UNDERSTANDING THE ROLE OF JOURNALISTS ON PREVENTING TORTURE AND PROTECTION OF HUMAN RIGHTS IN SUPPRESSED SOCIETY

BY NILANTHA ILANGAMUWA
Asian Human Rights Commission

Question: - Where is Prageeth Eknaligoda?
Answer: - Our current information is, that Mr. Eknaligoda has taken refuge in a foreign country
Place: UN Committee against Torture (UNCAT), Geneva, November 2011

Question: - Where is Prageeth Eknaligoda?
Answer: - “I don’t know if he is alive or dead, only god would know if the information that I received about him is true. I don’t think even the government knows where he lives.”
Place: the Homagama (Colombo suburb) magistrates’ court, June 2012

(Answers given on two different occasions, by Mr. Mohan Peiris, Former Attorney General of Sri Lanka, currently a legal adviser to President Rajapaksa, for an identical question).

Grief and sorrow is spreading far and wide. Our hearts and minds are continually screaming, and they cannot find a sustainable way to find stability – to achieve peace and harmony. The unavoidable reality is forcing us to witness the destruction of a society. And it is forcing us to question the so called electoral and democratic system that we had preserved through a long and acrimonious struggle. Our major collective achievements in terms of freedom have been hijacked and betraying by select families of the political elite, whose single-minded goal is little more than amassing personal benefits, while tactically dividing the country into pieces. Questions by radical political ideologists in the early 70’s gave way to a brutal civil war that finally ended in mid-2009, and have resulted in depression and bitterness for the bottom social strata. What Sri Lanka went through was not just a war against the regime, but a collective expression of our depression at the ultimate breakdown and loss of hope in our lives, all due to blithering politics that neglected ordinary people. Nearly four decades of armed struggle has cost us more than 400,000 lives and consolidated government power in the hands of a few egocentric politicians, who attained enormous social control with the 18 amendments that now decorate our once honorable constitution.

A Brief Political Background

After all the tragedies that my society has suffered, 2 questions, raised by Bertrand Russell, echo in my mind, “First; what is the wisest attitude for positive morality, from its own standpoint, to take to personal morality? Second, what degree of
respect does personal morality owe to positive morality? I’m not going to repeat here how Russell answered them in a philosophical sense. Instead, I seek to connect them to social consequences in the society in which I grew up – a society in which morality has been systematically assassinated and freedom has been buried by an idea of “patriotism” – a society in which you are a villain, or a conspirator, or a traitor if you don’t accept what the regime forces you to believe. This is a society where you have only two alternatives: either kneel down before the unjust, or find a place outside the cage to continue what you have done.

What we are not allowed to deny is that, “crises polarize the people. They hustle us into making uninformed choices. “You’re either with us or with the terrorists.” “You’re either pro-privatization or pro-State.” “If you’re not pro-Bush, you’re pro-Saddam Hussein.” “If you’re not good, you’re evil.” And in Sri Lankan context, “if you’re not pro-Rajapaksa, you’re pro-Westerner.” “If you’re not pro-militarization, you’re guilty of treason.” “If you’re a human rights defender, you’re a conspirator.” “If you’re an independent journalist, you’re a spy for a foreign intelligence agency.” This is how the regime justifies its brutal abuses of power and its continual denial of justice that has turned a government, intended to protect the liberty of the people, into a parasitical power that smothers the breath of freedom.

I cannot disagree with Arundhati Roy’s explanation on this. Ms. Roy says; “these are spurious choices. They are not the only ones available to us. But in a crisis, we become like goal-keepers in a penalty shoot-out of a soccer match. We imagine that we have to commit ourselves to one side or another. We have nothing to go on but instinct and social conditioning. And once we’re committed it’s hard to realign oneself. In this process; those who ought to be natural allies become enemies.”

I passed my childhood witnessing the carrion of burnt human bodies. Most of the victims were innocent and had nothing to do with the insurrection against the regime; they simply faced insurmountable odds simply to continue daily life with their family members. I still remember a labourer in our village being beheaded, and only his head was hung on the village electrical tower – just the head hanging there, with no trace of his body. Most people in the area where I grew up witnessed this kind of trauma as a part of daily life. No one dared to express their trauma or revulsion because they themselves had to struggle to find a way to survive.

