



Protecting Democracy Post-Election: An end to political violence and revenge

30th January 2010: A series of recent events connected to the presidential election last week give rise to extremely serious concerns about the state of democracy in Sri Lanka today. The campaign period, the election and its aftermath were marred by unprecedented disregard for the Constitution and the law, resulting in not only violence and large-scale abuse of public resources, but also in setting a number of disquieting precedents with regard to the respect for constitutional authority and democratic values.

The Centre for Policy Alternatives (CPA) and the Centre for Monitoring Election Violence (CMEV) together with other civil society organisations have previously pointed out concerns regarding the conduct of the Telecommunications Regulatory Commission (TRC), the extreme partisanship of the government-controlled media institutions, the appointment and withdrawal of the Competent Authority for the Sri Lanka Rupavahini Corporation (SLRC) and the Sri Lanka Broadcasting Corporation (SLBC), the general disregard on the part of government institutions for the authority and directives of the Elections Commissioner (in particular the Police Department), and even the authority of the Supreme Court.

More broadly, however, the acrimonious conclusion of the election and its aftermath pose several vital questions and concerns. Despite less than ideal conditions in previous elections, we have never witnessed a situation in which the main opposition challenger was besieged by the military in a hotel on election night and continues to experience harassment by the authorities. The government has justified its actions on the basis of vague, unsubstantiated and largely unconvincing allegations against the main opposition candidate, retired General Sarath Fonseka, including claims that he was attempting to stage a coup, that assassinations and incarceration of prominent political figures was contemplated, that he was harbouring deserters, and that he was divulging state secrets. If the government has reason to suspect anyone of instigating such action, the appropriate response is to let the law enforcement authorities deal with it according to the law. The manner in which General Fonseka has been treated however suggests different motives exuding a perception of political persecution and revenge. Unnecessary and vindictive, such measures risk political capital and the goodwill of citizens as well as Sri Lanka's international image.

General Fonseka has alleged irregularities with regard to the ballot counting process, including the chasing away of opposition counting agents by identifiable ruling party personalities in some districts. It is his right as a candidate to petition the Supreme Court with such claims, and thereafter his responsibility to substantiate them. It is best that the courts are left to resolve this matter according to procedure established by law. It is in the interests of democracy that the President and the government demonstrate magnanimity in victory, and that a defeated candidate who received the support of approximately 40% of the citizens of this country is not subject to a sustained campaign of vilification and harassment.

Meanwhile, a critical situation has arisen with regard to media freedom and the physical safety of journalists, including assaults, disappearances, verbal threats delivered by senior officials such as

the Defence Secretary, interrogations and arrests, orders to deport foreign correspondents, sealing of newspapers, and the blocking of news websites without apparent legal basis. It is telling that journalists who have been targeted are perceived to be those critical of the government, while at the same time, publicly funded government controlled media have become unapologetic propaganda apparatus of the ruling party (a new development in this regard is the phenomenon of unsolicited text messages purporting to be from the President). Assaults on media freedom have been a major blemish on the record of President Rajapakse's first term, and he has a responsibility to address this as a matter of priority in the post-war second term he has won overwhelmingly.

The President has won re-election with a mandate for post-war reconstruction, national reconciliation and economic development. The necessary backdrop for all this is his commitment to the values of democracy and constitutional government, and the respect for the limitations on his power and the authority of his government that are imposed by the Rule of Law and other democratic principles. It is in the President's interest, for the legitimacy of his administration as well as our post-war future, to provide the leadership essential to ensuring that democracy is protected, the Constitution and the Rule of Law is respected, fundamental human rights are upheld, and that the temptations of political persecution and victimisation are firmly resisted.

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The **Centre for Policy Alternatives (CPA)** was formed in the firm belief that there is an urgent need to strengthen institution- and capacity-building for good governance and conflict transformation in Sri Lanka and that non-partisan civil society groups have an important and constructive contribution to make to this process. The primary role envisaged for the Centre in the field of public policy is a pro-active and interventionary one, aimed at the dissemination and advocacy of policy alternatives for non-violent conflict resolution and democratic governance. Accordingly, the work of the Centre involves a major research component through which the policy alternatives advocated are identified and developed.

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