed (October 1991)
- Grenade attack, injuring several persons, on meeting held at Pannala by dissident members of the ruling UNP who attempted to impeach the President (November 1991)
- Shooting and killing in the Attanagalle court house of one of the accused police officers in the Wewulkele murder case, and his father- in-law (December 1991)
- Abduction of a person who attended a meeting of the UNP rebels (subsequently released) (December 1991)
- Intimidation of University Grants Chairman Dr Arjuna Aluvihare by students at Colombo University (January 1992)
- Intimidation of participants at inaugural ceremony of new opposition party (DUNF) at Anuradhapura (February 1992)
- "Roughing up" of two Dinamina journalists by police while following up on a story at Kalubowila hospital (February 1992)
- Assault on attorney-at-law and Chairman Pradeshiya Sabha at Udugama police station (March 1992)
- Threats by police of baton charge/shooting of persons participating in Kandalama Satyagraha (March 1992)
- Violence used on a journalist, and on a press photographer allegedly taking pictures of participants consuming alcohol while on an opposition protest march (the pada yatra) to Kataragama (April 1992)



- Smashing up of house of an organiser of the DUNF by an armed gang, assault on his wife, and subsequent destruction of a stage put up for a DUNF meeting at Dehiwala (April 1992)
- Police assault on Asst Producer of Rupavahini TV, while on duty at the Sugathadasa stadium (May 1992)
- Death threats to Buddhist monks in connection with the protest against the Kandalama hotel project (May and June 1992)
- Abduction of SLFP politician by a gang who assaulted him and warned him to stop supporting C.V. Gooneratne (May 1992)
- Attacks on estate workers at Bandarawela (May 1992)
- Abduction of candidate for presidency of Colombo University Law Faculty Students Union (subsequently released) (May 1992)
- Attack on editor "Rajaliya" naming bodyguard of his own party leaders as assailant (May 1992)
- Shooting of Tyre Corporation employee (May 1992)
- Death threats to Lawyers for Human Rights and Development (LHRD) which has taken up many legal cases against the police and other state authorities (July 1992)
- Threats to the press that prints LHRD's journal (July 1992)
- Assault on opposition members of Provincial Council of NCP (July 1992)
- Attack on SLFP members by thugs in the chamber of the Mt. Lavinia Municipal Council, and subsequent attack on SLFP Councillors picketing outside (July 1992)
- Attack on a journalist at a meeting of the opposition Sri Lanka Freedom Party at Attanagalle (July 1992)
- Attack and confiscation by police of leaflets, and attempt to take away cameras of press photographers, when opposition members were distributing leaflets on Galle Road in the Dehiwala-Mt. Lavinia Municipal Council area (August 1992)
- Attack by armed thugs on journalists and photographers covering a DUNF signature gathering exercise to a petition calling for the Presi-

dent's resignation outside the Colombo Fort railway station (August 1992)

- Attack at the funerals of leading armed forces personnel at the Colombo Kanatte cemetery on Government Ministers and on a person believed by some to be a political columnist in a state controlled newspaper (August 1992)
- Attack by a volley of stones and other missiles on speakers at the opposition meeting in Colombo held to commemorate the 1953 hartal (August 1992)
- Physical assault on Yunoos of the opposition paper Aththa by persons who broke into his home at night, accompanied by threats that he should cease drawing political cartoons, followed by vandalising his house, and knifing him on his way home the next day (August 1992)

The particular dimension of this violence

The past ten years have seen large scale massacres, thousands of violent deaths (both arbitrary killings and targeted assassinations), and thousands of "disappearances". Agencies of the state, violent opposition groups, bands of marauders, and shadowy "vigilante" forces apparently acting with official condonation, have all been guilty of the most gruesome crimes. Uninvolved, peaceable citizens have been the victims just as much as active participants in the ethnic and political conflicts. To this day, civil war continues in the North and East with its daily toll of death and mutilation of combatants and non-combatants alike, and untold suffering and massive displacement of civilians. CRM has always been gravely concerned about these horrors, which have been the subject of numerous earlier statements, and its concern today is in no way diminished.

The violence on which the present statement focusses, however, is of a different kind, with its own extremely ominous implications. It has the following characteristics.

- It takes place well after the ending of a period of exceptional bloodshed and terror
- It takes place in the so-called "peaceful" part of the country where there is currently no civil war or insurgency to serve as an "excuse" or "explanation"
- Its perpetrators include both pro government and anti government elements as well as members of state agencies



- Its victims are persons whose politics or other activities, views or utterances are unpalatable to the perpetrators
- Members of the press and allied occupations (eg. printers) in particular have been targeted.

Thuggery in politics in "peaceful" times is not new to the Sri Lankan scene. As far back as 1981 CRM compiled a fifteen page document listing complaints of the use of thuggery in a political context and the failure of the authorities to take appropriate action.³ Two years later CRM pointed to a whole series of events which contributed to the rampaging anti Tamil mob violence of July 1983.⁴ 1983 (E01/8/83). As CRM has pointed out, officially sanctioned or condoned lawlessness existed under previous governments as well, and all parties that have exercised governmental power since independence must in some measure bear the blame for the results of allowing their own supporters to break the law with impunity.⁵

What is intolerable today is that we do not appear to have learnt anything from the lessons of the past. After a period of appalling bloodshed, and while violent conflict continues to plague the North and East, we in the rest of the country have reverted to what appears to have become a "normal" pastime of bashing the guy we hate. Where, then, is the "democracy" that the government sought to "restore" in suppressing the insurgency at so much cost? Where is the peaceful democratic state from which the Eelamists are asked not to try to secede? For what is democracy other than being able to speak ones mind without being hit on the head for it.