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1 Power; Russell, Bertrand, Page 164

2 An Ordinary Person’s Guide to Empire; Author: Roy, Arundhati; Page -18

3 An Ordinary Person’s Guide to Empire; Author: Roy, Arundhati; Pages -18, 19

4 More details on my personal experiences could be found in an interview given by me recently which was published under the title; ‘Public awaking against injustice’ - Nilantha Ilangamuwa; available at http://www.salem-news.com/articles/aprii042012/nilantha-ilangamuwa-jr.php and The Guardian Story; Ilangamuwa, Nilantha; Available at http://www.srilankaguardian.org/2011/09/guardian-story.html
The President and his regime were unable to control society in the way that they wanted and declared that the regime was no longer capable of providing security to the people. What is laughable is that the same leader who fueled violence in the country said five years later at a public gathering that “we cannot compromise with violence. Whatever form of agitation is used to attain political goals, it must be non-violent and follow the Buddhist and Gandhian methods of Satyakriya or Satyagraha.” On the same day that the former president was delivering this admirable speech on the importance of non-violence, the incumbent president was killed in a suicide bombing by the Liberation Tigers of Tamil Eelam (LTTE). This was a significant moment in the history of violence in Sri Lanka.

That said, violence was/is a tool that all regimes that were/are in power have been using against the public. On the other side too, the same reality began emerging in that later some parts of the radical political movements also used violence as a major tool to confront oppressive regimes. This factor was debated and argued in various ways by many people, but no one can deny that the attitudes of radical political movements didn’t change much. And it has always been a question in my mind when I’m thinking about our society. What I saw many times is what I pointed out in an article - that “ignorance or evasion of the reality is worse than the inability to see the reality, and even more dangerous, for it scorns and rejects those who can see and are willing to see.”

Where we are now

As far as I understand, constructing and empowering racial nihilism to undermine freedom is much easier in a violent society than in a society where peace exists at least to some extent. In that violent society, absolute power can easily breakdown the social order and make its own control system.

The destruction of a functional system in a country is not a single work or a plot of a single person, but a long term process of social control which has been systematically created by several people in power. People, who are claiming that the root cause of the problem in Sri Lanka is the 1978 Constitution, through which the “executive presidency” has been introduced and placed above the law, should examine socio-

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6 Ranasinghe Premadasa (1924 –1993) was the 3rd President of Sri Lanka from January 2, 1989 to May 1, 1993. He was assassinated in Colombo in a suicide bombing, by the LTTE.

7 Destructive effects of racial nihilism, Ilangamuwa, Nilantha; available at http://www.srilankaguardian.org/2012/03/destructive-effects-of-racial-nihilism.html

8 Functional system can be described in many ways of understanding the particular regime/s and their way of governance. But in this speech I use the term of “functional system” to describe not the “activeness”, but the country where all state institutions such as police, parliament/executive, judiciary, … are empowered with their own independent power required under the law of the country to participate in good governance without intimidation and interference in the dispensation of its duties.
political developments in the period between 1971 and 1978. I, too, categorically disagree with this executive presidential system that has assassinated all universal norms of law, but at the same time I would argue that our political contradictions and our inability to accept common awareness of the people are what created the opportunity to break the lock and move away from the cage of law.

Let me quote an English translation of a poem from Des Kanaben Wunderhorn (The Youth's Magic Horn), a collection of anonymous German folk poems;

When I go down to the cellar
There to draw some wine,
A little hunchback who's in there
Grabs that jug of mine,

When I go into my kitchen,
There my soup to make
A little hunchback who's in there
My little pot did break.  

Our little hope has been broken; we cannot find an exact way to recover. And the war on terror, or in the language that the Sri Lankan Government used, ‘humanitarian operation’, has been an idea for alternative politics. It has opened up tremendous opportunity to undermine alternate political ideas and prevented them from reaching the mainstream. Even three years after the war, it has cynically manipulated every layer of society.

