
The appalling silence of the 'good' among us

SUNDAY, AUGUST 9, 2009 = THE SUNDAY TIMES ' FOCUS ON RIGHTS'

By Kishali Pinto-Jayawardena

So, if counsel who appear for persistently thorn-in-the-side newspapers or defend terrorist suspects are labeled as traitors, what label may we pin on lawyers who are 'handsomely retained' (as the legal parlance goes) by errant arms of the state military apparatus to cover up extra judicial killings? Should we call them patriots in the misguided belief that they are acting out of loyalty to their keepers? Or should we hold them equally culpable as the killers whom they try so unconscionably to absolve?

And again, what label is appropriate for those professed 'state lawyers' whose actual role is not as the court's amicus but rather, to systematically cover up horrendous human rights violations perpetuated by state forces, whether before ordinary courts of law or politically compromised Commissions of Inquiry?

Do these individuals act out of love for their country or to advance their own promotions, perchance and to ingratiate themselves with the government of the day through sheer self interest? These are most amusingly rhetorical questions indeed.

Public outrage and legal responsibility

Years ago, when the horror of a teenage Tamil schoolgirl being raped and killed by Sinhalese soldiers and policemen attached to the Chemmani check point, (who then also killed her relatives who had come to look for her), swept through the country, the dynamics were indeed different. Lawyers looking after the interests of the aggrieved parties as well as the indefatigable state counsel who prosecuted the Krishanthi Kumaraswamy case in the High Court and ultimately procured a conviction of the accused soldiers, were publicly applauded. They were not called traitors for trying to ascertain the truth.

The judges presiding over the Trial-at-Bar who handed down the convictions (affirmed in appeal) were not regarded as traitors. Independent witnesses of Sinhalese ethnicity, who were key in securing the convictions, were not regarded as traitors. Civil society who supported this case throughout the High Court trial was not demonized. This country would have blushed for shame if that was so. We did not need either the West or the East to tell us that this was an atrocity that ought not to have happened.

It was similarly so in the eighties when more than fifty two schoolchildren of Sinhalese ethnicity living in a remote Southern hamlet were 'disappeared' by soldiers of Sinhalese ethnicity acting in collusion with the principal of that school, also of Sinhalese ethnicity. These abductions, (the bodies of some children were never recovered), were due to a private grudge that the principal had against those schoolchildren with however the 'terror cover' of the second Janatha Vimukthi Peramuna insurrection being used for that purpose.

In these two rare high profile instances where public outrage led to legal responsibility being enforced on the perpetrators, the dynamics were simple; unforgivable abuses had been committed during the course of conflict as is apt to happen and those responsible were punished. It is true perhaps, that the relevant prosecutions were not picture perfect; they seldom are, in any event. Only junior soldiers were made liable while superior officers escaped unscathed. But at least and undeniably, some degree of responsibility was enforced. There was no call for international war crimes tribunals because there was no occasion for such; instead, the domestic law was sufficient for the purpose. The collective reputation of the forces did not suffer as a result.

Recollecting grave crimes in our public memory

Lawyers who appeared for those victims did so out of a sense of duty and not for huge sums of money. Perhaps the reality may be different now in regard to some lawyers who profess to appear for 'human rights' causes only when massive fees are paid. Perhaps again, the 'commercialization' and 'politicization' of civil society in recent years may have resulted in self-serving agendas on the part of some.

But, though those who perform as the cleaners of state perpetuated extra judicial killings may shout about the real or perceived misdeeds of their opponents from the rooftops, this is little reason as to why the violations themselves should be brushed under the carpet.

The grievous executions at point blank range of five Tamil students in Trincomalee in January 2006 and of the fifteen aid workers of Action Contra L' Faim (ACF) killed in Mutur in August 2006 (this month marks the third year anniversary) are recent cases in point. The full report of the 2006 Commission of Inquiry, which investigated these and other cases but was stopped midway in its proceedings, has not been made public. The authenticity of extracts of the report that have been conveniently 'leaked' to selected newspapers are being denied by some Commission members, whom we assume, (this being the kindest interpretation), lack sufficient courage to make their dissatisfaction public. But more to the point than aggrieved egos, should we just brush these cases away and forget about the gravity of the crimes thereto?

The latest report of the University Teachers for Human Rights (Special Report No 33; A Travestied Investigation, Erosion of the Rule of Law and Indicators for the Future of Minorities in Lanka) details with painstaking rigour, the chain of responsibility in regard to the murders of the fifteen aid workers. A further feature of this report is its detailing of the family members of the victims being coerced to sign letters which call upon ACF to give them fair compensation. These letters also quite absurdly (if not revealingly) compliments official counsel in the case before the 2006 Commission of Inquiry for being impartial in their conduct and for being kind to the family members when they came to give evidence.

It is too much now to expect that these crimes will be effectively inquired into by courts of law and the perpetrators brought to justice. The least that we can do in these very difficult times is to ensure that the fate of these as well as of other countless innocent victims who have died at the hands of one or the other protagonists to this conflict, should live in our public memory.

The deification of the military and a nether-world of existence

From this deification of the military during past decades, we have now drifted into a dangerous nether-world of existence where the law and the courts are being replaced by extra judicial means of means of control, even normally. The increasingly common killings of suspected criminals by the police and the advocacy of a military approach to tackling the underworld illustrates this phenomenon.

This militarization of law enforcement has specific consequences. This week's assault and detention of an information technology student by police officers reportedly led by the son of a senior police officer, due to a private grudge between the two students is a good example. High level probes will most probably not result in the punishment of the miscreants.

With the ending of active fighting in the North and East, it is time that the majority of decent and rational people in this country, (and not only racists at both sides of the ethnic spectrum), assert themselves on what they want from this society that they live in. The UTHR's signature warning articulated by Dr Martin Luther King, that 'we have to repent in this generation not so much for the evil deeds of the wicked people but for the appalling silence of the good people' rings more potently true now than at any time before.

Rice-fed rascality?

MONDAY, AUGUST 17, 2009 LEAVE A COMMENT

By **Rajpal Abeynayake**

(August 18, Colombo, Sri Lanka Guardian) My friend and former colleague Kishali Pinto Jayawardene has invoked Martin Luther King Jr., and written last week about the “appalling silence of the good” (ooh, I can almost touch and feel that sanctimony...) in an article in the Sunday Times.

I couldn't agree with her more on the current climate of impunity that is lapsing into a somewhat dangerous phase (...see editorial page 4) but, it's also important to note that Kishali Pinto Jayawardene seriously lacks perspective, when she compares the here and now with the past.

Not just that, with all due respect to her work — not better than any other contemporary rights activist's or journalist's in terms of focusing on human rights — she can hardly afford to talk about the silence of the “good” when she accepted a citation (...or was it an award?) bestowed by Condoleezza Rice for being an international ‘Woman of Courage.’ (Pinto was the Sri Lankan recipient.)

The citation said the award was for, among other things, the work by Pinto Jayawardene on ‘the rule of law.’

Citation from Condoleezza on “rule of law”? There wouldn't be any rational person on planet earth, who would dispute the fact that this is akin to accepting an award from the devil for quoting scriptures. But yet, the “good” person in Kishali Pinto Jayawardene accepted this award — or citation - - or whatever it may be, and never had the gumption to decline it flat, or to tell the United States and Condoleezza Rice, “unless you shore up that dismal abysmal human rights record of yours, thanks but no thanks for your award.”

The “good” people

Well, that's the kind of silence of the "good" people that knocks global perspective out of kilter, and allows countries such as the U.S. — and people such as Hillary Clinton, to shamelessly back terrorist organizations such as the LTTE in Sri Lanka, making it all the more difficult for governments such as ours to bring terrorist groups such as the LTTE to heel.

But, more on that later — for the moment, some perspective on the fact that Pinto says there were high profile cases such as the Embilitiya case in point, and the Krishanthi Kumaraswamy case, in which verdicts were handed down against soldiers without their lawyers being called traitors.

As a result she says we didn't have to "blush for shame." Just one small detail here — were the upward of 30,000 civilian disappearances in the 1989, that pales the civilian disappearances of today in comparison, a blip in the radar, in that case? No shame, eh what?

Contrary to her assertions, yes, there were calls for 'war crimes' tribunals at that time, some by the same man who now occupies the office of President! My point is that one court case, high profile or otherwise, doesn't absolve that era or make it look any better than the present. At about the time the Krishanthi Kumaraswamy case was heard, this is what the Ameen Commission had to say about Sri Lanka's human rights record, after 1989 and the JVP uprising, and well into Chandrika Kumaratunge's term:

"The Report which was submitted on the 28th of October 2003, inquired into 281 complaints of disappearances between 1990 and 1998 in the Jaffna Region received by the HRC. It analyses the different reasons why such persons had been taken away, by whom and the whereabouts of such persons. The Report puts the blame squarely on the army in respect of the majority of the disappearances saying that there is clear evidence that they were responsible for the arrests of 245 of them and had found no evidence on where they are detained or that such persons are alive somewhere."

