

# **SRI LANKA COUNTRY INFORMATION**

## **REPORT NO. 10**

**22nd June 2023**

Combined  
Refugee  
Action Group



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*The Combined Refugee Action Group is a network group that brings together people from a variety of backgrounds across the Geelong region in Victoria, (Refugee Support Groups, Church and Community Groups, Unions, Political Groups, Social Justice and Social Action Groups, students, and individuals). We are united by the shared aim of advocating for just, humane, and welcoming policies towards refugees and people seeking asylum.*

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## Purpose

This Country Information Report outlines changes in political and social context that make it unsafe for Tamil people seeking asylum in Australia to be returned to Sri Lanka. The report covers the period from October 2019 to June 22nd, 2023.

This referenced report fills a critical gap for decision-makers and public officials. The report considers the latest available information from a range of Sri Lankan news publications, international media coverage, reports published by human rights groups, and on-ground citizen journalists. It provides detail behind the information given in the CRAG briefing note on Sri Lanka.

Taken together, these various information sources demonstrate the significant risk to personal safety faced by Tamils if returned to Sri Lanka, and that by doing so the Australian Government would be breaching the rules of non-refoulement.

The lack of detailed referencing in the Australian Government DFAT Country Information Report -Sri Lanka (23 December 2021)<sup>1</sup> undermines the accuracy and transparency of the DFAT Report, making it difficult to gauge the reliability of the sources which have informed DFAT's judgement and assessment. It should be noted that information provided to DFAT which forms the context of the DFAT Report on Sri Lanka, reportedly emanates from many sources, however the Government of Sri Lanka or its government-sponsored instrumentalities are not listed. Given the close alliance between the Australian Government and the Sri Lankan Government, this omission by DFAT is highly questionable.

The CRAG Sri Lanka Country Information Report No. 10 aims to provide a truthful account of the current political situation in Sri Lanka and is not influenced by the Sri Lankan government or its instrumentalities.

## Introduction

In November 2019, the people of Sri Lanka elected Gotabaya Rajapaksa to the office of President. Rajapaksa, referred to within his family as 'The Terminator' was a key player in the 25-year civil war with Tamil separatists and is credited with ending the war through an operation that led to the death of approximately 40,000 people<sup>2</sup>. Gotabaya Rajapaksa served as Defence Secretary in his brother's government from 2005 to 2015 from when he is 'accused of numerous crimes, including attacks on journalists and activists, and implicated in alleged war crimes

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<sup>1</sup> **Australian Government DFAT Country Information Report Sri Lanka.** December 23, 2021. <https://www.dfat.gov.au/sites/default/files/country-information-report-sri-lanka.pdf>

<sup>2</sup> **The Terminator': how Gotabaya Rajapaksa's ruthless streak led him to power.** *The Guardian* (online, 17 November 2019). <https://www.theguardian.com/world/2019/nov/17/the-terminator-how-gotabaya-rajapaksas-ruthless-streak-led-him-to-power-sri-lanka>

and crimes against humanity.’<sup>3</sup> Gotabaya Rajapaksa has denied allegations of authorising the disappearances of Tamils, the use of government endorsed death squads, torture, rape, and extrajudicial killings. No accountability has ever been taken for these actions.<sup>4</sup>

In August 2020, Gotabaya Rajapaksa appointed his brother, Mahinda Rajapaksa as Prime Minister. This is the same man who was President at the time of the alleged crimes against the Tamil people of Sri Lanka. Four other seats in Parliament were given to another of his brothers and three nephews.<sup>5</sup>

The Rajapaksa brothers have been accused of war crimes following the deaths of tens of thousands during the final stages of the civil war when Tamil civilians were shelled in a safe zone on a beach where they were awaiting aid from ICRC ships.<sup>6</sup> Tamil rebels are accused of using civilians as human shields and preventing civilians from fleeing the so-called ‘safe zone’. Tamil rebels dispute this. The Rajapaksa brothers also deny committing any war crimes.<sup>7</sup> In 2020 President Rajapaksa withdrew Sri Lanka from a UN resolution to investigate war crimes committed during his tenure as Defence Secretary.<sup>8</sup>

While Basil Rajapaksa, the Chief Election Strategist and one of Rajapaksa’s brothers, assured Sri Lanka that the government of Gotabaya Rajapaksa would “respect media freedom and civic organisations”<sup>9</sup>, this was not the case. A number of legislative changes were put in place granting greater control to the President, increased restrictions on journalists, increased violence against Tamil people, and attacks on human rights organisations. Further to this, actions taken by the previous government to search for the disappeared from the war and make reparations, as well as participate in the UN investigation into war crimes during this time, were reversed.

