

NOTES AND COMMENTS

The Deportation of Dr. Jane Russell

We have in our previous issues carried with great pleasure articles by Dr. Jane Russell. In this issue we publish an article written by her to commemorate the hundredth birth anniversary of Hilda Kularatne, an educationist who contributed greatly to female education in Sri Lanka.

We may not be able to publish any new work by her. She was removed from Sri Lanka by the immigration authorities on the 16th of April on the ground that she had overstayed her visa; she had been arrested by the police at Kadugannawa where she was living on the 11th of April and kept in the Bogambara and Welikada prisons before her deportation.

Dr. Russell is a reputed British scholar who has been resident in Sri Lanka since the early 1970's. She graduated from Oxford University, England, in 1972. She was subsequently awarded a Commonwealth Scholarship to Sri Lanka and completed her Doctorate in Political History at the Peradeniya University. Her thesis was the basis for her published work, Communal Politics Under the Donoughmore Constitution (1982). She has resided in Sri Lanka since then researching various aspects of politics and women's affairs. Her biography of Mr. George E. De Silva, MP for Kandy and Minister of Health in the early UNP cabinets was published under the title Our George. Dr. Russell was at the time of her removal working on two projects, a biography of Hilda Kularatne and her work for Buddhist women's education and a study of the Women's Franchise Union of the 1920s.

Dr. Jane Russell had started, in association with the Sri Lankan artist, Malathi De Silva, an enterprise at Kadugannawa to make bronze castings, using the traditional skills of workers in bronze living in that area. This had been registered as an enterprise under the Board of Investment and Dr. Russell's visa for the last few years had been on the basis of her participation in this enterprise. For some reason, the recommendation for the extension of her visa had not been forthcoming from the BoI when it last fell due.

Instead of helping her to overcome the technical and bureaucratic snags surrounding the extension of her visa, the Immigration authorities seem to have gone out of their way to persecute her and to have her deported. The Controller of Immigration now says that she was treated like any other foreigner who overstays a visa and that her academic credentials played no part in his decision. This is precisely what is at fault. The fact that she had been resident in country for over 20 years, that she had pursued her academic interests in the politics of the country during this period, that she had in fact committed her life to this country, should have been taken into consideration in his decision. The Immigration authorities are very considerate towards tourists with their dollars, towards casino

operators like Mr. Sim or entrepreneurs like the Thawakkals who play around in our foreign investment-hungry economy. They cannot see the use of concerned and committed scholars like Dr. Russell. Nor that the fallout from this deportation may well cause some investors who are now being wooed by the government to look at its promises with a more wary eye.

We hope that the government which has been so far silent on this issue will investigate the background to this deportation. There are two reasons for concern; first, the manner in which she was taken into custody - she was arrested when she went to the police station, at the request of the police, ostensibly to collect her passport; second, the unsavoury stories that are circulating that some property disputes within the family of her associate, who is the granddaughter of Sir. Ernest de Silva, may have played a role in the attitude of the Immigration authorities.

War and Censorship

With the commencement of military operations in April, government has once again imposed a broad censorship on security related news. Even any comment on officers of the security services would appear to come within the scope of the censorship laws that have been promulgated as regulations under the Emergency. This measure comes ill from a government that promised transparency and the fullest freedom of expression.

We believe that such censorship is also ultimately self-defeating. In this particular case, news of the return of the refugees to Valigamam is not receiving the attention it should.

Article 19, the international center against censorship, has analysed the operations of the censorship in Sri Lanka in a new publication entitled Silent War. We quote from this document to show how far the government has strayed from internationally accepted norms in this matter:

International standards on freedom of expression do envisage situations in which restrictions on freedom of expression can legitimately be imposed. Of relevance to the current situation in Sri Lanka is article 19(3) of the International Covenant on Civil and Political Rights (ICCPR). This Article requires any restrictions on freedom of expression to be "necessary" to protect national security, among other things. Under Article 4 of the ICCPR, restrictions on basic rights in times of national emergency may be imposed only "to the extent strictly required by the exigencies of the situation". The recent Sri Lankan censorship regulations did not fulfil these requirements. They contained broadly defined categories of issues to be subjected to censorship with no requirement that these

even relate to the protection of national security, let alone that they be "necessary" to achieve this end. The title of the regulation refers to "sensitive military information", a formulation of far broader scope than information which threatens national security.

Emergency regulations are issued by the President under the Public Security Ordinance. The President is empowered by this Ordinance to issue regulations which appear to her to be necessary or expedient in the interest of public security, among other things. As recently noted by a Supreme Court judge, "This power is couched in subjective language...The power is thus very wide". The President's power to restrict basic rights, based upon her subjective judgement, thus falls short of the protections provided by the ICCPR which requires that such restrictions be based upon objective and testable criteria...

Restrictions on freedom of expression based on national security interests are not legitimate if their "genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrong-doing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology".

Apart from formal censorship, access of journalists to the conflict areas has also been prevented. As a matter of fact, no journalists have been permitted north of Vavuniys for the past year. This has prevented the flow of information on the war and its human rights and humanitarian implications. This measure too contravenes international norms. For example, Principle 19 of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information say this:

Any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of inter-governmental or non-governmental organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others.

The Rule of the Occult

We have earlier referred to the connection between beliefs in the occult and the practice of politics. In this comment, we refer to two other rather surprising areas into which it seems to have penetrated.

The first is cricket. International sports in this era of television and advertising hype might be thought to be far from astral influences; commercial interests might appear on the surface to dominate its existence. But the Sri Lankan cricket team visited Kataragama on the eve of their flight to Delhi to play India in their qualifying round match. We are told that all players, barring a few, were there and the captain was seen marshalling his forces in and out of the kovil. Muralidharan, who had been the center of controversy in the tour of Australia because of a bowling action deemed to be suspect by two umpires, was seen breaking the traditional coconut. Obviously, the cricketers were seeking divine assistance, in this case from Skanda, for their pursuit of the World Cup.

The second instance that we want to refer to is even more strange. The trade union representing the principals of government schools has some problems with the Ministry of Education. They have started a campaign of agitation to secure redress of some grievances, notably with their salaries and grading schemes. They began with a picket outside the office of the Ministry of Education and have threatened strike action. However, they do not seem to be quite sure of their strength or of the strength of their cause.

They too have therefore decided to seek divine assistance. The leaders of the trade union went to Munneswaram to the shrine of Pattini and besought her assistance. That they considered their action perfectly appropriate is shown from the fact that they did it publicly, as attested by newspapers reports and photographs.

Some who are annoyed by the current addiction with cricket might say that cricketers are illiterate reactionaries whose actions should not be invested with too much significance. But what are we to think of school principals and trade unionists? One would have normally considered school teachers who have risen to become principals of schools, repositories of modern secular knowledge; and trade unions are symbolic of progressive secular action within a framework of democratic politics.

We do not wish to make too much of these two examples. However, we cannot but feel that they indicate some loss of the ability to think and act on the basis of human ability and rationality. This loss probably accounts for the irrational way in which most people approach other problems, notably in the spheres of ethnic conflict and of economic development.

On the other hand, these examples can also be read differently. Seeking divine assistance in every mundane matter is deeply ingrained in our society irrespective of ethnicity or religion. That this view is shared by most is evident everywhere. A Sinhala newspaper has wished the cricketers "the blessings of the Triple Gem and the protection of all the gods". Our examples might therefore merely mean that both cricket and trade unionism have been totally internalised by Sri Lankan society. The fact that Sri Lanka did go on to win, much to our delight, the cricket World Cup might now be even adduced as proof of the authenticity of the occult.

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