There were no prosecutions based on any of these 'disappearances' and so much for Pinto's assertion that Sri Lanka did not have to "blush for shame", during that bucolic past. As for lawyers

not being castigated and demonized during the Embilipitiya case hearings, one needs to be amnesic to forget that lawyers such as Kanchana Abeypala who filed habeas corpus applications (...during this same period that the Embilipitiya horror took place, though not in relation to the Embilipitiya case...) were hunted down and killed by state sponsored paramilitaries on the prowl those days (Prraa, Raa Green Tigers what have you...). So much then for the comparisons of this era with that one, in which Pinto casts this era in an abysmally low light in comparison to that. Well, at least no lawyers have been killed during the current administration for their law practise, certainly none that we know of!

Heavens no, my attempt is not to say that the website article that appeared in the defence ministry site that led to this brouhaha about lawyer traitors or traitor lawyers (whatever...) was justified. In this newspaper's pages, the fiasco has already been dealt with and deplored.

But a tad more perspective is called for, don't you think, when "demonising" the current era in comparison with the lily-white past? Why ever not, is it because the now lily-white Kumaratunge was in charge at that time, or because the now lily-white United National Party was in charge during the 89 uprising, that the remembered hoary past gets such easy passage?

Milder in contrast

It's wholly indefensible, this defense of the past against the present when the excesses of the past mostly pale the present by comparison. The present seems relatively much milder in contrast to the murders of lawyers in 1989 or thereabouts, and the 'disappearances' of tens of thousands on tyre pyres ... in none of which cases the culprits were apprehended.

All of this, we have to infer, does not even merit a mention by Pinto, because she sees the glittering case of the prosecution of the Embilipitiya fiends (ah, not the top men she says but the minions) and the Krishanthi Kumarswamy rape culprits, as admirable examples of state accountability.

Pardon me, but the excesses under the Rajapaksas do not have any special import attached to

them — and the Rajapaksas are no greater “demons” than those of that era, who Pinto neglects to “demonise”, but in effect exonerates. We take it that the killings of lawyers — never investigated — who filed habeas corpus applications, and the disappearances of literally tens of thousands in the eighties and nineties means nothing to her, compared to the website article that appeared a few weeks back, on the Defence Ministry website?

To me the trend is telling — the “liberal” Kumaratunge can get away with anything, and Ranil Wickremesinghe, darling of the Colombo elite dominated UNP can do no wrong. These leaders and their governments may have been guilty of a “few transgressions” in the past at best if you believe the Pintos — but when the Rajapaksas do it, they are ghouls no matter why they did it, who they were going after, and no matter that previous excesses (such as in 89) just cried out for the establishment of ‘war crimes’ tribunals by any yardstick, contrary to what Pinto explicitly states. Of course Pinto can say she never wrote about Ranil or Kumaratunge, but her omissions indicate adequately where she is coming from.

Now, let’s get to the little issue of Kishali Pinto Jayawardene’s award - - or citation. Just in the same sanctimonious humbug way that Condoleezza Rice bestowed an award on Kishali Pinto Jayawardene (which the “good” person in Pinto accepted without a murmur), Rice also once upon a time lectured to the president of Venezuela, Hugo Chavez. She said in “Meet the Press” in 2002: “He (Chavez) needs to respect constitutional processes. We hope that he takes this opportunity (of the coup...) to right his own ship, which has been going, frankly, in the wrong direction for quite a long time.”

This characterization of Chavez was rich on two counts. Chavez did everything by the book, and even instituted a recall election for the presidency in his new constitution, a recall poll which he won! He was a democratically elected president doing a remarkably good job in Venezuela, which according to John Pilger, has reached 100 per cent literacy from way below that, after Hugo Chavez launched radical educational reforms.

But Condoleezza Rice?

Her government was reappointing all the discredited Iran-contra figures and those responsible for egregious killings through U.S sponsored death squads in Latin America, such as Otto Reich to

oversee U.S policy in Venezuela and surrounding countries, and the NED (...toned down version of the CIA) was rapidly infiltrating Venezuela in the way reminiscent of the Nicaragua (coup) experience. "Grants were escalating quickly, as US power brokers were growing increasingly wary of Chavez. As 2001 rolled into 2003, the money quadrupled. Most of it went to anti Chavez civil society organization including one called Sumte." (Bart Jones, writing in THE HUGO CHAVEZ STORY.)

In other words, here was dainty old Condoleezza being the secretary of state of a government which was doing its utmost to topple a democratically elected leader in a coup, and using the most discredited brigands to do it - -now lecturing Chavez, who did everything democratically and by the book, about how to be democratic!

And of course the things that her government did in Iraq and all the human rights violations and the suppression of democracy that the U.S incursion of Iraq entailed, we do not even want to begin to tell. As Tariq Ali said "if anybody thinks there is democracy in Iraq (after the American invasion) it's a sick joke."

So let's have no qualms about it. The silence of the 'good' cuts both ways. If Pinto accepted an award from this Rice, and she works also for civil society organizations often here in Sri Lanka which are funded heavily by this same United States, (as in Venezuela the money from the U.S seems to keep quadrupling to Sri Lankan civil society organisations such as those Pinto works for often...) her advocacy may be so severely coloured that she would surely have forfeited her right to be counted among the 'good' or at least among those who don't have a hidden agenda in blowing things squarely out of perspective, as she has done in her comparison of the current era with the past.

US paid job

Make no mistake, the excesses of now such as are evident are not excused by this writer, but they have to be put in perspective, something severely lacking in the "Rice-award wining" writer Pinto's treatment of recent events. But then, if you accept an award established and given by Condoleezza Rice, there is very little likelihood you are going to be a person even remotely of the objective sort, right? It's more likely you are doing the job the United States government paid you

for, by palavering you with awards, and by funding the civil society organisations such as CPA you most of the time work for?

We may even ask, tongue in cheek no doubt -- so when is the coup, Kishali? (ARTICLE APPENDIX: Funders of the Centre for Policy Alternatives: Academy for Education Development (US based); ARD-USAID; Canadian International Development Agency (CIDA); Diakonia (Swedish); European Union (EU); Ford Foundation; Forum of Federations (Canadian); Gesellschaft fur Technische Zusammenarbeit (GTZ); International Budget Project (US based); International Media Support (Danish); National Democratic Institute (USA); NORAD; OXFAM; Save the Children in Sri Lanka; Swiss Mission in Sri Lanka; The Asia Foundation; The Berghoff Foundation for Conflict Studies in Sri Lanka; The Friedrich-Naumann-Stiftung fur die Freiheit; The International Social Survey Programme (Germany/USA); UNICEF; UNDP; UNHCR and USAID.)

Courtesy: Lakkima News

-Sri Lanka Guardian

Rotten eggs never get better

TUESDAY, AUGUST 18, 2009 [LEAVE A COMMENT](#)

(A reply to Rajpal Abeynayake)

By Basil Fernando

(August 18, Colombo, Sri Lanka Guardian) Rajpal Abeynayake once had a perspective. Now, judging by his column "[Rice-fed rascality?](#)", his perspective now can be summed up thus: Rajapakshas are better than Kumaranatunga or Ranil Wickramasingha because their times have produced worse human rights abuses. What a way to describe good. My guy is not as bad as the other guy. To do this, Rajpal descends to a low attack on Kishali Pinto Jayawardene, whom he calls his colleague, by completely distorting what she has written. Trying to attack rascality, he descends to absurdity.

Who is worse? JR, Premadasa, Kumaranatunga or Rajapaksha? (By the way, Ranil Wickramesinghe was never a president, but he does still bear the responsibility for what was done by JR and Premadasa regimes). Rajpal Abeynayake misses the whole point in trying to distinguish the three. What has taken place in the country is that there is a continuity of tyranny beginning from JR Jayawardene's 1978 constitution up to now. As the time passes, the democratic space shrinks further and further and, as could be expected, things get worse with time. A rotten egg does not become better because it changes hands.

Rajpal, who says that he is Pinto Jayawardene's colleague, if he had read her columns which she has been writing for a very long time, would find that she was a consistent critic of all the recent regimes. She has also very clearly developed the theme that there is a decline of the rule of law in the country and a virtual collapse of the criminal justice system, which has taken place ever since the executive presidency was introduced.

