



CSHR NEWSLETTER

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A Milestone of the Prison Project

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VISION

*To create a nation with
a rights consciousness in
which the dignity and
rights of all people are
respected.*

MISSION

*To be a centre of excel-
lence for human rights
education and research
using a multidisciplinary
approach.*



Three new publications were launched in relation to the prisons and human rights by the Centre for the Study of Human Rights (CSHR) in 2013.

The CSHR has been working with the Department of Prisons in Sri Lanka since 1994. The Equal Access to Justice Project of the UNDP joined hands with the CSHR in funding these activities in training and building capacity on human rights and fundamental rights of Prison Officers and Inmates islandwide in 2005.

Meanwhile, in 2011, CSHR extended its academic support to the Centre for Research and Training in Corrections (CRTC) in the Department of Prisons, to re-establish the Research Unit. The first research conducted in 2011 by the CSHR and the CRTC was on legal aid programmes in prisons, while the second research was on rehabilitation programmes.

The two research publications mentioned below were published in 2013;

1. Legal Aid in Prisons: Assessing Its Effectiveness in Sri Lanka (Sinhala and English) ISBN 978-955-8698-17-4
2. A Study on Streamlining of Rehabilitation Programmes in Prisons (Sinhala and English) ISBN 978-955-8698-15-0

In 2012, the CSHR commenced a tailor-made academic programme for prison officers; the Six Month Distance Learning Advanced Certificate in Human Rights Approach to Prison Administration.

The six modules of the programme were published as a handbook in Sinhala and Tamil. (*Bandhanaagāra Paripālanaya Sandahā Mānava Himikam Pravēshayak*) ISBN 978-955-8698-14-3

The Commissioner General of Prisons and many other distinguished guests were participated at the book launch held in University of Colombo.

*Esteem for Excellent Service :**Requiescat Mr. S. S. Wijeratne*

We would like to express our deepest gratitude to Mr. S. S. Wijeratne, member of the Board of Management of the CSHR since 2007, who passed away in 2013. He was a clever lawyer, talented teacher as well as an inspiring writer.

Mr. Wijeratne served as the Chairman of the Legal Aid Commission of Sri Lanka for the past 10 years. He worked as the Assistant Chief of Mission (Pakistan) at the United Nations High Commissioner for Refugees Legal Advisor (Asia), Acting UNHCR representative

(Sri Lanka), General Legal Counselor (Geneva), the UNHCR representative in the Philippines and finally, as the UNHCR Head of Mission in Afghanistan. He has been serving in many honourable positions such as Secretary General of the Institute for the Development of Commercial Law and Practice, National Convenor of the Centre for Victims of Crime, Chairman of the Alternate Dispute Resolution Institute and as a member of the Constitutional Council of Sri Lanka.

*Staff members who left the CSHR in 2013***Meloney Palihakkara**

Meloney Palihakkara was the Senior Project Officer and the Acting Chief Admin Officer. She was at the CSHR for 13 years and was mainly involved with the Prison Project, Community and School Project, Armed Forces and Police Project among many other programmes conducted by the CSHR.

Gayatri Abeydeera

Gayatri Abeydeera was the Information and Documentation Officer. She was at the CSHR Resource Centre for almost 12 years, where she maintained a wide collection of books, journals and paper clippings on various human rights issues.

Feature Article:

Secular Sri Lanka: the Only Hope for Reconciliation

- Vidura Munasinghe
Attorney-at-Law
CSHR

Sri Lanka has witnessed numerous tragic events of communal violence within the last 100 years (1915, 1958, 1962, 1977, 1981, 1983, 1986-2009). Generations have suffered immensely from communal hatred. We have all seen the devastation as a result of the brutal civil war that ended in 2009. Even after such a violent experience, people are not willing to accept the difference of others. Today, again we hear the same violent, racist voice which has been reiterating over the last 100 years.