However infuriated some might feel at actions of the government, this is no excuse for physically attacking Ministers or others at a funeral. There is no justification for setting upon Dayan Jayatilleke, any more than there can be any excuse for the assault and stabbing of Yoonus for the avowed purpose of deterring him from drawing political cartoons.

Nor is there any justification for indifference, or a "serve them right" attitude, to violence against the DUNF (or, for that matter, any other party) because its leaders in their time, while safe in the seats of power, participated in the denial of the human rights of others. Perhaps the most dangerous threat comes from the pervasive tendency to gloat when one's enemy is attacked, while being indignant when one's friends are at the receiving end. It is always easy to speak up for the human rights of those with whom one agrees. But the real test is whether we are prepared to stand up for the rights of those whom we differ from and even detest. Do we really believe in the freedom of expression as formulated by the prestigious

international tribunal quoted at the beginning of this statement, or do we not? This is the question that all actors on the political stage, as well as all responsible members of society, need to ask themselves, and need answer correctly, if we are to hope for a civilised future.

Having said that, the special responsibility of the government of the day needs to be stressed. It is particularly important that a government - any government - jealously protects its moral right, as well as its practical ability, to demand respect for the law from all including its opponents. It can do this only by changing the climate of impunity that has been allowed to reign for so long, and by taking proper investigative and preventive steps when it appears that thuggery is resorted to by members or supporters of those in power. It also needs to ensure the dismantling of what has been described as "subterranean structures", which may have come into being as a counter to insurgency, and which appear to survive with a life of their own, coming into action to abduct people, and to threaten lawyers and litigants in cases against agencies of the state. If people cannot voice their views, if they cannot pursue legal remedies in the courts or participate in elected bodies of government at all levels without being subjected to violence or threats of violence, then what is this but **itself an incitement to violence?** From such acts comes the message "Legal remedies are not for you, participation in the democratic process is not for you". From this does not the equally clear message follow, "If you want redress you must take the law into your own hands, if you want to participate in government then you have to look for other means of achieving it" ?

The responsibility of the government goes further than protecting people from physical violence and intimidation. In addition to seeking respect for the law, it must take positive action to ensure that dissident views are given legitimate means of peaceful expression. **Freedom of speech is not merely a right but also a crucial safety valve.** An obvious step that must be taken without delay is to open the radio and television to opposing views, and to make them a vehicle for reflecting public debate on political and other controversial matters.

The government needs to take clear, resolute and forceful steps to ensure that persons are able to speak and publish their views in however outspoken or displeasing a manner, and to otherwise participate in the democratic process, and that they are protected from violence when they do so. If the government convinces its opponents of its sincerity in so doing, and matches this with actual performance, there may be fresh hope for the survival of democracy in Sri Lanka, and a possibility of isolating any elements wedded to violence for ruthless and self seeking ends.



UPDATE 30 AUGUST 1992

DUNF leader and former Minister of National Security Lalith Athulathmudali and his supporters while engaged in house to house canvassing in the Dehiwala area were attacked by a gang armed with guns and iron rods on Saturday 29 August 1992

Notes

1. The European Court of Human Rights in *Handyside vs United Kingdom*, 1976. E.H.H.R. 737. In a later case the same court, in endorsing these principles, also said that "Freedom of the press furthermore affords the public one of the best means of discovering and informing an opinion of the ideas and attitudes of political leaders. More generally, freedom of political debate is at the very core of the concept of a democratic society.... The limits of acceptable criticism are accordingly wider as regards a politician

than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance. *Lingens vs Austria* 1986. 8 E.H.H.R. 407.

2. Editorial, *Daily News* 20 August 1983.
3. *CRM Catalogues complaints of thuggery* (CRM ref. E05/10/81)
4. *Communal Violence July 1983*
5. *The June 5th Protest and Counter Protest July 1980* (CRM ref. E02/7/80)

To obtain CRM documents please **write to CRM 16/1, Don Carolis Road, Colombo 5, or call over at No 31, Charles Place, Colombo 3 between 9.30 am and 4.30 pm on weekdays, or telephone 573887 during working hours.**

For fear of losing his job, the school teacher teaches things he does not believe; fearing for his future, the pupil repeats after him; for fear of not being allowed to continue his studies, the young man joins the Youth League Fear of the consequences of refusal leads people to take part in elections, to vote for the proposed candidates, and to pretend that they regard such ceremonies as genuine elections; out of fear for their livelihood, position, or prospects they go to meetings, vote for every resolution they have to, or at least keep silent fear that someone might inform against them prevents them from giving public, and often private, expression to their true opinions Fear causes people to attend all those official celebrations, demonstrations, and marches. Fear of being prevented from continuing their work leads many scientists and artists to give allegiance to ideas they do not in fact accept, to write things they do not agree with or know to be false, to join official organisations In the effort to save themselves, many even report others for doing to them what they themselves have been doing to the people they report.

The fear I'm speaking about is not, of course, to be taken in the ordinary psychological sense as a definite, precise emotion. Most of those we see around us are not quaking like aspen leaves: they wear the faces of confident self-satisfied citizens. We are concerned with fear in a deeper sense, an ethical sense if you will, namely the more or less conscious participation in the collective awareness of a permanent and ubiquitous danger; anxiety about what is being, or might be, threatened; becoming gradually used to this threat as a substantive part of the actual world; the increasing degree to which, in an ever more skillful and matter-of-fact way, we go in for various kinds of external adaptation as the only effective method of self-defense.

Vaclav Havel