

# Sri Lankan authorities delay on whether to prosecute award-winning writer Shakthika Sathkumara

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Sri Lankan police told the Polgahawela magistrate's court last week that they are yet to receive the attorney general's decision on whether to prosecute Shakthika Sathkumara. The acclaimed writer was arrested on April 1 and illegally held in remand for 130 days for allegedly defaming Buddhism.

Released in August on strict bail conditions, Sathkumara is accused of violating Section 291B of the Penal Code and Section 3 of the International Covenant on Civil and Political Rights Act (ICCPR) No. 56 of 2007. According to legal procedures, the author should have been released on bail by the Polgahawela magistrate as soon as the case had been filed.

If the attorney general decides to indict Sathkumara, he will be prosecuted at the Kurunegala High Court and, if found guilty of the bogus defamation charge, could be sentenced to ten years' jail. The next hearing in the Polgahawela magistrate's court will be on May 19 next year when the attorney general's decision will be announced.

Questions are being raised about the attorney general's impartiality, given that he has been listed to appear for R.D.M.Syryl, the officer in charge of Polgahawela police. Syryl is a respondent in a fundamental rights case filed by Sathkumara over his arbitrary arrest and the violation of his freedom of expression and other constitutional rights.

Sathkumara was arrested following a complaint by a Buddhist monk, who is affiliated with a right-wing extremist organisation, over *Ardha (Half)*, a short story by the author published on his Facebook page.

The monk claimed that the story, which included a reference to homosexuality among Buddhist monks, insulted Buddhism and Buddha. Extreme-right

Buddhists are acutely sensitive to any exposure of the pseudo-sacred pretences of the religious establishment.

In his objections to Sathkumara's story, which were filed belatedly on August 15, Polgahawela police chief R.D.M. Syryl did not present any substantive evidence to justify Sathkumara's arrest. One of the documents submitted by the police—a statement from the inspector of police on April 1—reveals that the police arrested the writer and brought him before the court on the request of the Buddhist monk.

Counter-objections filed by Sathkumara in a fundamental rights case argue that Polgahawela police organised protests in support of extremist Buddhist monks in order to bring pressure not to grant bail for the author. A hearing on Sathkumara's fundamental rights case, which was last heard on September 30, has been postponed until July 28 next year.

The Sri Lankan police are closely linked to the religious establishment and notorious for promoting the extreme-right Buddhist organisations, and have directly and indirectly backed racist assaults on minority communities. Recent communalist attacks included mob violence against Muslim-owned shops and houses in the Minuwangoda area on May 13 following the Easter Sunday bombings this year by a local ISIS-inspired terrorist group.

On October 24, Sathkumara was assigned to work at the Irrigation Department by the Director of Combined Services. However, in a blatant violation of the author's democratic rights, this was overruled by a senior official who is reported to have said that "someone who wrote a book against Buddhist monks is not fit for this department."

On December 2, Sathkumara was reappointed as a

development officer at the Maspotha Divisional Secretariat but on the condition that he may have to face a disciplinary inquiry into his authorship of the short story. The civil administration, however, has no legal mandate to conduct such disciplinary inquiries into this non-service related matter.

The state witchhunt of Sathkumara has been condemned by prominent Sri Lankan artists and international figures, including most recently a letter of support by Sahidul Alam, a renowned photojournalist.

Alam was arrested by Bangladesh police in August last year for condemning violent police attacks on students and for voicing his concerns on the *al-Jazeera* network. He was later released following local and international protests. Alam's letter to Sathkumara is part of a campaign being organised by PEN International, which defends writers internationally from all forms of government repression.

Sathkumara responded to Alam with the following reply:

“The repression I am facing is not limited to this country alone ... We are being driven to a magical world of after-life beyond the objective world, to hide the real causes of the social catastrophe of the crisis-ridden capitalist system. To meet this end, religion and the religious establishment has been a critical tool for the bourgeois ruling class. They have used religion as a weapon to defend their predatory system.

“In countries like ours, even the Constitution has given religion the foremost place. This is a legal weapon used by the ruling class to divide the oppressed masses along racial and religious lines and defend capitalist rule. The ruling class is consciously cultivating lies, social and cultural backwardness and reaction against the masses. So, the attacks on journalist Julian Assange, who is being hunted due to his exposure of the crimes of US imperialism, and on yourself and myself are essentially political.”

State attacks on artists and journalists have been stepped up following Sathkumara's persecution. On the eve of the recent presidential election, film director and playwright Malaka Devapriya was questioned by the Criminal Investigation Department over alleged violations of the ICCPR Act.

On November 25, following his appointment as Sri Lankan prime minister, Mahinda Rajapakse referred to Article 9 of the constitution, which gives the foremost

place to Buddhism, and declared, “We will take legal action against those who defame Buddhism or any other religion.”

Mahinda Rajapakse is also Sri Lanka's minister of Buddha Sasana, which exists to protect and guarantee the dominance of Buddhism and the Buddhist religious establishment in Sri Lanka.

The judicial verdicts on the fraudulent defamation allegations against Sathkumara and Devapriya are being made in an increasingly communalist atmosphere. Sri Lanka's ruling elite is whipping up religious divisions to counter the development of unified strike action and mass demonstrations of workers, youth and the rural poor against government austerity policies and attacks on democratic rights.

The Action Committee for the Defence of Freedom of Art and Expression, which was organised by the Socialist Equality Party (SEP), has issued statements and launched a “Solidarity Petition” campaign in defence of Sathkumara and Devapriya. Its defence of democratic rights is an integral part of the SEP's political struggle for the independent mobilisation of the working class for a workers' and peasants' government based on a socialist and internationalist program.



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