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Even today there are many people who do not know what had happened to their loved ones. Sometimes all that they know is the fact that their spouse or child was arrested by the police, the army or some identified men who came in the night. Men who were responsible for extra-judicial killings and disappearances as well as other dastardly acts such as the setting fire to the Jaffna Public Library, the organisation of the 1983 pogrom, the Embilipitiya massacre, Kakkadicholai massacre etc roam around freely while the families who suffered at their hands have no recourse to justice. It is important to investigate all such human rights abuses and bring to book all those responsible for such acts.

(g) Guarantee the right of association and the right of assembly.

All restrictions that has been imposed on the right of association including the right of workers in the Free Trade Zone to form or join a trade union must be removed. Similarly there should be no restriction of the right to peacefully picket or hold public meetings. All laws and administrative regulations which give the police the powers to interfere with these democratic rights should be removed.

(h) Free all political detainees.

Using various draconian laws such as the Prevention of Terrorism Act large number of men and women have been detained without trial in camps, police stations and prisons. No person should be held in custody for long periods without trial. All those who are still being held in custody should be released or charged and tried under the law. A law must be enacted which restricts the power of the police to hold any person in custody without trial. Where a person is held in custody relatives and the legal representatives of the detainee must be made aware of the place of detention and must have the right to visit such detainees.

**THE COMMITTEE FOR DEMOCRACY
AND JUSTICE IN SRI LANKA [CDJ]**

CDJ was formed in 1989 at the height of the reign of terror that was unleashed by the UNP government led by late Mr. Ranasingshe Premadasa in order to campaign for democratic rights and against state sponsored repression.

- * CDJ is neither affiliated nor supports any political party
- * CDJ campaigns against the suppression of democratic rights by the State as well as by other organisations, including opposition parties and groups.
- * CDJ demands justice for the families of the disappeared
- * CDJ stands for the resolution of the ethnic conflict through political and not military means
- * CDJ calls for an independent investigations into human rights violations in the last 17 years and the punishment of all those responsible for human rights abuses.

The key issues

For this purpose it is useful to identify here some of the key issues which must be addressed by any government which is genuinely interested in protecting human rights and civil liberties. While this is not an exhaustive list, we believe that without dealing with these issues we cannot even begin to lay the foundations of a democratic society:

(a) The abolition of the executive presidency and ensuring the accountability of the executive.

The centralisation and concentration of all executive power in the hands of one man under the executive presidential system was, at least in part, responsible for the growth of arbitrary use of power by the government. However, it is not sufficient merely to abolish the executive presidency and return to the old parliamentary system. Even the previous system did not provide adequate democratic checks and balances that could adequately control the power of the Prime Minister and the Cabinet. Therefore it is necessary to strengthen the powers of the parliament, judiciary and the local and regional governments, in order to prevent the Executive from exercising unbridled power. The powers of each organ of government or local government should be clearly specified and clearly demarcated.

(b) The guarantee of minority rights.

In 1972 the SLFP led coalition government removed the constitutional guarantee of minority rights that had been enshrined in the Soulbury Constitution. This was a great leap backward. There can be no democracy without adequate protection of the rights of minorities - be they political, ethnic, religious, caste or any other minority. It is therefore necessary to make provisions in the constitution to protect minority rights and thereby prevent the majority from riding roughshod over minorities.

(c) The right not to suffer discrimination

No member of the society should suffer discrimination on the grounds of their national identity, language, religion, caste, sex, disability or age. They must be entitled to equal rights and should suffer no discrimination. This right too should be enshrined in the constitution.

(d) Repeal of repressive laws

The UNP government has enacted a number of draconian laws which has imposed permanent restrictions on the democratic rights of every citizen. Initially they were enacted on the pretext that security forces needs extraordinary powers to deal with "Eelam separatism". In reality such laws have not enabled the security forces to achieve any significant progress in their war against the LTTE. On the other hand, such laws have been used largely to arrest, abduct, detain, torture and disappear political opponents of the government. Moreover, the security forces have felt that these laws enable them to act with impunity and with little regard to the human rights of ordinary citizens. Therefore all such laws should be repealed without delay.

(e) Ensure the accountability of the security forces

The armed forces and even more frequently the police have acted with little regard to the rights and interests of the people. They behave not as the servants of the public but as their masters. Often ordinary citizens are too scared to visit a police station even in order to make a complaint. They defy even the orders of the courts and act as they are above the law. It will never be possible to guarantee human rights and democratic liberties without proper institutional measures that would secure the accountability of the police. In order to achieve this it may be necessary to completely restructure the security forces including their decentralisation and the establishment of community control of the police. The conduct of the police in relation to arrest, detention and prosecution of offenders must be subject to strict legislative controls. An independent body with disciplinary powers, including the power to dismiss police officers who abuse their power, should be set up to investigate public complaints against the police. Similarly

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