

## **Sri Lanka: The death of a newspaper – *The Sunday Leader* The entrenchment of a Fascist State**

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On Friday 21 September 2012 (another 'black Friday'<sup>1</sup>), *The Sunday Leader*, the only newspaper critical of the Rajapaksa junta, was 'killed' (silenced), the 'body' quickly 'cremated' (handed over to one of Rajapaksa's stooges), and the 'ashes' scattered in the President's House (Palace) and 'Temple Trees' (so that the President and his brother can keep an eye on them to make sure they do not rise again (get back into circulation and be a thorn in the flesh)).

'Temple Trees' is the official residence of the Prime Minister – now acquired by the President presumably because the vast President's House in the Colombo Fort is unable to accommodate the ever-increasing Rajapaksa dynasty. It used to be "Queens House", the residence of the Governor General of Ceylon, and then became "President's House" in 1972 when Ceylon became the Republic of Sri Lanka. I have no idea who occupies it now, presumably the Rajapaksa clan or the *de facto* President, Gotabaya Rajapaksa, with the *de jure* President, Mahinda Rajapaksa, demoted to "Temple Trees".

The assassin of *The Sunday Leader* has not been identified but the bloody footprints lead to the Rajapaksa junta and the Colombo stock market.

Rumour has it that the Colombo stock market mafia raised Rs 190 million, in addition to Rs 100 million given as a bank loan by the President. It is difficult to believe that Gotabaya Rajapaksa, who recently called the Sunday Leader '*a fucking newspaper*' and the Editor-in-Chief "*a dirty fucking shit journalist*" was not applauding.

The stock market involvement was that if *The Sunday Leader* was silenced, there would be no more exposure of the crooked dealings that go on there.

### A murder waiting to happen

The murder of this Newspaper was waiting to happen as was the murder of its Founder/Editor, the outstanding Lasantha Wickrematunge, fearless and irrepressible. He was butchered in broad daylight in a suburban road in Colombo on 8<sup>th</sup> January 2009. The blood-drenched footprints of the 'unknown assassins' led to the Ministry of Defence.

*The Sunday Leader* has exposed what no other paper has dared to do – the corruption, nepotism, lack of governance, the replacement of the rule of law by the rule of the armed thug with political protection, the demise of press freedom, the dismantling of democracy and its replacement by a Fascist State, or worse, a Totalitarian State, where the rulers (and their stooges) do not recognise the word 'accountability'.

Lasantha Wickrematunge's courage, resolve and commitment have been widely recognised. In 2009 he was posthumously awarded the UNESCO/Guillermo Cano

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<sup>1</sup> 28<sup>th</sup> July 1983 being the 'original' 'Black Friday' when hundreds of innocent Tamil civilians were murdered in Colombo and their homes, businesses and property extensively damaged. It was organized and conducted by the then President J.R.Jayawardene, his virulently anti-Tamil Ministers and the politically active Buddhist monks. More than 3,000 Tamils were butchered, burnt or clubbed to death. It was the first clear evidence of genocide of the Tamils.

World Press Freedom Prize and the Louise Lyons Award for Conscience and Integrity in Journalism of Harvard University's Nieman Foundation, the James Cameron Memorial Trust Award, and the American National Press Club's John Aubuchon Press Freedom Award. In 2010 he was declared a World Press Freedom Hero of the International Press Institute.

Although these were personal awards, they were also a reflection of the outstanding contribution that *The Sunday Leader* had made to expose what was going on in the (inappropriately called) Democratic Socialist Republic of Sri Lanka.

### Editor in Chief

After Wickrematunge's murder, his widow, Sonali Samarasinghe, an outstanding fellow journalist who had married him only 2 months earlier, took over as Editor. A month later she (wisely) left the country, calling herself an "editor in exile". She is now a Nieman Fellow at the world renowned Harvard University in the USA.

Frederica Jansz another distinguished award-winning journalist, took over as the Editor-in-Chief, and went down the same path – unbowed and unafraid. Jansz was the "Zonta Woman of the Year in Media and Mass Communication" in 2002, and "Journalist of the Year and English Journalist of the Year" in 2004.

On July 5<sup>th</sup>, 2012, Jansz called Gotabaya Rajapaksa, the Defence Secretary, to ask him whether he was aware that a Sri Lanka Airline plane was to be down-sized to enable a junior pilot who was dating Rajapaksa's niece, to fly a puppy from Zurich to Colombo for his wife. Some 56 passengers would have had to be off loaded with a consequent loss of revenue to the taxpayer – a matter of public concern.

Mr Rajapaksa said "*I will sue your fucking newspaper*" (if any of this was published). He went on in gutter language; "*Your type of journalists are pigs who eat shit. Shit! Shit! Shit! Shit! Shit! Shit! Shit! Shit! Shit! Shit!*" and then called her "*you dirty fucking shit journalist*". Jansz rightly published the entire interview "Gota Goes Berserk".

I have done a sentence by sentence analysis of this interview<sup>2</sup> and raised the possibility of a medical/psychiatric/personality disorder being responsible for his outburst. There is, in fact, a recently described disorder, "Intermittent Explosive Disorder in Adults" that would (medically) fit the outburst.

Others eg 'Friday Forum', a civilian group in Colombo with some distinguished people in it, have called for the sacking of Gotabaya Rajapaksa.

There is no way that the *de facto* President would be replaced by his brother. It was much more likely that the newspaper, *The Sunday Leader*, would be silenced.

That happened on Friday 21 September 2012. The newspaper was taken over by businessman Asanga Seneviratne (no relative – thank God), who sacked Frederica Jansz. 'Problem solved'. It is not too different to the mass slaughter of Tamil civilians in the North and East and making the remaining people into 'non-people'. 'Ethnic problem 'solved'.

There has been speculation as to whether Jansz resigned or was sacked. In an interview with JDS (Journalists for Democracy in Sri Lanka)<sup>3</sup>, she clarified the situation:

<sup>2</sup> <http://briansenewiratne.blogspot.com.au/2012/09/psychiatric-disorder-analysis-of.html>

<sup>3</sup> <http://www.jdslanka.org/index.php/2012-01-30-09-31-03/media-a-culture/194-privately-owned-press-have-been-cowered-into-submission-frederica-jansz>

**FJ:** I did not resign. My contract was terminated with immediate effect on Friday September 21. It followed after Asanga Seneviratne, the new owner, told me that articles carried in the main section of *The Sunday Leader* are slanderous and malicious of the "First Family" and "degrade the President." He asked me to stop being critical of the Rajapaksas and even stop carrying cartoons depicting the President in lighter vein.

He then took strong objection to two 'nutshells' carried in the newspaper on Sunday September 16 which he told police, in a subsequent complaint made together with Sajin Vass Gunewardena, not only embarrassed him, but could evoke public emotions and incite violence against the President. The two nutshells in question are age old jokes rephrased to suit the local political situation.

I maintained to Seneviratne that *The Sunday Leader* has no personal or political agenda against the President nor any other politician or individual but that the type of journalism we practice is independent and devoid of any bias. That we as journalists are merely performing our duty in acting as messengers, holding those in political and public office accountable. But Seneviratne refused to understand or accept this position. I then had conveyed to him that I had no intention of resigning given that I had done no wrong, that he could terminate my services if he so wished.

*JDS: Since the assassination of Lasantha, there was quite a lot of speculation regarding the fate of The Sunday Leader. One of the widely circulated rumours was that the newspaper is going to end up in the hands of Rajapaksa loyalists - which now appears to be quite true. Could you tell us how all this happened?*

**FJ:** It is indeed ironical that it was I who first approached Asanga Seneviratne. I did so asking him what the possibilities were of raising an IPO<sup>4</sup> since the newspaper was in dire financial constraints. He readily agreed. For one and a half years negotiations were conducted with him and Lal Wickrematunge<sup>5</sup> in this context. However, at some point Wickrematunge was told an IPO would not be possible. Seneviratne then said he had identified 5 or 6 investors and that there would be a private placement. This too however did not transpire and ultimately he emerged as the sole investor buying a majority share of 72%. He, in September last year, maintained to both Lal and me that he raised the monies from two private banks.

### **Much more serious than the silencing of a newspaper**

It is crucial to appreciate that what has been done is not just the silencing of a newspaper that has questioned the activities of the ruling junta (present and past). It is evidence of a fascist dictatorship – a Totalitarian regime that is in power in Sri Lanka. I will expand on this at some length, because it is serious.

### **Dictatorships and the Free Press**

In all dictatorships, targeting the free press begins with political pressure for the media to present news in a way that supports the group in power. Political pressure escalates into smears designed to shame the offending media, then members of the

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<sup>4</sup> Initial Public Offering – a type of public offering where shares in a company are sold to the general public

<sup>5</sup> The owner of the paper after his brother was assassinated.

media personally; then editors face pressure to fire journalists who do not parrot the ruling party line, and then it is murder by 'unknown' assassins (who are not too 'unknown' in Sri Lanka).

