

People's Alliance regime in Sri Lanka seeks re-introduction of the death penalty

Socialist Equality Party (Sri Lanka)
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The following is an edited version of a statement issued by the Socialist Equality Party of Sri Lanka.

Sri Lankan president Chandrika Kumaratunga declared by presidential proclamation March 13 that the death penalty would be re-introduced, effective immediately. She also announced that the procedures for granting amnesties in effect for over two decades were also to be changed. These steps, taken following a vigorous campaign in the bourgeois media for "tough laws against crimes", signify a further rightward turn of the People's Alliance (PA) government and capitalist rule in Sri Lanka.

Since June 23, 1976, there have been no hangings in Sri Lanka, although death sentences were handed down continuously by the High and Supreme Courts for murder and drug trafficking convictions. Former President J.R. Jayawardena of the right-wing UNP (United National Party) regime did not sign the death penalty orders (a legal requirement in Sri Lanka) and instead commuted the death sentences to life imprisonment. At present there are about 100 prisoners on death row in Sri Lanka, including those appealing their cases.

Chandrika Kumaratunga, now trying to pose as a moral crusader against crime, said at a provincial council election meeting on March 14, "The crime rate is rising and it's no time to pour compassion on criminals who have no respect for human life. My government therefore decided to re-introduce the death penalty."

The same time-worn argument was voiced to justify capital punishment. She said: "The leniency, instead of reducing, has increased serious crimes such as murder and rape, by leaps and bounds. We are compelled to retain the deterrent of the death penalty with no regret." Trying to place responsibility for this scenario on the previous UNP government, she said, "The J.R. Jayawardena government suspended the death penalty for criminals supporting the UNP."

According to the previous law, the death sentence against someone convicted for murder or drug trafficking can be executed only when a unanimous decision is arrived at by the trial judge, the attorney general and the Minister of Justice. When there is no unanimity the death sentence is to be commuted to life imprisonment. According to the new provisions of the PA government, life imprisonment will be reconsidered for a remission not in four years, as in the past, but only after 20 years. General amnesties for prisoners will also be given only once a year on the day of independence, not on six different dates throughout the year, as was the earlier practice. In any event, "Remission will

not be granted to convicts for crimes such as rape, child abuse, robbery, unauthorised possession of firearms, acts of terrorism and drug trafficking".

Under the existing emergency law, the confessions made by an accused, without the benefit of legal counsel as under normal law, can be used as the basis of delivering a death sentence to a defendant at a summary trial, and carrying through an execution.

Other "crimes" which are punishable with death according to the penal code in Sri Lanka are offences which are specifically political. Section 114 of the Sri Lankan Penal Code states: "Whoever wages war against the state or attempts to wage such war, or abets the waging of such war, shall be punished with death, or imprisonment of either description, which may be extended to 20 years and shall forfeit all his property." Although this statute is not included in the new presidential decree, it still stands under Sri Lankan law.

In the past few years the government, the state-controlled and private media, as well as sections of Buddhist priests, have engaged in an escalating campaign for the enactment of tough laws "to curb the rise of crime", including reactivating the death penalty. In 1995, with the support of the UNP, the parliament unanimously passed a resolution to reintroduce the death penalty. At that time the president appointed a task force headed by the attorney general "to make recommendations". The state-controlled media has now organised a special propaganda campaign involving supposedly "knowledgeable persons" to justify the death penalty and to demand tougher laws on crime. The Lanka Samasamaja Party (LSSP), which in 1936 and 1956 vigorously argued for the abolition of death penalty, is now giving tacit support for its implementation, together with the Stalinist Communist Party. The JVP (People's Liberation Front) is also in favour of capital punishment.

The leading Sinhala bourgeois newspaper *Divaina*, in its editorial of March 16, welcomed the death penalty: "It is only in a society where law and justice are secured that morality will be established. We feel that the implementation of the death penalty and the limitations on the opportunities for amnesty are meaningful steps." The leading Buddhist priests have also welcomed the move. The chief prelate of a sect of Buddhist priests has commented: "The wave of mass killings is due to the failure to impose tough laws. This [the reintroduction of death penalty] is one way to contain crimes." Buddhist priest Maduluwawe Sobitha, a vociferous instigator of Sinhala chauvinism, has said: "To

maintain law, peace and justice in a country, it is a duty of the government to impose necessary laws."

