

Dying as an artist and dying young

More often than not people end up in art to find solace. Myuran Sukumaran died as an artist. The body of work he produced, part of which forms the focal point of 'Another Day in Paradise', is remarkable in many ways. Not only does Myuran's work reinforce the extraordinary capacity of human beings to transform themselves, but also art's profound ability to transform humans. He was put to death at a young age. This is something I cannot reconcile with. Therefore, for me, Myuran's work fills the room with sentiments of celebration as well as loss. The latter compels us to question capital punishment – are we to continue with it ... and the discourse that surrounds it – can we have this conversation with compassion?

Myuran's family is from Sri Lanka – the North to be precise – where tens of thousands of people, chiefly young men and women, have been subject to another form of capital punishment, summary executions. In fact, justice for citizens whose lives were taken by the Sri Lankan state has never quite made the agenda of successive elected Sri Lankan governments or the international justice system.

The 1971 insurrection lasted for five weeks ... government unleashed a firestorm of repression which is yet to be matched proportionately: 15,000-20,000 killed in just 5 weeks. This is an average of 3,500 deaths per week ... ¹

In 1971 the JVP (People's Liberation Front) led an armed uprising in the pre-dominantly Sinhala south of the island, aiming to topple the government to establish a revolutionary socialist rule. The South of the country – its rural areas in particular – saw hitherto unwitnessed summary executions, torture and rape. The government of Sri Lanka received military and economic aid from a number of countries including the United States, Britain and Australia to suppress the insurrection. The summary executions of captured JVP militants and political sympathisers by state forces went uninvestigated. It sowed the seeds of the culture of impunity that has come to shield the actions of state forces in the island and the taboo that has engulfed public discourse regarding this issue. Within this atmosphere the survivors and loved ones of those who were lost were never afforded space to come to terms with the events or grieve. I was a young child at the time and only have vague memories of the occasional distant sounds of gunfire and curfews that ran for days on end. My family's life wasn't directly affected by the events. The effects of 1971, however, manifested 16 years later in the South's next explosion in 1987-1989 – a period which consumed my life and left a legacy of ongoing trauma within me.

The killing of prisoners has been widespread. Amnesty International has received hundreds of reports of prisoners who have been killed in custody or who were killed within hours of arrest or abduction ... ²

"Disappearances" and extrajudicial executions are closely connected: many prisoners who have "disappeared" are believed to have been secretly extrajudicially executed with their bodies being dumped or burned ... ²

The second JVP insurrection of 1987-89 was fuelled by patriotic and socialist fervour and had wider popular support across the South. Its defeat left a bloodier legacy by many folds. The State's crackdown did not cease at the armed militancy led by the JVP. The government moved swiftly to eliminate all opposition including the student movement, labour unions, human rights activists and lawyers and members of opposition political parties. A European Parliament's fact finding mission in 1991 found that the government's military campaign resulted in the deaths and disappearances of over 60,000 persons, the vast majority young men and women, at the hands of state forces and allied paramilitary groups. The victims and their families never found a social or political space to reconcile with the extra judicial capital punishments that had been handed down to their loved ones,

let alone within the criminal justice system. Any hope of transitional justice in regard to this chapter of Sri Lankan history was thus extinguished. The campaign based in Europe – to link foreign aid to Sri Lanka with human rights – in which I was heavily involved did not see much results. Under the auspices of the World Bank, international donors increased their financial aid to the Sri Lankan government from USD 785 m to USD 1 bn through the ‘Paris Aid Group’ in 1990.

The Government systematically shelled on a large scale in three consecutive No Fire Zones, where it had encouraged the civilian population to concentrate ... It shelled the United Nations hub, food distribution lines near the International Committee of the Red Cross (ICRC) ships ... Most civilian casualties in the final phases of the war were caused by the Government shelling ...²

The Sri Lankan state’s military campaign against Tamil militancy in the predominantly Tamil North and East of the island continued for over 30 years. The final stage of the state military offensive in 2009 was by far the bloodiest. Though seemingly tranquil at first glance, the landscape of the postwar North, which I travelled six years after this, still bore scars of the conflict that ravaged it. The “sounds of the war still echo” in the ears of some. The *Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka*² noted the Sri Lankan government’s extensive use of heavy weapons and intentional disregard of human casualties. In reference to the number of civilian deaths during the final stage, another probe by the UN concluded that other sources “have referred to credible information indicating that over 70,000 people are unaccounted for”.³ Millions around the world saw Sri Lankan military’s summary executions of prisoners of war at point blank range through international independent media organisations. Nearly eight years have passed and not one of the many responsible for this carnage has been brought to justice by the Sri Lankan or international justice system. This is the ongoing legacy of the country that Myuran’s family and I hail from – a country that carries out extrajudicial capital punishment liberally and with impunity.

Everyone has the right to life, liberty and security of person.⁴

Taking the life of a person under any circumstance by the state, which has been entrusted with upholding the right to life of all, is a concept that merits bold discussion and a re-evaluation of long held societal ideas of crime and punishment. Political expediency of whatever nature could not and should not have any room to reside within a discourse of such profundity. Rather, it needs to be informed by a broader vision encompassing compassion and wisdom.

¹ *‘Insurrectionary Violence in Sri Lanka: The Janatha Vimukthi Peramuna Insurgencies of 1971 and 1987-1989’*, 1990, Gunasekara. T, *Ethnic Studies Report*.

² *Sri Lanka : Extrajudicial Executions, ‘Disappearances’ and Torture, 1987 to 1990*, 1990, Amnesty International.

³ *Report of the Secretary-General’s Internal Review Panel on United Nations Actions in Sri Lanka*, 2012, The United Nations.

⁴ *The Universal Declaration of Human Rights (Article 3)*, The United Nations, 1948