Such regimes promote false news in a systematic campaign of disinformation, and go after independent voices.

The result is a mass exodus of media people out of the country. Those who remain become journalists and editors who support the ruling junta, whether out of conviction, a wish for advancement, fear or simply for survival.

All of this (and more) has occurred in the 'Democratic Socialist Republic of Sri Lanka', which is neither 'Democratic' nor 'Socialist'.

The Committee to Protect Journalists (CPJ), a New York based media watchdog, in a special report, stated that Sri Lanka topped the list of countries that drove the largest number of journalists into exile.

Even after the end of the decades long war, the Rajapaksa junta has continued to intimidate and attack journalists. Independent journalists in Sri Lanka say they still feel threatened and intimidated. Sri Lanka is one of the most dangerous countries in the world for independent journalists.

Although CPJ stated that 39 Sri Lankan journalists had been driven out of the country into exile, the actual number is far higher.

Joel Simon, Executive Director of CPJ, said, *"This is a sad reality in countries throughout the world where governments allow attacks on the press to go unpunished."*

Frederica Jansz's life is very definitely under threat, with Gotabaya Rajapaksa openly calling for her murder – *"people will kill you"*. She applied for entry into Australia. This was rejected by the Australian Embassy in Colombo which claimed, on some extraordinary reasoning, that a threat to be murdered was not persecution. No, it was not 'persecution' but someone who needed protection. Presumably her dead body will have to be produced for her to be declared a person in this category.

#### Echoes from the past – Fascist dictatorships<sup>6</sup>

*"As long as I have a pen in my hand and a revolver in my pocket I fear no man"*, wrote Mussolini<sup>7</sup>, who had been a newspaper editor.

Every fascist leader in history has sought aggressively to control the press and been successful at securing that control in short order.

In 1923, Fascist leaders ('Prefects' as they were called) were permitted by the leadership in Rome to take possession of newspapers and demand fines from the publishers if they published anything that could *"damage national credit at home or abroad, alarm and dismay public opinion, and so disturb "order"*. (One might note that Defence Secretary, Gotabaya Rajapaksa, sued Lasantha Wickrematunge the

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<sup>6</sup> Much of what follows is from Naomi Wolf's outstanding book *"The End of America"*.

This can be re-published with the obvious changes, as *"The End of Sri Lanka"*, which I will do when time permits.

<sup>7</sup> Max Gallo, *'Mussolini's Italy: Twenty Years of the Fascist Era'* trans. Charles Lam Markmann (New York, Macmillan, 1964) p 38.

owner/editor of the *Sunday Leader*, demanding a sum of money, which if awarded, would have forced the Paper to bankruptcy and closure).

The Fascist edict that provided for this is ambiguously worded – as many Fascist (and Sri Lankan) edicts are – was to ensure that the press would curtail its own freedom. Mussolini created a registry to make sure the Italian press toed the party line: All reporters had to register as Fascists by 1928.

This method was adopted precisely by the Nazi Minister of Propaganda, Josef Goebbels PhD. He was first a journalist and then a bank clerk. He perfected Hitler's 'Big Lie' technique of propaganda – that a lie if audacious enough and repeated enough times, will be believed by the masses.

Mussolini justified this control of the press in the name of patriotism: “*Discipline over the news*”, he claimed, “*served in the interests of the nation*”<sup>8</sup>. The Rajapaksa junta in Sri Lanka today (2012), has followed Mussolini (and Hitler) precisely.

Mussolini understood that it was crucial to get control of public radio – which at that time was the only non-print medium. By 1925, he created an investigative commission, the EIAR<sup>9</sup>, to tighten control of public radio. A substantial Fascist film industry was developed after 1933.

So with the Rajapaksa junta today. It has absolute control over every medium, be it print, TV or radio. They have become a massive, 'Cheer the Rajapaksas' industry.

Where democracy is being dismantled, reporters are arrested for revealing “*state secrets*” or “*classified information*”. In 1931, for instance, the influential left-wing editor Carl Ossietzky was sentenced to eighteen months in prison for publishing documents that the German army engaged in combat in a manner that violated the Treaty of Versailles. He was arrested, released, rearrested, tortured throughout the Nazi era and, despite an international outcry and a Nobel Prize, died from the abuse he suffered.<sup>10</sup>

The prison term in Rajapaksa's Sri Lanka is longer. J.S.Tissainayagam, a Sri Lankan Tamil journalist, was detained by the Terrorism Investigation Division of the [Sri Lanka Police](#) on March 7, 2008. He was held without charge for almost 6 months and then indicted under the [Prevention of Terrorism Act](#) for intending to incite communal violence through his writing (which was nonsense). On August 31, 2009 he was convicted by the Colombo High Court and sentenced to 20 years rigorous imprisonment. It shows to what an abyss the High Court has sunk.

On 15 September 2009 Tissainayagam launched an [appeal](#) against his conviction in the Court of Appeal. With mounting international pressure, which included concern expressed by US President Barack Obama, he was released on [bail](#) by the Court on 11 January 2010 on medical grounds. Note – 'medical grounds' rather than that he was not guilty of any offence.

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<sup>8</sup> R.J.B. Bosworth, 'Life under a Dictatorship, 1915-1945' (New York The Penguin Press, 2006) p217

<sup>9</sup> Ente Italiano per le Audizioni Radiofoniche (EIAR) was the only [public service](#) broadcaster in Italy and the only one allowed to do so.

<sup>10</sup> Richard Evans, *The Third Reich in Power*. (New York: The Penguin Press, 2005) p 153

On May 3, 2010, [World Press Freedom Day](#), Tissainayagam was 'pardoned' by President [Mahinda Rajapaksa](#) for a crime he had not committed. After his release he moved to the [United States](#) – the loss of yet another outstanding journalist.

During the 1933 purges in Germany, Goebbels fired 13% of the State radio employees in six months. They were not only Jews but also Liberals, Social Democrats, and others not in harmony with the new regime. Reporters who were seen as being friendly to the prior liberal broadcasting regime were arrested on corruption charges and taken to Oranienberg concentration camp, where they were condemned in a huge show trial<sup>11</sup>.

In Rajapaksa's Sri Lanka, journalists under attack (physically, verbally, and by the government-controlled media) are not only Tamils but Sinhalese, Muslims, Burghers and non-Sri Lankans too. They are arrested on corruption charges (Tissainayagam was falsely accused of sending money to the Tamil Tigers). They are not taken to concentration camps but 'disappear' ("white-vanned") or are simply murdered in broad daylight (eg Lasantha Wickrematunge). The Nazi regime is not only being copied but enhanced.

From 2000-2007, 19 journalists and media workers (Tamils) were assassinated in Jaffna alone. They included Mylvaganam Nimalarajan, aged 38, a well-known journalist, shot dead in his home on 19 October 2000. He was the Jaffna correspondent to the BBC (London), and the Secretary of the Northern Journalists Association. Many others, both Tamils and Sinhalese (and even cartoonists such as Pradeeth Eknaligoda) have been slaughtered or have gone missing.

In Communist China, after the pro-democracy protests of 1989, reporters were targeted as well. *"The authorities harassed us, denounced us and almost expelled us from the country. Chinese have gone to prison or labor camps for terms up to life imprisonment because they helped foreign correspondents"*<sup>12</sup>

In Rajapaksa's Sri Lanka they are simply shot or go missing, because imprisonment raises international concerns (eg Tissainayagam). No one has been apprehended for any of these crimes.

#### Unsolved crimes. Bogus Commissions

In November 2006, Rajapaksa set up yet another bogus commission – the "President's Commission of Inquiry to Investigate and Inquire into Alleged Serious Violations of Human Rights" (COI). To give it some credibility, he appointed an International Independent Group of Eminent People (IIGEP), to *observe* the activities of the COI and 'advise' him of progress and what it was doing. It was headed by Justice P.N. Bhagwati, a former Chief Justice of India, who was personally invited by President Rajapaksa,.

Having got nowhere after a year, they decided to terminate their appointment. Sir Nigel Rodley, the British nominee, stated that some of the communications to the IIGEP, including to its chairman, were 'very disrespectful'.

The IIGEP had submitted several Reports to the President (as was mandated). Nothing was done by the President who retained the right to veto publication of what

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<sup>11</sup> Ralf George Reuth, *Goebbels* (New York: Harcourt Brace) p 75-192

<sup>12</sup> Nicholas Kristof and Sheryl WuDunn *China wakes: the struggle for the Soul of a Rising Power* (New York: Vintage 1995) 25-26

he claimed was “information sensitive to national security”. This was especially disturbing given that Sri Lankan armed forces have been implicated in several of the killings that are to be investigated by the Commission of Inquiry. None of IIGEP reports to the President have been publicized.

