

RICHARD DE ZOYSA: SWAN SONG

At the time of his death, Richard de Zoysa was the Deputy Editor for Asia of Inter Press Service (IPS), the third world news agency. He was based in Colombo.

The article published below was filed by IPS three days before his abduction. This was de Zoysa's last story.

SRI LANKA: NO MORE DISPOSAL OF DEAD BODIES

by Richard de Zoysa

COLOMBO, February 15 [1990]

The Sri Lankan government announced Thursday it was lifting some stringent emergency regulations in force since last June.

Among them are laws authorising the security forces to dispose of dead bodies without holding a legal inquiry, a ban on publications, and the government's right to proscribe political parties.

The regulation about the disposal of dead bodies - No. 55 (FF) in the current emergency laws -- had been blamed by human rights groups here and abroad

for alleged military excesses against anti-government activists.

But other regulations introduced January 10 are still in force prompting accusations here that the government is not sincere in its promise to restore normalcy in the strife-torn island.

The Emergency (Prevention of Subversive Political Activity) Regulation No. 1 of 1990 bans all activities "political or otherwise" which may "adversely affect the due functioning" of workplaces or educational institutions.

It also bans any meeting, rally, demonstration, procession or display of posters at these places.

In the context of the phrase "any activity, political or otherwise" the word "otherwise" covers normal trade union activity, unionists here charge.

Almost all trade unions - except for a few that support the government - protested when the law was passed.

Bala Tampoe, one of Sri Lanka's leading criminal lawyers and general secretary of the Ceylon Mercantile Union (CMU) - the country's only major union not run

by a political party - describes it as a "fraudulent misuse of emergency powers."

"The term 'subversive' used to name the regulation gives the idea that trade union activities are illegal, since a subversive act means an illegal act," he argues.

"This is an infringement of fundamental democratic rights and has to be denounced as such, nationally and internationally," he told IPS.

"They [the government] say they have smashed the JVP and now they are dealing with the Tigers. So what are the regulations for?" he asked.

The Liberation Tigers of Tamil Eelam (LTTE) have fought first Sri Lankan and then Indian troops in Northeast Sri Lanka since 1983 in their quest for a separate state for the island's minority Tamils.

The guerrillas are now holding talks with the government of President Ranasinghe Premadasa and have said they will contest elections in the Tamil dominated Northeast Province once an Indian troop pull-out is completed March 31.



JUSTICE

Furthermore, the magistrate has no power to sanction a failure to cooperate by the police and must reply on what the police choose to place before him/her. The Chairmant of a Commission of Inquiry can reach much further behind the scenes and is not generally subject to having his decisions overturned by the Court of Appeal.

The observer concluded that as far as he is aware, there is no facility for the provision of a special team of investigators in a case where a serious accusation is made against a police officer and takes the view that this would be a useful and of particular importance in a case such as that of the abduction of Richard de Zoysa.

On 30 August 1990, the Attorney General announced in Court that he would not be proceeding with a prosecution against Mr. Gunasinghe.

The ICJ's plea for a Presidential Commission of Inquiry did not go unheeded, at least partially. In February 1991, the opposition parties in Parliament moved a resolution calling for a commission "to inquire into the abduction and killing of Richard de Zoysa." The motion was defeated by 120 votes to 71. While the entire opposition backed the motion, the ruling UNP voted against it.

Mr. K. N. Choksy, the chief legal spokesman of the UNP in Parliament, stated during the debate: "The dictates of principle and the requirements of the due adherence to the rule of law and the recognition of the role of the courts under the Constitution of Sri Lanka are basic matters in a situation such as the present. They all call for this house to decline and turn down this motion. These basic factors have clearly not been considered by the signatories to this motion, and demonstrated that this motion is ill-conceived."

SWANSONG

The JVP (Janatha Vimukthi Peramuna, People's Liberation Front) led a violent campaign against the Indian troop-presence and the ruling United National Party (UNP) from 1987-89.

