The World Bank, Ethnic Fratricide and the Sri Lankan Judiciary

By Raman Kulasingham
TAMIL CANADIAN

International aid to Sri Lanka can strengthen the extremists at a time of war. Mr. Sarath Silva, the Chief Justice, had ruled several times in favour of President Mahinda Rajapakse when it came to the war. The Government is keen to provide him with monetary resources to express gratitude. It has approached the World Bank to provide Rs 4,500,000,000 to build brand new court houses in Sri Lanka. This would be the controversial Legal Reforms Project.

The World Bank has agreed to support Sri Lanka's highly political judiciary. In doing so, it legitimizes the current set up. Chief Justice Sarath Silva unlike his counterparts in Pakistan and India has ruled in favour of a hawkish Government. He declared the PTOMS agreement unconstitutional in 2005 preventing liberal Sinhala attempts to devolve tsunami rehabilitation and include the LTTE in such initiatives. He ruled in favour of early presidential elections that year to allow Mahinda Rajapakse to contest the elections one year earlier than scheduled in 2006 before the anti incumbancy factor consolidated itself. Silva also issued a court order in 2005 preventing a public discussion of the misuse of tsunami funds by Rajapakse in Hambantota during the presidential elections.

He ruled in 2006 that Sri Lanka was no longer bound by international human rights conventions that it had signed. These had protected Tamils imprisoned for long years without charge nor bail. Justice Silva ordered the demerger of the Northern Province and the Eastern Province in October 2006 which Sri Lanka had introduced in 1987 to meet Tamil demands for devolution.

He refused to rule against the high security zone that had been imposed in the Trincomalee district in September 2006 that expelled 25,000 long term Tamil residents there. This was ethnic cleansing. Many Tamils kicked out had filed a fundamental right petition at the Supreme Court that the right to their property, houses and lands was being violated by the newly declared high security zone. The Supreme Court summarily dismissed the case and refused to give leave to proceed. The Chief Justice meanwhile took a high profile visit to a Sinhala Buddhist monument in Seruvila to give the green light to renewed Sinhala settlement schemes in the vicinity of emptied Tamil villages.

There has been a rash of kidnappings, abductions, disappearances, extortion and extra judicial killings in Sri Lanka since President Rajapakse took over in November, 2005. The situation in the Northern Province and in the Eastern Province is particularly bad with extra judicial killings each day. Amnesty International, Human Rights Watch and the United Nations Human Rights Council have documented the worsening human rights situation. The Sunday Leader has exposed military complicity in the rash of kidnappings of Tamils and massive extortion. The judiciary has completely failed to uphold the rule of law and protect human rights. Tamils have no recourse to the law. The rule of law has collapsed. The local magistrates in the Northern Province and in the Eastern Province have been sidelined and transferred by the Chief Justice when ever a important case that concerns citizen rights are raised.

The Government itself admits that 1,900 combatants have died in Sri Lanka since January 2008. Aid workers estimate that another 1,700 civilians have died in the past one year due to the war with 170 civilians deaths since January this year alone. Sri Lanka is perhaps the only country today that bombs its own citizens. The indiscriminate air force bombing has led to significant civilian casualties in the Northern Province which are undocumented due to the absence of an international media presence there.

The World Bank has now decided to lend money to build courthouses. Meanwhile, the Government had decided to spend a record 1.57 billion dollars on the military. This is a Government that has no political vision to accommodate the Tamil minority. The All Party Representative Committee is dead in all but name. Sri Lanka intends to do what Nigeria did in the 1960s when it brutally crushed the Ibo revolt in Biafra and what Sudan did more recently when it crushed dissent in Darfur leading to a humanitarian catastrophy in both places.

The World Bank Legal Reforms Project needs to seen in this context. This support to a flawed judiciary provides the fig leaf of legitimacy to an otherwise illegitimate Government. The World Bank would pay for new courts. Meanwhile, Tamil laywers can not speak out openly in Sri Lanka.

The war in Sri Lanka had its roots in the shortcomings of the legal system. The racial bias of the judiciary was central to the emergence of the civil war. The judiciary in Sri Lanka has consistently opposed Tamil rights since independence. It refused to overturn the Ceylon Citizenship Act that disenfranchised one million Tamils of Indian origin in 1949. It refused to overturn the Sinhala Only Act in 1956 which made Sinhala the only language of administration. It refused to over turn the standardization of grades that reduced Tamil admissions into university in Sri Lanka in 1972. It undid the merger of the Northern Province and the Eastern Province in 2006 and in so doing rolled back the Indo Sri Lanka Accord. The World Bank needs to start public consultations with lawyers, including the Tamil and Muslim legal fraternity on the new project. The Jaffna, Trincomalee and Batticaloa Bar Associations should be included in the discussions before the World Bank approves the project. The World Bank should meet with District Judges and Magistrates in Jaffna, Mannar and Vavuniya.

There are one million Ceylon Tamils in America, Europe and Australia. They need to lobby the World Bank to stop this loan. The tax payer in the West is underwriting a corrupt and biased judiciary in Sri Lanka. While there is the international sentiment against the LTTE, international opinion still supports the rule of law. This is lacking in Sri Lanka. Even the US which is insistent that terror be defeated, would support genuine legal accountability. But the rule of law can not be secured through the mere construction of new court houses. There has to be rule of law. There has to be an end to the impunity that the Chief Justice represents.

