

Sri Lanka: We are called traitors for carrying forward the Human Rights work of Mahinda Rajapaksa!

Wednesday 20 May 2020, by [DAVID Anusha](#), [FERNANDO Brito](#) (Date first published: 20 May 2020).

Daily Mirror spoke to Brito Fernando, a well-known long-standing Human Rights activist and trade unionist who recently waged a battle for animal rights after his pet dog Max was brutally shot and killed on Vesak Poya day.



What made you become a human rights activist?

I was involved in left politics with the Nawa Sama Samaja Party (NSSP) and trade unions since 1977. We were tear-gassed, baton-charged, imprisoned and some of our group were killed or made to disappear. When you stand for the rights of people or groups on various issues, you automatically become a human rights activist.

Once I was remanded for 10 days for supporting a struggle at a leading international garment factory in Katunayake, allegedly by former ASP Kudahetti, who opposed me for my involvement in trade unions. The 'Movement for the Defence of Democratic Rights' (MDDR) fought a fundamental rights(FR) case on my behalf, and I was compensated Rs 10,000 for the violation of my rights.

In 1992, due to political influence, we lost an FR case when police disrupted our movements second commemoration for the disappeared. This was held at Seeduwa. Some activists were killed or disappeared because of their interventions on behalf of others. I too was about to disappear, but another activist who went to the disciplinary inquiry instead of me, along with a worker, both disappeared. So I have a lifelong debt to repay the activist who disappeared on my behalf. When human rights are prioritized and made into the legislature, it will give activists, victims, and the public a sense of security. I call myself a human rights activist, and I am proud that I am one.

"Even now my family feels this incident may result in a new threat to our lives. In 1989 we were threatened by both the then government and the JVP."

What is your opinion of Sri Lanka's human rights record?

As I recall, this issue emerged strongly due to three major incidents in 1971 and 1989. They were the uprisings in the South and the situations during and after the war. Some like Mr Prince Gunasekara was involved in prisoners' rights in 1971, and he had to leave the country. A campaign

to free political prisoners was launched by the 'Free the Political Prisoners' movement in 1971.

In 1989 many illegal killings and disappearances occurred. The 'Mothers' Front' led by MPs Mahinda Rajapaksa and Mangala Samaraweera, the 'Organization of the Parents and the Family Members of the Disappeared' led by MP Vasudeva Nanayakkara, Dr Wickramabahu Karunaratna, Wijedasa Pathirana (father of one of the disappeared) and Chandra Peiries, and 'Kalape Api' led by Jayanthi Dandanya (fiancée of one of the disappeared) as well as myself, were all involved in inquiring into disappearances of innocent people.

For the first time in Sri Lanka's history MPs, Mahinda Rajapaksa and Vasudeva Nanayakkara went to Geneva to lobby against disappearances. There were some organizations active in the North and East as well.

The MDDR filed many Habeas Corpus cases, and there was a long struggle by individuals and organizations to get the government to uphold and respect human rights.

Our struggles resulted in the establishment of the Human Rights Commission, Police Commission, Elections Commission, Office of Missing Persons, Right to Information Act, Torture Act, Act Against Disappearances and so on. Though these commissions are independent they need more power. However, I now feel we have regressed on human rights.

What are the most significant cases you have worked on?

The disappearances of Ranjith—a Free Trade Zone (FTZ) worker—and his legal representative, who disappeared on October 27, 1989. We had Police inquiries, annual commemorations, public protests and campaigns.

We publicly accused two persons including a police officer from a police station in the area. Though we made public the work these two did for many years to this cause and disappearances in particular no justice was meted out.

The disappearance of Madushka from Anuradapura in 2013 resulted in us organizing a public campaign in Anuradapura and Colombo with his wife. We filed a case in the Anuradapura Magistrate's Court too. But it is dragging on with no results.

Do you think the recent atrocity against your pet dog has any other implications?

