

Silence in the Courts—a film about judicial corruption in Sri Lanka

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Written and directed by Prasanna Vithanage

Filmmaker Prasanna Vithanage's latest feature is a documentary about the rape of two women by a Sri Lankan magistrate during the 1990s and its cover-up by the legal establishment. Produced in 2014 with funding from the Canadian-based Justice Project, the film was not shown in Sri Lankan cinemas until last October. It is now available on DVD or can be viewed online at *Cinemas of Sri Lanka*.

Silence in the Courts tells its story through newspaper reports, graphics and dramatic recreations based on legal evidence from the women and their husbands. The women were from Polpithigama, a poor village in the Kurunagala paddy-farming district, about 100 kilometres from Colombo.

The film begins with a brief overview of social conditions in the village, pointing out that endemic poverty forced high numbers of youth in this area into the military, and hundreds of women into domestic servitude in the Middle East.

W.B.M. Kamalawathi, one of the women sexually assaulted, was married to Chandana Pushparuwana, a goldsmith. He had been arrested and was on remand after being accused of pawning inferior ornaments as gold jewelry. Kamalawathi regularly attended her husband's court hearings, where she caught the eye of Magistrate Lenin Ratnayake. She was told, via a defence lawyer, to privately meet with Ratnayake who, it was claimed, could arrange for her husband's release. She was taken by the magistrate to a hotel room and raped.

Pushparuwana found out about the magistrate's attack on his wife and, in a desperate but futile protest, placed excrement in a plastic bag, smuggled it into the court, and hurled it at Ratnayake. Pushparuwana was seized by about 50 armed soldiers and beaten so badly that he had to be hospitalised.

Kamalawathi attempted to expose the magistrate and secure some justice but to no avail. Nine months after the incident she decided to contact Victor Ivan, editor of the *Ravaya* newspaper, who published her story.

Subsequent news and television stories about the assault failed to achieve any official investigation into Kamalawathi's allegations. Other news reports revealed that the magistrate had sexually assaulted another woman from the same village, whose husband he was also trying.

The legal establishment, led by then Attorney General Sarath

Nanda Silva, refused to take any action and simply closed ranks behind Magistrate Ratnayake. Silva was later promoted to chief justice by then President Chandrika Kumaratunga.

Finally, in 1998, the Judicial Services Commission (JCS) appointed a tribunal of three high court judges to investigate Kamalawathi's accusations. More than two years later it found that Ratnayake had, in fact, committed the sexual assaults. But instead of putting him on trial he was placed on compulsory leave, with pay.

Almost two decades since the rapes, the women's family lives have been destroyed, but Ratnayake has never been charged. Last October, Ratnayake even took legal action to try and prevent screenings of *Silence in the Courts* in Sri Lankan cinemas. He claimed that the film had damaged his character and the reputation of the judiciary. The Colombo District Court rejected his case.

Vithanage, who made his first movie—*Ice on Fire (Sisila Gini Gani)*—in 1992, is a skilled filmmaker and has defied his country's repressive censorship laws to write and direct a number of intelligent dramatic features. The best of these, sensitively explore the social and emotional impact on ordinary people of the Sri Lankan government's decades-long civil war against the separatist Liberation Tigers of Tamil Eelam. These films include, *Death on a Full Moon Day (Purahanda Kaluwara)* [1997], *August Sun (Ira Madiyama)* [2003] and *With You, Without You (Oba Nathuwa, Oba Ekka)* [2013].

That Vithanage has revealed something of the corruption of the Sri Lankan state apparatus is to be welcomed. His documentary brings to a wider audience a case that the legal establishment, if it had its way, would have kept hidden. The fundamental weakness, however, of *Silence in the Courts*, is that it uncritically adapts to Victor Ivan, *Ravaya*'s editor, and Ivan's national opportunist political agenda.

Ivan is a well-known critic of the Sri Lankan establishment. He played a key role in unmasking the magistrate, as well as those who tried to cover up his crimes. These exposures, however, attempt to pull the wool over the eyes of the population. They advance the position that the widespread corruption, within the legal system and the state apparatus as a whole, can be overcome through applying pressure on the government for reforms and for new parliamentary legislation.

That Vithanage's documentary fails to challenge such conceptions, or even hint that the issue goes beyond the judiciary, is a major omission.