In April 2008, the IIGEP gave up the struggle stating, among other things<sup>13</sup>, that the Sri Lankan government lacked the political will to support a search for the truth.

If the Government of Sri Lanka (GoSL) finds it so difficult to track down the murderers of many innocent people eg Lasantha Wickrematunge, will it allow experts in the field such as the world famous Scotland Yard to come to Sri Lanka and do so? No, they will not, because of the fear of what will be found.

### False news

*“The great mass of people will more easily fall victims to a big lie than a small one”,* wrote Hitler in *Mein Kampf*.

Fascists rely on lies to manage public perceptions since there is no risk of these lies being scrutinised by a free press. Real reporters (such as Lasantha Wickrematunge, Sonali Samarasinghe and Frederica Jansz – among many others), are frozen out, smeared, faced with unemployment (eg Jansz), killed or driven out of the country (eg Samarasinghe and scores of others). This is accompanied by ‘a spectacle’ to convey the ‘message’.

The spectacle could be anything from a massive statue of Hitler or a giant (cardboard) statue of Mahinda Rajapaksa. Goebbels coordinated the Nazi message with monumental sets, blazing lighting and heroic backdrops. They conveyed might and permanence – the thousand-year Reich that would be hopeless to contest. The Rajapaksa regime is doing exactly the same – that the Rajapaksa-regime will last forever and can never be challenged, let alone fall.

I have just had an email from a Sinhalese lady, *“It is unbelievable that any self-respecting Head of a supposed democratic society could complacently approve this type of sycophancy to boost his ego”*. I sent back a one-liner *“His ego does need boosting”*.

Dictatorships specialise in faking news. Hitler wrote, *“All effective propaganda must be limited to a very few points and must harp on these in slogans until the last member of the public understands what you want him to understand....”* ‘Good’ fascist propaganda speaks to feelings, not reason, and should not allow a glimmer of doubt in its claims, or concede the tiniest element of right in the claims of others.

On 10<sup>th</sup> May 1940, Colonel Joachim von Ribbentrop explained to a press conference that the Reich had found it necessary to send its troops to invade the Low Countries in order to safeguard the neutrality of Belgium and Holland. That was, of course, arrant nonsense.

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<sup>13</sup> 1) A lack of political will from the Government of Sri Lanka to support a search for the truth, 2) a conflict of interest in the proceedings before the Commission, with officers from the Attorney General playing an inappropriate and impermissible role in the proceedings, 3) a lack of effective victim and witness protection, 4) a lack of transparency and timeliness in the proceedings, a lack of full cooperation by State bodies, and 5) a lack of financial independence of the Commission.

After the election of the Rajapaksa regime to power in November 2005, Lieutenant Colonel Gotabaya Rajapaksa RWP, RSP, PSC, and-anything-else-he-cares-to-add, Defence Secretary, the President's brother, indicated that a massive military was necessary to 'liberate' the Tamil people in the North and East of Sri Lanka from 'terrorism'. The State terrorism that was unleashed was done with all witnesses excluded from the conflict area – genocide without witnesses. This has been well-documented in the Report of the UN Secretary's Panel of Experts (UNSG) on accountability in Sri Lanka in the closing stages of the armed conflict.

Nazi propagandists falsely claimed that three million ethnic (Sudeten) Germans in Czechoslovakia were being persecuted and abused. The Rajapaksa propagandists falsely claimed that the Tamil people in the North and East were being abused by the Tamil Tigers and had to be 'rescued'. The reality was that there was a fully functional *de facto* State in the Tamil North and East which Professor Kristian Stokke, Professor of Sociology and Human Geography, University of Oslo, Norway, has documented in his outstanding publication, *Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-controlled Areas in Sri Lanka*.<sup>14</sup>

President Rajapaksa claims that what was done was the biggest 'rescue operation' in history and that not a single civilian was killed. The UNSG (and several international human rights organizations) have a different view. What the President said was a bald-faced lie, or as epistemologists might delicately put it, "his proposition does not correspond to the facts".

Getting into the absurd, the President claimed, before thousands of people in Colombo, some of them foreign diplomats, that his soldiers went to war with a gun in one hand and the Human Rights Convention in the other! He went on to say that he 'loved the Tamil people'. In reality, he is the most virulent anti-Tamil racist to be the Head of a Government in Sri Lanka.

The Tamil people (whom the President 'loves') are the 'spoils of war' and the area they live in, the North and East, is a vast Military/Police State ruled by one of the most brutal, murderous and irresponsible Armies in the world, under Gotabaya Rajapaksa, 'Defence Secretary', who can do what he wants, to whom he wants, with greater power and less accountability than anyone else. This public servant can call a senior journalist "*a fucking shit*" and get away with it. The Minister of Defence and Commander-in-Chief of the Armed Forces, under whom this man presumably works, is the President, Mahinda Rajapaksa. *The Sunday Leader* has exposed all this - 'unbowed and unafraid'. There has certainly been a price to pay.

Kristian Stokke's *Emerging State* has become a vast open prison where the residents have no homes, no jobs, no income and no future, and whose basic human rights have been violated as never before in any part of Sri Lanka. *The Sunday Leader* has exposed all this – one of the few, if not the only newspaper, to do so.

After Augusto Pinochet's coup in Chile, the coup leaders showed photographs of arms caches claimed to have been found in the homes of the leaders of the opposition party. None of this was true. They also published a "white book" on

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<sup>14</sup> Stokke, K. (2006), *Third World Quarterly*.27(6): 1021-1040.



“Plan Z” – an elaborate conspiracy they claimed had been set in motion to kill the elected Chilean leaders simultaneously. Some Chileans believed that “Plan Z” was real; others believed that the charges were trumped up to provide an excuse to take over the country. It really did not matter.

### It does not matter

After a certain point in a fascist state, it does not matter whether most people believe the faked news or not – they do not have good enough information to assess what is real and what is not. Sri Lanka has reached this point. With the silencing of *The Sunday Leader* and journalists such as Lasantha Wickrematunga and Frederica Jansz, the situation is set to deteriorate further, and rapidly.

In such a situation, citizens no longer feel empowered or able to establish the truth. At this point people can be manipulated into supporting *any* State action. Truth itself has been cheapened, made subjective and internal, not absolute and external.

### Why it does matter

How does a government’s lying help a fascist State? What has this to do with democracy, good governance or human rights?

*“I am not a dictator”,* said Hitler in 1936. *“I have only simplified democracy”*<sup>15</sup>. There was no *Sunday Leader* in Germany to challenge that.

Democracy depends on a social agreement that we take for granted and is rarely discussed. However, there is such a thing as ‘truth’. In an open society, facts may be hedged and ‘spun’ in favour of those who rule. However, truth is the ground from which this hedging and spinning begins. Democracy depends on accountability; accountability requires us to be able to distinguish truth from lies. So, truth does matter. If the ground of democracy is truth, the ground of a dictatorship is assertion. In a dictatorship, reality belongs to whoever has the greatest power to assert it. In Sri Lanka – the Rajapaksa junta.

An ordinary lie distorts or hides the truth; a fascist lie is an assertion that truth is not a marker anymore. When *The Sunday Leader* editor Frederica Jansz telephoned Defence Secretary Gotabaya Rajapaksa on July 5<sup>th</sup>, 2012 to get his side of the story about a puppy to be flown down from Zurich for his wife, she was trying to get to the truth. His response was *“I will sue your fucking newspaper”*. When she asked, *“Mr Rajapaksa are you threatening me?”* He replied *“Yes”,* and hung up.

That is a fascist dictatorship. Gotabaya Rajapaksa is a public servant bound by an Establishments code which has standards of conduct set by the Public Service Commission. Violation of these standards of behaviour calls for explanations, disciplinary action, resignation or termination of appointment. To call a member of the public, *“You pig that eats shit. You shit! Shit! Dirty fucking journalist”,* is a violation of the Establishment code.

### Dissent is “Treason”. Criticism is “Terrorism”

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<sup>15</sup> Victor Klemperer, *I will bear witness: A Diary of the Nazi Years, 1933-1941* (New York, Modern Library 1998) p 157

In every fascist State, words and protests have different meanings. They become “*treason*”, “*espionage*”, “*subversion*”, “*sabotage*” and, of course, “*terrorism*”. ‘Slander’ prepares the ground first. In Stalin’s Russia, criticism of the State was first defined as “slander” and then redefined as “treason”.

“*Sabotage*” is another of these code words. Stalin’s mass arrests of 1937 frequently accused people of ‘sabotage’.