Diaspora Tamils need to write to the World Bank to convince it that public consultations are necessary in Jaffna. The project should be made accountable to the legal fraternity including Tamil lawyers and judges. This is not Justice Sarath Silva's private bank account to reward judges who toe the Government's political line.

SPOTLIGHT

By: Charles Somasundrum

The 30th of January this year saw the 60th anniversary of the assassination of Mahatma Gandhi. Among observances in India to commemorate this anniversary, was one that included the immersion of part of his ashes, that an Indian family had come by and treasured all these years.

Mahatma Gandhi had a close affinity with the Tamil homeland which he visited with his wife in 1927. In one of his speeches in Jaffna, he said *'Havng come to Jaffna I do not feel I am in Ceylon, but I feel that I am in a bit of India. Neither your faces nor your language are foreign to me.'* Among many Ceylonese who invited the Mahatma to the island, was that arch, Sinhala Buddhist, ethno nationalist, Anangarika Dharmapala, the founder of the Maha Bodhi Society. His telegram read, '*Ceylon Buddhists delighted your release. Invite you and family to Colombo. Quiet seaside residence ready. – Anangarika*'.

Some words of the Mahatma make interesting reading in this context. He wrote that the Buddha was himself the son of a Hindu king. He was born when the Hindus were '*under the glamour of the outward form of their religion.'* The Brahmins, out of selfishness, had abandoned their true function of defending the Hindu faith. Buddha was moved to pity when he saw '***his religion (Hinduism***' (my emphasis) '*reduced to such a plight*.' He renounced the world and spent several years in devout contemplation and ultimately, ***'suggested some reform of the Hindu religion.'***

The Buddha's actions can be compared to those of Martin Luther in later years. Martin Luther was a Catholic monk who was unhappy over the corruption of the Catholic Church and the sale of 'Indulgences' that were begun, in order to raise funds for the Catholic Church, which was involved in extensive building works in the Vatican. Martin Luther's protest soon took the form of a revolt from the Catholic Church. This was the beginning of the 'Protestant Church'. Luther had never intended to start a 'new' Christian church in competition with the Catholic Church. This action of Martin Luther was very similar to that of the Buddha, many years earlier. Buddha's 'protest' against established Hinduism, became a new 'religion' in certain countries like Sri Lanka.

Commenting on the Buddha, Gandhi wrote '*His piety greatly affected the minds of the Brahmins, and the killing of animals for sacrifice was stopped to a great extent. It cannot therefore be said that the Buddha founded a new or different religion. But those who came after him gave his teachings the identity of a separate religion.*' It is clear that Anangarika Dharmapala had **not** read all of the Mahatma's writings. The Mahatma also addressed the 'Students Congress' of Jaffna, on the 26th November 1927, while in Ceylon, where he said '*the Buddha himself was an Indian, not only an Indian , but a Hindu amongst Hindus. I have never seen anything in the life of Gautama, to warrant the belief that he renounced Hinduism and adopted a new faith*'.

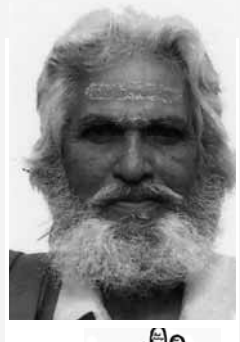
On the 4th of February, the Sri Lankan government observed the 60th anniversary of the grant of independence. This date was also observed by Eelam Tamils, as the anniversary of their lost independence. India today, is one of the 'tiger' economies of South Asia. British newspapers and journals were full, last year, of the advances India and Pakistan had made since independence. There were many special television programmes on these two countries, presented by British Indian celebrities. Sri Lanka's 60th anniversary of independence, in comparison, went virtually unobserved by the British and world media!

On the 60th anniversary of her independence, Sri Lanka can only show rampant inflation; economic decrepitude; moral degeneration, state terrorism; a civil war that shows no sign of ending; corruption on a scale unheard of, with senior politicians of the ruling class, with their hands in the till! All the while, Sri Lankan Buddhists, who claim to be followers of a '**religion**' unique to them; rape, murder and plunder the Tamils and encroach on the Tamil nation's ancient homeland, under the guise of an 'occupation' Sinhala Buddhist army, on Tamil soil.

ஸ்ரீ கணபதி ஜோதிட நிலையம்

இந்தியாவில் இருந்து வருகை தந்துள்ள பிரபல ஜோதிட நட்சத்திரம் **அர்ஜூனா ராஜூ குருஜி ஜெங்கம்மா**

கைரேகை, சாமுத்திரிகா இலக்கணம், சாதகம், பிறப்பியல், நாம நட்சத்திரம் ஆகியவற்றைக் கொண்டு உங்களின் கடந்தகாலம், நிகழ்காலம், எதிர்காலம் ஆகியவற்றை மிகவும் துல்லியமாகக் கணித்து வழங்குவார். இவரை ஒரு முறை சந்தித்துப் பாருங்கள். பெயர் வசிகம், தொழில் வசிகம், கையெழுத்து வசிகம், காதல் வசிகம், கணவன் மனைவி பிரச்சனை தீர, திருமணப் பிரச்சினை தீர, தொழில் முடக்கம், வியாபார வசிகம், உத்தியோகத்து தடை நீங்க, குழந்தை பாக்கியம் இல்லாமை, தாம்பத்தியக் கோளாறு, அனைத்து விதமான தோசங்களுக்கும் பரிகாரம் வழங்கப்படும். ஆயுர் வேத மருந்துகள் சகல விதமான வியாதிகளுக்கும் நாடி பார்த்து மருந்து தரப்படும்.



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