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<sup>3</sup> **Sri Lanka – Events of 2019.** Human Rights Watch.

<https://www.hrw.org/world-report/2020/country-chapters/sri-lanka>

<sup>4</sup> **The Terminator': how Gotabaya Rajapaksa's ruthless streak led him to power.** *The Guardian* (online, 17 November 2019).

<https://www.theguardian.com/world/2019/nov/17/the-terminator-how-gotabaya-rajapaksas-ruthless-streak-led-him-to-power-sri-lanka>

<sup>5</sup> **Sri Lanka president tightens grip with constitutional changes.** *The Guardian* (online, 23 October 2020)

<https://www.theguardian.com/world/2020/oct/23/sri-lanka-president-gotabaya-rajapaska-parliament-reforms>

<sup>6</sup> **Sri Lanka 'war crimes': Main allegations.** *BBC News* (online, 17 June 2011)

<https://www.bbc.com/news/world-south-asia-13158916>

<sup>7</sup> Ibid

<sup>8</sup> **Sri Lanka notifies UN withdrawing from war crimes resolution.** *Wionews* (online, 26 February 2020)

<https://www.wionews.com/south-asia/sri-lanka-notifies-un-withdrawing-from-war-crimes-resolution-282955>

<sup>9</sup> **Gotabaya Rajapaksa elected president of Sri Lanka.** *The Guardian* (online, 17 November 2019)

<https://www.theguardian.com/world/2019/nov/17/sri-lanka-presidential-candidate-rajapaksa-premadas-count-continues>

In early 2022, Sri Lanka plunged into deep economic crisis, sparking massive anti-government protests in the south by the Sinhalese people. In May 2022, as the economic crisis worsened, and following a deadly attack on peaceful anti-government protesters in Colombo, Mahinda Rajapaksa resigned from his position as Prime Minister.<sup>10</sup> Ranil Wickremesinghe was appointed Prime Minister. In July 2022, thousands of people took over government buildings in Colombo, blaming the Rajapaksa family and allies for runaway inflation, shortage of basic goods, and corruption. Gotabaya Rajapaksa fled Sri Lanka and resigned as President.<sup>11</sup> In a secret ballot in Parliament on 20<sup>th</sup> July 2022, Ranil Wickremesinghe was appointed President of Sri Lanka.<sup>12</sup> A new Cabinet comprised of those with troubled records was appointed.<sup>13</sup>

Former Sri Lankan human rights commissioner Ambika Satkunanathan, stated *“For many people the struggle didn’t begin with Gotabaya being elected & doesn’t end with Gotabaya’s resignation.”*<sup>14</sup>

Sri Lanka has a dark history of violence towards Tamil people and other minority groups. Following an overview of the Rajapaksa family, and Ranil Wickremesinghe and his Cabinet, these issues will each be covered in this report.

## Rajapaksa family

The August 2020 Parliamentary Elections saw Gotabaya Rajapaksa and his family strengthen its control over the Sri Lankan administration. The Sri Lanka Podujana Peramuna (SLPP) won a two-thirds majority, including the securing of the Parliamentary seat for Mantara District by Gotabaya’s nephew, Nipuna Ranawaka. Gotabaya’s brother Mahinda was installed as Prime Minister, after having held the position as caretaker since November 2019, and other members of the Rajapaksa family were appointed to positions in the government.