“*Treason*” and now, “*terrorism*”, are used to criminalise citizens themselves. They suddenly become “*enemies of the people*”, “*disturbers of the peace*”, “*subversives*”, “*saboteurs*” and “*spies*”. Hitler called Nazism “*a voice crying treason*”. Hitler’s SA<sup>16</sup> arrested people as “traitors” and “spies”. Mussolini’s ‘Brownshirts’ boasted, “*We will defend (Italy) against its enemies and traitors*”. In 1915, the fascist Gabriele D’Annunzio<sup>17</sup> railed against those who opposed him in Parliament “*Hear me – heed me – treason is out in the open today*”.<sup>18</sup>

Hitler needed a private army, the SA (Sturm Abteilung) which was instructed to disrupt meetings of political opponents and to protect Hitler from revenge attack. It was later purged and replaced by the SS (Schutz Staffeinel) which rapidly grew under Himmler. The Rajapaksas do not need any of this. Their ‘private army’ is the entire Armed Forces in Sri Lanka except for the unfortunate few who backed the wrong horse, General Sarath Fonseka who contested Rajapaksa for the Presidency, and are paying for it. This vast 230,000 strong Armed Force, the ‘private army’ of the Rajapaksas, will do anything that their masters command, including commit genocide, crimes against humanity and violation of international law, including the ‘Laws of War’. They are rewarded – well. Many are sent abroad as Ambassadors. Others can fleece the people, plunder their property, kill them or rape them. They can do what they want with no accountability. I am not talking of war-time but of ‘peace-time’ Sri Lanka. This (and more) is what *The Sunday Leader* and *Daily Mirror* have pointed out – for which they have paid a price.

This massive army and police (said to be the most corrupt in the world) are ably ‘assisted’ with a huge ‘army’ of hoodlums and thugs, some of them Tamils, but most of them Sinhalese. They all have assured immunity from prosecution from their masters in the Government. They are the Government’s hit-squads, and ‘white vanners’ who make people ‘disappear’.

“*Treason*”, “*espionage*” and “*subversion*” did their work in Czechoslovakia, Chile, and China. They are certainly doing their job in Rajapaksa’s Sri Lanka. Vaclav Havel found that he had committed a crime by writing articles critical of the Czech state. It was called “disturbing the peace” and “subversion”. Havel returned to prison in “*an unsuccessful attempt to put me out of circulation, with the help of a fabricated indictment for disturbing the peace..... Like most of my colleagues I was driven out of every possible position I’d once held, I was branded as an enemy and I was even indicted for subversion (there was no trial or a conviction)*”<sup>19</sup>.

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<sup>16</sup> Sturm Abteilung - Hitler’s private army (brownshirts or stormtoopers)

<sup>17</sup> An Italian fascist politician whose ideas influenced Benito Mussolini

<sup>18</sup> Frank Rich. *The Greatest Story Ever Told. The Decline and Fall if Truth From 9/11 to Katrina* (New York. The Penguin Press, 2006) pp 229-307

<sup>19</sup> Vaclav Havel ‘*Disturbing the peace. A Conversation with Karl Hvizdala* trans. Paul Wilson. (New York. Alfred A. Knopf, 1990) 120, 143.

The Sri Lankan State has followed this to the letter – not only in describing *The Sunday Leader* but all of us who have been critical of what has gone on, and is still going on in Sri Lanka, and critical reports by internationally credible human rights organisations such as Amnesty International, Human Rights Watch and the International Crisis Group as ‘terrorists’. Unbelievably, it extends to entire countries and even the UN Human Rights Council, if they are critical of the Rajapaksa regime. The Rajapaksa junta and its loyal ‘patriotic’ supporters claim that “*It is a plot against Sri Lanka*” by foreign countries and even by the UN Human Rights Council.

The GoSL mounted a hysterical campaign at home and abroad at the supposed “*international conspiracy to tarnish the country’s name*”. The propaganda barrage at home in Sri Lanka is aimed at silencing any opposition, including mounting strikes and protests by workers at the escalating cost of living (thanks to the stipulations of the massive IMF loan), branding it as part of the so-called ‘conspiracy’.

### Targeting key individuals and institutions

All dictators and would-be dictators target key individuals. It could result in a job loss (eg Frederica Jansz), a career set-back, a ‘disappearance’, an ‘accidental’ death or just a straightforward murder (eg Lasantha Wickrematunge owner/editor of *The Sunday Leader*, Joseph Pararajasingham, Member of Parliament, the most vocal and articulate member of the Tamil National Alliance who was gunned down in Church on Christmas Day 2005 in front of hundreds of people and the Bishop of Trincomalee/Batticaloa, by para-military murderers working with the Government. They are only a few who have paid the ultimate price.

It is very significant that the targeted ‘key individuals’ in the media listed for murder or sacking are Editors-in-Chief of their newspapers – Lasantha Wickrematunga (*The Sunday Leader*), Frederica Jansz (his successor), and Champika Liyanaarachchi (*Daily Mirror*). To these can be added Mylvaganam Nimalarajan, the Jaffna correspondent of the BBC (London), and the Secretary of the Northern Journalists Association, Prageeth Ekneligoda - a leading journalist and cartoonist, Sivaram Dharmaratnam (Taraki) an outstanding Tamil journalist who was forced into a car in Colombo, beaten and then shot, the body dumped behind Parliament! On October 4, 2012, two years after Ekneligoda disappeared, *The Sunday Leader* ran a detailed story to remind us about, “*The Journalist who disappeared into the night*”. More disappearances will follow – but there will be no reminders since *The Sunday Leader* will not be there to do the ‘reminding’.

Universities keep alight the campfires of free speech. Not surprisingly, Dictators target university students and even senior university staff. Professor Subramaniam Raveendranath, Vice-Chancellor, Batticaloa University, on a visit to Colombo went missing from a ‘High Security Zone’ in Colombo on December 15, 2006. Three months earlier, Dr Bala Sugumar, Dean of the Arts Faculty of the same University was abducted in Batticaloa. Those who abducted him said that he would be released if Professor Raveendranath resigned. He did not resign (nor should he have), so he ‘disappeared’ when he visited Colombo.

Rajapaksa’s ‘Democracy’ has targeted dozens of university students, especially activists. The most glaring was Subramaniam Thavapalasingham, President of the Jaffna Students Union, who was widely known as a civil rights activist who had spoken out against oppression faced by residents in the North and Eastern provinces which are under heavy military control. He was abducted and severely assaulted on

16<sup>th</sup> October, 2011. Asian Human Rights Commission has expressed serious concern.<sup>20</sup>

These are echoes of Fascism. On May 1, 1933, the *New Studentenrecht* law was passed in Germany to use student organisations to 'align' universities with the values of the National Socialist state.<sup>21</sup>

In times of pressure, such as in Rajapaksa's Sri Lanka, citizens can soon tell "which way the wind is blowing" and realign themselves and their views. If citizens can be shown they can lose their livelihood if that refuse to comply with the party line, it does not take long to 'coordinate' an intimidated civil society. This is certainly happening in Rajapaksa's Sri Lanka.

Italian Fascists leaned on university rectors to scrutinise the politics of those they oversaw. Germany emulated the tactic. The National Socialist German Students' League was set up in 1926. It sought to get independent professors fired and to direct university resources towards Nazi goals.

Chilean students were among the few who dared to protest, attacking Pinochet after his military coup. But Pinochet purged nonaligned academics and university administrators and put his own military officers in these positions. It was obvious to Chilean academics that they had to support the junta or give up their careers.<sup>22</sup>

Whether driven by Mussolini, Goebbels, Pinochet or China's politburo, it is always the same tactic. The State leans on university administrators, who lean on professors, who lean on students. The Rajapaksa regime is following this to the letter.

Students and academics are always democracy's foot soldiers: Czech students helped to bring about the Prague Spring democracy movement. Students in Shanghai and Beijing led the democracy movement in 1989: Chinese art students set up the statue of Liberty in Tiananmen Square. In another conflict in which I was personally involved, it was Indonesian students who supported the East Timor uprising against the Indonesian dictatorship that ruled that country – which resulted in a free Timor-Leste.

All of this is crucially important since if Sri Lanka (and democracy) is to be rescued from Rajapaksa's tyrannical regime, students will have to be the foot soldiers, indeed they might well have to lead it.

### Draconian Laws

Often laws that criminalise dissent in a fascist state are enacted quietly and seemingly justifiably.

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<sup>20</sup> [www.humanrights.asia/news/urgent-appeals/AHRC-UAC-211-2011](http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-211-2011)

<sup>21</sup> Gunther Neske and Emil Kettering eds  
*Martin Heidegger and National Socialism* (New York: Paragon House, 1990) 5-13

<sup>22</sup> John Rector, *The History of Chile* (New York: Palgrave Macmillan, 2003), 200-02

The draconian *Prevention of Terrorism Act (PTA)*, continues to this day, three years after the 'terrorists' have been crushed. The Armed Forces, 175,000 strong, during the war, have *increased* to 230,000 after the war, with a call for an increase to 300,000. Who is the enemy? The answer presumably is all of us, in Sri Lanka and abroad, who are critical of what goes on behind the closed and censored doors of the Democratic Socialist Republic of Sri Lanka.

