

# NOTES AND COMMENTS

## War or Peace?

**T**he UNP government appears to have two parallel voices, or may be two tracks, regarding the north-east question. President Wijetunga is pushing a rather hawkish line, ruling out any negotiations with the LTTE which he defines as 'terrorist' and therefore outside the stream of political negotiation. Prime Minister Wickramasinghe, on the other hand, appears to be promoting a negotiatory line. In January, he made two public statements, calling on the LTTE to send their own proposals to the Parliamentary Select Committee on constitutional reforms, of which he is the Chairperson.

How should one interpret these two, apparently contradictory positions taken up by the two foremost spokespersons for the government? One plausible explanation is that the government is actually divided on the question of a general strategy on the north-east question. All indications are that President Wijetunga is totally disinterested in even the notion of a negotiated settlement; more correctly, the very concept of a settlement is alien to his thinking.

Prime Minister Wickramasinghe, meanwhile, cannot associate himself publicly with Wijetunga's hardline, because he is the government's chief contact person with the Western embassies as well as the donor and investor communities, to all of whom the government has repeatedly promised a commitment to peace. In a few months, Wickramasinghe will be leading Sri Lanka's official delegation to the Aid Consortium Meeting in Paris. Interestingly, Wickramasinghe has also refrained from making any public comment on Wijetunga's bizarre statements about majority-minority relations in Sri Lanka. Studied silence may sometimes be a sign of embarrassment as well as displeasure.

In the meantime, an interesting concatenation of political personalities is taking place in the UNP. Ronnie De Mel, the ex-UNP Finance Minister, Anura Bandaranaike of the SLFP and Gamini Dissanayake of the DUNF have joined the UNP primarily through Wijetunga's efforts. Obviously, they have their own personal agendas which they are seeking to fulfil through changed political allegiances. They also have a deep sense of indebtedness to Wijetunga who allowed them in to the post-Premadasa UNP. But, when it comes to the ethnic question, their recent political history does not suggest anything in common with the Wijetunga line. De Mel and Dissanayake have been ardent supporters of the Indo-Lanka Accord of 1987, with Dissanayake often being described in the press as the architect of the Accord. Although Bandaranaike

opposed the Accord and had some followers in the SLFP's extreme racist, dissenting group; he has always taken care not to get his image tarnished as a 'military solutionist.' And there of course is Ranil Wickramasinghe also to be located in these emerging equations.

Wijetunga's archaic and weird political views on the ethnic question and his ideological kinship with such Sinhala racists like Gamani Jayasuriya and Gunadasa Amarasekera, are not unlikely to become a political liability to men whose political personas have been built up on notions of modernity, intellectual sophistication and progress.

Or, is it the case, as suggested by a cynic the other day, that Wijetunga says what the other, more ambitious UNP leaders are reluctant to say in public?

## Southern Elections

**T**he dawn of the new year, 1994, brought a political surprise: the dissolution of the opposition-controlled Southern Provincial Council.

The dissolution was preceded by a grotesque series of events, orchestrated by the UNP, to topple the weakest of the provincial administrations captured by the Opposition Alliance last year. Now, the elections are scheduled for March. And the election campaign has just begun.

The Southern election, meanwhile, has a greater political significance than a provincial poll would normally have had. The outcome of the March elections will largely reflect the general electoral trends in the country, thereby indicating the relative strengths of the UNP- and the SLFP-led opposition. Therefore, both camps consider this election as crucial, because the winner of the mini-contest in the South is very likely to gain a decisive advantage at the forthcoming presidential and parliamentary battles.

The UNP under Wijetunga claims to be the strongest political force in the country, particularly after a few prominent dissidents and some SLFPers have chosen to change their political colours. Thus, the UNP campaign emphasizes this 'strength' factor. Meanwhile, Anura Bandaranaike may have promised Wijetunga to deliver a considerable number of votes from the SLFP to the UNP and some DUNF voters may also ultimately turn to the UNP.

Pitted against a seemingly stronger UNP is an opposition alliance minus the DUNF. At the last provincial polls, the DUNF had made some serious inroads into the UNP





constituency and it was their support that enabled the SLFP-led alliance to get a one-vote majority in the Southern PC. Since Gamini Dissanayake went back to the UNP, the DUNF is in disarray and its electoral clout is almost totally extinguished.

The UNP has the advantage of being the ruling party. It has more resources and a better and well-greased electoral machinery. It is also using state machinery and resources to its advantage; roads, power and water supplies, promised long ago, are now being implemented with great haste. A remarkable aspect of the UNP is that after sixteen consecutive years in power, it can still appeal to the voter with considerable success. The SLFP in contrast is still tormented by the handicap of being confined to the opposition slot for sixteen long years.

Nevertheless, at the coming Southern election campaign, the SLFP has the benefit of Anura Bandaranaike's defection to the UNP. It is now a party that need not waste its energies on an inner conflict which had, until a few months ago, almost crippled the entire party organization. It is up to Chandrika Kumaratunga now to give a new direction and leadership to the SLFP and present it to the electorate as a winning party. In this sense, this election is a crucial political test for Chandrika Kumaratunga, the Chief Minister of the Western Provincial Council.

## Impunity

**I**mpunity, the freedom from punishment, has long been one of the principal causes of continuing human rights violations in Sri Lanka.

The state institutionalized this principle in the Indemnity Act of 1988, which provided immunity for all public servants and persons acting under their authority in respect of any act 'legal or otherwise' done in good faith in the exercise of duty, or for the enforcement of law and order, or for public safety or in the interest of the public. This Act does not apply to acts committed after 16 December 1988. But, once the principle has been accepted, extension is always a possibility.