It may be Rajpal Abeynayake's perspective to make it appear that things are better now than they were in the past. However, it has not been Pinto Jayawardene's perspective to present the past as better than now, but to present that even the limited spaces that were available in the past are now disappearing, as expected. To repeat, a rotten system never gets better until it is displaced. Mahinda Rajapaksha promised to displace this Executive Presidential system. Thus, Mahinda chinthanaya then was no different on this issue than Pinto Jayawardene's. While Pinto Jayawardene has consistently held onto her view, Mahinda chinthanaya has changed and learned to manipulate the executive presidency and to continue with tyranny.

Her reference to the legal profession now is in no way an attempt to state that there were no attacks on lawyers in the past. However, the same attacks have continued and become worse. What was done through criminal elements in the police or armed forces or their agents was then not acknowledged by the relevant governments as their actions. However, today attacks on lawyers appear in the official websites. There is no longer any fear of repercussion. Once again, it is a case of the system's cruelties becoming evermore blatant.

As regarding the 30,000 disappearances in the south, Kishali Pinto Jayawardene has written more consistently than Rajpal Abeynayake has ever done. She has also criticized all the Attorney Generals ever since for the failures to prosecute offenders, even when the names of a few hundred persons have been provided by the Commissions of Inquiry into Forced Disappearances.

It is not only the Attorney Generals who worked under Premadasa and Kumaranatunge regimes that are responsible for this, as even now if Mahinda Rajapaksha wanted to prosecute some of these offenders who hold high positions in the Rajapaksha regime itself he could do so. Unfortunately, the Attorney General's department exercising the prosecutor's role independently on politically sensitive matters has not been a reasonable possibility since the Executive Presidency was established. Thus, the issue of 30,000 disappearances is a matter that is still relevant, and will Rajpal Abeynayake write on this issue and ask the present regime to carry out its past promises on these prosecutions? If Rajpal Abeynayake wants a list of those against whom the inquiring commission said they had enough evidence to prosecute, this can easily be found.

The big issue that Rajpal Abeynayake tries to exploit is that fact that Pinto Jayawardene accepted an award from the American government as a "Woman of Courage", on the basis that the American government is involved in human rights abuses throughout the world. If this is the basis, then all awards should be shunned, including the Nobel Prize. It is well-known that the Alfred Nobel raised his fortune by the production and sale of dynamite. In Sri Lanka, if this principle is to be followed, anyone who has accepted any awards from the Sri Lankan government ever since JR Jayawardene should be condemned because all these persons have accepted awards from mass-murderers. However, even mass-murderers like JR Jayawardene and Premadasa represented the state, and these awards were given not for supporting mass murder but for particular contributions they have made in their specific fields. In judging an award, what should be measured is the contribution made by the recipient to the specific field for which an award has been given. Rajpal Abeynayake does not say that Kishali Pinto Jayawardene did not deserve this award because she has not shown any courage in her writings in the past. In

fact, Rajpal Abeynayake has not even taken the trouble to look into the past writings of Kishali Pinto Jayawardene when he took it upon himself to engage in a cheap attack on her.

A lesson to be learned is that everything has a tendency to get corrupted. Even Rajpal Abeynayake, who used to write lucid columns reflecting some basic norms, standards and criteria, has lost it. I do not want to descend to his level by saying that this is because Rajpal Abeynayake gets paid for what he writes. That is, to make such allegations is to become as cheap as it can get, which unfortunately Rajpal Abeynayake has not shied away from.

I used to read Rajpal Abeynayake's column whenever I saw one. I now have doubts as to whether I should continue that, when the level of reasoning that he has descended to has become so ugly. Well, sometimes one can write absurdities when one is drunk. Perhaps I should not yet reject the possibility that he may write better things when he is sober.

-Sri Lanka Guardian

1 comments »

· [Pearl Thevanayagam](#) said: _

Rajpal is an articulate journalist in that he is no different from Mahindapala. He was nurtured by Mahindapala in the Observer.

Somewhere along the line Rajpal's Sinhala chauvinism blinded him to facts and it is a sad day in history that talented journalists are giving up the tenets of just journalism to blind patriotism.

Hence Kishali's intellect and judgement are anathema to the ilk of Rajpal.

The media lost Lucien, Amal Jayasinghe and the disinformation officers in SL diplomatic missions abroad for a few kudos.

RA never coveted material benefits but he is a down and out champion of Sinhala Buddhism ergo others must take second place.

[August 18, 2009 3:32 PM](#)

Rotten eggheads never get better

WEDNESDAY, AUGUST 19, 2009 [LEAVE A COMMENT](#)

'What's wrong is that she tries to embarrass the present government by saying that it's even worse than what went before. That just is not true for reasons I have adduced above, and also for its sleight of hand, because she is in cahoots with civil society organizations that are now transparently in the opposition's pocket, such as the CPA.'

(A response to Basil Fernando.)

By Rajpal Abeynayake

(August 20, Colombo, Sri Lanka Guardian) Basil Fernando accuses me of taking a cheap shot at Kishali Pinto Jayawardene. That's rich, considering he ends his article with this jaw-dropping offering of wisdom:

"I used to read Rajpal Abeynayake's column whenever I saw one. I now have doubt as to whether I should continue that, when the level of reasoning that he has descended to has become so ugly. Well, sometimes one can write absurdities when one is drunk. Perhaps I should not yet reject the possibility that he may write better things when he is sober."

Cheap? This guy does cheap so well, he defines the word. I never attacked Pinto at a personal level, but said that there is reason to believe that the sort of organisation she works for, and the sort of entities she gets awards from, opens legitimate questions about her credibility.

I quoted chapter and verse to make that argument; for example, that in Venezuela they infiltrated civil society to stage a coup against Chavez, and I gave in appendix the list of American and other funders of CPA. (Now Pinto may not work for CPA, but she is so closely associated with CPA that it's good as having done so; besides she works for LST, which, the last I knew, was heavily funded by US based organisations.)

And what's Basil Fernando's response to this legitimate airing of opinion?

"Perhaps I should not yet reject the possibility that he may write better things when he is sober." Yeah right. We concede. This is the zenith of perspective, and high-minded sobriety. Way to go Basil. We are sure with this kind of high-mindedness and this kind of inability to stoop low, you might even qualify for the Nobel Prize one of these days, dynamite and everything.

Meanwhile, he is down there, you can almost see him, taking his shots in the sewers. "Well, sometimes one can write absurdities when one is drunk. Perhaps I should not yet reject the possibility that he may write better things"

That's Basil in action.

With this performance, Basil thinks people are supposed to surmise Basil is civil, that Basil is high-minded, that Basil is not cheap, and that Basil always defends what's right. Pardon me, but I think I want to throw up.

Basil does indulge in some thinking when he is not stooping so low as to be down there with the earth-vermin. He says Pinto has written more about the 30,000 who disappeared during the JVP violence that I ever have??

Really? You want to bet? But it doesn't matter - - what matters is what Pinto is writing now. The sleight of hand is that having written about these disappearances, and having known that there are upwards of 30,000 deaths during the previous regimes, she still wants to make the case that

this regime has done worse. Not one letter of what she wrote in the past will absolve her for the distortion she is making about the present. In fact the fact that she wrote in the past, makes it worse, because she is now writing as if the past didn't exist, knowing very well it did.

What's wrong is that she tries to embarrass the present government by saying that it's even worse than what went before. That just is not true for reasons I have adduced above, and also for it's sleight of hand, because she is in cahoots with civil society organizations that are now transparently in the opposition's pocket (read Ranil's and Chandrika's pockets), such as the CPA.

That deception reeks.

My perspective is not that Rajapakse is committing no human rights violations, and that therefore he is better. Goodness, is Basil so sober that he can't read? I wrote clearly "Make no mistake, the excesses of now such as are evident are not excused by this writer, but they have to be put in perspective."

My perspective is that is that Pinto lacks perspective when she says that when the Embilipitiya case was heard, nobody cried out "traitor lawyers." No they did not say "traitor lawyers", they went behind the kind of lawyers who filed habeas corpus applications and killed them, just like that.

And what is Basil trying to say about that? That killing lawyers is somehow better than writing 'traitor lawyer' on a website?" Well he does say so. He says what matters is not how many death squads governments used to send those days, to kill lawyers, but what the government says now about lawyers in one paragraph on a website. I think I should rest my case. It is clear by now to any moron that the death squads on the prowl those days whether army paramilitaries or whatever, had express state sanction ---- unless such a moron insists on burying his head ostrich like in the sand.

He says getting awards from mass murders is fine with him. Be my guest, go a few months back in time and receive one from Prabhakaran. I suppose he'd think you richly deserved it, for all

Basil's and Basil's near and dear Pinto's insistence on running down the Sri Lankan state, for getting rid of such a dangerous terrorist such as himself.

Go ahead be my guest, receive an award from Kumaran Pathmanathan, he is there somewhere in a state cell --- and while you are at it, why not travel back in time and get one from Hitler too? And why not say KP's arrest was illegal?

