

Sri Lankan government exonerates alleged war criminals and political cronies

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Sri Lankan Prime Minister Mahinda Rajapakse has tabled a resolution in the parliament to end court cases against political supporters of the government and alleged war criminals.

This resolution is based on a paper submitted by the President Gotabhaya Rajapakse and approved by the cabinet. It was based on the recommendations of the Presidential Commission of Inquiry (PCoI), appointed in January last year.

This commission was tasked with investigating “political victimisations” during the previous government of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe, covering the period from January 16, 2015 to November 16, 2019. The commission submitted its final report to the president last December.

The resolution was presented to the parliament on April 9, debated once, and has been scheduled for further debate. If it were to be rammed through parliament, the government could order the withdrawal of judicial punishments and also terminate several ongoing court cases.

The commission also recommended taking action against those responsible for the allegations against the supposedly politically victimised. These include several political leaders from the previous government, and supporting parties that are now in opposition, as well as officers involved in investigating the cases.

The commission has advised the president to appoint another panel, as it has no judicial powers to take action. Rajapakse has appointed such a body and its report is due. If these recommendations are acted on, it would lead to a witch-hunt of political opponents that could include stripping them of their civil rights.

President Rajapakse’s moves, which further undermine the constitution, are another step towards

autocratic rule, in the face of the country’s deep social and political crisis.

This infamous presidential commission consisted of three members—a retired supreme court judge Upali Abeyratne, retired appeals court judge Daya Chandrasiri Jayatilleka and a former inspector general of police, Chandra Fernando.

Its report’s introductory remarks demonstrate a blatant political bias. Commissioners have glorified the final phase of the bloody war against the separatist Liberation Tigers of Tamil Eelam (LTTE) which was waged by the government of President Mahinda Rajapakse. At the time, the current president, Gotabhaya Rajapakse, was defence secretary. Both were hailed in the report as “the heroic leaders who made Sri Lanka a unitary state again” by defeating the LTTE in May 2009.

The Commission report criticizes court cases, filed during the Sirisena-Wickremesinghe government, against military personnel and Rajapakse allies, using the “baseless allegations made against real war heroes by pro-western leaders, inspired by the Tamil Diaspora.” This is a bald-faced lie. By UN estimates, in the final months of the war alone, the military’s indiscriminate attacks killed at least 40,000 Tamil civilians.

The Sirisena-Wickremesinghe government came to power in January 2015, promising to address the suppression of democratic rights, war crimes and human rights violations, and investigate the rampant corruption during Mahinda Rajapakse’s rule. It also promised to improve the social conditions of working people in order to exploit widespread opposition to the Rajapakses.

The election of Sirisena as president was part of a US-sponsored regime-change operation. Washington had

backed the war against the LTTE and turned a blind eye to the government's war crimes. However, the US was hostile to Mahinda Rajapakse's ties with Beijing, under conditions where the Obama administration was determined to encircle and undermine China.

After coming to power, the Sirisena-Wickremesinghe government had no real interest in taking any action over war crimes, not least because the parties that made up the government were also responsible for the brutal 30-year communal war and its many atrocities. Limited legal action was taken in response to public opposition.

Cases were filed over some abductions by military-aligned death squads, the killing and harassment of journalists, and corruption. Virtually all these cases are still dragging on.

Now, on the pretext of ending "political victimization," the current Rajapakse government is proposing to terminate these cases, including:

- * The high court trial against former navy commander retired Rear Admiral, Wasantha Karannagoda, Lt. Colonel, H.M.P. Chandana Kumara Hettiarachchi and several high-ranking navy officers, over the abduction and disappearance of 11 Tamil youth in Colombo and suburban areas during 2008-2009.

- * The indictment of navy intelligence officer Gamini Seneviratne in the high court over the killing of Jaffna district MP Nadarajah Raviraj in 2006.

- * Those accused of the high-profile murder of *Sunday Leader* editor Lasantha Wickrematunge in January 2009, and those charged for abduction and torture of journalist Keith Noyahr are to be released.

- * Duminda Silva, an MP in the Mahinda Rajapakse government, is to be freed, as his death sentence has been finally approved by the Supreme Court. He was found guilty of the murder of political rival Bharatha Lakshman Premachandra in 2011.

- * Significantly, corruption charges will be dropped against the president's younger brother Basil Rajapakse, the prime minister's son Yoshitha Rajapakse and current ministers Udaya Gammanpila and Nalaka Godahewa.

The commission has recommended that those politically victimized should be compensated, reinstated in their former posts, and given promotions that they would have received.

According to its recommendations, the charges

should be brought against former prime minister Wickremesinghe and several of his government ministers, Tamil National Alliance (TNA) MP M. A. Sumanthiran, opposition Janatha Vimukthi Peramuna (JVP) leader Anura Kumara Dissanayake, as well as senior police officers, lawyers and government officials. They are accused of making false allegations.

Sajith Premadasa, leader of the opposition Samagi Jana Balawegaya, demagogically declared at a press conference last week: "With this report, the government has planned the political assassination of its opponents. What Hitler did in one night, the government is trying to do through one report." JVP leader Anura Kumara Dissanayake rhetorically challenged the government to take action against him.

The Bar Association of Sri Lanka passed a resolution condemning the government's moves as "an affront to the doctrine of separation of powers, the Rule of Law and the independence of the judiciary." A *Sunday Times* editorial on April 25 declared that the government's decision to proceed on the "blatantly biased" recommendations of the commission "betrays a dangerous mindset prevailing among the country's political leadership."

These limited criticisms obscure the far-reaching implications of the government's determination to overturn charges and dismiss cases against military figures and political allies. It further ensures that an already pliant judiciary will act according to the political wishes of the government and, in particular, that no further investigation of war crimes, let alone charges, will take place.

While the immediate targets are the political leaders of the bourgeois opposition in Colombo, the moves are aimed above all against the working class, under conditions of an upsurge in the class struggle. The ruling class as a whole is terrified of the growing opposition of workers and will not fight the moves towards autocratic rule. The working class has to take up the fight to defend basic democratic rights and legal norms as part of the fight for socialism.



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