Student led demonstrations and strikes called by the JVP brought life throughout the Sinhalese-majority south of Sri Lanka to a halt several times last year, rocking the political establishment.

A government crackdown on the left-wing rebels last year resulted in the deaths of their top leaders and a lull in violence, but it said the emergency laws were still necessary to restore normality.

"Under cover of this kind of justification the government is trying to prevent legal actions by workers or students through their unions ... an infringement of fundamental democratic rights which has to be denounced nationally and internationally," says Tampoe.

Sri Lanka has been ruled under emergency law for the greater part of the last two decades. A public security ordinance allows the President to add new regulations, while parliament has to approve the extension of the emergency every month.

When the president and the parliamentary majority come from the same party - as is the case at present - this becomes a formality.

Before the regulations on workers' and students' activities were passed, the CMU wrote to the president asking him to revoke an emergency law governing essential services.

Under this regulation, ports, banks and many other institutions named as 'essential services' can be brought under a military officer who can "require any person to do any work ... in connection with national security or the maintenance of essential services".

"By the end of August, JVP-led violence had already ceased, but this regulation came into effect September 5," Tampoe pointed out. The last JVP-led general work stoppage or 'hartal' took place August 20 1989.

Linus Jayatilleke, leader of the trade union wing of the Trotskyist Nava Sama Samaja Party (NSSP, New Equal Society Party) describes the new regulations as 'draconian'.

Thursday's lifting of some of the emergency laws came as the human rights organisation Amnesty International released a report claiming thousands of people had been killed in the State's anti-JVP campaign.

A row erupted between the London-based human rights organisation and the Colombo government last month when Foreign Minister Ranjan Wijeratne alleged Amnesty was a "terrorist organisation".

An Amnesty Report in December drew special attention to Regulation 55 (FF)

saying, "This regulation encourages extra-judicial execution insofar as it permits the security forces to commit murder with effective impunity."

"We request you ... to revoke Emergency Regulation 55 (FF), especially having regard to the fact that hundreds of dead bodies have been found all over the country," the CMU January 5 letter to Premadasa declared.

It added that these bodies were "mostly burnt or thrown into rivers with no explanation from you or any spokesperson of your government as to how [these bodies] came to be so dealt with, and at whose hands."

The government argued that full powers had to be given to the security forces to counter the JVP's violent onslaught on the establishment.

Giving the first indication that some emergency laws would be relaxed at a conference of political parties Wednesday, Premadasa said "No price was too high to pay to end terror."

He said he would implement "as soon as possible" the call by a commission set up to inquire into the causes of 'youth unrest' that the emergency should be lifted, but did not say when this would be.

Referring to the lifting of Regulation 55 (FF), one human rights activist here said Thursday, "Now there is justice for dead bodies. It's time to think about the living."

PUBLICLY FREED,

A total of 6,556 subversive suspects have been released from rehabilitation centres in the last two years.

According to the Commissioner General of Rehabilitation, Brigadier Ananda Weerasekera, most of the youths have been re-established in their previous schools, universities and pirivenas. Some of them are being provided with self-employment and foreign

employment training. And a few others, the Commissioner noted, are expected to take up politics as a career.

Three young men detained at the Thelavala camp in Ratmalana, were recently discharged. Their release was urged by the Jayalath Committee which studies individual 'cases' of 'terrorist' suspects and recommends their release or rehabilitation according to the estimated degree of their subversive involvement.

According to press reports, a few days after the men returned to their homes in Welimada, they were abducted and murdered by a group of armed men.

This incident received only moderate media coverage. We publish below, excerpts from the report which appeared in the Aththa of 19 October 1991

PRIVATELY MURDERED

Although it has been stated that terror has been eliminated and peace restored, there is evidence to the contrary emerging from a report from Welimada about the killing of three people and the burning of their bodies.