Two examples

When popular Buddhist extremist organization, *Bodu Bala Sena* ('Buddhist Army') attacked the Bangladesh High Commission building in Colombo on 04th October 2012, the Secretary of the organization Galabodaaththe Ghanasara Thero speaking to the media said:

"No matter which religion or race you may belong to, everyone has to understand that this is the country of Sinhala Buddhists. If you accept this culture you can live here peacefully. Anyone who cannot should leave."¹

On 13th December 2013 the Buddhist Revival Committee appointed by the *Dharmapāla Parapūra*, presented their Committee Report to the general public with much publicity at the historical *Vidyālanakāra Pirivena*.² The Committee consisted of many prominent Buddhist scholars in the country. Numerous recommendations to uphold the 'Buddhist Heritage' of Sri Lanka were included in the report. However, there were no new demands in the report; rather, they were in line with the demands that were made by Sinhala Buddhist nationalist ideologues throughout postcolonial history in Sri Lanka.

The two examples above reveal that the attitude of violent extremist Buddhist ideologues and the stance of the majority of Buddhist scholars of the country does not vary from each other. Both demand for the Sinhala Buddhist supremacy in

the country.

This short article is an attempt to examine the reasons behind this inexhaustible hatred towards others and to briefly propose a few principles that can be considered as the basis for reconciliation efforts in Sri Lanka.

Root Causes / the First Phase

As I suggest, the causes of our communal hatred today are deeply rooted in our nation building process. According to Benedict Anderson's concept of imagined community,³ we can ask two questions regarding our nation building process;

1. When did we imagine our community?
2. What sort of community did we imagine?

Partha Chatterjee argues that the present post-colonial countries did initiate their nation building process well before they started their political battle with their imperial power. According to Chatterjee this happened due to the unique characteristic of the nation building process of post-colonial countries. The first phase of the nation building process in these countries was initiated within the fields of culture and religion, (which Chatterjee describes as 'inner domain') where the imperial power was challenged for the first time after these countries were colonized. Later it was shifted to the political field (which he describes as 'outer domain').

"The colonial state, in other words, it kept out of the "inner" domain of national culture; but it is not as though this so-called domain is left unchanged. In fact, here nationalism launches its most powerful, creative, and historical project: to fashion a 'modern' national culture that is nevertheless not Western. If nation is an imagined community, then this is where it is brought into being" (Chatterjee. 1993: 6).

Accordingly, we can clearly identify this nation building process within the inner domain in the religious revival movements which were initiated in the mid 19th century and gained much prominence in the latter part of the 19th century and early 20th century in Sri Lanka.

Another key aspect of our nation building within the 'inner domain' / religious revival has to be noted here. It was not a single unified project, but several projects initiated on religious boundaries. Accordingly, three separate religious re-

vival movements can be identified; i.e. Buddhist revival movement, Hindu revival movement and Muslim revival movement. These three movements were divided upon strict religious boundaries and each of them perceived others as a threat to them.

The three separate revival movements had three key ideologies, i.e. Anagārika Dharmapāla, (Buddhist revival), Arumuga Nāvalar (Hindu revival) and Orabi Pāsha (Muslim revival). They were backed by the native bourgeoisies (those who were able to accumulate considerable amount of wealth from the colonial economy) who belonged to each religious community. They reinvented their religions (Buddhism, Hinduism and Islam) according to modern rational norms that gave the present formulation. New sacred places, schools, practices, religious/cultural symbols were introduced. However, these revivalists were always eager to keep the division among separate religious revival movements.⁴

Struggle for Representation / the Second Phase

In the final decades of the 19th century, colonial rulers decided to let the native bourgeoisies enter into the Legislative Council and participate in national politics. However, the representation was given on ethnic categorization which was invented by the British by census.

Natives who had been formulating their identity on a religious basis within the 'inner domain': i.e. religious revival therefore had to reformulate their identity within these ethnic boundary lines in order to get the political representation and continue their Nationalist project within the 'outer domain'.

