

Sri Lankan government installs new chief justice

W.A. Sunil**18 January 2013**

Sri Lankan President Mahinda Rajapakse on Tuesday appointed one of his close confidantes, former Attorney General Mohan Peiris, as the country's chief justice following the president's sacking of Shirani Bandaranayake by decree on Sunday.

Rajapakse's appointment of Peiris, which flouts Supreme Court and Appeal Court rulings that Bandaranayake's impeachment was unconstitutional, will deepen the country's political crisis. Already, lawyers and the country's opposition parties have held large protests.

Bandaranayake vacated her official residence on Tuesday, expressing fears of possible violence against her. The police prevented her from speaking to media, but she issued a statement asserting she was "still the duly appointed legitimate chief justice of the country." She declared that the decisions of a parliamentary select committee, which found her guilty of trumped-up corruption charges, were "ultra-vires, null and void and have no force or validity in law."

Bandaranayake did not explain what she would do next. However, the Centre for Policy Alternatives has filed a fundamental rights case challenging Peiris's appointment and seeking a ruling to restrain him from performing any official duties as chief justice.

Peiris's appointment was clearly a political selection, aimed at ensuring that the chief justice would not be an obstacle to government policy. Under Bandaranayake, the Supreme Court had ruled that legislation enabling the national government to seize economic powers from provincial councils was unconstitutional.

After retiring as attorney general, Peiris was a legal adviser to the cabinet. He holds top posts in several government-owned companies and is the chairman of the Seylan Bank. Peiris played a key role in defending the Rajapakse government from international criticism

over the war crimes and human rights abuses committed by the Sri Lankan military during the communal war against the separatist Liberation Tigers of Tamil Eelam (LTTE).

Peiris was criticised for interfering in country's legal system to protect government supporters from prosecution. An International Commission of Jurists (ICJ) report last November provided a list of cases against government parliamentarians that he had withdrawn.

In appointing Peiris, the government breached parliamentary norms. A five-member parliamentary committee, comprising the speaker, prime minister and another government MP, as well as the opposition leader and his representative, is meant to ratify judicial appointments. When the two opposition members boycotted the committee, it simply rammed through Peiris's appointment.

On Tuesday, the government deployed hundreds of police and soldiers near and around the Colombo court premises to prevent Bandaranayake from entering the building and to intimidate the opposition. Some 200 pro-government thugs and politicians gathered and chanted slogans supporting Peiris.

The government's actions have provoked opposition in Sri Lanka and internationally. The ICJ condemned Peiris's appointment and called for Bandaranayake's reinstatement, citing "serious concerns about the future of the rule of law and accountability in the country."

A *Daily Mirror* editorial said the "shocking and shameful scenes were part of one of the most tragic chapters in Sri Lanka's history, with the destiny and fate of our country at stake."

The editorial reflects deep anxieties in sections of the Sri Lankan ruling elite over the government's policies and its autocratic methods of rule. Layers of big

business have been sidelined by Rajapakse's blatant cronyism and fear the consequences of the government's orientation to China. The US and its allies have previously used the military's war crimes as a means to pressure the government to distance itself from Beijing.

There are also fears that the government's open flouting of constitutional and legal norms will discredit parliamentary rule, setting the stage for dangerous confrontations with the working class. The Federation of Ceylon Commerce and Industries (FCCI) last week issued a statement warning: "Sri Lanka is facing a grave constitutional and legal crisis, with the foundation of democracy at stake." It urged Rajapakse to "resolve the issue."

The political establishment is relying on the ex-left Nava Sama Samaja Party (NSSP) and the United Socialist Party (USP) to tie the working class to the opposition United National Party, a right-wing bourgeois party. Writing in the *Daily Mirror* on Wednesday, NSSP leader Wickramabahu Karunaratne declared that because of the resistance of the judiciary, and protests by the opposition parties and trade unions, "the plan of Mahinda may be short-lived."

The UNP, however, has no intention of waging a genuine struggle to defend democratic rights and legal norms. During its time in government, the party was notorious for its ruthless suppression of political critics and opponents. UNP general secretary Tissa Attanayake has already made clear that while the UNP rejected Peiris's appointment, it would leave it up to the Judicial Officers Association and Bar Association decide any further protests.

The government is attempting to silence any opposition by the judiciary and legal fraternity. Top lawyers who have appeared in court cases challenging Bandaranayake's impeachment have been the target of threats by pro-government thugs.

Rajapakse held a meeting with leaders of the Bar Association on Monday, during which he warned that he would not allow anyone to transform the judiciary into "a political unit" and "disgrace the judiciary." This, of course, comes from someone who has violated the constitution and flouted court rulings.

Rajapakse's treatment of Bandaranayake and threats against the judiciary are a warning to the working class. The government will be far more brutal in dealing with

the resistance of workers and the rural poor to the austerity measures that it is implementing on behalf of big business and international finance capital.

The working class cannot defend its basic rights by lining up behind the UNP. Workers must mobilise independently of all factions of the Sri Lankan bourgeoisie and, in that way, win the support of the rural masses for a workers' and peasants' government to implement socialist policies and establish basic democratic rights. Only the Socialist Equality Party advances this perspective in Sri Lanka, as part of the fight for socialism in South Asia and internationally.



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