

THE GENERAL ELECTIONS AND THE STRUGGLE FOR HUMAN AND DEMOCRATIC RIGHTS

- STATEMENT OF THE COMMITTEE FOR DEMOCRACY AND JUSTICE IN SRI LANKA -

The decision of Mr. D.B.Wijetunge, the President of Sri Lanka, to call a snap elections on August 16th, has created, perhaps, the first meaningful opportunity to discuss seriously the key political and economic issues facing our country. No doubt in the run up to the elections many people may seek to focus the minds of the voters on personalities rather than political issues. **However, in our view, it is extremely important to give priority to a discussion on human and democratic rights and to consider ways and means of preventing the abuses that occurred in the last 17 years.** A society which is not able to guarantee human rights and establish democratic structures, through which the people could freely express their hopes and aspirations, will never be able to achieve social stability or sustainable economic development.

THE DARKEST HOUR

It is not necessary to catalogue here the innumerable human rights abuses that took place in the last 17 years, which was without doubt the darkest hour in Sri Lanka's history. It is sufficient to say that the scale of the government sponsored massacres, disappearances, torture, incarceration without trial and the sheer brutality and the cold precision with which they were carried out was unprecedented.

Although organisations such as the Amnesty International and the UN sub-committee on human rights went through the motions of asking the Sri Lankan government to stop such violations and punish those who perpetrated human rights abuses, such exhortations could produce little change. Instead the government often rewarded the very men who were guilty of human rights abuses with promotions; furthermore, it enacted laws in order to grant immunity from prosecution to the men who committed these acts.

THE UNP AND THE OPPOSITION

Therefore the UNP and their allies are unlikely to either accept responsibility for those odious actions or adopt any concrete measures to prevent their recurrence. The opposition parties have rightly criticised the reign of terror that was unleashed by the UNP, and sought to highlight the more despicable crimes of the government, such as the cold blooded massacre of school children at Embilipitiya. **However, the opposition too has, so far, failed to put forward concrete proposals that could guarantee human rights and civil liberties and prevent the recurrence of what happened in those dark days.** Clearly what we need is not pious declarations and political rhetoric but detailed and concrete proposals that would ensure respect for life and liberty and the preservation of the rule of law; an institutional framework which would ensure that those who exercise executive power are accountable to the people, respect the law and prevent the arbitrary use of state power.

MASS PRESSURE

It is therefore necessary for all of us, who value human life and liberty, to demand from those who seek electoral power, a clear policy statement about the measures they intend to put into effect in order to guarantee fundamental rights. We must confront every politician and every political party and demand how they propose to guarantee human rights and democratic liberties. Furthermore, we should try to raise these issues in an organised manner by setting up democratic rights committees in every locality and village up and down the country.

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The key issues

For this purpose it is useful to identify here some of the key issues which must be addressed by any government which is genuinely interested in protecting human rights and civil liberties. While this is not an exhaustive list, we believe that without dealing with these issues we cannot even begin to lay the foundations of a democratic society:

(a) The abolition of the executive presidency and ensuring the accountability of the executive.

The centralisation and concentration of all executive power in the hands of one person under the executive presidential system was, at least in part, responsible for the growth of arbitrary use of power by the government. However, it is not sufficient merely to abolish the executive presidency and return to the old parliamentary system. Even the previous system did not provide adequate democratic checks and balances that could adequately control the power of the Prime Minister and the Cabinet. Therefore it is necessary to strengthen the powers of the parliament, judiciary and the local and regional governments, in order to prevent the Executive from exercising unbridled power. The powers of each organ of government or local government should be clearly specified and clearly demarcated and members of parliament should be made accountable to those who elect them.

(b) The guarantee of national and minority rights.

The ethnic conflict has squandered billions of Rupees and resulted in the death of thousands of people both in the North and the South. This unending war could only be stopped by recognising the national rights of the Tamils. In 1972 the SLFP led coalition government removed even the nominal constitutional guarantee of minority rights that had been enshrined in the Soulbury Constitution. This was a great leap backward. There can be no democracy without adequate protection of the rights of minorities - be they political, ethnic, religious, caste or any other minority. It is therefore necessary to make provisions in the constitution to protect minority rights and thereby prevent the majority from riding roughshod over minorities.

(c) The right not to suffer discrimination

No member of the society should suffer discrimination on the grounds of their national identity, language, religion, caste, sex, disability or age in employment, education or any other sphere of public life. This right too should be enshrined in the constitution.