Each revivalist movement (Buddhist, Hindu and Muslim) had to transform its religious construction into an ethnic construction in order to transfer their newly invented religious identities into ethnic identities. Previous religious identities were based on a person's spiritual and moral beliefs. However, 'blood' and language became the prime identity markers of the ethnic identity (Ismail 1995: 62). Transformation of religious identities into ethnic identities could be well evident in the myths created by each revivalist movement that claimed their distinct ethnic origin.

Buddhist revivalists declared that they are the descendants of the Great Aryans. Similarly, Hindu revivalists claimed that they have a Dravidian origin opposed to the Aryan origin

(Kailasapathy 1984: 112) while Muslim revivalists asserted that they belong to the Hashemite Tribe which was the tribe of Prophet Mohamed (Ismail: 1995: 69).

Accordingly, all three religious identities which were formulated in religious revival began to claim their own ethnic identity (But due to their religious origin religion became an inherent part of these ethnic identities which made them more complex). The 20th century became a battle ground where newly invented ethnic identities contested each other in the political arena.

"At the beginning of the twentieth century, when colonialism experienced its first cracks, with the various ethnic groups-Sinhalese, Tamils, Indians, Muslims and Burghers, Malays and Europeans-forming associations of a political nature, the British encouraged them to jockey for power" (Wickramasinghe 2006: 51).

Post-colonial Sri Lankan state is an arena where these three imagined communities compete, fight and suppress each other. In my view, Sri Lanka gained independence as three imagined political communities. Each community did not envisage a heterogeneous community with differences. Rather, the imagination was homogenous.

How Can We Live Together?

In this context, reconciliation means creating a unity which existed before. Is this realistic? What are the ways in which we can unite three communities that were imagined as homogeneous totalities? It is crystal clear that there cannot be unity among such antagonistic homogenous totalities. All futile efforts in the history to create unity have been constantly verifying this. Thus the divisions draw from the origin cannot be united.

However, it is obvious that we should find some way, not only to live together, but also to live together in harmony. In my observation, it is necessary to adopt secular principals, at least within the political sphere, in order to live together in this land. As mentioned before, within the Sri Lankan context, ethnicities cannot be separated from religions, due to the religious origin of ethnicities. This is why we confront 'Sinhala Buddhists' and 'Tamil Hindus' as ethnic identities in everyday life (refer the example of the statement of Glabodatte Ghanasara Thero above). As Quadri Ismail explains,

Sri Lankan Muslims also claim their ethnic identity by using religion as the primary identity marker (Ismail: 1995: 62-107). Therefore, religion becomes a key factor which cannot be underestimated, when defining a political arrangement where these three imagined communities can live together.

Thus religion becomes the primary factor of any attempt for reconciliation in Sri Lanka. In this respect the three principles proposed by the well renowned Canadian Philosopher Charles Taylor can be emphasized as the basis of a modern day secular regime (that are not based on the traditional model of Secularism which harbors on controlling religion by maintaining a strict division between religion and state). Taylor names it as the 'diversity model'. This model proposes to achieve three goals;

1. Freedom of conscience
2. Equality for all the people who belong to different religions
3. All the religious positions should be equally heard

According to Taylor, this is the only way in which equality can be assured within the present diverse society. As Talal Asad has pointed out Taylor's secular model has two features. First, it attempts to find the lowest common denominator among the conflicting religions and second, it is an attempt to define a political ethic independent of religious convictions altogether (Asad 2003: 2). Thus, I suggest that these three principles could be adopted as the basis of any attempt for reconciliation in Sri Lanka. Antagonistic three imagined communities within Sri Lankan social formation (which were originated within religious sphere as three homogeneous imagined communities and later shifted into political sphere as three religio-ethnicities) have to find this lowest common denominator in order to thrive for a stable political ethic which allows them to live in harmony.

But what we witness today is a roaring outcry of religious/nationalist extremists who propagate another round of communal violence and poor efforts of reconciliation which murmurs the endless *manthra* (chants) of the 'lost unity'. Until we become a society that is willing to accept the true nature of our social formation and make an arrangement which enables these three imagined communities to live together, we will continue to meet the vicious circle of communal violence that has been taking place for the last 100 years.

