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Sri Lanka: A look at the Rajapaksas prior to the UPR

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Guest Column: By Usha Sriskandarajah

As Sri Lanka's Universal Periodic Review (UPR) gets underway on November 1, 2012, the Rajapaksas seem impregnable, their grip on power stronger than ever before.

The Rajapaksas have so much at stake at Sri Lanka's UPR what with "credible allegations" of War Crimes and Crimes against Humanity hanging over their heads and an awful human rights record to defend, with a poor 'action plan' that would not end or investigate abuses. It's obvious the administration is doing everything to impress the key players selected for the review process but thus far their submissions show that the administration has made very little progress in implementing the recommendations of the Lessons Learned and Reconciliation Commission (LLRC), the main thrust of the resolution passed at the 19th session of the UN Human Rights Council (HRC).

The Rajapaksas wield absolute power in Sri Lanka, theirs is essentially a 'one family rule' bolstered by political patronage and the unwavering support of the Sinhala Buddhist Sangha; a dictatorship that has now embraced the extremist Sinhala Buddhist supremacist philosophy as a means of survival; the JHU and JVP now playing only second fiddle.

Nepotism and corruption are the norm in Sri Lanka.

The last 'US Country Reports on Human Rights Practices' made particular mention of the 'family rule' in Sri Lanka : The government is dominated by the President's (Mahinda Rajapaksa) family; two of the President's brothers hold key executive branch posts as defence secretary and the minister of economic development, while a third brother is the speaker of Parliament," the report said.

Additionally Namal Rajapaksa the son is now known to be the anointed successor to the father, Mahinda.

The Rajapaksa brothers and their families together control 70% of the country's budget. The 'Divineguma Bill' that has created much controversy, apart from the much resented 18th amendment, is in itself designed to bolster the executive presidency over provincial councils, increase avenues for amassing more wealth and to fortifying the family's hold on power.

A statement by the former US Assistant Secretary of State for public affairs, Philip J. Crowley expressing his view on the 18th amendment bulldozed through parliament by the Rajapaksas within a span of day, illustrates the extent of that power: (The 18th amendment) "eliminates term limits for the president and expands the power of the president over independent institutions, including the elections, police, and human rights commissions, as well as the judiciary. The United States is concerned that this constitutional amendment weakens checks and balances and thus undermines the principles of constitutional democracy. The United States calls on the Government of Sri Lanka to promote the principles of good governance, democracy, and independent State institutions.? The United States looks to the government to take measures that will strengthen democracy including appointing appropriately qualified officials to bolster independent institutions, increase transparency, enhance power sharing and dialogue, and promote national reconciliation," the statement held.

During his recent visit to Sri Lanka in September, Robert O' Blake, the US Assistant Secretary of State expressly mentioning corruption, has called on

Sri Lanka to "cut corruption and create transparent processes for investors and also avoid unpredictable actions such as expropriating property." The resignations of Securities and Exchange Commission Chief Tilak Karunaratne and his predecessor Indrani Sugathadasa are indicative of the corruption that is endemic everywhere in the country. Ahilan Kadirgamar in his article 'Stock Market Crisis and Oligarchic Interests' explains the crisis in the stock market, quoting Tilak Karunaratne as blaming "a mafia of high net worth investors and their crony stockbrokers" for his resignation.

http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=60029 [1]

Tisaranee Gunasekera for the Sunday Chronicle in an article 'Corruption as a Tool of Rajapaksa Rule' exposes some of the irregularities the Rajapaksas and in this case Basil Rajapaksa is involved in: Basil Rajapaksa and "Maga Neguma" (Improving Roads) are accused of by the "Committee on Public Enterprises" (COPE) for "defaulting road-contractors of "a massive Rs 1.2 billion". She writes, "The defrauded contractors have not sought legal redress because they fear Rajapaksa's ire, according to a COPE member.

The Rajapaksa family rules with an iron fist. Most at the receiving end are frightened to speak openly of the anomalies, Tisaranee explains: The officials of Maga Neguma act as if they are above the law. They do not submit their accounts to the Auditor General; according to a COPE member, "they even produced letters from the Attorney General's department to support their argument that the COPE has no powers to probe them". Such arrogant insouciance is natural in a familial state. Lankan officials, like Lankan politicians, know that they can

break laws and contravene rules with impunity, so long as they do not commit the cardinal sin of opposing the Rajapaksas.

