

The Postcolonial Handbook of Violent Repression: Constructing Citizens as Enemies, Fascists, Extremists, Drug Addicts, Terrorists, etc., etc.

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On 20 May 2022, in an interview with *Sky News*, Prime Minister Ranil Wickremesinghe was asked whether it was safe for tourists to visit Sri Lanka. His response was: “Well those who want an exciting time can come and maybe they could even take part in the demonstrations. Maybe they could hold placards which say the President of Sri Lanka to go home, or you could

hold a placard asking the Prime Minister to go home. All that is options that’s available.” What he referred to as a demonstration that day was by then already a mass uprising of people dubbed the *Aragalaya* (struggle) by the protesters themselves, which catapulted him to the post of Prime Minister and then the presidency no less. Now Ranil Wickremesinghe, who would not be occupying this seat if not for the *Aragalaya* is

systematically attempting to crush it, with no hint of irony. The strategy/ies behind this attempt is clear: hunt down the more prominent organisers and participants one by one; arrest them, under the thin legal cover of emergency; intimidate others, break into their houses, and intimidate their families; interrogate them without due process including by abducting them in white vans and trishaws; and dismantle the symbolically significant sites of the *Aragalaya* such as Gotogogama at Galle Face. Parallel to this physical repression, the government is cracking down on them ideologically, by constructing the protesters who exercised their democratic right of protest and dissent as fascists, terrorists, members of the LTTE diaspora, drug addicts, foreign funded NGO agents, etc. etc. This ideological, discursive repression is intimately linked to, indeed goes hand in hand with physical repression. The ideological repression is intended to discredit and delegitimise what has been called the *ādarayē Aragalaya* (the struggle of love), and a people's revolt (Kadirgamar 2022). The ideological repression is intended to undermine the extraordinary public mobilisation of and support for the *Aragalaya* and make it easier for the government to implement its violent quelling.

This is part of a very old handbook related to the exercise of sovereign power. In the *Leviathan* (1651), Thomas Hobbes describes the ideal commonwealth as ruled by a sovereign responsible for protecting the security of the commonwealth and endowed with absolute authority to ensure the common defence. Intrinsic to this idea of sovereign power is the power to identify /name one's enemies and declare war against them. But the enemy in Hobbes commonwealth refers not only to external enemies but also to internal enemies, i.e. specific segments of the citizenry who can be marked as enemy others – rebels, traitors, insurgents, and the like, cast outside of the boundaries of the political community, and made targets of unbounded sovereign hostility. The citizen in this commonwealth is entitled to the rule of law and legal punishment within the purview of law; the enemy is not. Rather, the enemy is removed from the protection and certitude of law. The harm inflicted upon the enemy is done by right of war and not by way of punishment (Bargu 2014).

Hobbes's specific understanding of the legal status of citizens may appear inapplicable today. Yet, the State still retains the option of dealing with citizens who are considered to pose a threat to its security and law and order, including those who take up arms – through the rule of law or the rule of war, or through a combination of both. Legally, the modern State can create states

of exception where normal legal and constitutional safeguards and rights do not apply to deal with those who are considered a threat and/or it can wage a full-scale war when the threat is considered to emanate from a collective or a group of citizens. Hobbes therefore continues to be alive and well in State strategies of violent repression of those labelled as internal enemies.

The Sri Lankan State has its own version of how to deal with internal enemies. I contend there is a whole *Handbook of Violent Repression of the Postcolonial Ceylonese /Sri Lankan State*. In our *Handbook*, emergency rules and regulations (ER's) supplemented by the Prevention of Terrorism Act No. 48 of 1979 (PTA) have historically allowed the police and armed forces to derogate from ordinary laws of search, arrest, and detention in relation to those considered a threat to the State. The State has also declared war, particularly when its monopoly on violence has been challenged, where even the modicum of legal protection available under ERs and PTA or even the laws of war have been simply abandoned. This is a *Handbook* which is available to all political leaders irrespective of their party or affiliation covering the material, ideological, and discursive aspects of waging an internal war. It has many editions and has been updated and adapted to suit the exigencies of a given moment in time, allowing the State to move from lawful violence to extra-legal violence against those labelled as internal enemies with little notice or consequences. Today's *Handbook* probably has a whole chapter on how to conduct ideological warfare in the age of social media.