1. The Sunday Times, 20/11/2012

2. <http://dharmapalapapapura.com>, accessed on 06/02/2013

3. Benedict Anderson defines nation as an imagined political community. It is imagined because the smallest nation will never know most of their fellow members, meet them or even hear of them, yet in the minds of each member the image of their communion exists (Anderson 1983: 6)

4. For more details on the three religious revival movements in Sri Lanka read: Gunarathne, Arjun 2002, "What's in a Name? Aryans and Dravidians in the Making of Sri Lankan Identities". in N. Silva (ed). *The Hybrid Island: Culture Crossings and the Invention of Identity in Sri Lanka*, Colombo: The Social Scientists' Association. Kailasapathy, K. 1984, "Cultural and Linguistic Consciousness of the Tamil Community". In Michael Roberts (Ed). *Collective Identities Revisited Vol. 1*, Colombo: Marga Institute Press. Obeysekera, Ganath 1997, "The Vicissitudes of the Sinhala- Buddhist Identity Through Time and Change". In Michel Roberts (Ed). *Collective Identities Revisited Vol. 1*, Colombo: Marga Institute Press. Ismail, Quadri 1995, "Unmooring Identity: The Antinomies of Elite Muslim Self-Representation in Modern Sri Lanka". in Pradeep Jegannathan & Quadri Ismail (eds.). *Unmaking the Nation: The Politics of Identity and History in Modern Sri Lanka*, Colombo: The Social Scientists' Association. Seneviratne, H. L. 1999, *The Work of Kings: The New Buddhism in Sri Lanka*, Chicago: Chicago University Press.

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CSHR NEWS AND EVENTS

Inauguration of the Asia Pacific Masters Degree on Human Rights and Democratisation (MHRD) 2013

The inauguration of the Second Semester of the Asia Pacific Masters Degree in Human Rights and Democratisation (Regional Programme) was held on 17th January 2013 at the Senate Hall, University of Colombo. 07 foreign students enrolled for the Second Semester at University of Colombo.

Hon. Attorney General Palitha Fernando, PC, participated as the chief guest of the ceremony and delivered the keynote address. High Commissioners and Ambassadors of countries which students represent, the Vice Chancellor of the University of Colombo, the teaching staff and the



CSHR staff also participated. Dr. Susan Banki, former Project Director of MHRD participated and addressed the gathering, representing the University of Sydney, Australia.

The MHRD is a combined masters degree conducted in collaboration with the University of Sydney and 4 other partner universities (CSHR - University of Colombo, Kathmandu School of Law - Nepal, Gaja Mada University - Indonesia and Mahidol University - Thailand).

The students who enrolled are;

- | | |
|-------------------------|-------------|
| 1. Ahmed Saleem | Maldives |
| 2. Atia Naznin | Bangladesh |
| 3. Kim Borovik | Australia |
| 4. Mary Anne Bayang | Philippines |
| 5. Niabdulghafa Tohming | Thailand |
| 6. Nicole Kakantousis | USA |
| 7. Sara Fridholm | Sweden |

Enhancing Human Rights Protection in the Context of Law Enforcement and Security

The CSHR launched its new research on Enhancing Human Rights Protection for Law Enforcement Officers in 2012. This project commenced with the particular objective of developing capacities of state officials, especially of the police and military forces to prevent and address human rights issues related to their work. Also, it will seek what effective training interventions can be undertaken to tackle those issues in the police and military.

This project, is managed by the University of Sydney. The CSHR and the Kathmandu Law School, Nepal, are co-partners of the research.

In 2013, 16 Human Rights Protection Facilitators were selected throughout the country representing, the Sri Lanka Army, Navy, Air Force, Police, Coast Guard and Civil Security Department. Two residential workshops have been conducted in Colombo and Kukuleganga in order to give them a training on project implementation and related skills. Brigadier Michael Griffin, Dr. Danielle Celermajer, Dr. Kiran Grewal and Ms. Anna Noonan from Australia participated as resource persons and facilitators.