Of course I'm not saying it tongue in cheek too - - because if Prabhakaran gave this guy Basil an award for defending human rights, Basil would have taken it too, because his and Pinto's level of slick -- sick --- appeasement and appeasement by omission (ie: castigating the government all the while though hardly ever saying anything about the atrocities of the LTTE...) is hard to beat. He says Rajpal does not say Pinto doesn't deserve the award, but only that Pinto should have declined the award because of the double standards of those who gave it. Thanks for reminding me. Pinto didn't deserve the award, even if it was given by the Christ or the Buddha himself, because Pinto's humbug human rights exposes were intended in the main, as is well exposed in her latest article, to ignore the strong and the well-funded (read LTTE) at the expense of the wretched people of this country, such as the poor Tamils and Sinhalese who were at the receiving end of the terrorism of the terrorist the LTTE.

Basil says Pinto wrote more about the 30000 JVP period deaths than Rajpal ever did. Well he can suit himself, but I challenge Basil to show what she had written about LTTE atrocities, because when I wrote about those, day in and day out, Pinto almost never did.

That kind of selective treatment of human rights issues, is for the bought, the kept and the suspect busybodies who seriously lack perspective because of their dubious NGO connections. Anybody who gives an award to such a person can not only be a serious human rights violator such as Condoleezza Rice is, but definitely is also a prize idiot.

So Basil says he might not want to read any of my columns again? Don't you dig that folks?

His sober majesty doesn't want to read my columns again, because he says once I had perspective and now I don't. Even if it was true, (which it isn't) it's better than lacking perspective all the time, but that condition of perpetual subjectivity belongs to Pinto and Basil.

But if Basil doesn't read my column, I'd be proud. It shows that he certainly doesn't agree with me, and I certainly don't agree with him.

Good.

I would have been so embarrassed had I had views as similar and sanctimonious as Basil's, that I would have either committed suicide, or at least never written again. Thanks, I'll sleep well tonight.

But also folks, don't you dig that one? "...I now have doubts as to whether I should continue to read Rajpal". It about sums it all up about people such as Basil.

They are deluded into believing that they are the centre of the universe, that people hang onto their every word, because they are the self-appointed protectors of the human rights of those who their funders want to "protect" at a given time, at the expense of who their funders want to go after at a given time. Yes of course I get paid for my articles, so does Pinto. But I get paid only because I do a job and don't get paid or palavered by a dozen others, for doing their job in the newspaper while also getting paid by the newspaper.

"I used to read Rajpal Abeynayake's column whenever I saw one. I now have doubts as to whether I should continue that.". I'm sure the many thousands who read me always, would be happy and comforted that they are in much better company with this sober humbug Basil being out of their club.

END NOTE: How silly and childish it is to entertain the notion that Rajapaksa is "my-guy." I have said that all have committed violations, and my exposes of the Rajapaksa regime in the

newspaper I edit are legion. I challenge anybody to say otherwise. Trust Basil to adduce argument ad hominem, without considering the simple issue I raised: Pinto is deceiving the reading public by inferring in a recent article, no matter what she wrote before, that this government is committing the worst human rights violations committed in this country ever, when that's patently not the case.

END NOTE 2: "Thus, the issue of 30,000 disappearances is a matter that is still relevant, and will Rajpal Abeynayake write on this issue and ask the present regime to carry out its past promises on these prosecutions? If Rajpal Abeynayake wants a list of those against whom the inquiring commission said they had enough evidence to prosecute, this can easily be found," Basil writes fairly agog, as if he chanced upon the holy grail.

Of course I will write and ask the government to prosecute those responsible for that violence, and in fact I'm doing so right now. President Rajapaksa, I demand that you investigate the disappearances in the 1980s. You were the most vocal those days on those disappearances going to Geneva at the drop of a hat - - so resume investigations into those disappearances NOW.

See?

I told you --- the Basils of this world think everybody is a reflection of themselves --- lame sniveling humbugs.

[Suhada Lankika](#) said: _

Come on you two, put your gloves on and sort it out in the open ; i mean somewhere like Galle Face green with Kishali PJ as the referee. As far as we the Joe Publics or Sirisenas are concerned CPA stands for Colombians' Policy Alternatives or Commens' Policy Alternatives. Who cares about these Haamus and Lamathenis. We Sirisenas and Somawathies are riding the crest of a wave and it will take some time for us to come back to the shores and clear your vomit and

faeces to keep our shores clean. We will do it our way in our own time. Until then enjoy your drinks and argue "till the cows come home" as the Ole Blighty chaps say. Basil Fernando can go to Lisbon and join his namesakes and so can the Pintos of this world. Leave us in peace for God's sake, whoever your God is.

[August 19, 2009 4:33 PM](#)

Rotten egg is now in his pocket

WEDNESDAY, AUGUST 19, 2009 [LEAVE A COMMENT](#)

"Rajpal's argument is "now we are in paradise." My argument is that all human rights violations that started in 1978 still continue. These violations did not start with Kumaranathunge or Ranil Wickramasinghe, it started with Dicky, who took upon himself the protection of his position while destroying the whole nation."

(a reply to Rajpal Abeynayake)

By Basil Fernando

(August 20, Colombo, Sri Lanka Guardian) Rajpal Abeynayake, true to his style, has been able to write another long harangue without even referring to the main argument I raised against him. The argument is that so long as the 1978 constitution exists, nothing can get better in Sri Lanka. The source of all violations of human rights is the country's paramount law, which Rajpal Abeynayake, sometime back when he was sober, said. He said that the option we have in Sri Lanka in presidential elections is to select our dictator. The rotten egg that I referred is Sri Lanka's constitution and the title, "Rotten eggs never get better" meant that so long as this constitution exists, nothing will get better.

Rajpal's argument is "now we are in paradise." My argument is that all human rights violations that started in 1978 still continue. These violations did not start with Kumaranathunge or Ranil

Wickramasinghe, it started with Dicky, who took upon himself the protection of his position while destroying the whole nation. That destruction still continues with the present executive president. If there is going to be some other executive president without the change of this constitution on all its fundamental aspects, that new president will also continue Dicky's destruction.

Why does Rajpal have to create an impression that things are improving in the country? For whatever reason has he even forgotten what happened to the 17th Amendment? Just to remind him for when he is sober, the parliament of Sri Lanka, with rare unanimity, passed the 17th Amendment in order to undo even in some little way the destruction caused by the 1978 constitution which handed over absolute power to the executive president to the detriment all the national institutions in Sri Lanka.

Is Rajpal saying that our national institutions have now become better? Just today, even the president himself had to acknowledge the utter collapse of the policing system in Sri Lanka, and even the opposition, which has contributed a lot to the destruction of this policing system, had to raise some questions in parliament about the present situation as reflected by extrajudicial killings of criminals and many hundreds of similar incidents to the assault of Nipuna Ramanayake and the murders of two boys at Angulana.

What has gotten better? Some journalists receive perks when others are killed. One journalist's leg is broken so that he cannot walk to demonstrations and his fingers are smashed so that he cannot write. Is that the way things have gotten better? Only someone who has gotten so blind to the continuous destruction of the whole nation that can take so much trouble to convince others that things are not as bad as they appear, and to look at the brighter side of things.

Rajpal's perspective is a narrow, party-political perspective. The perspectives that I have seen expressed by Pinto Jayawardena in her regular columns in the Sunday Times, in many articles she has published including a recent book on the decline of the rule of law in Sri Lanka, have been written from a perspective of a lawyer who is well informed on the international law on human rights. Her reflections on constitutional matters, as well as human right issues, are based on a solid foundation of law and human rights norms and standards. If anyone finds that this is

not the case, they could show where her law is wrong and where the principles of human rights that she is relying on are wrong. I do not expect Rajpal to do this, and to my knowledge no one else has attempted to do that so far. Rajpal claims he has a readership. So does Kishali Pinto Jayawardena, and many others. What is to be said of anybody who can scribe the same sentence many times within the same article but that they are unable to answer to the simple issue, which is, to repeat deliberately, that the destruction of the nation by failure to undo the 1978 constitution continues also under President Rajapaksha's regime and till that remains the case, nothing will get better.

To be a humbug is to pretend that one is writing a reply when one is in fact avoiding the very question that has been raised to him.

As for the issue of disappearances, there are three people who have continuously and extensively written on this: MCM Iqbal - who was a civil servant and a secretary to some of the Commissions of Inquiry into Forced Disappearances - Kishali Pinto Jayawardene, and myself. My book on forty families of the disappeared, under the title "An Exceptional Collapse on the Rule of Law – told through stories by families of the disappeared in Sri Lanka," was published in 2004 (202 pages). A website which I took the initiative to create is entitled Cyberspace Graveyard for the Disappeared www.disappearances.org , and records over 16,000 cases of the disappeared; there is also a monument at Seeduwa exhibiting about five hundred photos of the disappeared. These are some of the work to which Pinto Jayawardene has also contributed.