This is not to deny out of hand the right of the Sri Lankan State to address violent internal threats, but to interrogate and understand who gets labelled as enemies at which moments in time; the ways in which enemy discourses dehumanise and delegitimise certain sections of the population so thoroughly; how such discourses allow the State to use arbitrary, indiscriminate, and excessive forms of violence in the name of protecting the nation and State including violence such as enforced and involuntary disappearances not sanctioned even in a state of war; and how such discourses once in circulation can be deployed to silence and suppress various forms of peaceful dissent. Our history is replete with many examples of the construction of enemy discourses – after the first Southern insurrection, during the second Southern insurrection, before and after the Easter bombings – but perhaps one example of the construction and treatment of the 'Tamil terrorist' will suffice to illustrate my point.

The Figure of the Tamil Terrorist

Tamil militancy from the very outset in the 1970s was described in the language of ‘terrorism’. The PTA formalised this language, conflating terrorism with the Tamil political project in Sri Lankan political discourse. By the time of the 1983 riots and the militarisation of the ethnic conflict, this language was well entrenched and would only get more and more strident in the years after, with the potential to be indiscriminately attached to Tamils, whether they belonged to the LTTE or not.¹ Against the discursive and ideological construction of the ethnic conflict as primarily a problem of terrorism, the State waged both a physical war against the LTTE, as well as a “legal” war (Chandrasekaram 2017: 9) and an “extralegal” war (Bargu 2014). Throughout the war, the PTA and ERs facilitated mass incarceration of young Tamil men and some women on suspicion of terrorist activity, most of whom were detained without charges for prolonged periods. Where prosecutions took place, they were based on the use of confessions recorded by police officers following torture. These confessions often acted as sole evidence in these cases where the burden of proof to disprove the voluntariness of their admissions was transferred to the accused. Based on the ‘terrorist’s confession’, these Tamils could be convicted for a range of fabricated charges such as conspiracy, receiving training under the LTTE, and planning or taking part in military attacks against government forces or institutions. Chandrasekaram goes on to point out that a majority of those convicted by lower courts were able to successfully overturn these decisions on appeal, but it was not before they were punished, humiliated, and broken by long periods of incarceration without bail, pending the conclusion of their court cases (2017: 158-159; 181; 193-194). Parallel to this legal war, the State also waged an extralegal war in which Tamil persons were arbitrarily arrested, abducted or detained and then disappeared never to be seen again, without ever having to account for these disappearances.

During the Rajapaksa years, the LTTE was described as the most “brutal”, “savage”, “barbaric”, and “evil” terrorists the world has seen, while soldiers were constructed as heroes who conducted a humanitarian operation. This narrative was one of many strategies deployed by the Rajapaksa regime and Sinhala Buddhist nationalists to erase atrocities committed during the war and foreclose the possibility of judicial accountability. Moreover, as Ambika Satkunanathan has argued, even though the Rajapaksa regime takes endless credit for militarily crushing the LTTE, they keep the figure of the ‘brutal terrorist’ alive. In Satkunanathan’s (2021) words the Rajapaksas are “unwilling or unable to

let the LTTE go, perhaps because it needs to revive the spectre of the LTTE to remind people of its greatness, and reiterate that only the Rajapaksas can protect the people and the country.”⁽ⁱⁱⁱ⁾ The figure of the terrorist is also kept alive by Sinhala political leaders as well as nationalist groups to vilify and silence dissenters, critics, and those searching for truth and justice for atrocities committed during the war. Thus, when family members of the disappeared started organising to demand for truth and justice from the State, both the government and nationalist organisations started labelling them as traitors and terrorists. Indeed, searching and protesting for justice for the disappeared were considered worse crimes than disappearance or abduction itself (Minority Rights Group 2014). The protests of family members were disrupted, and a few were even arrested under the PTA – the case of Balendra Jeyakumary who was arrested in 2014 for having connections with LTTE is perhaps the most well-known of such arrests.