Human Rights Protection Facilitators in Sri Lanka with the CSHR and Sydney team, at Laya Leisure, Kukuleganga

CSHR EDUCATION PROGRAMMES

Human Rights and International Humanitarian Law Programme for Armed Forces

Three programmes on Human Rights and International Humanitarian Law were held in March, July and November 2013 for Junior Commanders' Batches at the Faculty of Law, University of Colombo. Each team comprised of Junior Commanding Officers of Sri Lanka Air Force, Army and Navy who completed their Management Module at Air Force Training Academy in China Bay.

E- Diploma in Human Rights

6 students completed the E Diploma in Human Rights in year 2013. One student awarded the Merit Pass. The final exam was simultaneously held in the Sri Lankan Embassy in U.A.E. in order to facilitate an overseas student.

22 students enrolled for the 2014 batch of E Diploma. This includes 6 students from the Department of Police, Sri Lanka

Advanced Training Programme in Women and Peacebuilding

This programme was simultaneously held in Anuradhapura, Jaffna and Ampara in Sinhala and Tamil media. 79 Students completed the course and awarded at the ceremony held on 30th November at the Auditorium, Faculty of Education, University of Colombo.

Advance Certificate in Human Rights Approach to Prison Administration

74 Prison Officers who completed this 6 month course received their certificates at the Award Ceremony held on 19th September 2013 at the UCSC Auditorium, University of Colombo. This programme was fully funded by the Access to Justice Project, UNDP. 30 Students enrolled for the second batch. Scholarships were offered by the Department of Prisons.

To deny people their human rights is to challenge their very humanity.



Nelson Mandela

Distance Learning Diploma in Human Rights and Peace Studies

The Award Ceremony of the 2019/10 was held in 08th February 2013 at the FGS. 61 students were awarded the Diploma in Sinhala and Tamil Media.

37 students completed the 2011/12 batch of the DLD in 2013. This batch is going to be the last batch of this programme, since a revision of the curricular has been approved by the Senate of the University of Colombo. Therefore, the new programme will be commenced as the Distance Learning Diploma in Human Rights and Democracy.

Advanced Training Programme Human Rights and Fundamental Rights and Advanced Training Programme in Law and the Citizen

Two Advanced Training Programmes were conducted in Sinhala Medium. 21 students successfully completed programmes and obtained their certificates. The certificate awarding ceremony was held on 04th August at the CSHR Boardroom.

"Lock up your libraries if you like; but there is no gate, no lock, no bolt that you can set upon the freedom of my mind"

- Virginia Woolf

"All religions, arts and sciences are branches of the same tree."

- Albert Einstein

*CSHR INFORMATION***RESOURCE CENTRE**

Located at the CSHR premises, Faculty of Law,
University of Colombo

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Centre for the Study of Human Rights

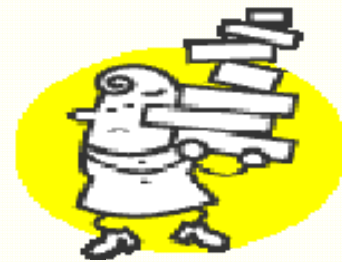
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**COURSES OFFERED BY CSHR**

- ◇ Distance Learning Diploma in Human Rights and Democracy
- ◇ E-Diploma in Human Rights
- ◇ Advanced Training Programme in Human Rights and Fundamental Rights
- ◇ Advanced Training Programme in Women's and Children's Rights
- ◇ Advanced Training Programme in Workers' Rights
- ◇ Advanced Training Programme in Law and the Citizen
- ◇ Advanced Training Programme in Women and Peacbuilding
- ◇ Distance Learning Advanced Certificate in Human Rights Approach to Prison Administration
- ◇ Asia Pacific Masters Degree in Human Rights and Democratisation (in collaboration with the University of Sydney)

FOR MORE INFORMATION, PLEASE VISIT OUR WEBSITE <http://cshr.cmb.ac.lk>