

A VOICE OF REASON DURING CRISIS

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Saliya Pieirs, president of the Bar Association of Sri Lanka. Meera Srinivasan

In the midst of an economic collapse, Sri Lanka witnessed unprecedented mass resistance, leading to President Gotabaya Rajapaksa's resignation last week. During these months, there has been a barrage of expert political commentary and economic analysis. But one voice stood out.

The Bar Association of Sri Lanka (BASL), a professional body of lawyers, emerged as the chief advocate of citizens' freedoms of expression, association, and assembly, intervening swiftly and firmly when it mattered the most. Be it when a row of police trucks suddenly lined up near the iconic agitation site in Colombo in April, or when ruling party supporters assaulted peaceful protesters in May, or when a soldier was recorded assaulting a civilian queuing at a petrol shed earlier this month.

The BASL did not formally identify with the people's struggle, nor unconditionally support it. But through speedy and staunch defence of citizens' civil liberties, amidst police curfews and state violence, this body provided vital external strength to the protest movement.

It urged authorities to revoke a social media ban in April, and challenged the basis for emergency rule by former President Gotabaya Rajapaksa in May, as well as Acting President Ranil Wickremesinghe's recent proclamation on Monday. Most dramatically, when police arrested 54 people, following an angry protest outside Mr. Gotabaya's private residence on March 31, over 300 BASL members turned up to provide pro bono representation and secured a majority's release on bail.

While the island's divided political opposition seemed passive, the BASL's interventions proved crucial. Many Sri Lankans saw its president, Saliya Pieris, as a hero of the people. Some even created hashtags and memes asking him to become a caretaker President in an all-party transitional government. He declined. "I have absolutely no political ambitions," Mr. Pieris bashfully told *The Hindu* at his office, near the Supreme Court.

"Whenever we felt that the state was overstepping or trying to curb [citizens'] rights, we have been issuing statements to preserve the space that they have, to dissent and disagree, and protect them from unnecessary state action," he said, underlining the collective role of "all office bearers" and more broadly of his membership.

In March, the BASL filed two fundamental rights petitions in the Supreme Court, arguing the acute shortages of fuel, electricity, gas, food, milk powder and medicines resulted in a violation of citizens' fundamental rights.

Ordinarily, economic matters would not come under the BASL's purview. But around January, when the country's economic collapse was imminent, the Association felt compelled to step in. "We were worried about its [economic crisis's] potential impact on law and order," Mr. Pieris said, detailing discussions held with business leaders and industry representatives, before publicly commenting on the financial meltdown.

A President's Counsel — an honour recognising lawyers of distinction, that replaced the colonial-era Queen's Counsel — Mr. Pieris, 54, has been a member of the island's national

Human Rights Commission. Before Gotabaya Rajapaksa's election, he was also selected to be the Chair of the Office on Missing Persons, which was operationalised in 2018 to probe into enforced disappearances.

Under his leadership since 2021, the BASL's public profile has drawn attention, for being resolute. Devoid of ambiguity and political rhetoric, its statements speak to immediate and specific concerns, basing itself on Constitutional freedoms, national laws, and leading judgments.

In a communication to the Army Commander and police chief on the forcible removal of protesters from the ramparts of Galle Fort, the BASL said: "The suppression of the people's right to protest and dissent is not the answer to the present situation in the country where the people are facing untold hardships due to shortages of fuel and other essentials." Citing Sri Lanka's Supreme Court from 1993, the statement recalled that: "Stifling the peaceful expression of legitimate dissent today can only result, inexorably, in the catastrophic explosion of violence some other day."

Mixed record

Founded in 1974, three years after the first Sinhala youth insurrection and during prolonged emergency rule, the BASL currently has about 20,000 members. However, it has not always stood up to state and political actors during Sri Lanka's many bouts of conflict and violence.

It has been "a mix," according to Mr. Pieris. "For instance, during the [southern] insurgency from 1987-89, the Association took a very proactive role in ensuring the rule of law and securing the rights of people. There was a time when thousands of detainees were held under the emergency regulations, and the BASL filed an action on their behalf to ensure that they were either charged or released. Then again, after the impeachment of the Chief Justice [in 2013], lawyers played an active role [in defending judicial independence]."

All the same, the BASL has faced criticism for its silences, especially relating to gross war-time crimes against Tamils, and post-war calls for accountability and justice. "If you look at human rights issues, the BASL has, right along, had the same stand against torture. In respect of the war, its aftermath, and the reconciliation mechanisms, I don't think there is unanimity [in the BASL]. The opinion is very sharply divided, and [consequently] those issues have not really been taken up as an institution."

Early in the political impasse amid Sri Lanka's economic crisis, the BASL took the lead in framing proposals for discussion with political parties, with an action plan including a timeline for the abolition of the executive presidency and the establishment of an interim all-party with a common minimum programme.

The island's Parliament meets on Wednesday to elect a new President. The BASL reminded its members recently, that they now represent "the entire electorate of Sri Lanka" and must perform their duty respecting the sovereignty of the people and their wishes and upholding democratic values. "The need of the hour is to take decisions based on the best interests of the country and not the personal or political interests of any individual or political party."

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