Now I think I will in fact read what Rajpal writes because I am sure, as his reply shows, his other writings will be a continuing source of amusement.

More rotten egg in his face

THURSDAY, AUGUST 20, 2009 [LEAVE A COMMENT](#)

Brief rejoinder to Basil

By Rajpal Abeynayake

(August 20, Colombo, Sri Lanka Guardian) I don't think I need to continue this, but this just for the record.

Bromide Basil (BB) has comprehensively conceded the argument, but flails around and converts his previous bromides into still more Basil like ones, and finally cries off. Can any sane person --- other than a knocked-out prevaricator ---- who followed this exchange not have followed the thread of my argument?

I said, simply, that Pinto is guilty of egregious distortion of facts by painting this period in the worst possible light in terms of human rights, while being in cahoots with those who committed worse human rights violations in the past.

I wrote about Pinto's deception, and BB throws the 78 constitution at me.

I wrote back to BB about Pinto and her deception, and BB throws the 78 constitution at me again.

I say I'm not a defender of this government, leave alone the 78 constitution, and that this fact is proven because the newspaper I edit takes on the Rajapaksa regime on a routine basis. He throws the 78 constitution at me, says I claimed Sri Lanka was paradise, and that I'm 'following the party line.' (!)

As far as I'm concerned, BB can't be arguing with me.

He is arguing with somebody else, maybe his humbug alter-ego, or his bromide blood brother. Let's let this flailing joker stew in his own juice.

As for Pinto's "well informed lawyerly postulations" that nobody has challenged, wow, I'm impressed. Her benefactor is doctor Rice. The LTTE's chief ideologue was 'doctor' Anton Balasingham. All these lettered BBs bozos and Pintos are (petty piddling...?) peas in a pod ...

and the more of these I can take the micky out of, I'd say, make my day punk.

Related Articles:

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The rotten egg and the phantom limb

THURSDAY, AUGUST 20, 2009 [LEAVE A COMMENT](#)

(a further reply to Rajpal Abeynayake)

By Basil Fernando

(August 21, Colombo, Sri Lanka Guardian) The only reason for this further response to Rajpal is because this is a public debate and there are readers who read both sides. For the reader, what is important is as to whether something of public interest is being debated. The issue as to whether there has been an improvement of human rights under the present regime is an issue of enormous public interest. While Rajpal claims that there is such an improvement, and blames others like Pinto Jayawardena for not recognizing that, I am trying to demonstrate that there is not only a lack of improvement of human rights but even the possibility of such improvement does not exist because the paramount law of the country, the 1978 constitution, makes that impossible.

Trying to convince the public that things are improving is to give them a very dangerous illusion. A person who uses his journalism to spread such an illusion would be doing it for some purpose, if he is not an idiot. I refuse to treat Rajpal as an idiot. He is either a person who has deluded himself with the belief that human rights in the country is improving, or he is deliberately trying to spread a deception while knowing that what he is saying is untrue. It is not necessary for me to decide which of these two propositions may be the correct one. It is sufficient to deal with the illusion and not with the individual who is spreading the illusion.

In truly Don Quixote fashion, Rajpal asserts that I have comprehensively conceded the argument. Since he seems to enjoy his illusions, he can afford to ignore what I have written and make whatever claims he wishes to make. For him, to move in the No-Fact Zone seems to be a skill he has acquired.

In deciding whether human rights in the country have improved, the constitution is an important parameter in any country. In Sri Lanka, since 1978, the constitution obstructs the rule of law and democracy and human rights. When this is pointed out to him repeatedly, he says "I throw the constitution at him". He says "I'm not a defender of this government, leave alone the 78 constitution, and that this fact is proven because the newspaper I edit takes on the Rajapaksa regime on a routine basis." My argument has not been with his newspaper but with him. His newspaper has not said that the human rights in Sri Lanka have improved. Instead, like many other journals, it constantly criticizes the deterioration of human rights in the country.

The argument was not that he defends the constitution, it was that the existence of the 1978 constitution belies his position that the human rights in Sri Lanka has improved. Though this has been said very clearly and has been repeated, Rajpal refuses to deal with that argument. If by saying that he doesn't defend the constitution he concedes that so long as the 1978 constitution exists, there cannot be improvement of rule of law, democracy and human rights in the country, then there is nothing more to argue about.

With every rejoinder, Rajpal shows that he has forgotten his original article. Whether this is some form of amnesia I do not know. But with each article you see the traits of such amnesia. By the last article, he had even forgotten my name.

There is a thing called a phantom limb. That is where an amputee who has lost one or more limbs continues to imagine that he or she still is in possession of that limb. This phenomenon is relevant to this debate in two ways: for Sri Lankan people, their constitution is a phantom limb. They still keep on believing that the constitutional order which existed at the time of the independence still

continues to exist. Like an amputee who feels pain and pleasure in their imagined limb, some even imagine improvements in human rights and democracy, when in fact what exists is only an imagined democracy. It also applies to Rajpal because he is now engaged only in an imagined debate, not the debate which he started with his argument blaming Pinto Jayawardena for deceiving the nation by saying that the human rights in the country is further deteriorating. It is something shockingly remarkable that in Sri Lanka many people who have taken to professions which have to deal with the defense of democratic rights after sometime turn into the destroyers of such rights. For example, many lawyers participated in the introduction of the 1972 and 1978 constitutions, which virtually destroyed the very relevance of their own profession as lawyers. This has also happened to journalists. A journalist by profession is committed to providing information to the people so that people can make better informed judgments. However, for various types of reasons, journalists also can turn out to be misinformers. There are many who do that job in Sri Lanka as also in other countries. The more repression there is the more misinformers are needed by those in power. Unfortunately, Rajpal too is now in the misinformation game.

Mahesa said: _

I have been following the banter between Rajpal Abeynayake and Basil Fernando on the internet site infolanka.

Buried under the jargon of literacy by both writers, the crux appears to be that the question of human rights by the present government., and the past governments

Guys get a grip , this government has just eradicated a menace that has been threatening our people society and life style for 30 years.

You don't achieve this by worrying about human rights. There is some collateral damage. This is to be expected. Happens every where in the world

So lets stop worrying about the past and get this country up and running.

We have huge potential to become one of the leading nations in Asia if not the world.

Lets let's leave ideology behind and move on.

Mahesa
Australia

[August 20, 2009 9:19 PM](#)

Of journalistic hacks and the slinging of mud

THURSDAY, AUGUST 20, 2009

A reply to Rajpal Abeynayake's malicious meanderings

By Kishali Pinto-Jayawardena

(August 21, Colombo, Sri Lanka Guardian) Since I am not ordinarily in the habit of reading Mr Rajpal Abeynayake's column in the Lakbima English newspaper and since I was also out of Colombo until mid this week, I did not see the most extraordinary article entitled '[Rice-fed rascality](#)' in the LakbimaNews of 16th August 2009. Since I do not intend wasting space in my regular Sunday Times column by responding to such manifest rubbish, I am now sending a right of reply which Abeynayake may or may not carry in his newspaper. Frankly, his reactions and responses do not matter much to me anyway. I do not intend to waste further time on his malicious meanderings

This right of reply is however written solely for the purpose of correcting some of the deliberately false assertions made by him.

Abeynayake's devious and shifting stand on the matters that he writes about is clearly exposed in his later article which he has written as a response to Mr Basil Fernando's '[rotten eggs never get better](#)' (Lanka Guardian of August 18th 2009) - see Abeynayake's verbal excesses in '[Rotten eggheads never get better](#)' Lanka Guardian of August 19th 2009. His initial position was that I lacked 'perspective' in my Sunday Times column of August 9th 2009 titled '[the appalling silence of the good among us](#)' because I had ignored the extensive human rights violations committed during the eighties while demonizing the present regime, thereby painting Kumaratunge and the

UNP as 'lily white'.

Let us see however as to what I actually said. My commentary in this column referred to the atrocious precedent of lawyers appearing for critics of the government being labeled as traitors in the Defence Ministry website and questioned the culture of silence that prevails in regard to such patterns of intimidation. Further, using the Krishanthi Kumaraswamy case decided in 1998, I made the point that public outrage with the killing and torture of a teenage schoolgirl in Chemmani had resulted in a prosecution that was conducted to the finish with the determination of the State to secure convictions of the perpetrators. Therefore there were no calls to seek justice in any other forum and no calls for war crimes tribunals. This was similarly so in regard to the Embilipitiya convictions in 1999.