The Sri Lankan government boasts that there is 'Peace' and a 'commendable' rehabilitation of the Tamil people. However, not one of the internationally credible human rights organisations, one of them a Nobel Prize winner (AI), has been allowed into the country - not even the UN Secretary General's Panel of Experts.

The PTA and Emergency Regulations<sup>23</sup>, which over-ride the Law, have operated in Sri Lanka for years. It gives power to the Executive President (who already has sweeping powers) and members of the junta, to do what they want to whoever they want with no accountability or consequences. This includes burning printing presses and independent TV stations, murdering media workers or making them 'disappear'. *The Sunday Leader* has been through all this.

The Committee to Protect Journalists (CPJ) described the threats and their delivery in excellent language:- *'some delivered over the phone, some by text, some by word of mouth, some by firebombs or claymore mines, others by gangs of thugs wielding pipes and clubs – a fact of life for many Sri Lankan journalists'*. To this I would add *'some by 'white vans''*.

The death threats are not even thinly disguised. They are open and blatant. When *The Sunday Leader* Editor-in-Chief, Frederica Jansz, called Defence Secretary Gotabaya Rajapaksa about the import of a puppy for his wife, he told her, *"People will kill you. People hate you. They will kill you"*. Jansz asked, *"On your directive?"* Rajapaksa replied, *"What? No. Not mine –but they will kill you – you dirty fucking shit journalist"*.

"People will kill you" – what people? There cannot be a clearer invitation to anyone to assassinate the journalist. Coming as it does, from the President's brother, and one of the most feared in Sri Lanka (for good reason), it is a matter of serious concern.

On 1 June 2009, Poddala Jayantha, Secretary of Sri Lanka Working Journalists, a Sinhalese senior journalist working in the (government) *Daily News* group of newspapers, was abducted on his way to work in Colombo, severely assaulted, his legs broken, and dumped by the roadside. He needed treatment in an Intensive Care Unit.

Mervyn Silva, President Rajapaksa's Minister of Public Relations and Public Affairs, is a very violent person, operating with his 'private army' of goons and gangsters. On 23 March 2012, he publicly boasted that he was responsible for this.

*"I will break the limbs of some journalists, who have gone abroad and made various statements against the country, if they dare to set foot in the country. I'm the one who chased one of those journalists 'Poddala Jayantha' out of this country"*<sup>24</sup>

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<sup>23</sup> Emergency Regulations have just been withdrawn but have re-appeared in an even stricter form in that the PTA has been expanded to cover what ER's covered (and more).

<sup>24</sup> Poddala Jayantha, a senior Sinhalese journalist in the *Lake House* group of newspapers, was assaulted and very nearly killed. He had to flee the country.

### The politicization and intimidation of the judiciary

The “Separation of Powers” is fundamental in any democracy. The institutions of government are the Legislature (parliament) which makes the laws, the Executive (the Prime Minister and his government which puts the law into action), and the Judiciary that makes judgments on the law and see that what is done is fair. In Sri Lanka, the Executive President has been put above the government – he or she is the Legislature and the Executive with parliament reduced to a rubber stamp.

The independence of the judiciary is the life breath of democracy. Take away the life breath, and democracy will perish and the rule of law will end.

This is what has happened in Sri Lanka. The judiciary has been seriously threatened by the President and democracy has perished. The result is a tyrannical regime.

This is not the place to discuss the crisis in the legal system in Sri Lanka except to say that it seriously flawed. It was this flawed judicial system that tried and convicted Lasantha Wickrematunge (*Sunday Leader*) when he was sued by the President’s brother, Gotabaya Rajapaksa.

It was the same flawed system that jailed journalist J.S Tissainyagam for 20 years on a nonsensical ‘charge’.

On April 7, 1933, in a single day, the Nazi Goebbels purged the civil service – especially targeting attorneys and judges – the baseline measure was “loyalty”.

The Judicial Service Commission (JSC) is the highest body in Sri Lanka, dealing with appointments, dismissals, disciplinary action and promotion of judges. President Rajapaksa has just called for the JSC ‘to discuss’ its functions. The JSA declined to do so and made a public complaint about attacks on its independence. It is well known that it was an attempt to pressurize the JSC to remove the interdiction of a particular judge, who was interdicted by the JSC on very serious allegations of corruption. The judge is a close friend of the President’s family.

A few weeks ago the President’s Secretary called the Chief Justice (CJ) Shiranee Bandaranayake and summoned her and two other members of the JSC for a ‘meeting’. The ‘summoning’ itself was an insinuated threat. The CJ rightly asked for the request in writing. This arrived on 13 September 2012, yet without giving a particular reason. The CJ declined the request in writing pointing out the implications of that kind of a meeting on the independence of the judiciary. The President does not have the constitutional mandate to summon the JSC or the CJ.

On 18 September 2012, the Secretary of the JSC, Manjula Thillekeratne, issued a public statement at the request of the CJ and the JSC, declaring very clearly the threats to the judiciary.

President Rajapaksa has decided to interdict the Chief Justice – an outrageous decision. The Secretary of the JSC, Manjula Thillekeratne, a senior judge himself, has just been beaten up by “unknown people” and is in the intensive care unit right now. It was a ‘message’ to the judiciary, including the Chief

Justice, that this is what is in store for anyone who refuses to be trampled by the Rajapaksa regime. That is the Law of the Jungle that operates in the Democratic Socialist Republic.

It makes no difference whether this intimidation of the judiciary was done in 1978 by J.R Jayawardene, the son of a Supreme Court judge, or since 2005 by Mahinda Rajapaksa, a lawyer for two decades. Indeed it makes it worse and even more unpardonable.

In addition to the serious concerns about the state of democracy in Sri Lanka, the muzzling of the judiciary might be a dangerous example to other countries, like it did in the 'victory' over (Tamil) 'terrorism', no matter how many innocent civilians were killed, deliberately or otherwise, in the process without any accountability.

Sri Lankans of all ethnic groups, and the international community should be concerned about the muzzling and attacks on the judiciary which is a death knell for what remains of Democracy in Sri Lanka.

#### International concern

Gotabaya Rajapaksa's language and content in his interview with Frederica Jansz drew international concern. These have been dealt with by me in a separate article.<sup>25</sup>

They include protests from The Committee to Protect Journalists (CPJ), 'Article 19' a London-based human rights organisation to protect free speech, PEN international, a global community of writers with more than 20,000, in more than 100 countries, and Reporters Without Borders (RSF- Reporters San Frontiers).

The Executive Director of Article 19 (named after Article 19 of the Universal Declaration of Human Rights – *"Everyone has the right to freedom of opinion and expression"*) Dr Agnes Callamard, was *"very concerned for the safety of Sri Lankan journalist Frederica Jansz"*.

With the silencing of the *Sunday Leader*, Dr Callamard had this to say: *"The new owner of the Sunday Leader has sacked editor Frederica Jansz just two months after she received death threats from Defence Secretary Gotabaya Rajapaksa, and five months after ARTICLE 19 warned the UN human rights body that the President's affiliates were buying up the private media in order to take editorial control over all critical voices in the country."*

*The sacking of [Frederica Jansz](#) – one of the few remaining independent journalists critical of the government still in the country – is terrible news for the Sri Lankan media. We [warned the UN in April that affiliates of the president appeared to be buying up the private media](#) in order to control their editorial lines, resulting in a severely reduced debate in a country that has only just emerged from conflict.*

*Worse still is that Frederica Jansz received death threats from the president's brother, Defence Secretary Gotabaya Rajapaksa, just two months ago. Rather than investigating and taking a stance against threats of violence, they've instead focused their energy on further undermining her, and freedom of expression in general."*

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<sup>25</sup> [www.briansenewiratne.blogspot.com](http://www.briansenewiratne.blogspot.com)

## The International News Safety Institute (INSI)

The INSI is a unique coalition of news organisations, journalist support groups and individuals exclusively dedicated to the safety of news media staff working in dangerous environments.

INSI has already expressed concern on 12 July 2012 about Gotabaya Rajapaksa threatening Frederica Jansz<sup>26</sup> and the public protest that followed. I am sure INSI will be concerned again to know that she has been sacked after the take over of *The Sunday Leader*. I am sending a copy of this paper to them.