This incident does not have a political agenda or grouse. This particular retired SP allegedly hates dogs who loiter near his wall. Hence he allegedly shot the poor dog. He had no personal grudge with me. His family members get along well with us as neighbours. This was purely owing to his hatred for dogs.

You have been victimized before this as well, where a dog's head was hung on your gate post and other incidents. What led to these?

A dog's neck with blood was hung on my gate in December 2014 close to the Presidential elections. It was a political threat against what I was doing regarding disappearances and my involvement with the 'Platform for Freedom', a civil society coalition, as well as 'Weediye Wirodaya' which campaigned against the then Mahinda Rajapaksa government alongside other opposition parties. Another activist Prasanna Fernando from Negombo encountered the same incident that day.

Though we lodged complaints, nothing happened. We could not publicise this to create awareness. It was known only among human rights circles. A poster with photos of myself, Victor Ivan (chief guest

of our annual October 27 commemoration in 2014), artiste Jayathilaka Bandara and other activists, were pasted around Negombo saying: "These are the traitors who sell the country".

Just before the 2015 elections, my house was stoned at night. All this happened because we stood against disappearances, human rights violations and demanded the rule of law. Mahinda Rajapaksa was one of our foremost leaders in 1989 and active in the national campaign against disappearances. He also campaigned in Geneva with Vasudeva Nanayakkara. But sadly his government hated activists who stood against disappearances and for human rights. We are merely carrying forward what Mahinda Rajapaksa stood up for then. Though Rajapaksa was a very vocal and active human rights campaigner and went to Geneva, today we are called traitors for carrying on his work.

Governments, when in power, always hate human rights activists. But they always stand with them when in the opposition. This is very sad.

- **"When you stand for the rights of people or groups on various issues, you automatically become a human rights activist**
- **Since 1971 every government has blood on their hands as a result of illegal killings and disappearances"**

Have the perpetrators of these crimes and thuggery against you and your family ever been brought to task?

No, nothing has ever happened. Not even under the last Yahapalana government, though they were a little more responsive towards human rights issues.

Have you sought protection for yourself and your family from the authorities, and if so have you obtained it?

I have never done so. I made police complaints at the time of incidents. But the police allegedly turned a blind eye because of the political situation and because of my political thinking and activism.

As a country proud of its Buddhist heritage and culture, do you think we practice and uphold its tenets?

I am a Catholic by birth, but do not practice religion now. I have great respect for Buddhist philosophy as it says very emphatically, "Siyalu Sathwayo Niduk Wethwa". A lot of monks also chant this. But they dislike us when we stand against disappearances of Tamils, forgetting the same thing happened in the South against Sinhalese in 1989. They forget that nearly 96 Buddhist monks were killed or made to disappear during 1989. Alas, most preachers and believers do not practice what they preach and believe.

Do you believe that the alleged suspect be made to pay for his crime, or will he get away scot-free?

I do not have any faith that justice will take place. I heard the Negombo Police did not mention to the Magistrate that the dog was shot. If they did, bail would not have been given until the gun was produced.

I suspect that there may have been influence by many people to the Negombo Police. I do not have a clear idea about political affiliations or relationships. At the moment I do not think the Negombo Police will act according to the law. They have the responsibility of proving we are wrong in suspecting them of not carrying out justice and doing their job. We are awaiting the court's decision.

Sri Lanka is yet to pass the Animal Welfare Bill. What does this say about us as a country in the 21st Century?

I am sorry to say I paid no attention to this Bill. But groups working for animal rights say they need this new law to be implemented, which has been ready for the past few years. Under prevailing laws, I heard the fine will be only Rs. 100 according to the 1907 Act. If this continues people who hate dogs will willingly come to police stations, pay the fine beforehand, and then kill the animals they think are making trouble for them.

I could not get involved in this as I was busy seeking justice for the disappeared to ensure it won't recur. In any political crisis, all governments use disappearances to silence opponents. I strongly feel this animal rights Act should be passed and implemented. For passing Acts like this, politicians won't earn large sums of money. I respect all who love animals and who continue to fight to get this implemented. I will do my best to support them in the future.