My point all along was for the public to be heard more strongly on the atrocities of civilian killings and other patterns of intimidation. My point again – since there may be others as dense as Abeynayake – was not that the Mahinda Rajapakse regime was worse than the regimes of Kumaratunge and JR Jayawardena/Premadasa but that the public voice needs to be articulated in relation to current cases such as the killings of five Tamil youth in Trincomalee (2006) and the seventeen aid workers killed in Mutur (2006) as much as it was articulated in regard to the Krishanthi Kumaraswamy case. The quote by Martin Luther King was used in this context.

This was a commonsensical argument which can be twisted to seem otherwise only by persons who either cannot understand the English language or who are motivated by despicable ulterior purposes. I do not venture to guess as to what category Abeynayake belongs to but suffice to say that in his characteristic style, he twists this argument completely out of context when he tries to put a political colouring on my column. Not only content to say that I have considered the regimes of Kumaratunge and that of the UNP to be lily white as compared to the current regime, he then incoherently attempts to correct me by saying that in fact, there were calls made for war crimes during the period of the eighties by none other than the current President who was himself an activist at that time.

This is to completely not miss the wood for the trees but to miss the entire forest, as it were. My

argument was NOT about the thousands of killings and enforced disappearances during the eighties in general regarding which not only Mahinda Rajapakse but others had called for international inquiries at that time but about the two specific instances of the Krishanthi Kumaraswamy case and the Embilipitiya case which were an exception to the general pattern in that they were successfully prosecuted. Most importantly, these two cases were not cited to absolve the government of that day from blame but rather to stress that the public voice had compelled some measure of accountability in this regard, which ought to be witnessed in these current times as well.

If Abeynayake wishes to enlighten himself on my denunciations of state excesses during the eighties and nineties he may refer to past editions of not only the Sunday Times but also the now defunct Sun newspaper where throughout the mid eighties (when I was studying law at the University of Colombo) and thereafter, I consistently wrote virtually hundreds of articles as well as columns about the human rights violations of the UNP as well as the Kumaratunge regime subsequent to 1994.

He then makes his time worn - and frankly quite tiring- claim that the Colombo elite do not wish to focus on Ranil Wickremesinghe's 'transgressions.' Abeynayake should again correct himself. I do not consider myself to be one of the elite – Colombo based or otherwise - and have, in fact, been one of the strongest current critics of the dismal failures of the UNP and its present leadership on all matters, ranging from its lack of strong opposition in general as well as its weak position on the implementation of the 17th Amendment to the Constitution. However, unlike Abeynayake who seems unfortunately to have deteriorated to a cheap political hack, I have maintained this constant critique in regard to all governments. Again, unlike him, I have not used invective in my critiques but rather looked at the relevant questions in principle and in the interests of reasoned debates.

From this position that he had maintained in his initial meanderings, he now (in his second missive) takes up the position that I had not written about the excesses of the LTTE. Again, this is typical of Abeyanake's absurd perversity. He is well aware of the fact that I had all along been a most vocal and public critic of the totalitarian nature of the LTTE not only now when it has

become fashionable to do so but also during the UNF period of the ceasefire when in writing for the same newspaper as a columnist as Abeynayake, I pointed out that the right to self determination of the Tamil people in the North cannot be obtained by the LTTE's forced coercion, extortion and terrorizing of the ordinary citizens when it had the free run of the North and East. If Abeynayake does not still possess the effort to locate and read through the relevant columns, I may (as a concession) arrange for them to be sent to him. His lapse of memory is rather remarkable however for the reason that I distinctly recall him complimenting me on the particular column referred to above at a chance meeting of the media community at some point during that time. His amnesia appears to be peculiarly selective.

Meanwhile, he uses the citation for Sri Lanka's Woman of Courage award conferred on me by the United States Department of State in 2007 to accuse me of working to a US agenda and claims that if I had genuine commitment to the cause of human rights protections, I should have refused that citation given that the US administration has been put in the dock for its rights violations in several parts of the globe. His personalized attack in this regard is well seen by the fact that he uses the third person terminology in the initial parts of his misconceived column and then switches to the term 'you' when talking of this citation.

In substance, one obvious refutation to this flawed argument is that if this logic is to be accepted, then (taking this country as one example) the various eminent personalities in the fields of law, science and the arts who accepted honorary titles from Presidents Jayawardene, Premadasa and Kumaratunge, including 'Deshamanya' titles' would all be tainted with the same brush as all these state leaders were accused of human rights violations. The other examples from across the world which may be cited to defeat Abeynayake's ludicrous claim in this sense are many and I do not intend to waste my time by citing all of them.

What is more serious and clearly defamatory is that he suggests that I am working to a covert US agenda. First I should enlighten him again that before and after the US citation, I have been forthright in my condemnation of the actions of the US particularly in Iraq and Afghanistan. I have been critical in this regard not only in my Sunday Times column, (which I find it hard to believe

that Abeyanayke has not seen given that he appears to be an ardent reader of the same), but also in other fora, most recently in the 30th Anniversary Issue of the Khaleej Times (30th April 2008) where I wrote a guest column titled 'US and Rights Violations'. The focal point in this column was that the Bush administration's subversion of the national security argument to completely do away with the observance of minimum rights for 'terror detainees' poses one of the greatest challenges for this century since it has opened the floodgates for other regimes to do exactly the same in their parts of the world. Since Abeynayake appears to be notoriously unable to place dates in their proper context, may I point out to him that this guest column was written post-US Woman of Courage citation? There were many other of similar nature.

So where indeed is this pro-US agenda of mine? Abeynayake may not have the luxury of being able to work wholly independently and without being dictated to by others in his current employment but I have been fortunate to have had the opposite experience, whether as a media columnist, human rights lawyer or independent researcher. While I sympathise with his pique and frustration in this context, I cannot see as to why I have to bear the brunt of his anger. In whatever research that I engage in, I do not allow donors, embassies or others to influence the tone and tenor of my work. I have been a strong critic of excesses engaged in by some non governmental organizations as well as for example, by persons in other sectors such as the legal and judicial sphere. This is not to say (obviously) that all non-governmental organizations, activists, lawyers and judges, or for that matter, journalists, are bad. Abeynayake for example, should not be seen (by heaven!) as a typical example of a good Sri Lankan journalist.

Abeynayake also appears to have some outstanding grouse with the Centre for Policy Alternatives (CPA) which is between him and the CPA. He drags me into this furore by saying first that I 'work' for CPA citing CPA's funders in this respect. Later, (probably when he was informed as to the factually incorrect nature of his first assumption which he could have easily himself checked if he had been diligent enough to do so), he changes this wording to say that I am in 'cahoots with the CPA.' Let me categorically correct him on this issue by informing him that I do not work for CPA or am in 'cahoots' with them in any way though I did appear as legal counsel for some fundamental rights cases which CPA filed in the late nineties and early part of

this decade resulting in several judgments of the Supreme Court expanding the ambit of rights protections, as well as wrote, during that time, to their legal review magazine 'Moot Point.'

While being amused in large part about the fact that Abeynayake had thought it fit to devote an entire column to me last week, I remain slightly puzzled as to why his thinly disguised attack on me was so transparently full of holes that it enabled only a minimum effort to decimate his lazy linguistic verbosity. I would have appreciated a far better reasoned effort at meeting my arguments. Or was he so presumptuous to think that I would not bother to respond perchance? It is journalistic hacks such as these who by not following basic ethical norms in their writings ironically strengthen public opinion that self regulation of the Sri Lankan media does not suffice to discipline the media. The ignoring of ethics to serve a pro-government agenda is the lowest rung of this unsavoury ladder.

I must also note the fact that he has professed to be a friend of mine in his initial salvo. While I cannot quite return that compliment, I am irresistibly compelled to observe that with self-professed friends such as these, what need indeed of enemies?

Mud-slinger virtuoso and NGO hack champion Pinto

FRIDAY, AUGUST 21, 2009 [LEAVE A COMMENT](#)

“Pinto’s tokenism is no exception. Heck, some human rights activist she would be considered, if she doesn’t make a condemnation of the diabolically venomous LTTE at some point in her jottings?”

A response to Kishali Pinto Jayewardene

By Rajpal Abeynayake

(August 22, Colombo, Sri Lanka Guardian) Pinto is pathetic. She shrieks and preens as if the Queen is reacting to the realization that she too defecates in the morning, just like everybody else.

I think it's good for all and sundry's general health

She's all over me, and doesn't seem to be able to tell elbow from ankle. I have sampled below, for reader edification, the extent of her consternation and confusion:

"..... I do not intend wasting space in my regular Sunday Times column by responding to such manifest rubbish..... Frankly, his reactions and responses do not matter much to me anyway. I do not intend to waste further time on his malicious meanderings."