## Human Rights Watch

Human Rights Watch, in particular its outstanding Asia Director, Brad Adams, was scathing. I will not do justice to this excellent release (3 July 2012) by summarising it. Despite adding to this already long article, I will reproduce it:-

*“The Sri Lankan government should immediately end harassment of media outlets and journalists in violation of the right to freedom of expression. In the three years since the end of the armed conflict with the Liberation Tigers of Tamil Eelam (LTTE), President Mahinda Rajapaksa’s government has expanded its efforts to silence critical views.*

*On June 29, 2012, the Criminal Investigation Department, acting on a court order, raided the offices of the Sri Lanka Mirror, a news website, and Sri Lanka X News, a website of the opposition United National Party. The authorities confiscated computers and documents, and arrested nine people on the grounds that the websites were “propagating false and unethical news on Sri Lanka. They were charged under article 120 of the Penal Code, which imposes up to two years in prison for those who ‘excite or attempt to excite feelings of disaffection to the president or to the government.’ The day after their arrest the nine were released on bail.*

*The government raids did not just target two media outlets but were part of a broader effort to intimidate and harass all critical journalists. Sri Lanka’s poor reputation on free speech will only sink lower unless these assaults on the media stop immediately.*

*Harassment of media outlets has taken various forms. On June 26, a Tamil-language website, Tamilwin, was temporarily blocked by two internet service providers in the country. Tamilwin had reported on opposition-led protests in northern Sri Lanka against alleged land grabs by the military.*

*In November 2011 the government blocked five websites, including the Sri Lanka Mirror, and introduced a requirement that all websites dealing with Sri Lankan affairs must register or face legal action. The restrictions were not provided for by law nor were they strictly necessary for a legitimate state purpose, as required under international law. Blocking the websites, as well as the arrests under article 120 of the Sri Lanka penal code, appear to violate Sri Lanka’s obligations under article 19 of the International Covenant on Civil and Political Rights.*

*In May the Supreme Court refused to allow to proceed a fundamental rights case brought by human rights activists against the government’s blocking of the websites. The ruling, which upheld the government’s action in the absence of a specific law permitting it, validates the government’s anti-media policies and paves the way for a further clampdown on free speech.*

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<sup>26</sup> [http://www.newssafety.org/casualty\\_news.php?id=639](http://www.newssafety.org/casualty_news.php?id=639)



*Instead of 'shooting the messenger' by harassing the websites that are critical of government policies, the government should focus on addressing the problems raised. The government only seems interested in preventing these issues from being exposed or discussed.*

*During the three-decade-long war between the government and the LTTE, journalists were frequently the targets of attack by both sides. Three years since the conflict ended, in May 2009, the government continues to intimidate and threaten journalists and news organizations that express dissenting views. Senior government officials have called such critics "traitors," a serious charge in a country where many journalists have been killed.*

*The government has failed to bring to justice those responsible for any of the killings or enforced disappearances of journalists in recent years. For example, the investigation into the January 2009 killing of Lasantha Wickremetunga, the outspoken editor of the Sunday Leader newspaper, has produced no arrests.*

*There has also been no progress in the January 2010 "disappearance" of the journalist and cartoonist Prageeth Eknaligoda of Lanka eNews. In November 2011 Mohan Peiris, a former attorney general, told the United Nations Committee against Torture in Geneva that Eknaligoda was alive and living outside the country. But in June, when called to testify before the magistrate's court about Eknaligoda's whereabouts, he said he did not know them and could not recall where he got the previous information.*

*The government's campaign of harassment and intimidation of the media, plus the failure to investigate seriously abuses against journalists, has led to widespread self-censorship and caused many journalists to flee the country. According to the Committee to Protect Journalists, 23 journalists have been forced into exile since 2007 and only three have returned.*

*After the June 29 raids, governments raised serious concerns about violations of the right to free expression in Sri Lanka. The US embassy in Colombo called for an end to the harassment of journalists and said in a statement: "We have raised on several occasions our deep concern over efforts to suppress independent news media, including the blocking of news websites, intimidation, and disappearances of journalists.*

*The Sri Lankan government has done nothing in response to the media concerns raised by other countries except to dismiss them. This sadly mirrors the response to rights issues more generally."*

### The European Union

*A statement from the European Union said that, "Any action intended to intimidate independent journalism and/or limit freedom of expression is in contradiction to UN human rights standards."*

### The Lessons Learnt and Rehabilitation Commission (LLRC)

The Sri Lankan Government claims that the LLRC will settle all the problems in the country. To give it the credibility it lacked, the Government invited AI, HRW and ICG to appear before the Commission. They refused to accept the invitation because they said that it did not meet the minimum international standards for Commissions of Inquiry:-

*"There is little to be gained by appearing before such a fundamentally flawed commission. Accountability for war crimes in Sri Lanka demands an independent international investigation. Thousands of civilians were killed in the last few months*

*of the war as a result of gross violations of international law by both the government and the LTTE forces.*

*The Commission is nothing more than a cynical attempt by Sri Lanka to avoid serious inquiry that would bring genuine accountability”.*

In an extensive article released by AI in September 2012, *When will they get justice: Failures of Sri Lanka’s Lessons Learnt and Reconciliation Commission*<sup>27</sup>, AI set out the fraud of the LLRC.

*“Amnesty International urges the international community not to be deceived that the LLRC – the latest of a long line of failed domestic mechanisms in Sri Lanka – will deliver justice, truth and reparations”.*

It called for the UN to immediately establish an independent, international investigation and went on to state why this is needed

#### ‘Disappearances’

Involuntary ‘disappearances’ is also relevant since this is the fate of independent journalists and others.

Amnesty International’s Submission to the UN Periodic Review (October-November 2012), lists ‘enforced disappearances’ as a major problem.

Asian Human Rights Commission released a document on 30 Aug 2012 - ‘International Day of the victims of Enforced Disappearances’:-

*“Sri Lanka: Enforced Disappearances have become a permanent weapon in the arsenal of suppression of dissent”<sup>28</sup>*

Sri Lanka has the highest number of unresolved disappearances reported to the UN Working Group on Enforced and Involuntary ‘disappearances’. Repeated requests (over four years) for the UN Special Rapporteur to visit Sri Lanka have been ignored.

International Committee of Red Cross (ICRC) in its 2012 Annual Report stated that it was trying to trace 15,780 people (to 31 Dec 2011) who had ‘disappeared in Sri Lanka. The vast majority were males. There were 1,494 children and 754 women. Of this enormous number of missing people (15,780), only 136 (0.86%) had been found.

#### Life after the ‘death’ of *The Sunday Leader*

With the silencing of *The Sunday Leader*, it is going to be difficult to get accurate information on what is going on in Rajapaksa’s Sri Lanka.

The *Daily Mirror* is raising its head. It is a daily English-language newspaper published in Colombo. Its outstanding young editor-in-chief, a Sinhalese, Champika Liyanaarachchi, was the first woman to edit a national daily in any language in Sri

<sup>27</sup> <http://www.amnesty.org/en/library/asset/ASA37/008/2011/en/76ea6500-a9f5-4946-bf2b-7fc08bc5e37a/asa370082011en.pdf>

<sup>28</sup> [http://www.lankanewsweb.com/english/index.php?option=com\\_content&view=article&id=2326:enforced-disappearances-have-become-a-permanent-weapon-in-the-arsenal-of-suppression-of-dissent-nrf-](http://www.lankanewsweb.com/english/index.php?option=com_content&view=article&id=2326:enforced-disappearances-have-become-a-permanent-weapon-in-the-arsenal-of-suppression-of-dissent-nrf-)

Lanka, and the youngest ever editor. She received the Woman of Achievement in Media award from the Sri Lanka chapter of Zonta International. She was the Sri Lankan representative for Reporters Without Borders.

As would be expected, she and another journalist working with her, Uditha Jayasinghe, have been threatened by Gotabaya Rajapaksa. The threat was unambiguous.

Rajapaksa called Liyanaarchchi on 17 April 2007 to complain about the “Daily Mirror”’s editorial stance on the civil war, citing in particular an article it carried on 16 April, which he saw as hostile to the government. He told her that the pro-government Tamil militia, “Karuna faction”, could take revenge on her over the article, in which case, he added, the government would not be able to protect her. Note Rajapaksa’s ‘delegation to assassinate’. To Frederica Jansz it was “people will kill you”; to Liyanaarchchi it was “the Karuna faction”.

Rajapaksa called on Liyanaarchchi to resign so as to avoid being targeted for reprisals. He told her he would put pressure on the paper’s management to obtain her dismissal. The threat to Jayasinghe was direct. He said he would “exterminate” her for writing a number of articles on the plight of civilians displaced by the conflict in the East.

With threats from this very violent man, the President’s brother - “*people will kill you, I will exterminate you*”, it is not surprising that journalists (and others) keep themselves out of Gotabaya Rajapaksa’s radar screen. If they do not, they might see a white van with no numberplates come for them – a new word “white-vanning” or “white vaned”.