With or without this Act, the state has acted on the basis that public officials should not be penalized for violations of fundamental and human rights perpetrated in the course of their work. This fact has been revealed with startling clarity in an answer given in Parliament recently.

The facts revealed in the answer can be summarized as follows:

1. During the period from 1 January 1980 to 31 December 1992, police officers have been found guilty of violating fundamental rights by the Supreme Court in 85 separate cases.

2. Sixteen officers have been found guilty in more than one case: 2 in 4 cases each, 5 in 3 cases each and 9 in two cases each. This demonstrates that the same individual officers have had a propensity towards repeated violations.
3. Many officers have received promotions even after the court decisions found them guilty. It is evident that conviction of fundamental human rights violations has not been a criterion in the assessment of these officers for promotion.
4. According to the information provided in respect of police officers found guilty in more than one case, all the fines and costs imposed by the court have been paid by the state with one exception, where fines and costs were shared on an equal basis by the state and the convicted officer.
5. No officer has suffered any diminution of rank as a result of the conviction.

Since no officer has suffered financially or in his service prospects due to the the convictions, it is obvious that they have been robbed of any deterrent impact.

The dangers inherent in impunity have been aptly set out by a Latin American writer, quoted in a statement issued by the Civil Rights Movement:

Everything is complicated greatly in situations of social and political violence.... The circumstances which affect human rights in these situations are very complex.

Within such a difficult and sombre framework, there is one thing which contributes especially to the vicious cycle of human rights violations: impunity. Certain things may occur simply because of the complexity of the situation. Nothing will ever justify them but there will most likely be some political, social or military explanation. What cannot be justified or explained is when something serious happens affecting human life, physical integrity and individual liberty, it is not sufficiently investigated and those responsible are not punished.

Impunity feeds the cycle of human rights violations because those who commit them know that the state is either unwilling or unable to punish them. It also widens the gap between society and the government, creating an atmosphere of mistrust towards the state and mistrust of the government's words. Confronting impunity, then will further civilized cohabitation and fortify democracy. It means, no less, investigating objectively and enforcing the law.





## Censorship by Fiat

**T**he exhumations at Suriyakanda, which we cover in some detail in some articles in this issue, also revealed some interesting aspects of the freedom of the media in Sri Lanka. The government has always spoken of the freedom of the press in the country, pointing out that there is no censorship of the press. The recent emergency regulation against bringing the constitution into disrepute has marred this picture. However, the press coverage of the excavations at Suriyakanda throw into glaring relief the manner in which the government controls the press, not by law but through the exercise of political power.

The first intimation of the unearthing of mass graves at the summit of Suriyakanda in Embilipitiya was made public by news reports in *The Island*, *Divaina* and *Lankadeepa* of 4 January 1994. By the 5th, no reports were published in the city editions of *The Island*. However, the first editions of all three newspapers carried front page articles and pictures.

- On 4 January 1994, *The Island* covered the event with a report from Suriyakanda, with a by-line by Niresh Eliyathamby, titled 'Mass graves of 300 murder victims found.' The double column, 10-inch article appeared on the front page together with a Reuter report titled 'Remains of 12 youths unearthed from two graves.' On 5 January, the city edition of *The Island* did not report the incident. However, the first edition, distributed to the provinces and coming off the press before the city edition, had on the first page a 4-column, 8 1/2-inch picture of one of the excavated graves with a skull and some bones in it.
- On 4 January, the *Divaina* carried a front page lead, filed by Daya Lankapura from the site, titled "Embilipitiya students' grave found?" spanning 5 columns. On 5 January, the city edition of the *Divaina* carried a 6-column, 10-inch article with a picture from the graves on page 3 and also an editorial on the event. The first edition of the *Divaina*, however, carried a lead article and a three-column picture of the grave site with a robe of

a Buddhist monk. The article was continued on page 4 with more photographs and an editorial comment.

- On 4 January 1994, the *Lankadeepa* carried a front page news item spanning 5 columns and 5 1/5 inches in length, titled "Twenty skulls unearthed from 3 pits at Suriyakanda." On 5 January, the city edition of the *Lankadeepa* carried a three-column article written by Chulawansa Sirilal and Lasantha Niroshana Perera, at the bottom of the 1st page titled "...They weep and wail looking at the graves." This was continued and filled almost 3/4ths of the 6th page. However the first edition of the same newspaper had a lead story under the same title, three sub-stories on the front page, and a series of pictures. Eighty percent of the front page was devoted to Suriyakanda and the whole of page 11 to photographs from the grave site.

The extended reporting in the first editions of these newspapers and the far more restricted and restrained coverage in the second city editions have been attributed by sources in these newspapers to the intervention of a very important government politician; he had insisted on blacking out news from the city edition of *The Island* on 5 January and deleting some of the news from the city editions of the Sinhala dailies—*Divaina* and *Lankadeepa*.

It was also reported that the CID had visited the *Divaina* office and questioned Daya Lankapura, asking him to reveal his sources of information regarding the graves and their exhumation. Edmund Ranasinghe, the Editor of the *Divaina* and the daily *Island*, was also questioned. The CID visited *The Island* office on 10 January and questioned Niresh Eliyathamby, Hussain and Sharindra Ferdinando, the News Editor. They had at that time also indicated to the journalists at the *Lankadeepa* that they would be interviewing the other journalists who had written on this topic.

It is obvious that the government does not need censorship to control the print media. Their political power and the general subservience of the mainstream press are more than sufficient.

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