The worst developments related to this can be understood by carefully noting the statements at the beginning of this speech. “The person holding the office of Attorney-General must be a person of the highest integrity and independence. He must possess experience, common sense, tact and the capacity to handle delicate or tense situations in an unruffled manner. It is also his duty to guide his officers to act in accordance with the principles and traditions built up over the years. The officers who tender advice on his behalf should be conscious of such principles and traditions.”  

But, today many analysts observe that the Attorney-General’s department in Sri Lanka is just a tool of the Executive. It has lost its own independence and dignity.

A few legislators in the history of Sri Lanka have tried hard to restore principles of rule of law.

Former High Court Judge, the Honorable W.T.M.P.B. Warawewa, enumerated the real social problems that we face in Sri Lanka. The judge said: "... certain judges [have] failed to maintain the dignity of the profession and [have] no self-strength. Some judges did not know their independence, unaware of justice and would fall to

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9 Men in Dark Times, Author, Arendt, Hannah, page 158
10 Disorder in Sri Lanka, Kulatunga, KMMB, Page 59
any lowly depth for personal gains. Honesty and courage are essential for a judge, and that is why the people respected the judiciary …” 11

Expressing anguish about the breakdown of the rule of law and the harvest reaped by absolutists, the judge said "... very soon, it would not be surprising if the army's major generals are appointed to the supreme court, as the judiciary has recognised court martial as a court of law…”. 12 In essence what the judge said is that the executive, legislature, and the judiciary should function independent of each other and therefore without confrontations among them - an issue of serious concern for legal experts to focus on.

I can do no better than quote the sage words of Jean- Jacques Rousseau, “I shall be asked if I am a prince or a legislator, to write on politics. I answer that I am neither, and that is why I do so. If I were a prince or a legislator, I should not waste time in saying what wants doing; I should do it, or hold my peace.” 13 But, in the Sri Lankan context, wasting time has become the tactical norm at the legislative level.

Recall again the questions asked of Mr. Mohan Peiris, former Attorney General who is now a legal advisor to the President, about Prageeth Ekanaligoda, a journalist who was kidnapped by an unknown armed group in a Colombo suburb.

A national as well as international campaign forced the Government to conduct a genuine investigation into these kinds of forced disappearances. However, the Government has since spent time finding loopholes in descriptions of this incident and is using tremendous power to stop complaints and avoid legal procedure. The wife of the victim has been psychologically tortured by the government and its allied media several times. And, this is one of the few land-mark cases that represent the thousands of people who have been tortured and disappeared in Sri Lanka during last four decades.

**Where do we begin?**

The question that begs to be asked here is: how we are going to continue from the point of disconnection? What is the role of journalists regarding not only prevention of torture but also protection of human rights? Today, in Sri Lanka, morality in intellectual discourse is absent and political vulgarism has spread from top to bottom. Social control at any cost has become a norm of governance. The regime is not using anything special, but our own people to eliminate our own people. This is how an absolute power manipulates the people, while dividing the nation into various multitudes. It forces us to accept that these micro-multitudes are separate nations. If we are unable to recognize this as madness then we will certainly become a blind nation, not just a blind-folded one.

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11 Dum spiro, spero, dum vivimus vivamus; Ilangamuwa, Nilantha ; Article available at [http://www.countercurrents.org/ilangamuwa190312.htm](http://www.countercurrents.org/ilangamuwa190312.htm)

12 Ibid

A nation is an idea for people to enjoy their “freedom”, without hesitation, within a legislative framework. This law should be above every citizen who has been guaranteed equality and fraternity, through co-habitation within an institutional framework. But what has happened in our country is that fear has replaced freedom. Fear has become normal and is covered by the idea of “patriotism”. Have we recognized our dream of freedom, when the country has become the paradise of “patriotic” criminals? Sri Lankan patriotism, currently, is nothing but the deadly evolution of narrow minded politics. 14 This is the darkness of our society.

