

## Recent show trials in Burma and Sri Lanka

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The recent case against Aung San Suu Kyi by the Burmese junta is well known internationally. The case and the verdict were condemned the world over as yet another demonstration of a fake trial merely orchestrated to silence Burma's opposition leader. Aung San Suu Kyi, who has already been under house arrest for two decades, was charged with violating the rules of her detention, for which the court sentenced her to five years rigorous imprisonment. Within hours of this ruling, the Burmese junta—aware of the negative international impact—reduced the sentence to 18 months of detention in her own home. It is clear that the trial's sole purpose was to give a semblance of legality and legitimacy to the further imprisonment of this lady so that she could not participate in the country's upcoming elections.

The Sri Lankan case of J S Tissainayagam, though not as prominent as the Aung San Suu Kyi case, is also quite well known internationally. The arrest, detention and the trial of this well known journalist and human rights activist received the attention of many governments. American president Barack Obama himself noted this case as an example of the repression of journalists throughout the world. Leading media organizations worldwide condemned the arrest, detention and trial and repeatedly called on the Sri Lankan government for Tissainayagam's unconditional release.

Tissainayagam was charged with aiding and abetting terrorism and instigating racial violence by way of an article referring to the armed conflict taking place in the north. Thousands of articles on the armed conflict exist, from varying perspectives, and Tissainayagam's writing was no different to any of these. Nothing in the article indicated any attempt to instigate violence or promote racial hatred. In fact, a veteran journalist, Tissainayagam, had reported on the internal conflicts in the south as well as the north and east over a long period of time. In the late 1980s he helped the incumbent president of Sri Lanka—then an opposition parliament member—by preparing and translating documents relating to disappearances and other atrocities in the south. As a Tamil, it was quite natural for Tissainayagam to write about the problems of the Tamils in the same way that others have written about the problems of their groups.

Tissainayagam was singled out for arrest, detention and prosecution solely for the purpose of intimidating other journalists and newspaper editors from publishing materials relating to the war. Several other journalists were exposed to serious dangers and some fled the country during this time.

As in the case of Aung San Suu Kyi, there were no grounds to lay criminal charges against Tissainayagam. In both cases therefore, the charges were fabricated, based on special regulations rather than ordinary criminal law. The regulations themselves were enacted to give enormous powers of harassment over anyone holding an opinion opposed to that of the ruling regime.

Where the charges themselves are not valid, there cannot be a fair trial. The court's job in both cases was to decide on the legality and validity of the charges in the first instant. Both courts proceeded on the basis of these bloated charges and found the two persons guilty.

The transformation of independent courts into those that merely carry out the wishes of the executive has occurred over a long period in both countries. As a result, in the courts of both countries today there is the possibility of conducting show trials.

The Sri Lankan court sentenced Tissainayagam to 20 years imprisonment. The previous democratic tradition of the country's Supreme Court upholding the rights of citizens to freedom of expression, criticism and publication has been altered by the High Court trying a case on special regulations under anti-terrorism laws.

The Ministry of Foreign Affairs has further noted that any criticism of the Tissainayagam judgment is a slur on the independence of the judiciary. In fact, the case itself, like that of Aung San Suu Kyi, demonstrates that judicial independence has suffered serious setbacks.

It is fitting that J S Tissainayagam has been named as the first winner of the Peter Mackler Award for Courageous and Ethical Journalism. This award should bring to global notice the manner in which courts can be manipulated for the purpose of suppressing freedom of expression and publication.