Ironically, certain members of the United National Front for Good Governance including Ranil Wickremesinghe himself were labelled as “tiger lovers”, “traitors”, and terrorists by the Rajapaksas and nationalist ideologues following the inauguration of a transitional justice process to address atrocities committed by the army during the final phase of the war against the LTTE from 2006 to 2009. Let us not forget, the discourse that the traitors and terrorists of the United National Front government betrayed the nation and its war heroes played a significant part in reviving the Rajapaksa brand after the 2015 electoral defeat and sweeping them back into power in 2019.

Repressing the *Aragalaya* Today

In liberal democracies, citizens have the right to assembly, dissent, and peaceful protest. These are rights enshrined in our Constitution. The *Aragalaya* began as neighbourhood candle-light vigils involving ordinary people and their families. However, on 31 March, when protesters gathered outside President Gotabaya Rajapaksa’s residence in a peaceful protest, police and armed forces called to the site first deployed water cannons, tear gas, and rubber bullets against the protesters. Later they assaulted and arrested a number of protesters. After the event, Ministers from Rajapaksa’s cabinet described some protesters as extremists and terrorists, as a way to justify the use of force on the previous day. The President then declared a state of emergency and a social media ban. Hundreds of people were arrested for violating the curfew. At the time, these tactics backfired in a spectacular manner. The labels did not stick. The protests could not be quelled. Instead, the

crackdown catalysed more protests, culminating in the mass protest at Galle Face on 9 April, the occupation of Galle Face Green, the creation of the first Gotagogama, and the *Aragalaya* as we know it.

President Gotabaya Rajapaksa's response to the protesters on 31 March was straight out of the *Handbook of Violent Repression of the Postcolonial Ceylonese/Sri Lankan State*. However, it failed because of the overwhelming and unprecedented mass mobilisation against the Rajapaksa regime that occurred in its wake. When hundreds and thousands of people gathered at Galle Face on 9 April, they sent a message that they were not only there to send Gotabaya home, but that they were there in solidarity with the Mirihana protesters.

Now the repressive Sri Lankan State has grown another head. Ranil Wickremesinghe is now deploying the *Handbook* as adapted by him, making a division between good and bad protesters. So far, over 100 have been arrested (Rathnayake 2022). The charges against them include obstructing the duties of police officers; inflicting criminal force; inflicting injuries; unlawful assembly; unlawfully entering government property; and trespass. Many protesters have also been issued travel bans. As a recent Amnesty International statement highlighted, the acts behind these charges include sitting on a chair at the President's office; bathing in the Prime Minister's residential pool; and handing over money found at the President's House to the Police – the flimsiest of charges.

Moreover, those who are being arrested for these 'crimes' are not from elite and well to do families, even though we know that the *Aragalaya* received overwhelming support from the middle and upper classes from Colombo who not only protested with banners, posters, and chants but provided material support in the form of tents, raincoats, food, and water over the many months of encampment at Galle Face and elsewhere. Yet, following the unceremonious ousting of Gotabaya Rajapaksa and the election of Ranil Wickremesinghe, many *Aragalaya* supporters

have now retreated to their homes, allowing the criminalisation of some of those with whom they stood side by side. The call for system change that emerged out of the *Aragalaya* is a very hollow one indeed, if we cannot as a collective stand up to this crackdown. Any possibility of continuing the *Aragalaya* beyond the Gotagohome slogan now depends on putting our bodies on the line to challenge the construction of some protesters as fascists, extremists, and terrorists, and their violent repression.

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Notes

1 The LTTE had its own discourse about the internal and external enemy, martyrs, and traitors, and claims to sovereign power (Thiraganama 2010, 2011: 213-215).

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