In his book entitled, Mao's Great Famine, Frank Dikotter, noted a core notion of this kind of darkness in the societies where tyrants are in power. According to him, "terror and violence were the foundation of the regime. Terror, to be effective, had to be arbitrary and ruthless. It had to be widespread enough to reach everyone but did not have to claim many lives. This principle was well understood. "Kill a chicken to scare the monkey" was a traditional saying.15 Even three years after the war, Sri Lanka is still under tremendous stress and ordinary people have more difficulties than they did during the time of open conflict.

The tragedy is that, at the end, the people created absolute power. What we have to understand here is what Étienne de La Boétie16 pointed out, "The tyrant, indeed, has nothing more than the power that you confer upon him to destroy you. Where has he acquired enough eyes to spy upon you, if you do not provide them yourselves? How can he have so many arms to beat you with, if he does not borrow them from you? The feet that trample down your cities, where does he get them if they are not your own? How does he have any power over you except through you? How would he dare assail you if he had no cooperation from you? 17

An understanding of the real breakdown of law enforcement agencies and structural destruction is more important than engaging and wasting time with popular titles. Terrorism was never the disease but the symptom. How can we change this kind of society? It is obvious that without an in-depth understanding about the society itself, restoring it is a day dream. 18

At the same time, having a comparative understanding of history will guide us to create alternatives. Understanding history will stop us from repeating the same

14 The sickness of the almighty criminal; Ilangamuwa, Nilantha ; full text of the article available at http://www.countercurrents.org/ilangamuwa180412.htm
15 Mao's Great Famine; Author Dikotter, Frank; Chapter 34, Page 292
16 Étienne de La Boétie was a French judge, writer, anarchist, and "a founder of modern political philosophy in France."
17 The Politics of Obedience: The Discourse of Voluntary Servitude, Author: Étienne de La Boétie; Translated by Harry Kurz; Page 15
tragedies. So then we can continue our real discourse: on what we want, how are we going to achieve it, and how we can achieve public understanding.

Unfortunately, though, this logic itself has a problem, and I am still unable to find a satisfactory equivalent to it in the Sri Lankan context.

According to Sinhalese tradition, the Sinhalese community\(^{19}\) was started by its first king, Prince Vijaya (King Vijaya). According to our earlier records, written by Buddhist monks, the history of the Sinhalese started with the arrival of Prince Vijaya and his 700 followers.\(^{20}\) If we place this fact within the present legislative framework, Prince Vijaya himself was a torture victim of royal absolutists. He was ousted from his royal family and punished due to his behaviour. It is interesting that the history that we are forced to believe started with series of torture incidents.\(^{21}\)

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\(^{19}\) Sri Lankan Nation is a mixed of several races. Sinhalese 73.8%, Sri Lankan Moors 7.2%, Indian Tamil 4.6%, Sri Lankan Tamil 3.9%, other 0.5%, unspecified 10% (2001 census provisional data) For more details at [https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html](https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html)


\(^{21}\) Long time ago, India consisted of many countries. Vanga was one of the countries of India at that time. The King of Vanga had a very beautiful daughter. Fortunetellers predicted that this pretty Princess would be kidnapped by a lion. One day, when the Princess was traveling to Magadha country (The country where Lord Buddha lived), a lion attacked the caravan near Lala country and kidnapped the Princess. The lion took the Princess to the cave where he lived and blocked the entrance to the cave with a huge rock. All efforts to find the Princess failed. Years later, the Princess had twins, a son and a daughter. The son had hands that looked like a lion. The son was named “Sinhabahu”. (Sinha=Lion, Bahu=Hands) and the daughter was named “Sinhasivali”."

