

Sri Lankan military court convicts former army commander

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A Sri Lankan military court convicted former presidential candidate and army commander General Sarath Fonseka last Friday of “engaging in active politics while in uniform”. He will be stripped of his military rank, medals, honours, pension and other benefits, and be barred from military installations.

The following day, President Mahinda Rajapakse, who is also defence minister and commander-in-chief, ratified the court’s sentence. Fonseka rejected the verdict and indicated that he would appeal.

The court decision was a political one designed to justify Fonseka’s arrest shortly after the January presidential election, in which Rajapakse won a second term of office. Fonseka was detained along with a number of supporters, including former army officers, amid allegations that the former army chief had been planning a coup. In lurid government propaganda, Fonseka was accused of plotting to imprison Rajapakse and murder his brothers. The government provided no evidence for the allegations.

Fonseka was held for weeks before being charged on two counts in separate courts martial—of engaging in politics and alleged corruption in relation to military procurements. He also faces charges in civilian courts, including: harbouring army deserters, profitting from arms sales and “spreading... a false statement that could cause panic or inflame the public”. The latter charge relates to accusations of potential war crimes against the president’s brother, Defence Secretary Gotabhaya Rajapakse.

Last week’s verdict was handed down without providing any detail. The defence ministry website simply noted that the tribunal had “probed the accused’s involvement in politics on three separate charges,” including of being “Traitorous/Disloyal” under section 124 of the Army Act and “Neglect to obey garrison or other orders” under section 102.

The hearings were held behind closed doors. The prosecution was based on four witnesses: former United National Party (UNP) parliamentarian Johnston Fernando, UNP parliamentarian Lakshman Seneviratne, former airport aviation services director Gamini Abeyratne and Major General A.W.J.C. de Silva. Two of them, Fernando, now a government minister, and Seneviratne, claimed that Fonseka sought their help to obtain membership of the opposition UNP. Abeyratne, a

government supporter, said he had facilitated the meetings.

From the outset, Fonseka accused the court of being biased. Two of the three officers sitting as military judges had previously been disciplined by Fonseka when he was army commander and the third was a relative of current army commander, Major General Jagath Jayasuriya, who is regarded as a Rajapakse loyalist. The military court ignored these objections, and civilian courts dismissed Fonseka’s appeals against the courts martial.

The anti-democratic character of the court proceedings was underscored by the absence of defence lawyers on the final three days of hearings. Senior defence lawyer Rienzi Arsecularatne told Associated Press: “They went ahead and fixed the court martial on the days I was not available. This is not a proper trial. This is a total miscarriage of justice.”

Fonseka was closely associated with Rajapakse after the president was elected in November 2005 and plunged the country back to war against the separatist Liberation Tigers of Tamil Eelam (LTTE) in mid-2006. As army commander, Fonseka was in charge of the brutal offensives that drove the LTTE out of its territory, killing and wounding thousands of civilians in the process. The general was also a central figure in the Rajapakse’s politico-military cabal that prosecuted the war and ran the country.

Fonseka fell out with Rajapakse after the LTTE’s defeat in May 2009, apparently embittered that the president had sidelined him by relegating him to the specially-created, largely ceremonial post of chief of defence staff. More broadly, Fonseka’s hostility reflected the resentments of a layer of the military’s top brass, who felt that Rajapakse was claiming all the credit for ending the war. In late November, Fonseka announced that he was resigning and contesting the January presidential election against Rajapakse.

Fonseka lost the election despite the backing of the two main opposition parties—the UNP and Janatha Vimukthi Peramuna (JVP)—and significant sections of big business. Unwilling to accept his defeat, Fonseka announced a legal challenge to have him declared the winner and installed as president. Rajapakse responded with a crackdown on opposition supporters and media critics, which led to Fonseka’s arrest two weeks after the election. Despite being in military custody, the ex-general won

a parliamentary seat in the April general election as part of the Democratic National Alliance, formed by the JVP.

The charge that Fonseka “engaged in politics while in uniform” is hypocritical to say the least. After a quarter century of civil war, the Sri Lankan officer caste as a whole is deeply politicised. For Fonseka to privately sound out the possibility of joining the UNP and becoming a presidential candidate was hardly unusual.

Throughout the war, Fonseka repeatedly made public political statements. He openly criticised the 2002 ceasefire agreement, attacked opposition politicians and even branded political leaders in the southern Indian state of Tamil Nadu as “political jokers” for attempting to pressure the Indian government to halt the war. There was never any suggestion that Fonseka would be disciplined for “engaging in politics” because the government supported these statements. Following the LTTE’s defeat, President Rajapakse hailed the general as “a great war hero”.

The subsequent bitter rivalry between Rajapakse and Fonseka was bound up with broader issues. As the LTTE’s defeat approached, the US became increasingly concerned about China’s growing influence in Colombo as a result of substantial Chinese military and financial aid. Amid mounting evidence of military atrocities involving the killing of thousands of Tamil civilians, the US, which had backed Rajapakse’s war, cynically used the threat of war crimes trials to put pressure on the government.

Rajapakse flatly denied that the military had killed any civilians and trenchantly opposed any international investigation of the final months of the war. The UN estimated that at least 7,000 civilians were killed between January and early May last year. An International Crisis Group report put the death toll far higher, at between 30,000 and 75,000, and accused the military of deliberately targeting hospitals and aid centres inside LTTE territory.

Fonseka, who was intimately involved in all these crimes, indicated his support for Washington by publicly declaring his willingness to testify to an international war crimes investigation. Even more alarming for Rajapakse, Fonseka hinted that he would pin the blame on the government. The military did not carry out war crimes, he said, but illegal orders from outside might have been responsible for such crimes.

In the midst of the election campaign, Fonseka declared that he had information that Defence Secretary Gotabhaya Rajapakse had given orders to shoot surrendering senior LTTE leaders S. Puleedevan and B. Nadesan, even though they were carrying white flags. British newspapers had already reported the incident in May 2009. The Rajapakse brothers reacted to Fonseka’s statement with furious denunciations, accusing him of betraying state secrets. Even though Fonseka declared he had been misquoted, the government has continued to pursue the so-called white flag incident.

President Rajapakse’s determination to silence Fonseka is certainly aimed at ensuring that no details come to light of the

war crimes. Fonseka’s conviction, however, is also part of the government’s broader attempts to suppress political opposition and criticism, no matter how limited. While Rajapakse and his coalition easily won the presidential and parliamentary elections, there is growing opposition to the government’s austerity measures dictated by the International Monetary Fund (IMF).

The UNP and JVP have both condemned Fonseka’s conviction. Last Friday police violently broke up a demonstration in Galle organised by the JVP and Democratic National Alliance to demand Fonseka’s release. Police used tear gas and batons against 2,000 protestors. Police later arrested two JVP MPs—Vijitha Herath and Ajith Kumara—when they attempted to register a complaint about the attack. Herath and Kumara were released on Monday, but 16 others detained during the protest were remanded until August 20.

The opposition parties, like the government, are both mired in Sinhala communalism. They defend Fonseka on the grounds that he is a “war hero”. Like the Rajapakse government, Fonseka is directly responsible for the prosecution of the communal war and the crimes of the military. Moreover, during the election campaigns, Fonseka and the opposition parties made clear that they would also impose the burden of the country’s deepening economic crisis on working people.

The conviction of Fonseka is nevertheless a sharp warning to the working class. If the country’s former top general can be arrested, imprisoned and convicted on trumped-up charges, then the government will have no hesitation in using more vicious, anti-democratic methods to suppress the resistance of working people to its pro-market economic policies.



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