



Inter-Parliamentary Union

For democracy. For everyone.

Sri Lanka

SRI/68 - Sarath Fonseka

***Decision adopted by the Committee on the Human Rights of Parliamentarians
at its 146th session (Geneva, 24-27 January 2015)***

The Committee,

Referring to the case of Mr. Sarath Fonseka, a member of the main opposition party in the Sri Lankan Parliament at the time of the submission of the communication, and to the decision adopted by the Governing Council at its 143rd session (October 2013),

Recalling the following: Mr. Fonseka, former Commander of the Sri Lankan Army, was arrested on 8 February 2010 for having, while in uniform, discussed his entry into politics with two members of parliament; while in detention, he was elected in April 2010 to the Parliament of Sri Lanka; on 13 August 2010, a court martial found him guilty on three counts under the Military Act and he was dishonourably discharged; on 17 September 2010, a second court martial found him guilty under Section 109 of the Army Act of having violated procurement guidelines and sentenced him to 30 months' imprisonment; Mr. Fonseka appealed these rulings, while three more cases were brought against him before the High Court,

Recalling that the complainant has alleged from the outset that there were concerns about respect for the right to a fair trial in several of the legal proceedings against Mr. Fonseka,

Recalling that, as a result of his convictions, Mr. Fonseka, by virtue of Articles 89(d) and 91 of the Constitution, was disqualified from retaining his seat in Parliament and debarred from standing in elections for a period of seven years following completion of his sentence, the petition against the removal of Mr. Fonseka's parliamentary seat was dismissed on 10 January 2011 by the Supreme Court; owing to this judgment, his seat was vacated,

Recalling that, in 2012, then President Rajapakse granted remission of the remaining time to be served by Mr. Fonseka, pursuant to the powers vested in him by Article 34 of the Constitution, as a result of which Mr. Fonseka was released on 21 May 2012,

Considering that presidential elections took place in Sri Lanka on 8 January 2015 and that a new Cabinet took office on 12 January 2015,

Considering that the new Sri Lankan authorities have since decided to restore Mr. Fonseka's full political rights, quash his previous convictions, discontinue ongoing legal proceedings, and reinstate him as an army general,

1. *Takes* note that Mr. Fonseka is no longer subject to any legal proceedings, nor to any restrictions to the exercise of his political rights;
2. *Considers* therefore that there are no grounds for any further action in this case and *decides* to close it;
3. Requests the Secretary General to convey this decision to the relevant authorities and the complainant.