“One day, Sinhabahu asked his mother why they are locked inside the cave and why their father will not let them leave. The mother told what happened to her and Sinhabahu was determined to break open the cave entrance. One day when the lion was not in the cave, Sinhabahu pushed the stone and fled with his mother and sister. When the lion came back to the cave, he saw that whole family had fled and he went looking for them. When the lion came to the village, people were fearful of the lion and tried to chase him away. Lion in return attacked people and created panic in the village. After hearing the commotion created by the lion, the King of the Lala country asked Sinhabahu to stop the lion. Sinhabahu went to meet the lion and during the encounter Sinhabahu shot the lion with his arrow and killed the lion. The King of the Lala country, built a city for Sinhabahu, named it “Sinhapur”, and made Sinhabahu King of the city. Years later, Sinhabahu had a son named “Vijaya” who had many violent and mischievous friends. People complained to King Sinhabahu of the deeds of Vijaya. King Sinhabahu decided to banish Prince Vijaya and his friends from Sinhapura. Prince Vijaya and his 700 friends were given a ship and asked to leave. After sailing many miles, they landed in “Lanka” on the same day the Lord Buddha attained Nibbana. The beach that Prince Vijaya landed is known as “Thambapanni” because when they touched the beach, their hands became bronze color.” This is how our popular history or politesse-religised history started. Please read English translation of Mahavansa at: [http://mahavamsa.org/2008/05/princess-vanga-sinhabahu/](http://mahavamsa.org/2008/05/princess-vanga-sinhabahu/)
There are millions of torture cases from ancient times to the post-war period in Sri Lanka. Perhaps torture is only increasing. Is it? The perpetrators have their own justification in committing torture, but the media, as a public messenger, have very crucial role to play.

As one of my colleagues in Sri Lanka understands, “journalism, as the Fourth Estate of the realm, is essential and needs to play a proactive role in maintaining freedom or liberty in society. The people of every country have a right to know what is really happening and who is doing or not doing what. If we as journalists fail in that responsibility and instead seek to achieve our own ambitions or agendas in deceptive ways, we lose the moral right to be journalists though we may keep on writing to impress while not realising that few people, if any, are impressed with our bombastic words or clichés.”

**Conclusion**

Today we are in a situation where we must find a way to break down the system of absolute executives, as we have for absolute monarchs in the past, and hold every citizen as equal before the law. Unfortunately, today’s politics ignores the principles of a free and equitable society, in favor of popularity contests between special interest factions and the compromising of the rule of law. To find a way to achieve our goals is a long term process and an understanding of voluntarism is important. Making a path for victims to come forward and express their experiences while continuing rational discourse is crucial to any serious return to a society that respects the rule of law.

Generally, politics has more in common with culture than legality. Because of this an idea of “social change” came into discourse, where social movements originated. In his excellent essay written in 1930, entitled Custom and Reform, Lu Xun raised points which are universal. "We must first understand tradition and custom, and have the courage and integrity to look darkness in the face. For unless we see clearly, we cannot make reforms. Mere shouting about the brightness of the future is actually a deception to fool our lazy slaves and our lazy hearers."

Our culture is based on a pyramid, where those on top are allowed to dominate and undermine the people at the bottom. We have no commonly accepted conditions for which justice may be served. We have only human beings, valued according to the place they have in the pyramidal hierarchy. Religion arrived after culture, but with harsh realities, religion has adapted into finding cultural acceptance and has entered into habitual practices of communities. The scenario is based on one principle, i.e. social denial of justice / traditional culture that deviates widely from the rule of law.

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22 Writing on rights: A sombre reflection; Pinto-Jayawardana, Kishali; article available at [http://www.sundaytimes.lk/120603/anniversary/souv17.html](http://www.sundaytimes.lk/120603/anniversary/souv17.html)

23 Lu Xun or Lu Hsün, was the pen name of Zhou Shuren, one of the major Chinese writers of the 20th century.

24 Lu Xun: A Chinese writer for all times; Author: Weiss, Ruth F.; Chapter 07 – Page 140
If we are looking for a torture free society, we must understand the other side of myths, legends, and tradition, and create opportunities to live the discourse of social reform. Torture is a reflection of the failure of good governance. Eradicating torture is a gradual but necessary process for which we all bear responsibility. Our stance should be firm against any form of torture, a practice legally and morally reprehensible, and unjustifiable under all circumstances. We must remain steadfast in the hope we profess: of a world without violence, and a future free from fear.

Thank you!

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