The Rajapaksas still basking in their victory against the LTTE use that victory as their rallying point, the Sinhala South blinded to the prevailing Rajapaksa autocracy. With Gotabaya Rajapaksa at the helm at the Défense Ministry and the biggest allocation from the 2013 Budget going to the Ministry of Defence and Urban Development amounting to nearly Rs. 290 billion" showing an increase of nearly Rs. 60 billion from what was allocated for defence in 2012, the Rajapaksas have the loyalty and the might of the army behind them.

In an article "Near site of LTTE's last stand, a victory memorial that Tamils don't visit" for The Hindu, Nirupama Subramanian writes about the victory memorial that has been erected in the very spot "where thousands of Tamil civilians are believed to have been killed during the military's last successful push against the LTTE," which she adds, "...stands as a powerful assertion of that victory." This demonstration of triumphalism pursued to further entrench the family's hold on power is not going to bring about the promised reconciliation.

In a troubling development, the Defense Secretary Gotabaya Rajapaksa, has appointed select school principals as "brevet colonels," which could be implemented across the board to all schools island wide. "This curious militarization of state schools" according to press reports "involves selecting school principals after 10 days of armed training and appointing them as "brevet colonels", complete with uniform and title.

The Rajapaksas have not allowed international human rights organisations or the international media free access into the country especially to the North and East. They have muzzled local journalists to the extent that those who have dared to speak out against the administration have been murdered, disappeared or forced to go into self exile.

The 'White Van' abductions that are common place in Sri Lanka is a method widely used to stifle and silence their opponents.

The Rajapaksas have not spared the judiciary either. The independence of the judiciary is under threat in Sri Lanka with the Rajapaksas showing real contempt for the rule of law attacking a Supreme Court ruling relating to the 'Divineguma Bill' resulting in the Chief Justice being summoned by a government minister that's quite unheard of under the principles of separation of powers. Recent attack on the judiciary in Mannar by a Cabinet Minister and assault on a District Judge Manjula Tillakaratne by unidentified persons are clear examples say The Friday Forum, a group of legal and political luminaries, of the "erosion of democracy and judicial independence" in Sri Lanka under the Rajapaksas.

The fraudulent Eastern Provincial Council Elections saw the Rajapaksa's whole government machinery and support systems including intelligence personnel being utilized to rig the elections. It has been reported by the leader of the Tamil National Alliance (TNA) that at least five Tamil candidates were offered cash and other material incentives to switch allegiance.

The 'US Country Reports on Human Rights Practices' commenting on the last "presidential and parliamentary elections as problematic,"

further held that "Both elections were fraught with violations of the election law by all major parties and were influenced by the governing coalition's massive use of state resources. There were instances in which elements of the security forces acted independently of civilian control," the report said.

These fraudulent election practices are ominous of things to come and do not augur well for future free and fair elections; a trend that is seen as firmly establishing Mahinda Rajapaksa and his family dynasty in power indefinitely.

In an article [Remembering Sri Lanka's Killing Fields](#) [2], Gareth Evans, Australia's foreign minister for eight years and President Emeritus of the International Crisis Group, currently Chancellor of the Australian National University and co-chair of the Global Center for the Responsibility to Protect, has homed in on what he termed as "mass atrocity crimes" committed in Sri Lanka in 2009 chiding the world for "selective memory":

One of the worst atrocity crime stories of recent decades has barely registered in the world's collective conscience. We remember and acknowledge the shame of Cambodia, Rwanda, Bosnia, and Darfur. We agonize about the failure to halt the atrocities being committed almost daily in Syria. But, at least until now, the world has paid almost no attention to war crimes and crimes against humanity comparable in their savagery to any of these: the killing fields of Sri Lanka in 2009.

Despite this clarion call to the governments of the world by Gareth Evans, the Rajapaksas who have set themselves up in power in such a way, guaranteeing for themselves a hold on the presidency in Sri Lanka for life are not going to be willing to hold themselves to account through a credible domestic mechanism; they will not lend themselves to international independent scrutiny in this UPR or 2013 UN HRC Sessions either– unless the UN HRC is ready to act decisively.

The views expressed are author's own. She can be reached at e-mail: sris19@sympatico.ca [3]

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