

Sri Lankan president removes country's chief justice

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14 January 2013

Sri Lankan President Mahinda Rajapakse yesterday flouted the rulings of the country's top courts. He issued a decree dismissing Chief Justice Shirani Bandaranayake, just a day after his ruling coalition rammed a vote through parliament to impeach her. The president's action has set the stage for a constitutional and political crisis.

Before signing the decree, Rajapakse summoned all Supreme Court judges and, later in the day, called in all Appeal Court judges, trying to bully them into submission. A majority of judges opposed Bandaranayake's impeachment and threatened not to work with any replacement chief justice. The president has the power to appoint the judges in these courts.

The Lawyers Collective, a group of lawyers who backed Bandaranayake, issued a statement declaring that she "remains the Chief Justice, notwithstanding being unconstitutionally removed." One of Bandaranayake's lawyers, Saliya Peiris, told the British-based *Independent* that "as far as she is concerned, she is not going to recognise the legality of her ouster."

The Supreme Court had ruled that a parliamentary select committee set up to investigate Bandaranayake had no legal power to make an adverse finding. In line with this decision, the Court of Appeal last week quashed the report issued by the parliamentary committee.

Rajapakse's ruling coalition, however, defied the orders of these courts and proceeded to hold a parliamentary session on the committee's report last Thursday and Friday. The committee's hearings were a mockery of legal process. The government majority did not allow Bandaranayake to cross examine witnesses or adequately prepare her defence. It rapidly found her guilty of three charges of corruption, dismissed two and ignored the remainder of the 14 charges in the original

impeachment motion.

The charges themselves were trumped up. The government had moved to oust Bandaranayake after a Supreme Court bench, which she chaired, ruled that the Divineguma Development Bill, aimed at taking back economic powers devolved to provincial councils, was unconstitutional. The impeachment is aimed at disciplining the country's courts to prevent any, even limited, challenge to the ruling cabal around President Rajapakse.

The government used its parliamentary numbers to steamroller a vote accepting the report by 155 to 49. It allowed MPs from the Lanka Sama Samaja Party and Communist Party to abstain on the vote. This threadbare face-saving device will do nothing to revive these discredited parties, which have backed all the government's austerity measures against workers and the poor. Vasudeva Nanayakkara, a former leader of the ex-left Nava Sama Samaja Party (NSSP) and now a senior minister, voted for the impeachment.

Of the opposition parties, the United National Party (UNP) attempted to stall a vote, then, along with the Tamil National Alliance (TNA), voted against the report. Janatha Vimukthi Peramuna (JVP) MPs walked out of parliament in protest. However, all three parties had participated in the parliamentary committee, giving it a veneer of credibility.

The standoff between the government and the Supreme Court is a product of sharpening divisions within the Sri Lankan ruling elite. The country's top courts have long been stacked with political appointees. Bandaranayake herself was installed by Rajapakse and until recently was close to him. But amid a worsening economic crisis and growing social tensions, Rajapakse cannot tolerate any opposition.

Sections of the bourgeoisie are disturbed by

Rajapakse's economic cronyism and his foreign policy orientation to China, rather than the West. Moreover, there are concerns in ruling circles that the president's flouting of the constitution, as well as legal and parliamentary norms, are discrediting parliamentary rule amid mounting signs of social unrest.

The Federation of Chambers of Commerce and Industry warned the government last week that the impeachment might "lead to a grave constitutional crisis," which would "not be in the best interests of the country's economic and business environment."

The fear in the corporate elite is that protests against the impeachment will open the door for a broader movement of workers and the poor against the government's relentless austerity measures. The opposition parties, with the support of the ex-left organisations—the NSSP and United Socialist Party (USP)—are working might and main to ensure that does not take place.

During the parliamentary debate, lawyers went on strike to protest against the impeachment. Lawyers, along with members of the opposition parties and trade unions, attempted to march to the presidential secretariat on Thursday to demand that Rajapakse halt the impeachment process, but were stopped by a massive police presence.

Thousands of police, including police commandos armed with tear gas and water cannon, had been deployed. The government also mobilised gangs of local ruling party members, thugs and members of the security forces in plain clothes, who physically attacked protesters while police stood by. The thugs also stoned the Supreme Court premises.

Leaders of opposition parties and their associated trade unions postured as defenders of democracy. K. D. Lankantha, president of the JVP-aligned National Trade Union Centre (NTCU), declared that the fight in parliament was over and now "the fight is in the street." The JVP, which helped Rajapakse win the 2005 presidential elections, is notorious for its anti-democratic methods.

The pseudo-left organisations, the USP and NSSP, are playing a particularly pernicious role in tying workers to an opposition front led by the right-wing UNP, the country's most longstanding bourgeois party. In government, the UNP has had no compunction in using anti-democratic measures to impose its big

business agenda. Yet USP leader Siritunga Jayasuriya told protesters: "We must sacrifice our lives to win democracy. Everyone, the left and the right, must be united against this dictatorial rule."

The USP and NSSP are preparing a dangerous political trap. The government's ruthless treatment of the chief justice is a warning of the police-state measures that will be used against the working class as it fights the attacks on its living standards. Workers, however, cannot defend their democratic rights by lining up with the UNP and other bourgeois opposition parties, which would be just as vicious in imposing the austerity agenda demanded by finance capital if they took office.

Democratic rights can be defended only through a struggle for the political independence of the working class from all factions of the bourgeoisie, and the mobilisation of the oppressed masses for a workers' and peasants' government to implement socialist policies. This is the perspective of the Socialist Equality Party. It fights for a Socialist Republic of Sri Lanka and Eelam as part of the struggle for socialism throughout South Asia and internationally.



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