Manifest rubbish, she says, and takes out 2,158 words over it, giving new meaning to that R-word. Knowing fully well she cannot get away by a long shot with her prevarication, she then takes a caveat and says, no matter what Abeynayake's 'malicious meanderings' will be, she would not write again on the subject. Malice? That's reserved for the big boys Pinto; one doesn't need a super-sopper to wipe small beer off the table...

She says my argument was on shifting sands, and doesn't even proceed to say why, so that matter is already out of the way.

Then she contends "My contention was not that the Mahinda Rajapakse regime was worse than the regimes of Kumaratunge and JR Jayawardena/Premadasa but that the public voice needs to be articulated in relation to current cases such as the killings of five Tamil youth in Trincomalee (2006) and the seventeen aid workers killed in Muttur (2006) as much as it was articulated in regard to the Krishanthi Kumaraswamy case. The quote by Martin Luther King was used in this context."

Uhg-oh. She says she was articulating the fact that public outrage is absent in the Muttur and

Trincomalee cases. But that's the whole point, Pinto. The public, do you think, is ignorant, and waits for a prick and a prod from Pinto? There is no explanation for this lack of public outrage, other than the fact that the public does not equate the vast and egregious excesses of that era with the issues such as the Muttur Contra La Fem murders or the Trincomalee killings, because the public in its collective wisdom already, via commission reports and other findings, knows that (a) these were not excesses attributable to the forces as in Embilipitiya, or with regard to Krishantha Kumaraswamy, and that (b) these occurrences manifestly are not the apogee of execrable excess, as the Embilipitiya and KK cases were, in the climate of impunity of that infamous era.

Schoolboys were not killed for a private grudge, nor was a schoolgirl raped in Trincomalee or in Muttur; but as in 89, these two incidents fall within the vast rubric of literally thousands of mass killings such as that were not individually prosecuted in 89, in a climate of almost inevitable impunity.

To rabble-rouse the public on these two incidents alone is therefore invidious and sinister; it's the very equation of Embilipitiya and KK in this instance to Muttur and Trinco, when the government fought a very difficult war to get rid of a venomous terrorist group that was responsible for thousands more killings than just Embilipitiya or KK, that's galling. Children were deliberately 'Claymored' and murdered in buses in Kebbilithigollewa, in the recent and not so recent LTTE induced climate of terror, and there is no special dimension that sets the Trinco or Contra Le Fem killings so radically apart. It's why findings of the recent Udalgama commission are adequate, and there is no reason to rabble rouse against the government by equating these killings to Embilipitiya and KK, which were beyond the pale even by the worst of terrorist standards i.e.: a schoolgirl was raped and killed, and young schoolboys were killed en masse, over a private grudge.

So comprehend? This, coupled with the fact that the Udalgama commission report expressly finds Pinto among one of the lawyers who expressly tried to pin this issue on the army, says volumes for the fact that Pinto, in cahoots with foreign funded agencies and opposition activists

who presided over vast human rights violations in the past, is hypocritically trying to extract the pound of flesh from the Sri Lankan forces/authorities for incidents that bear no comparison with either Embilipitiya or KK in the impugned past, that she cites. Her comparisons with the past that I cited in my first column, and her rabble rousing of the 'public' are one and the same thing really – two sides of the same coin.

I'm not making this up, I reiterate that the Udalagama commission report which she mischievously and with conflict of interest that's gross, (and with breach of professional conduct to boot) challenges in her same Sept 9 column, expressly lays the finger on her as one of the lawyers who mischievously tried to mislead the commission into believing it was the army that did it.

So, Pinto, not only don't you have a leg to stand on, you have beyond all reasonable doubt exposed yourself as a NGO hack (CPA, LST whatever; you did defend and therefore work for the CPA sometime you say...) who rabble-rouses the public, falsely shows the current human rights record in a relatively poor light to the past, and furthermore tries to mislead an entire commission into believing that an army committed egregious violations equal to Embilipitiya and KK, when it's patently not the case. This is not what I say, but what the Udalagama commission says expressly ---- and I dare anyone to contradict one word in that commission report, or to quote any of the commissioners to the effect that they don't stand by that report, which expressly blames lawyers including Pinto for misleading the commission into believing that the army did it.

Egads, and she calls me a hack and a mud-slinger? It's not for nothing it's stated in the bible: "Why do you look at the speck that is in your brother's eye, but do not notice the log that is in your own eye?" Matthew 7: 3.5.

(Incidentally this is the relevant extract from the Udalagama report, which finds fault with all lawyers for victims' relatives who appeared before it, and that includes Pinto herself: "Their main function was in the attempt to discredit every possible institution and authority of this country before the Commission, and attempt to hold one party responsible for the gruesome crime. They did not consider any other group being possible offenders, or show any interest in ascertaining on

whom responsibility could be placed except their targeted group. They appeared not to ascertain the truth but to engage in a fault finding exercise of the security forces of Sri Lanka. We consider it as a suspiciously narrow outlook to adopt, not worthy of a role to be played by responsible civil society members, who should have looked at issues broadly to ascertain who the actual culprits are in this ghastly act.”

Back to Pinto who drones on thus: “If Abeynayake wishes to enlighten himself on my denunciations of state excesses during the eighties and nineties he may refer to past editions of not only the Sunday Times but also the now defunct Sun newspaper where throughout the mid eighties (when I was studying law at the University of Colombo) and thereafter, I consistently wrote virtually hundreds of articles as well as columns about the human rights violations of the UNP as well as the Kumaratunge regime subsequent to 1994.”

I have already dealt with this casuistry in my notes to the Sri Lanka Guardian, but for the benefit of the reader, I shall reiterate. Quit playing baby, Pinto, you know as well as I do, that my claim is that you have teamed up with once notorious human rights violators who now happen to be of your political persuasion, or at least happen to be like-minded saboteurs, to take apart the forces and a system -- and to rabble-rouse the public into doing so -- which fought under very difficult circumstances, the most ruthless terrorist organization in the world.

That was no joke, and you owe it to the forces that fought for your security -- yours and mine, your family's and mine -- not to rabble rouse, hand in hand with egregious violators from a hoary past, whom you know only too well have committed egregious violations from all that you now almost with flatulent bombast, claim you have written.

Go ahead, bathe yourself in self-bestowed laurels about the “hundreds” you wrote; that still doesn't take away from the fact that you are teaming up with these same whippersnappers you claim to have condemned, to paint all including the army which got rid of the most ruthless terrorist outfit in the world, a bunch of cheap Embilipitiya like murderers.

“.....he now (in his second missive) takes up the position that I had not written about the excesses of the LTTE. Again, this is typical of Abeyanake’s absurd perversity. He is well aware of the fact that I had all along been a most vocal and public critic of the totalitarian nature of the LTTE not only now when it has become fashionable to do so but also during the UNF period” Pinto adds.

Urrgh. It is fashionable to condemn the LTTE? This organization has been condemned for decades by the right-thinking, and it only became “fashionable” for NGO hacks such as Pinto to condemn it recently.

But, hear ye, she says she condemned them prior to that as well, before her own flood, in those antediluvian ages before the loss of innocence, and therefore she claims she was *rara avis* – a rare bird. She even contends hilariously that I complimented her on such articles when I met her at a party! If I did so, I’m very sure, that time, I really must have been drunk.

I’d like to remind her that even Ranil Wickremesighe has condemned the LTTE, at desperate times. This was when he was not running to Norway when the LTTE was cornered and in its last gasp, in a futile bid to save the LTTE in the nick of time. Folks such as Hillary Clinton condemned the LTTE, before they ran to its rescue, again in a futile bid in their last hours of resistance. So condemning the LTTE was neither fashionable nor optional. It became necessary to stay halfway credibly afloat in a right-thinking society, in a right thinking world.

But such token condemnation will not take away from the general oeuvre of Ranil Wickremesinghe’s life’s work, or Clinton’s handiwork for instance. Theirs was a mission to condemn the LTTE only when they had to, while transparently, for reasons of their own advantage and other reasons best known to them, acting as mouthpieces for the LTTE, or doing whatever possible to make life easier for its leadership and cadre.

Pinto’s tokenism is no exception. Heck, some human rights activist she would be considered, if she doesn’t make a condemnation of the diabolically venomous LTTE at some point in her jottings? But in the general oeuvre of her work, and in the general oeuvre of her work in her

recent efforts to rabble rouse against the government on the ACF killings etc., and as transparently clear in her and other lawyers' efforts to pin the blame for the ACF killings on the army and the security forces – all pointed out, not by me, but explicitly by the Udalagama commission ---- she does what the LTTE would manifestly benefit by, and the forces would manifestly lose from.

