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## Compassionate justice for peace, prosperity and development

By Sarath WIJESINGHE



President Mahinda Rajapaksa laying a foundation stone and (on right) being greeted by people during his recent visits to the North

Justice is a concept of moral righteousness based on ethics, nationality, law, natural law, religion, equality along with the punishment of the breach of the

commitment. The most important part in this definition is the punishment and the mode of punishment. Different societies and religions have defined and given guidelines for mode of punishment and reparation for justice.

Justice is synonymous with fair play, reasonableness and compassion. Utilitarianism is a form of justice justified by the ability to



achieve future social benefits resulted in crime reduction and retributive justice is in response crime proven by lawful evidence so that punishment is justly imposed. Restorative justice is dealing with making the victim reparation and paid for the loss including reintegrating the offender into the society. Distributive justice is directed at the proper allocation of wealth, power and oppressive justice exercises an authoritarian approach to legislature totally unrelated to justice.

Understanding of this concept is dependent on history, mythology, culture and the legal systems. Justice involves a system of consequences that naturally derive from any action or choice.

Compassionate justice is completely different from these modes of justice and is mainly based on religious beliefs. This concept is embodied in Buddhism, Hinduism, Islam, Christianity and other religions. In compassionate justice elements of most of the other forms of justice are embodied. But the West always deals with other forms of justices apart from "compassionate justice".

Compassionate justice is not an area alien to Sri Lankan culture. Wrongdoers are compassionately considered and the treatment was based on basic norms of kindness, compassion and reparation in a compassionate way. In the 1970s misguided youth took to arms in an armed insurrection to change the government which was democratically elected by the people. The Government having suppressed the uprising, the misguided youth

were compassionately treated by rehabilitating them in university camps. History has shown that the then government had taken the correct steps of performing compassionate justice by not punishing them ruthlessly and taking steps on compassionate reparation and by other means. Most of these youth who were reformed are today holding high positions in Sri Lanka and worldwide.



Currently Sri Lanka is faced with international pressure as to how the group of youth who took to arms was treated during the last phase of eradication of terror which had threatened world peace, regional peace and the peace of the entire nation for over 30 years. The brutality of the terrorist organisation is well documented and the number of mass murders, destruction of property over 30 years has taken the nation back a hundred years. The world watched in disbelief the victory over terrorism which was considered winnable and ended in a short span of three years due to the brevity and strategy adopted by the government headed by President Mahinda Rajapaksa who consistently demanded that justice should be done and compassionately applied.

## **Accountability**

Concern has been expressed by some Western countries and non-governmental organisations on the responsibility of the Government on reparation and accountability issues. Accountability is a factor derived from humanitarian law which is based on the UN Charter which the UNHCR adopted in 1948. Though it outwardly speaks of restorative justice, the theme of these two important and powerful human rights documents are based on compassion. The documents were prepared following the world war which led to the destruction of nations and millions of people.

As a result of this bloodbath the nations adopted the UN Charter in place of the League of Nations which they considered ineffective. A similar incident in history is King Asoka's extension of compassionate justice having carried out massacres for winning the whole of India. At the end of the war King Asoka was repentive and having met a young Bhikkhu Negroda he initiated reparation in a compassionate way. He sent his son and daughter to his best friend King Devanampiyatissa to propagate Buddhism which is still the basis on which the Sri Lankan culture is rooted.

There is no question that Sri Lanka Security Forces are professionals and that Sri Lanka maintains high standards. For 30 years all the residents in the LTTE areas were fed and the government paid full salaries in schools and universities. But the last phase of the war against terrorism was crucial due to the intervention of thousands of NGOs who poured

into the area funds and other resources in addition to the strong LTTE network worldwide aiming at the North and the East to be separated from the mainstream. Sri Lankans are united, friendly and the Tamils prefer to live with the Sinhalese in the main areas. Of the entire Tamil population the majority live in peace with the Sinhala population. In Colombo, the majority of the ethnic community is Tamil and Sinhala comes third. This shows the tolerant Sinhala residents and bears out the integration, friendship and compassionate attitude of the people.

#### **Immense pressure**

The Government is under immense pressure as some countries and NGOs demand that Sri Lanka should adhere to restorative justice and accountability during the last few days of the war.

This is based on media propaganda such as Channel 4 which is mainly based on text messages, emails and the TamilNet information backed by strong LTTE and front organisations.

It was at this juncture that President Rajapaksa has again to extended compassionate justice to rehabilitate ex-LTTErs. He said that he is prepared to bring peace dividends to the country including the North and the East when shortsighted narrow-minded parties are talking about the 13th Amendment without considering the development or welfare of the people in the North and the East.

Priority should be given to the welfare benefit and the development of the North and the East.

Today our economy is booming with tourism and investments are pouring in and there is peace and stability and what matters is compassionate justice, development, reforms, commitment, integration, equality before justice, fairplay and also to take them forward to make Sri Lanka the "Wonder of Asia". Therefore it is the duty of the professionals and academics to take this message forward and educate the world especially the world's media of our vision, strategy, breeding and education based on our culture, history, compassion and kindness.

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