The president has given two main reasons for the increase in crime. First, she cites the erosion of traditional values, which has taken place under the impact of a free-market economic policy devoid of any humane element. Second, she says there exists a liberal attitude towards criminal elements. She attributed both of these factors to the policies of the previous UNP government: "Persons in high positions consorted with notorious figures of the underworld. Criminals convicted of rape and criminal assault were given presidential pardons, some of them even being elevated to positions of Justice of Peace."

But it is cynical, to say the least, for the present government to talk about the crimes of the previous government after having carried out a violent campaign to capture power in the January Northwest Provincial Council elections. The PA government has continued the course of the previous UNP regime--implementing the policies of international capital, carrying out the racist war against the Tamils in the North and East of the island, slashing subsidies and welfare programs, giving cronies every kind of support, carrying out state repression by the use of thuggery and maintaining close connections with underworld elements. No thinking person would be moved by the arguments put forward by the president, with tears in her eyes.

Most importantly, one cannot ignore the impact of the racist war prosecuted against the Tamils by the capitalist regimes in Sri Lanka over the past 16 years. It is undeniable that it has led to an increase in crime, as the masses in both the North and South have felt the severe impact of the hostilities. Young people in the South have been used as cannon fodder in the prosecution of this war against the Tamils. Army deserters, leaving the force in desperation, are engaging in crimes either for their personal benefit, or have been contracted by underworld elements. The war has created a psychological atmosphere where human life is regarded as cheap. Also the explosive growth of the armed forces--expanding by 430 percent between 1968 and 1996--has become a breeding ground for criminals.

With its anti-crime demagoguery, the Kumaratunga government is attempting to distract the attention of the masses from the deepening social crisis, which is the root cause of crime, to camouflage its moves to strengthen the capitalist state against the developing mass movement.

This "law and order" campaign has been mounted under conditions where mass agitations are developing against the attacks of the PA government and the stranglehold of the labour bureaucracies over the workers. During recent weeks various sections of government employees as well as plantation workers have entered into struggle.

In recent years there has been an increased polarisation in the distribution of income. In 1996-97 the share of the national income of the lowest 40 percent was about 13 percent, while the richest 20 percent received 53 percent of the national income.¹ In this same time period, violent crimes have increased. As Marx said "There must be something rotten in the very core of the social system which increases its wealth without diminishing its misery and increases its crimes even more rapidly in number."²

There are international parallels to this phenomenon. In the United States wealth has increased alongside a widening social polarization. In that country 1 percent controlled 49.4 percent of the wealth and the lowest 20 percent received only 3.6 percent of the national income. According to a *World Socialist Web Site* analysis based on an Amnesty International report, "As of mid-1997, 1.7 million people were held in US jails and prisons. This figure was doubled since 1980.... The number of women prisoners has increased from 5,600 in 1970 to 75,000 in 1997."

These figures speak powerfully in exposing the inability of the capitalist society to upgrade the living and cultural standards of the population. It throws millions into degrading conditions day by day, and it is this social system that is responsible for the social ill of crime.

This use of the death penalty came into being in the very early days of mankind based on the unenlightened concept of "an eye for an eye" and "a tooth for a tooth." The LSSP now slavishly defends it and, as partners of the coalition government in 1970-76, directly worked to implement it. But this does not, however, invalidate the arguments in 1956 of the late Colvin R. de Silva, former LSSP leader, for the abolition of death penalty. During the parliamentary debate on the issue he said: "One practical point I have to make against the death penalty is that its existence has stood uniformly in the way of consistent and serious effort at prison reform in this country. The second point I have to make of the same kind is that it is precisely the existence of the death penalty that has in many ways stood against any systematic effort at fundamental social reform in this country. If we will not face up to the responsibility that society must take over every single member of that society, if we as members of that society are not ready to face up to the fact that, in every murder, we are also participants in the murder in as much as we have tolerated the existence of such a social background and context, upbringing, education, economic and psychological situation which produce such men: unless we understand that, we will never face up to this question of the death penalty squarely."

Notes

1. Statistical Abstracts, Census and Statistical Department 1997.
2. (Marx-Engels *Collected Works*, Vol. 16, page 489, Population, crime and pauperism)



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