Well, I suppose if she can quote Martin Luther King Jnr, it doesn't matter entirely if I quote Abraham Lincoln. Pinto, you can fool all the people some of the time, and some of the people all the time, but you can't fool all the people all the time.

Tokenism against LTTE excess is after a fashion. Heck, even Anton Balasingham the LTTE's high priest of fiction virtually condemned their own previous assassination of Rajiv Gandhi and the hilariously termed it an "accident". Some moonlighting tokenism in the 'Sunday Times' by Pinto most definitely does not an anti-LTTE activist make. Most definitely not, particularly when all your actions have the effect of helping the LTTE, while there is an army campaign ongoing to destroy this LTTE, the most ruthless terrorist organization of this world. Pinto tried to blame the security forces unfairly in the Udalagama commission hearings, and this is not me saying so, but the commissioner in a report in black and white. Her replaying scenes of some playful yapping at the LTTE in the past, will erase Pinto's sabotage of the forces for the benefit of the LTTE and its diaspora handmaidens only in the minds of babes and knaves.

"His personalized attack in this regard is well seen by the fact that he uses the third person terminology in the initial parts of his misconceived column and then switches to the term 'you' when talking of this citation.

In substance.... eminent personalities in the fields of law, science and the arts who accepted honorary titles from Presidents Jayawardene, Premadasa and Kumaratunge, including 'Deshamanya' titles' would all be tainted with the same brush as all these state leaders were accused of human rights violations", she writes.

Is this woman daft, or does she think we are daft? Personally, I don't have much regard for the Deshamanya/bandu titles be they bestowed by human rights violators or not; con-men rotters and brigands have received them, among good people, and recently there was a move to rationalize these awards schemes that had become a bad joke. Even though I will approach any Deshamanya's deshamanya-ness with a pinch of salt, these Deshamanya titles, compared to Pinto's capitulation to Condi Rice, are still a different matter to me.

Are we daft to think that a scientist's or artiste's receiving a title from the head of state, is the same as a human rights activist receiving an award for human rights activism, from virtually the high priestess of the world's most notorious human rights violator? Does a schoolboy accept an award from Hon. Mervyn Silva for good behavior? As I wrote in the original article, do we accept an award from the devil for quoting scripture?

That latest Pinto casuistry is the lamest of the lame. That photograph says it all. She is a happy appeaser, like a happy hooker, pardon the comparison. She says she writes attacks on the US in Khaleej Times and what not. Really, you do that, before after taking an award for human rights from the same hand ---- from the high priestess herself, none other? Either you are just completely lacking in integrity Pinto, or just a jolly good stand-up comedian.

But just by way of further explanation to the uninitiated, this is how the US operates, and operated particularly in the time of Bush and Rice. A few criticisms here and there were allowed, encouraged even, for the sake of credibility, but all those who were bought and kept, were then by the strength of awards they gave and other junkets they provided, supposed to help the imperial power in screwing us small nations, pardon if that was very simply put.

Sure, Pinto can take a shot at the U.S, get an award from them, and then fulfill their mission to subvert this nation, as she did so transparently in the Contra La Fem case. That makes her a human rights icon? Well, she does seem to think so, which is why at the very outset I made it clear it's good for our general health but primarily hers, that she comes crashing down quick to earth.

And as for those petty-piddling arguments about my using “she” and then graduating to “you”, what a transgression that, worthy of a libel suit. “Mommy, he called me ‘she’ and now he calls me ‘you’.” Says mommy; “Yeah, sweetie, either way he was referring to you Pinto, ain’t mommy right?”

The rest of Pinto’s animadverting, I will deal with summarily for reasons of brevity. She states that I may be coerced to write what I wrote about her, even though she fortunately enjoys untrammelled freedom of the press.(!) I suppose I must be coerced also to carry, as editor in chief, the stinging attacks we make day in and day out on this government, every week? Look at the upcoming paper, Lakkimanews of 24.8. 9. The human rights and disaster management minister goes to the police to exonerate himself from what ensues from our expose. We excoriate the government’s gross diddling in Sri Lankan and Mihin Air. We excoriate the government for being tardy on the police commission, and thereby encouraging impunity. The proof of the pudding is in the eating Pinto, and so you say I was under pressure to carry all this as well, in a newspaper I edit? As for Pinto’s freedom, we can see it so transparently, it embarrasses us. Not that a journalist cannot tell the truth in the Sunday Times, and I took some very good shots all around the wicket in the twelve years I was there, and thanks.

But how can you do so, when you are very probably ingratiating yourself with the powers that be, and with the chairman’s son who is Yoo Enn Pee, and on the Council too, Pinto? How about that --- birds of a feather flock together, what, Pinto? How about that indeed?

She says ignoring of ethics to serve a pro-government agenda “is the lowest rung of the unsavory ladder.” About that pro-government kite she flies around me, I’ve already said she is daydreaming, considering our newspaper’s trenchant exposes of this government and its actors. They are legion and award-winning; I’ll send the cuttings if anyone wants them.

So never mind the bottom of the ladder, but this talk of ethics from a lady who is selling her own army down the drainpipe when that army fought valiantly for your security, my security, our security and our children’s security --- those kinds of ethics don’t have a place in the ladder at all.

Those 'ethics' are five or six feet underground, deep down there, mingling with the immutable ethics of the underworld.

But I forgive them, these Pintos, they do not know what they do. Let's be almost lyrically spiritual, what the heck? Lunatics see others as lunatics, similarly the unethical would be the last to see their own lack of ethics but would be the first to point to others to conceal their own culpability in that department.

But I say this is serious business. No time this, for jokes and levity, straighten up. If somebody tries to sabotage the efforts to ferret out the most ruthless terrorist organization in the world, that person sabotages the security of those children in buses who get Claymored in Koblithigollewa, those babies who get bayoneted in the border villages, yours and my security, our cousins' and our grandmothers' and our children's security. Trying to pin the blame for the ACF killings on the army is such sabotage. Trying, in the newspapers, to rabble rouse the public into believing that the ACF killings are on par with Embilipitiya and the past, is such sabotage, not only of the army, but the efforts of this country to get back on its feet. Such labour is not meaningless or academic; it could invite the effect of stanching the flow of aid into the country, stalling concessions such as GSP, resulting in thousands of lost jobs, resulting possibly even the risk of sanctions -- all of which will impinge on the livelihoods of the long suffering people, not the NGOing, oops enjoying, Pintos.

So this is serious business, not trifling gamesmanship. Pinto's deceit in painting me, a constant government critic, as an unethical state supporting opinion-maker, seeks to twist the tale -- to make black white, and white black, to portray truth-telling as voodoo, while making out her ham-handed, sycophantic, patently unethical NGO and foreign aided subversion that blights the lives and security of ordinary people, as the model practise of emancipator journalism.

It's not only a laugh, it's also an embarrassment. It's as if a woman is dancing nude on the streets screaming her head off saying "you know, I think Abeynayake's underwear is unclean," or

something like that....

I truly really with a conscience, pity her. She may not know that she is a source of embarrassment to the practitioners of truth telling journalism, who have a conscience, and who have the interests of the poor insecure LTTE-battered and constantly knocked down people of this country at heart - - practitioners who I daresay, practice their truth-telling even at the risk of being called pro government hacks by mad hatters such as herself.

It's true. It's easy to paint someone who acknowledges the good that the government does as pro-government. It's something commonly and banally done by the nattering nabobs. I say now, right here, loud and very clear, with my integrity worn on my sleeve, that I stand and applaud this government of ridding this country of the horror of LTTE terror.

If that and that alone means I'm a pro government stooge, no matter how much I persistently call the government bluff on umpteen other matters, as Pinto rarely does, so be it.

Being me is much better than living half a life as a nude mad hatter running around the streets complaining about other people's underwear ... or even their ideas of friendship. It's puerile Pinto. You are but juvenile; an adult with a child's mental age. I called you a friend, and there are friends and friends. I did so because I have no enmity towards mentally underdeveloped, shop-talking, yackety-yacking, smarmy, shrill, two-bit chattering-class Harriets such as yourself.

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• [MANILAL](#) said: _

Rajpal I guess you must save your words instead of getting into a stupid public dialogue. Both of you have been and could be invaluable to the journalistic clan in SL and washing dirty clothes in public is not getting you anywhere.

Those who oppose you or Kishali or even side with one of you is doing greater damage than good.

You are both professionals who need to bury the hatchet and bring sanity to prevail in this stupid dialogue.

So beat it...who cares as to which one of you is superior??? Where I am concerned the SL journalistic fraternity need the likes of you two, now more than ever when the country has turned a new leaf...please forget these petty mud slings and make up for the good of everyone and our beautiful country which has got a new lease of life after 30 gruesome years.

[August 22, 2009 7:32 AM](#)