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ISSUE 1205

## Next President must embrace race relations, media freedom – Dr. Wickrema Weerasooria

(CeylonToday.lk) - Insurance Ombudsman Dr. Wickrema Weerasooria, a celebrated lawyer, legal academic and author of some twenty legal texts, who served in several senior public-sector positions and was also Sri Lanka's High Commissioner to Australia and New Zealand, states that regardless of who wins next Thursday's presidential election, race relations and media freedom must be given priority in the next government's agenda. I have followed Sri Lankan politics closely for the past 45 years and also held public office during much of that time. As you know, I have also had a very close association with the law and with legal issues. In these contexts, looking back, I feel that two vital issues we need to address through law and political reform are the issues of racial harmony and media freedom. Article 12 of the Constitution says that 'No citizen shall be discriminated against on

the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds'. But the problem is that such constitutional guarantees, the ones we refer to collectively as 'fundamental rights', are very difficult to enforce. Only the Supreme Court can adjudicate on cases in which these rights are claimed to have been infringed. But it is difficult for an ordinary citizen to go before the Supreme Court. In many cases the discrimination, though painful to the victim, may seem too trivial to take all the way to the highest Court in the land. Say a Tamil-speaking and Sinhala-speaking person have a civil dispute, for example about a shared property boundary. They wish to take the matter to the police and make statements. If the local police station has no Tamil-speaking officer, it is impossible for one of them to do so. Even if a translation is recorded, he has no means of knowing what the


contents of his statement is. The Tamil-speaking complainant thus clearly suffers discrimination. But surely this is not a case for the Supreme Court? The Supreme Court should be a Court of last resort, not a Court that hears routine cases. The Supreme Court is also circumscribed by not having the same procedures as lower Courts, for example, the ability to summon witnesses and open them to cross-examination by counsel. Also, many cases in which racial or other discrimination occurs could be resolved through mediation or conciliation, or the revision of administrative procedures. A softer, more constructive approach is likely to be more effective. It was the late Appapillai Amirthalingam who pointed out that the problems faced by Sri Lanka's minorities fall into two categories: grievances and aspirations. Grievances are issues faced by ordinary people on a day-to-day basis and must have faster

means of resolution than a Supreme Court case. Aspirations, on the other hand, are matters for the political process to deal with. What he meant was that politicians are interested primarily in aspirations, whereas what ordinary people have to deal with are grievances. Our Human Rights Commission has no teeth. I would suggest the establishment of a more powerful body such as Britain's Equality and Human Rights Commission. This is a powerful, independent body that is empowered to give orders to individuals and institutions that infringe basic rights, and to prosecute those who do not comply or commit serious offences. It is a very successful institution with which I am familiar and know of its proceedings first-hand. It is able to deal promptly with most grievances before they go to Court, and even to issue legally-binding injunctions. The Commission can even conduct its own investigations. **CONT ON P4**

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### Sri Lanka loses second test

(DominionPost.nz) - From having the game by the you know whats, Sri Lanka somehow got thrashed by 193 runs. Listening to their captain, Angelo Mathews, talk about things afterwards, it was difficult to know if he was more puzzled by New Zealand's win at the Basin Reserve or the way Kumar Sangakkara was sawn off by the Decision Review System. A good team would've won from where Sri Lanka had New Zealand on day three. Effectively 24-5 in their second innings, the Black Caps looked at long odds to even get the match into a fourth day. About 50 hours later the New Zealand side were huddled on the pitch singing

their victory song and tipping beer on each other. "It was a shocking turnaround I thought," Mathews sa "We were able to put New Zealand under pressure by the third day, but we missed a couple of sitters and good players make it count. [Kane] Williamson did exactly that, together with BJ [Watling]. The pair put on a record partnership and were brilliant but I thought we had our chances. They were 150-5 and leading by only about 23 or 24 at that time and if we had held onto our catches, it would have been a different story." Even after Williamson and Watling's unbroken 365-run stand, Sri Lanka

weren't out of the match. But chasing 390 - 45 of which they knocked off on the fourth day - it was going to take luck. They were instead let down by the DRS, when Sangakkara was sent on his way for five. Initially only bowler Trent Boult seemed remotely convinced that Sangakkara had got a touch to a wide one. Being such a big wicket, though, New Zealand captain Brendon McCullum was happy to punt on a positive review. That paid huge dividends when third umpire Bruce Oxenford overturned the on-field decision of Richard Illingworth and Sangakkara was given out. Mathews smiled, took a deep breath, then

smiled again, before saying very little. "Umpires have a tough job at hand [and] you can't really comment on the DRS, you have to be careful with that. That's the way it goes and unfortunately or fortunately we have to take it as it comes." Which is very philosophical of him but doesn't alter the fact that for the original decision to be changed, there should be irrefutable proof that the on-field umpire got it wrong. Instead Sangakkara was given out on suspicion, because there was no evidence that proved he'd definitely hit the ball.

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