Will you continue your work for those who have no voice, or will recent incidents deter you in any way?

I will continue. Even now my family feels this incident may result in a new threat to our lives. In 1989 we were threatened by both the then government and the JVP.

Those days when I went to sleep at night, I always thought how nice it was to be alive, and that one could get up to face a new day. We were unsure about our lives.

Many political friends of mine were killed during that period. I was the one asked to go with the FTZ worker in 1989 for the disciplinary inquiry. But back then I had no experience representing a worker in an inquiry. So I said no. Unfortunately, Mr Lionel who went instead of me disappeared along with the worker. So I have a duty and responsibility to ensure it does not happen to anyone again.

The families who suffered in 1989 still await truth, justice and an assurance that such incidents will not recur. They need compensation as most of their breadwinners were killed or disappeared.

I am fighting for my children's safety too. We don't know if our children will face the same fate if a future uprising or political crisis should occur. As a human being, I am also afraid. I am afraid to be killed, or that I will disappear. I do not want anything to happen to my children.

But I have involved myself with many families to help them get justice for their loved ones who disappeared without being accorded the right to prove their innocence. Though I am afraid I cannot turn back now. But I do not like to be tortured. I want a natural death.

"Mahinda Rajapaksa was one of our foremost leaders in 1989 and active in the national campaign against disappearances. He also campaigned in Geneva with Vasudeva Nanayakkara. But sadly his government hated activists who stood against disappearances and for human rights."

What is your message to the people of Sri Lanka as both a human rights activist and decent human being?

Do not wait until something happens to you. If we do not have a just and righteous government, good governance and the rule of law, we all are in danger. Stand against every violation, regardless of the victim's ethnicity or religion. When the system treats anyone wrongly, stand against it. Because if there is no system to treat every human equally, then it may happen to you one day. Always take what happens to others seriously, as it can happen to you.

During the war, Human Rights activists were made to look like. This is still prevalent. Especially in the South, human rights activists are portrayed as working merely to earn Dollars or Euros. With much respect to the animal lovers I say, continue your struggle. I am proud of you for relentlessly fighting for voiceless animals. For all humanity I say, do not forget our children, our neighbours and all citizens who have been killed illegally or disappeared with no government taking responsibility for them. Our children and loved ones were killed, and their bodies laid along the road.

My loving dog Max when shot at, turned and tried to come home. But he fell dead at my feet a few yards from home. I cried, but I am adjusting and getting used to the pain. At least I know Max is dead. If I did not know what happened to Max or if he disappeared without a clue, then all my life I would be suffering, wondering what happened to him.

There are thousands of mothers, wives and children who continuously suffer because they do not know what happened to their loved ones. They are not sure whether their loved ones are dead, killed, or still alive. The pain is a continuous one.

As we stand on the eve of a General Election, what is your message to the government and other contesting parties?

There is a thinking that all politicians are useless and should be gotten rid of. That politicians are there to earn money. This perception can be changed by politicians themselves, and by building strong democratic systems. Society must ensure this and change this and continue making policies. You cannot change your position when in the Opposition and when in power. Establish the rule of law where everyone can be treated equally whether poor or rich, whatever ethnicity or religious belief.

Since 1971 every government has blood on their hands as a result of illegal killings and disappearances. Do not punish anyone without allowing them to prove their innocence. Do not do anything if you cannot take responsibility for it.

The present government's attitude seems to be against NGOs and human rights activists, though nothing violent has happened yet. Withdrawing from the Geneva co-sponsorship is a blow to the long-lasting struggle of the families of the disappeared.

Whatever promises made by political party election manifestoes do not carry any weight. People know they are nonsense. Politicians have to do more to build people's faith and trust. But it is up to the public to defend, uphold and develop the rights we have won legally. We need more rights to be recognized by the government.

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