One has to be clear that Ivan is no political novice. He began his political career in the petty-bourgeois Sinhala-nationalist Janatha Vimukthi Peramuna (JVP). After he and other leading figures were arrested and imprisoned, following the government's brutal crackdown on the organisation in 1971, he dropped the JVP's pseudo-socialist phraseology and became a pacifist. Since then, he has engaged in a series of sordid manoeuvres, promoting one or another faction of the Sri Lankan establishment.

To cite a few instances: Ivan and *Ravaya* were intimately involved in the campaign to hoist former President Kumaratunga to power in 1994. Subsequently falling out with Kumaratunga, Ivan became a vehement critic, and then supported Mahinda Rajapakse as president.

In November 2014, Rajapakse announced the presidential election would be held early, in January 2015. Washington and its Sri Lankan political allies immediately seized the opportunity to replace him with a more pro-US administration.

At this point, Ivan swung back behind Kumaratunga and other bourgeois opponents of Rajapakse, after she became a major player in Washington's regime-change operation, which installed Maithripala Sirisena. Rajapakse's close relations with China had become a barrier to the geostrategic plans of the United States in the region, and the Obama administration insisted he be replaced.

Promoted as a fight against "dictatorship" and "corruption," Ivan's efforts and the so-called "good-governance" campaign represented the interests of pro-US sections of the Sri Lankan ruling elite, disaffected business chiefs and members of the country's upper middle class, as well as various artists, intellectuals, academics, journalists and NGOs. Justice and democratic rights could be established, these elements argued, if Rajapakse and his ruling cabal were removed and Sirisena installed as president.

Citizen's Power, which was initiated by the *Ravaya* newspaper and supported by Vithanage and other artists, played a key role in promoting this pseudo-democratic fraud. The concern of Citizen's Power was not to defend the basic rights of the masses, but to prevent growing unrest, among workers and the poor against Rajapakse, from developing into more militant forms of struggle and escalating outside the control of the official political framework.

Following Sirisena's election in January 2015, Ivan published an article declaring that the "corrupt and chaotic situation" in the legal fraternity was "the biggest obstacle" facing Sri Lanka, and that "an independent, unbiased, just and efficient judiciary is essential for good governance in a country."

At one point during *Silence in the Courts*, Ivan declares, "We can only imagine" the injustices inflicted upon thousands of

others, who are "cast forever into the darkness." But the plight of Sri Lankans who bear the brunt of constant injustices is well and truly visible. Both Ivan and the film fail to reveal these injustices, including, for example, the conditions suffered by the Tamil masses; the ongoing military occupation of the north; or the judicial frame-up of plantation workers and other sections of the working class by past and present governments.

Vithanage's *Silence in the Courts* was being finalised as the anti-corruption campaign and Sirisena's promotion were underway. The director became swept up in them, and his film is now being utilised to demonstrate that it is possible to reform the Sri Lankan state.

Not surprisingly, *Silence in the Courts* received lavish praise from *Ravaya*, the *Island* and other Sri Lankan publications, when it was initially screened last October. *Ravaya* declared that the documentary represented "a gigantic leap in the psyche of the people" and the struggle for the "independence of the judiciary." The *Island* praised it for its "meticulous adherence to the truth." The *Lankahotnews* website declared that "justice has prevailed" and "the names of Prasanna and Victor will go down [in] the annals of Sri Lankan judicial history."

These tributes have appeared as the Sirisena-Wickremesinghe government is waging ever-more ruthless assaults on the social conditions and democratic rights of the working class and the poor, Tamil and Sinhalese alike. And when workers have sought to fight back, Ivan and the "liberals" have responded by defending the government, demonstrating that their concerns over "good governance" and democratic rights are nothing but a sham.

Vithanage, who has opposed such positions in the past, may now be regretting the political purposes to which his documentary is being put, and the political credibility it bestowed upon Ivan.

In his next film, *The Children of the Sun*, Vithanage has decided to depict an historical drama, set in Kandy in the early 19th century, during a rebellion by Sinhala nobles against the reigning Tamil king. According to media reports, it will attempt to examine "the genesis of the Tamil-Sinhala conflict." To be a truthful and artistically engaging work, as many of Vithanage's earlier films have been, it will need to challenge powerful prevailing national pressures, something that *Silence in the Courts*, unfortunately, fails to do.

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