There are no other newspapers in Sri Lanka worth reading.

There are, however, some outstanding news websites – the Sri Lanka Guardian ([www.srilankaguardian.org](http://www.srilankaguardian.org)) and Colombo Telegraph ([www.colombotelegraph.com](http://www.colombotelegraph.com)). There is also Lanka News ([www.lankanewsweb.com](http://www.lankanewsweb.com)).

The problem with all of these is that they do not reach (or are not accessed by) the ‘ordinary’ people who could, and should, play a major role in addressing the problem of the Totalitarian regime running Sri Lanka. To translate all of this to Sinhalese is not that much of a problem, but to distribute it might well have lethal consequence.

### The ground situation in Sri Lanka

With the silencing of *The Sunday Leader*, it is becoming increasingly difficult to find out what is going on behind the closed and censored doors of Sri Lanka. Ironically, the people who know the least are people in the country, who are only fed with government propaganda that does not have an iota of truth. Access to international publications and the net have been blocked by the regime.

Despite this serious block, AI, HRW and ICG still seem to get the hidden information. Their publications are deeply disturbing. The UN Human Rights Council’s Universal Periodic Review (UPR) which looks at the human rights situation in every member of the UN, in its up-coming session in October-November 2012, will look at Sri Lanka (for the second time – the first being four years ago in May 2008) on November 1, 2012.

**Amnesty International** AI's Submission is deeply disturbing. *Sri Lanka: Reconciliation at a crossroads: Continuing impunity, arbitrary detentions, torture and enforced disappearances*<sup>29</sup>

**ICJ** So is that by the ICJ (International Commission of Jurists) composed of 60 eminent judges and lawyers from all over the world<sup>30</sup>

**Bishop Rayappu Joseph (Mannar)**. The most important document that should have reached the UPR is the letter written on 8 September 2012 by this extraordinarily brave (Tamil) Roman Catholic Bishop of Mannar (in the North-East) to President Mahinda Rajapaksa:

*"Reconciliation, human rights and humanitarian concerns in the Mannar Diocese (Mannar and Vavuniya)"*<sup>31</sup>.

It sets out in detail the problems faced by civilians with positive suggestions as to how these should be addressed. The Roman Catholic Cardinal in Colombo – a Sinhalese, who has considerable influence with the President, thought it sufficient to arrange for Bishop Joseph to see one of Rajapaksa's Ministers and his Private Secretary! His Excellency is too busy to be disturbed by such trivia as human rights – or so the Cardinal seems to think.

#### The economy

Although the economy has nothing to do with what has been dealt with in this publication, it has a lot to do with what can be *done* about the deteriorating situation and the dismantling of the Totalitarian regime running the country.

The Sri Lankan economy is in shambles. The Budgetary Estimates for 2012 show an Expected Income of Rs 1.0 trillion, Expected Expenditure of Rs 2.2 trillion. The Budget Deficit will be Rs 1.0 trillion.

This will be met by more taxation, foreign and local borrowings, and social and welfare cuts which will impose even greater burdens on the struggling taxpayer and the poor.

The Public debt topped Rs 5 trillion – an increase of Rs 555 million in one year.

Debt-service payments are a staggering Rs 914 billion. Military spending and debt repayment is more than half of the entire budgetary expenditure.

Where does the money go? Defence and Urban Development (under the president's brother, Gotabaya) a staggering Rs 230 billion. By contrast, Health Rs 77 billion, and Education Rs 33 billion. The Ministry of Reconstruction and Rehabilitation gets a paltry Rs 0.5 billion – less than any other Ministry – despite the desperate need to rehabilitate people, especially in the war ravaged Tamil North and East.

The military gets a massive Rs 230 billion. Almost half of this is to pay the 230,000 Armed Forces, which is the largest number per capita in any country in the world. With no war to fight and no external enemies the obvious conclusion is that the

<sup>29</sup> <http://www.amnesty.org/en/library/asset/ASA37/008/2012/en/5747cec0-7e77-486f-9859-9623ee127b20/asa370082012en.pdf>

<sup>30</sup> <http://documents.icj.org/ICJ-UPR14-SriLanka.pdf>

<sup>31</sup> [www.colombotelegraph.com/index.php/concerns-in-mannar-diocese-and-suggestions/](http://www.colombotelegraph.com/index.php/concerns-in-mannar-diocese-and-suggestions/)

Government is preparing for a violent showdown against ordinary working people. This is what a fascist dictatorship does.

As the IMF loan conditions start to bite and ordinary people bear the brunt of these, there could be, indeed there might well be, an uprising of people already facing an escalating cost of living who are unable to take it any more. The government will surely turn the guns on them, but with no *Sunday Leader* to cry 'Halt' it will be 'business as usual'. However, Amnesty International, in its flagship annual Report 2012 released 24 May 2012: *No longer business as usual for tyranny and injustice*<sup>32</sup> indicates that it will be a thorn in the flesh for all tyrants. It makes the long overdue comment: "Strong Arms Trade Treaty needed, as UN Security Council looks unfit for the job"

### **What do we do?**

Who are 'we'? 'We' is a collective term to include Sri Lankans in Sri Lanka, former Sri Lankans now resident abroad, non-Sri Lankans concerned by the dismantling of democracy, and with the establishment of a fascist regime, or worse still, a Totalitarian regime under one family – a Family Autocracy. To these might be added, 'those who hear echoes of Nazism and the emergence of a Hitler, Mussolini or Stalin'.

The establishment of a fascist dictatorship in Sri Lanka, the dismantling of democracy, the denial of free speech, the violation of basic human rights and the closing down of a country, do have a fall-out on other countries by way of asylum seekers and refugees. It is not an 'internal affair' of Sri Lanka, any more than apartheid was an internal affair of South Africa. That is why the world acted against apartheid resulting in the dismantling of that dreadful policy. Sri Lanka cannot claim to be the exception. It is not.

There is also a moral dimension to this and the need to act in a country whose people are unable to do so through fear, a very real fear, of retaliation by a violent regime whose violence is there for all to see. The Tamil 'minority' no longer has a voice, let alone the ability to act. The Sinhalese majority, the ethnic group to which I once belonged, might be rejoicing at the crushing of the Tamil Tigers. Largely due to the muzzling of the press, many members of my ethnic group in the Sri Lankan South, are genuinely unaware of what their government has done to the Tamil civilians –men, women and children. I think they will be dismayed, indeed shocked, if they know what is going on.

The guns that were turned on the Tamils will, in time, be turned on the Sinhalese. This is the lesson that history teaches us about all fascist dictatorships and totalitarian regimes.

It is not only democracy but truth that must be rescued in Sri Lanka. This is why every major human rights group in the world has demanded that an international investigation must be launched into what has happened, and is happening, in Sri Lanka. So has the UN Secretary General's Panel of Experts into accountability in Sri Lanka.

Lying by the Sri Lankan regime is now so blatant that the immediate admission of AI, HRW and ICG to assess the veracity of the claims made by the government is

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<sup>32</sup> <http://www.amnesty.org/en/news/report-2012-no-longer-business-usual-tyranny-and-injustice-2012-05-24>

imperative and urgent. The silencing of *The Sunday Leader*, the only paper to challenge the lies of the Government, should increase our determination to act, not to pack it in and put Sri Lanka in the 'too hard' basket. That is precisely what the murderous regime running the country wants. To give in, is to become part of the problem, rather than the solution.

In a sense we are at war – a global war to save democracy in Sri Lanka, to reverse the escalating violation of basic human rights of *all* its people, a war against a fascist dictatorship that intends to remain in power forever, looting the country and doing what it wants as despots and tyrants have done for centuries.

It is this 'big picture' that has to be appreciated when the silencing of *The Sunday Leader* is evaluated. It goes well beyond the muzzling of a newspaper.

The action we can take is exactly what we took against another brutal regime – the apartheid regime in South Africa. This is an isolation of the regime, trade boycotts, the lot. This is why the economic situation in Sri Lanka was set out in such detail. The monstrous Rajapaksa junta has a soft underbelly – the economy. A trade boycott will force this brutal regime to think again. It worked in South Africa, and it has just worked with the military regime in Burma. Sri Lanka will not be the exception. When I met some of the ANC members in South Africa, they told me that it was only sanctions in trade and sports (especially cricket) that worked. All the resolutions and UN motions did not have the slightest effect.

It cannot be left to politicians – be they Sinhalese, Tamil or Muslim. If they could have settled the problem, the country would not be in the mess it is in.

### **Civil Society**

Civil Society will have to take the lead. (Tamil) Civil Society, has already done so in the North and East (see my publication on Bishop Rayappu Joseph of Mannar). It is on the net<sup>33</sup>. It is also on [www.briansenewiratne.blogspot.com](http://www.briansenewiratne.blogspot.com).

