

Sri Lankan defence ministry extends police state moves

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As the Sri Lankan government expands its military offensives against the Liberation Tigers of Tamil Eelam (LTTE), preparations are being made to further curtail basic democratic rights and suppress political opposition, particularly to the war.

A chilling Ministry of Defence (MOD) press statement issued on March 1 foreshadowed a widening use of the present emergency powers against anyone criticising the activities of the security forces. Significantly President Mahinda Rajapakse is also the defence minister and thus directly responsible for the statement. His brother Gotabhaya Rajapakse holds the top administrative position of defence secretary.

The statement entitled “MOD has no intention to suppress the media freedom” was intended to deflect mounting criticism in Sri Lanka and internationally over the arbitrary detention without trial of hundreds of people, including journalists. The arrests have been made under an extended version of the country’s notorious Prevention of Terrorism Act (PTA), which was rescinded following the signing of the 2002 ceasefire, but reenacted last December.

The detentions have taken place amid a wave of killings and abductions in the war zones of the North and East of the island, and also in the capital of Colombo. Journalists and other media workers have been among the targets of what are widely believed to be death squads operating under the direction of the military. The arrests and murders have provoked widespread outrage and protests.

Far from offering any guarantees of media freedom, the MOD baldly asserted the right of “law enforcement authorities to arrest and interrogate any individual within the existing framework of the law for directly engaging in activities threatening national security.” Justifying the detentions, it added: “Arrests of

journalists, security forces personnel and civilians who have acted to threaten national security have taken place even under previous governments.”

It is certainly the case that the security forces have arrested journalists previously. In 1998, two Tamil journalists were detained under the Peoples Alliance government for two months and one month respectively. At the time, however, a state of open war existed with the LTTE. The current spate of arrests underscores the fact that, for all its claims to adhere to the 2002 ceasefire, the Rajapakse government has plunged the island back to war and is seeking to muzzle any opposition.

A glaring example of the abuse of democratic rights was the detention of Parameshwari Munusami, a female Tamil journalist arrested, on November 13 last year. On January 23, a court granted a police application to hold her for another 90 days under the PTA. She has now been in detention more than four months without charge or any explanation for her arrest. Parameshwari is challenging her jailing through a fundamental rights case.

These are the police state methods provided for “within the existing framework of the law”. In the name of “national security”, the military and police have sweeping powers to arrest and detain individuals, including journalists, on the basis of fabricated stories with little or no evidence. Prior to the 2002 ceasefire, tens of thousands of people, mainly Tamils, were detained for months or years without charge. In some cases, individuals were tortured and their “confessions” used as the basis for their conviction.

Such measures constitute obvious breaches of basic democratic rights as outlined in the 1978 constitution of the “Democratic Socialist Republic of Sri Lanka”, in which freedom from torture, freedom from arbitrary

arrest, freedom of speech, freedom of peaceful assembly and presumption of innocence are all listed and detailed. The government and the military rely on Article 15 of the constitution entitled “Restrictions on fundamental rights,” which makes clear that Sri Lanka is no more “democratic”, than it is “socialist”.

Subclause 7 of Article 15 states that “all of the fundamental rights declared and recognised by Articles 12, 13 (1), 13 (2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.” In other words, the government has unbridled powers to impose draconian restrictions on virtually every basic democratic and legal right, including of the media.

In practice, the ability of the government and the security forces to openly abuse democratic rights has been subject to political considerations—that is, opposition and protests by ordinary working people. The most significant aspect of the recent MOD statement was that it also targetted such campaigns. After declaring the legitimacy of arbitrary arrests, it added: “Protests and influences that are initiated in the wake of arrests of individuals not only hinder investigations but also threaten the stability of the government”.

The statement is a clear threat that the military is preparing to extend its application of the pretext of “national security” to anyone or any organisation that threatens “the stability of the government”. While the comment relates in particular to those who protest against arrests and the abuse of democratic rights, the same logic could be employed to declare illegitimate any form of public criticism or political opposition.

Rajapakse is resting on a fragile coalition of parties that faces mounting popular opposition to the war and the deterioration of living standards. Over the past six months, there have already been a series of strikes and protests by workers over jobs, wages and conditions that have rattled the government. Significantly, in reintroducing the Prevention of Terrorism Act last December, Rajapakse extended its application to illegalise the “disrupting or threatening the maintenance of supplies and services also essential to

the life of the community”.

Rajapakse’s response to the opposition has been to whip up communal antagonisms and to deepen the attacks on democratic rights. He has accused striking workers on the docks and in the plantations of aiding “terrorism”. In early February, the military arrested three leftists associated with *Akuna*, a bi-monthly journal of the Railway Workers Combine (RWC). The government has been exploiting their alleged confessions of involvement with the LTTE to try to silence any criticism of the scores of people currently detained without trial.

In comments last Wednesday, Rajapakse echoed the warning contained in the defence ministry’s statement. He told the media that he was confronting various political “conspiracies” and that “stable government” was needed to wage war against the LTTE on the one hand and to initiate economic development on the other. “I am not going to betray the motherland,” he emphatically declared.

The working class must take the sharpest warnings from these statements. The invocation of the need for “stable government” as the pretext for curtailing of basic democratic rights is the justification employed by dictators and police states to illegalise all forms of political opposition.



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