(d) Repeal of repressive laws

The UNP government has enacted a number of draconian laws which has imposed permanent restrictions on the democratic rights of every citizen. Initially they were enacted on the pretext that security forces needs extraordinary powers to deal with "Eelam separatism". In reality such laws have not enabled the security forces to achieve any significant progress in their war against the LTTE. On the other hand, such laws have been used largely to arrest, abduct, detain, torture and disappear political opponents of the government as well as innocent civilians. Moreover, the security forces have felt that these laws enable them to act with impunity and with little regard to the human rights of ordinary citizens. Therefore all such laws and regulations should be repealed without delay.

(e) Ensure the accountability of the security forces

The armed forces and even more frequently the police have acted with little regard to the rights and interests of the people. They behave not as the servants of the public but as their masters. Often ordinary citizens are too scared to visit a police station even in order to make a complaint. They defy even the orders of the courts and act as they are above the law. It will never be possible to guarantee human rights and democratic liberties without proper institutional measures that would secure the accountability of the police. In order to achieve this it may be necessary to completely restructure the security forces including their decentralisation and the

establishment of community control of the police. The conduct of the police in relation to arrest, detention and prosecution of offenders must be subject to strict legislative controls. An independent body with disciplinary powers, including the power to dismiss police officers who abuse their power, should be set up to investigate public complaints against the police. Similarly the so called intelligence services such as NIB etc must be subject to parliamentary scrutiny and their activities must be regularly examined by a parliamentary committee.

(f) Investigate all human rights violations.

Even today there are many people who do not know what had happened to their loved ones. Sometimes all that they know is the fact that their spouse or child was arrested by the police, the army or some identified men who came in the night. Men who were responsible for extra-judicial killings and disappearances as well as other dastardly acts such as the setting fire to the Jaffna Public Library, the organisation of the 1983 pogrom, the Embilipitiya massacre, Kakkadicholai massacre etc roam around freely while the families who suffered at their hands have no recourse to justice. It is important to investigate all such human rights abuses and bring to book all those responsible for such acts.

(g) Guarantee the right of association and the right of assembly.

All restrictions that has been imposed on the right of association including the right of workers in the Free Trade Zone to form or join a trade union must be removed. Similarly there should be no restriction of the right to peacefully picket or hold public meetings. All laws and administrative regulations which give the police the powers to interfere with these democratic rights should be removed. In order to make meaningful decisions on any matter of public importance people must have free and uncensored access to information. Therefore it is necessary to ensure that the media is not subjected to intimidation or control by the executive.

(h) Free all political detainees.

Using various draconian laws such as the Prevention of Terrorism Act large number of men and women have been detained without trial in camps, police stations and prisons. No person should be held in custody for long periods without trial. All those who are still being held in custody should be released or charged and tried under the law. A law must be enacted which restricts the power of the police to hold any person in custody without trial. Where a person is held in custody relatives and the legal representatives of the detainee must be made aware of the place of detention and must have the right to visit such detainees.

Sunil Silva
S.Kumar
Joint Secretaries

**THE COMMITTEE FOR DEMOCRACY
AND JUSTICE IN SRI LANKA [CDJ]**

CDJ was formed in 1989 at the height of the reign of terror that was unleashed by the UNP government led by late Mr. Ranasingshe Premadasa in order to campaign for democratic rights and against state sponsored repression.

- * CDJ is neither affiliated nor supports any political party
- * CDJ campaigns against the suppression of democratic rights by the State as well as by other organisations, including opposition parties and groups.
- * CDJ demands justice for the families of the disappeared
- * CDJ stands for the resolution of the ethnic conflict through political and not military means

SRI LANKA

THE GENERAL ELECTIONS 1994

THE COMMITTEE FOR DEMOCRACY AND JUSTICE IN SRI LANKA

Invites you to attend a seminar on

THE OPEN ECONOMIC POLICIES AND HUMAN RIGHTS

After 17 years of UNP rule, during which the people of Sri Lanka witnessed an unprecedented erosion of human and democratic rights, the enactment of draconian legislation, arbitrary arrests, summary executions, disappearances, detention of thousands of people without trial, political assassinations etc, the government of Mr. D.B.Wijetunge, beset with internal crisis has called a snap general elections, before it was due. Sri Lankan voters are now called upon to elect a new government. But can they ensure that the government they elect will not subject them to the same or even worse forms of repression ? This is a key issue which will concern all Sri Lankans. The opposition SLFP has stated that they will continue the open economic policies begun by the UNP. Would that inevitably oblige them to restrict or suppress democratic rights. We would be debating and discussing this issue at this seminar and we invite you to attend it and contribute to this important discussion.

ON: 29 July 1994

AT: 7 p.m.

AT: The Conway Hall, Red Lion Square,
London WC 1.[Nearest tube - Holborn]