Civil Society in the South will have to do the same. "Friday Forum" is a group of concerned citizens who have come together to consider current issues of public interest with a view to making meaningful contributions towards peace, democracy, good governance and social justice in Sri Lanka. Their outstanding article "*The Arrogance of Power. The story of a Plane, a Pilot and a Puppy*" on 20 July 2012, took a dim view of Gotabaya Rajapaksa abusing Frederica Jansz.

*"The reported response of the Secretary of Defence in a telephone conversation is, we believe, unprecedented. No other public servant, in our knowledge, has used such vituperative, threatening and obscene language in interaction with a member of the public or a journalist"*

The group, among whom are some outstanding members of civil society, has demanded that the Defence Secretary be sacked by the President.

### **University students and others in similar institutions**

As I have said, they have led revolts in many situations where change is necessary. They must do so in Sri Lanka. One problem is that some of the University Student

<sup>33</sup> <http://www.colombotelegraph.com/index.php/why-bishop-joseph-and-his-roman-catholic-clergy-have-been-targeted/>

Unions have already been infiltrated by the Government who use them for their political advancement/survival. However, they can see, as many others can, that the country is heading for a Failed State.

### **Trade Unions**

Trade Unions have a key role to play. They can bring the government to its knees as they have in the post-independence years. Of crucial importance are the tea Plantation workers who, if they stage a stop-work, will bring the government to its senses in a matter of weeks.

### **The people**

The public will have to act and say “enough is enough”. For this to happen, as I have said, they have to be properly informed of the real situation – a country where corruption is rampant, the rule of law has been replaced by the rule of hoodlums and thugs, where good governance has disappeared as have people who express a dissenting voice, where hundreds are held in detention without charge or trial under the ‘Prevention of Terrorism Act’, a country deeply in debt where the debt-service payments consume most of the revenue, where the escalating cost of living makes living impossible except for the favoured few.

If the people do not act, they will soon find out the problems of living in a Totalitarian regime. It is, after all, their country, not (yet) Rajapaksa-land. It soon will be, even more so than it is today.

The people in Sri Lanka, Tamils, Sinhalese and Muslims, under a fascist dictatorship must be helped to get rid of a monstrous regime. The Tamils have lost their voice for years. The rest have joined them with the silencing of *The Sunday Leader*. The youth, in particular, are the ones who can launch a revolt, a non-violent revolt, to bring the country to a halt, and the ‘rulers’ to their senses. The ‘Arab Spring’ will have to be repeated in Sri Lanka if democracy and the country itself, is to survive.

### **The International community**

We, in the international community will have to act, if only to stop the rot in a country where chaos reigns and from where people are fleeing as refugees and asylum seekers. We will have to pressure our governments that to get into bed with an utterly corrupt, ruthless dictatorship that tolerates no dissent is irresponsible.

The very least that can be done is to have this taken up at the upcoming UN Universal Periodic Review (due in October- November 2012) and the UN Human Rights Council meeting In March 2013.

That said, to be realistic, the record of the UN has been abysmal. The so-called “R2P” (Responsibility to Protect Populations from Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity), endorsed by the UN General Assembly, in 2005, reaffirmed by the Security Council in 2006, sounds good. It is a United Nations initiative which consists of a set of principles based on the idea that sovereignty is not a right but a responsibility. If the State fails to protect its citizens (which in Sri Lanka is certainly so in the Tamil North and East), then the international community has the responsibility to intervene through coercive means such as economic sanctions. If these fail then there is provision for military intervention. It all sounds good on paper, but like so many UN Resolutions, remain just there – on paper –reams and reams of paper. R2P failed miserably in the Kosovo issue, it failed again in the North and East

of Sri Lanka where the Tamil people were subjected to a genocidal massacre by the State. It has almost become a joke.

While concerned people outside can and must play a role, the problems in Sri Lanka will have to be sorted out by the people in that country. This is the lesson that the Middle East 'Spring' has taught us.

If we do nothing, we will have yet another country in the 'too hard' basket, a Failed State.

### **Recognising a Fascist Dictatorship – a Totalitarian regime**

All the features of a Fascist state are now there for all to see in Sri Lanka

1. **A 'threatened country'**. Invoke an internal or external threat. **Internal threat** eg Bishop Rayappu Joseph, Bishop of Mannar; **External threat** eg Amnesty International, Human Rights Watch, International Crisis Group or ordinary people like me who are critical of the regime.

**Establish secret prisons** – yes, done that - Boosa and many others

**Develop a paramilitary force of hoodlums** – yes, done that. The one in the Jaffna peninsular under a Rajapaksa Cabinet Minister, the one in the East under another thug, and several in the Sinhalese South.

**Surveil ordinary citizens** – done that eg the (Tamil) Eastern University Vice-Chancellor who was under surveillance while on a visit to Colombo and 'disappeared' in a High Security Zone in Colombo.

**Infiltrate citizen groups** – done that eg Tamil citizens in a Church in Mannar in a protest organized at the defamation of Bishop Joseph were physically attacked by government thugs.

**Arbitrarily detain and release citizens** – done that eg J.S Tiaasinayagam, a Tamil journalist, arrested, detained, sentenced (for 20 years jail) and then released 'pardoned' by the President.

**Target key individuals** – done that eg Editor-in-Chief *The Sunday Leader*, Frederica Jansz, and now the Chief Justice.

**Restrict the Press**. Yes done that – and even more – murder them – Lasantha Wickrematunge, owner/editor of *The Sunday Leader*, murdered in broad daylight in Colombo. Mylvaganam Nimalarajan, Jaffna correspondent of the BBC (London), and Secretary of the Northern Journalists Association shot in his home which was in a 'High Security Zone' in Jaffna, Sivaram Dharmeratnam (Taraki) an outstanding Tamil journalist forced into a car in Colombo, beaten and then shot. There are many more.

**Equate Questioning as "Treason" and Dissent as "terrorism"**. Yes, done that. Calling me (a Sinhalese) a 'Tamil Tiger terrorist' or 'a Sinhala-skinned Tamil Tiger' because I stress the violation of basic human rights of the Tamil people in the North and East, is just one of many examples.

**Subvert the rule of law** – Yes, done that (big-time). The stoning of the Mannar Magistrates court, and the just attempted near murder of a senior judge, Justice Manjula Thilakarathne, Secretary of the Judicial Services Commission (on October 7<sup>th</sup>, 2012), because he had dared to issue a statement (on the instructions of the Chief



Justice and the JSC) on problems with the independence of the judiciary<sup>34</sup>. The CJ is slated for interdiction by the Rajapaksa regime.

**Use acceptable words** eg “Democratic”. Done that. ‘Ceylon’ became the ‘Republic of Sri Lanka’ (1972) when the safeguards for the minorities was removed. Then the ‘Democratic Socialist Republic’ (1978), when what happened was the establishment of a Presidential dictatorship.

Many have an impressionistic sense that Mussolini and Hitler came into through violence. Each came into power *legally* in a working democracy; each used the parliamentary system itself to subvert and reorder the rule of law; and then *legally* aggregated state power overwhelmingly in his own person. Both were supported by sophisticated intellectuals and theorists who made the case to the people that the democratic process weakened the nation at a time of crisis (in Sri Lanka the on-going war with the Tamils) and an authoritarian regime, even one that made a mockery of human rights, was acceptable, indeed needed. So was J.R.Jayawardene, Sri Lanka’s first dictator ((1977), and Mahinda Rajapaksa, Sri Lanka’s first tyrant (2005)

#### The response of the Sri Lankan government and its supporters.

Claiming that these attacks are by ‘unknown people’ is nonsense. Calling Bishop Rayappu Joseph a Tamil Tiger, or me a mother- f.....g Sinhalese traitor will not solve the problem. They can call me what they want in any language they choose at any time of the day or night (which they do with monotonous regularity). I could not care less.

Yesterday it was the Tamil civilians in the North and East who suffered under this brutal Totalitarian regime.. Tomorrow it will be the Sinhalese – this has already started.

This will keep going – which is what tyrannical regimes have done. Mussolini did, Hitler did, Stalin did, Gadaffi did, Idi Amin did. Tyrants down the ages have done these same things – they follow a set template for closing down democracy.

History shows that no totalitarian regime lasts for ever – the Rajapaksa regime and Gotabaya Rajapaksa are unlikely to be the exceptions. The question is what damage will be done to democracy and the country by the time they go. It could be far worse than what Mugabe has done to Zimbabwe.

If this drives us to act, *The Sunday Leader* would not have died in vain.

Brian Senewiratne

Brisbane, Australia

10 October 2012

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<sup>34</sup> Article 4 of the Sri Lankan Constitution recognizes that the judiciary exercises the judicial power of the people. The JSC was created by the Constitution for this very reason, and an attack on the JSC is an attack on the people