

# Sri Lankan president jails political rival

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Sri Lankan President Mahinda Rajapakse, as commander-in-chief of the armed forces, last week confirmed a second court martial conviction against former army commander Sarath Fonseka for failing to follow military procurement procedures.

Fonseka, who had been held at the navy headquarters' complex since his arrest on February 8, was shifted to Welikada prison in Colombo city on September 30. The military court sentenced him to 30 months hard labour.

Fonseka's imprisonment is part of the government's broader attack on democratic rights. By convicting his main rival in the January presidential election, Rajapakse has sent a signal that he will crack down on any political opposition to his government.

Fonseka was arrested shortly after the election amid a frenzied campaign by the government alleging that the retired general was plotting to oust Rajapakse and murder his brothers. None of these allegations has been substantiated.

Instead Rajapakse appointed two courts martial to try the former army head on unrelated charges. The first convicted Fonseka of engaging in politics while in service and stripped him of his medals, pension and rank and barred him from entry to military establishments.

The second court martial found Fonseka guilty of authorising military procurements from Hicorp Company, when his son-in-law, Dananu Thilakaratne, was a company director. According to the judges, Fonseka sat on the board reviewing the tender, concealed his relationship with Thilakaratne and thus committed a "fraudulent act".

Media minister Keheliya Rambukwella told the press last Friday that Fonseka would lose his parliamentary seat once President Rajapakse informed the parliamentary

speaker—his brother Chamal Rajapakse—of the second conviction. Fonseka won a seat in general elections in April and was permitted to attend parliamentary sessions where he criticised the government.

Fonseka's conviction on trumped-up charges has provoked concerns in sections of the ruling elite. The prelates of the country's four influential Buddhist sects recently sent a letter to the president calling for him to pardon Fonseka. The letter declared that the retired general had done "yeoman service" for the country by destroying the "terrorism" of Liberation Tigers of Tamil Eelam (LTTE).

As army commander, Fonseka ruthlessly waged the civil war against the LTTE that Rajapakse restarted in mid-2006. Together with Rajapakse, he bears responsibility for war crimes, including the killing of thousands of civilians. Having collaborated closely with Rajapakse, Fonseka fell out with the president following the LTTE's defeat in May 2009 and was sidelined to the largely ceremonial post of Chief of Defence Staff.

Fonseka resigned from the army in November 2009 to run as the common presidential candidate of the opposition United National Party (UNP) and Janatha Vimukthi Peramuna (JVP). Neither Fonseka nor the opposition parties has any fundamental disagreement with Rajapakse. The UNP and JVP both backed the civil war to the hilt and support the government's pro-market economic agenda.

Rajapakse has made clear that any request for a pardon would have to come from Fonseka. Speaking to leading Buddhist monks in the North-Central Province on Friday, he said: "Constitutionally, there is a manner how [the] pardon could be given. If there is [a] plea for pardon I am ready to consider it."

What Rajapakse is seeking an admission of guilt from

Fonseka. To date, Fonseka has denied all charges, branding them as politically motivated. His wife, Anoma Fonseka, told the media after meeting her husband in prison that he would not appeal for a pardon.

The government is continuing its persecution of Fonseka with two more cases in the civil courts. The first involves further charges over the Hicorp deal. The second case filed in the High Court relates to two aspects of the presidential campaign. Fonseka is accused of harbouring army deserters and making false accusations against Defence Secretary Gotabhaya Rajapakse—another of the president’s brothers.

The accusation of “harbouring deserters” was one element of the government’s claims that Fonseka was plotting a coup. In the immediate aftermath of the presidential election, the government rounded up ex-military officers and civilians who had supported Fonseka, claiming they were conspiring against the president.

All but two have now been released without charge—Fonseka and his secretary, former Captain Senaka Haripriya De Silva, who is also accused of “harbouring deserters.” Four more “conspirators”—Brigadier Duminda Keppetiwala, retired Major General Sunil Amarasinghe De Silva and Upali Edirisinghe, and media correspondent Ruwan Weerakoon—were set free on September 24 on the instruction of Attorney General Mohan Peiris.

The second allegation of making a false accusation is highly political. In the course of the election campaign, Fonseka gave an interview to the *Sunday Leader* in which he accused Defence Secretary Gotabhaya Rajapakse of ordering the army to kill three top LTTE leaders with white flags who had been seeking to surrender during the final battle of the war.

The government launched a furious attack on Fonseka accusing him of compromising national security and denigrating the army. Fonseka quickly backtracked, declaring that his remarks had been misinterpreted in the article. What concerned the Rajapakse regime, however, was that Fonseka had intimate knowledge of all of the military’s crimes and could make them public.

President Rajapakse has flatly denied that the army was involved in any crimes and has rejected calls by the US

and European powers for an international investigation. The US and its European allies backed Rajapakse’s war, but are exploiting the human rights issue to put pressure on the president in order to undercut growing Chinese influence in Colombo.

The so-called white flag incident is particularly sensitive for Defence Secretary Rajapakse. If proven, the accusation would make him personally responsible for an obvious breach of international law. The allegations first surfaced shortly after the LTTE’s defeat in two British newspapers—the *Sunday Times* and the *Guardian*. *Sunday Times* journalist Marie Colvin was personally involved in last-minute efforts involving UN, US and British officials to broker the surrender. (See: “British newspapers expose cold-blooded killing of LTTE leaders in Sri Lanka”)

In the High Court hearing that began yesterday, Fonseka pleaded not guilty.

The opposition UNP and JVP have called protests against the imprisonment of “war hero Fonseka”. The UNP leader Ranil Wickremesinghe told the media yesterday that he intended to write to the president. JVP leader Vijitha Herath announced a “People’s Movement for Democracy” for Fonseka’s release.

In response, the government has issued instructions to the police to crack down on any protests. Directives have been sent to all police stations to suppress a poster campaign that is “provoking the public” to carry out anti-government activities. According to the *Sunday Times*, the police have been instructed to deploy mobile patrols, motorcycle squads and foot patrols.

The government’s response to the limited campaign by opposition parties is a further demonstration of its anti-democratic methods, which are not primarily directed against its rivals in the Colombo political establishment, but against the working class. Under pressure from the International Monetary Fund, Rajapakse is imposing austerity measures to cut the budget deficit and is preparing to suppress the popular opposition that will inevitably erupt.



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