

Sri Lankan government uses emergency laws to charge former presidential candidate

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President Mahinda Rajapakse's Sri Lankan government has invoked its draconian emergency regulations to lay serious criminal charges against the defeated president candidate, ex-Army Commander General Sarath Fonseka.

The laying of the charges against Fonseka, who is also a member of parliament, after holding him in military custody for more than five months, is not only a move to silence him. It is yet another indication of Rajapakse's increasingly totalitarian measures as the government prepares to impose severe austerity measures on the working class and poor.

Attorney General Mohan Peiris has formally requested the Colombo High Court to appoint a three-judge bench for a "special" trial on the "grave" offences allegedly committed by Fonseka. Such trials are heard without a jury, and those found guilty can appeal only once before the Supreme Court.

Fonseka has been charged with two offences under the emergency laws, one of "spreading ... a false statement that could cause panic or inflame the public" and one of "providing information ... that could directly or otherwise incite racial feelings." Each charge could mean imprisonment for up to five years.

The jailed MP has also been charged under the Penal Code with "providing information ... that could directly or otherwise rouse racial feelings by spoken or written word intended to ... cause disaffection among the population against the legally constituted government of Sri Lanka or trying to foment hostile feelings or disharmony amongst such populace or different classes." This charge carries a punishment of two years rigorous imprisonment.

Fonseka was arbitrarily arrested on February 8 by the military just two weeks after the presidential election, in which he was backed as a candidate against Rajapakse by the main parliamentary opposition parties and section of the

business establishment. Initially accused of plotting to assassinate Rajapakse, Fonseka is still being tried in two military Courts Martial cases, on charges of engaging in political activities while in uniform and violating army procedures in the procurement of arms.

The timing of the new criminal charges points to the fact that government is intensifying its police-state methods and increasingly using repressive measures against all political opposition and the working class.

The charges arise from an interview given by Fonseka—seven months ago—to Fedrica Janze, the editor of the Colombo-based *Sunday Leader*. In the interview, published on December 13, Fonseka accused the president's brother, Defence Secretary Gotabhaya Rajapakse, of ordering the assassination of leaders of the Liberation Tigers of Tamil Eelam (LTTE) who attempted to surrender during the final days of the military's defeat of the LTTE in May last year.

Fonseka was quoted as saying: "The Secretary of Defence, Mr. Gotabhaya Rajapakse had spoken to Brigadier Shavendra Silva, the commander of the 58 brigade, that all leaders of the LTTE who try to surrender should not be allowed to do so and that all of them should be killed." Fonseka said he obtained this information from a journalist attached to the army brigade. However, after the report was published, Fonseka claimed that he had been misquoted by the newspaper.

It is known that three LTTE leaders—political wing leader Balasingham Nadesan, peace secretariat head Seevaratnam Puleedevan and Ramesh, a military leader—were engaged in surrender negotiations with high-level government officials through various intermediaries, including Norway. The LTTE leaders were told to appear in front of the government forces with white flags. While coming to surrender in the early hours of May 18, the three were murdered cold-

bloodedly.

This war crime was one of many committed during the final months of the war. Military bombing and shelling killed thousands of Tamil civilians. The UN has estimated the number of civilian deaths at 7,000. The Brussels-based International Crisis Group has provided evidence that puts the number of deaths at between 30,000 and 75,000.

In a four-page preamble to the charges against Fonseka, the attorney general alleges that the *Sunday Leader* interview tarnished the image of the country internationally and was used by human rights groups and the Tamil diaspora to demand war crimes investigations. Peiris further claims that the interview damaged the “reputation” of the military, causing countries such as US to stop inviting the armed forces for training programs.

The charges are an outright attack on basic democratic rights. Peiris’s allegations employ similar language to that used by the government against anyone who speaks or writes about the war crimes or demands an independent investigation. Any such calls could be branded as “false statements that could cause panic or inflame the public” or “cause disaffection among the population”.

The charges are also a direct threat to the media. The killing of the three LTTE leaders was first revealed a few days after the war ended. The British-based *Sunday Times* and *Guardian* carried reports on the incident. At the time, Fonseka, as Army Commander, joined the government in brushing aside the allegations.

This week, two more criminal charges were suddenly laid against Fonseka. On Tuesday, police indicted him and his son-in-law, Dananu Tilakaratne, on 21 charges of cheating public funds during tender processes for military hardware purchases. On the same day, the attorney general indicted Fonseka for allegedly employing 10 army deserters in his presidential election campaign. This charge carries 20 years imprisonment.

As Army Commander, Fonseka ruthlessly prosecuted the war, working hand-in-glove with the Rajapakse government, which provoked the resumption of the fighting in 2006. Fonseka was a key man in Rajapakse’s ruling cabal until the military defeated the LTTE in May. By moving so ruthlessly against this critic within the ruling establishment, the government is sending a threatening message to working people.

Before laying these charges, Rajapakse brought the attorney general’s department, which was previously part of the justice ministry, under his direct control. The attorney general’s office, which traditionally maintained some legal independence, is now being used to frame and jail political opponents. This is part of wider concentration of power in the hands of Rajapakse, who is also the defence minister and finance minister, and has brought 60 ministries and other government institutions under his command.

These developments are taking place as the government begins implementing International Monetary Fund (IMF)-dictated budget cutting measures designed to unload the burden of the government’s huge debts and fiscal deficit onto the back of working people.

Last month’s budget unveiled an extended wage freeze on public sector workers, increased taxes on essentials, and begins the re-structuring of government-owned corporations that will seriously affect jobs and working conditions. At the same time, the government is making tax concessions to big business and investors. It has also pledged to the IMF that further measures to drastically reduce the deficit will be outlined in the 2011 budget, which is due in November.

Since the end of the war, the government has maintained the emergency powers in order to crack down on workers’ struggles. Last year, Rajapakse issued essential services orders against electricity board, ports, petroleum and water board workers. However, the emergency powers were not used because the trade unions called off the wages campaign.

Early this month, a military-police terror campaign was unleashed against thousands of slum dwellers in the Colombo suburb of Mattakkuliya. The entire adult population was rounded up, more than 200 were arrested and 30 people are still in custody. The charges against Fonseka are another warning of a turn to dictatorial methods of rule.



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