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<sup>10</sup> **Sri Lanka's Prime Minister Mahinda Rajapaksa resigns as violence erupts.** *Tamil Guardian* (online, 09 May 2022). <https://www.tamilguardian.com/content/sri-lankas-prime-minister-mahinda-rajapaksa-resigns-violence-erupts>

<sup>11</sup> **Sri Lanka’s crisis is not just about the economy, but a long history of discrimination against minority groups.** *The Conversation* (online, 14 July 2022). [https://theconversation.com/sri-lankas-crisis-is-not-just-about-the-economy-but-a-long-history-of-discrimination-against-minority-groups-186747?mc\\_cid=659d49641a&mc\\_eid=81f597ba1d](https://theconversation.com/sri-lankas-crisis-is-not-just-about-the-economy-but-a-long-history-of-discrimination-against-minority-groups-186747?mc_cid=659d49641a&mc_eid=81f597ba1d)

<sup>12</sup> **Ranil Wickremesinghe declared Sri Lanka’s president.** *Tamil Guardian* (online, 20 July 2022) <https://www.tamilguardian.com/content/ranil-wickremesinghe-declared-sri-lanka-s-president>

<sup>13</sup> **Following a brutal crackdown, Sri Lanka’s new ministers are sworn in.** *Tamil Guardian* (online, 22 July 2022). <https://www.tamilguardian.com/content/following-brutal-crackdown-sri-lanka-s-new-ministers-are-sworn>

<sup>14</sup> **Racist Buddhist monk blames protesters for destroying Rajapaksa and Sinhala Buddhist rule.** *Tamil Guardian* (online, 17 July 2022). <https://www.tamilguardian.com/content/racist-buddhist-monk-blames-protesters-destroying-rajapaksa-and-sinhala-buddhist-rule>

Chamal Rajapaksa, the eldest brother was given the irrigation portfolio while Mahinda's nephew, Shasheendra Rajapaksa was made Agriculture Minister.<sup>15</sup> Mahinda's son, Namal Rajapaksa was initially given the Youth and Sports ministry and later also made the Minister of Digital Technology and Enterprise Development. In August 2021, Namal Rajapaksa was further awarded a new Cabinet portfolio, Development Planning and Monitoring. The appointment of Namal Rajapaksa to this position raised concerns of nepotism and the increasing concentration of state power within the hands of the Rajapaksa family.<sup>16</sup>

During the period in which Gotabaya Rajapaksa was President, political analysts noted a rising centralisation of power, with the appointment of many serving and former military officials to key bureaucratic posts and the creating of presidential task forces to take on governance issues, in some cases bypassing ministries.

Gotabaya's rule was marked, rights groups say, with a widespread crackdown on political and other dissent, with lawyers, activists and journalists harassed, intimidated and arrested when they questioned the government's policies.<sup>17</sup>

Militarisation gathered pace in Sri Lanka, with Gotabaya Rajapaksa controlling defence, and the Defence Ministry having numerous institutions under its direct purview, including the Department of Archaeology. Home Affairs was attached to the Defence Ministry, bringing under its control district and divisional secretariats (as well as the police). The foreign secretary was a retired military man.<sup>18</sup>

*"The absolute majority to the Rajapaksa family means that they can do as they please, without caring about the people. Because of this, the Tamils will have a further erosion of their rights in the country. Their coming to power will take us down a destructive path and pave the way for family rule over the country."*

(Sivagnanam Shriritharan, member of Parliament from Tamil National Alliance)<sup>19</sup>

Economy was effectively under the control of Basil Rajapaksa, a dual citizen, in an arrangement that Gotabaya Rajapaksa was seeking to formalise through changes to the Constitution. In July 2021, further tightening the Rajapaksa family's control over Sri Lanka, Basil Rajapaksa was sworn into the Sri Lankan cabinet as finance minister. With the inclusion of Basil there were, until April 2022, seven Rajapaksas in power - President Gotabaya, Prime Minister Mahinda, ministers Chamal, Namal,

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<sup>15</sup> **Rajapaksas' rule has diminished hope for justice for Lankan Tamils.** *The NEWS Minute* (online, 24 September 2020) <https://www.thenewsminute.com/article/rajapaksas-rule-has-diminished-hope-justice-lankan-tamils-133843>

<sup>16</sup> **Amidst crisis, Sri Lanka reshuffles cabinet.** *Tamil Guardian* (online, 16 August 2021) <https://www.tamilguardian.com/content/amidst-crisis-sri-lanka-reshuffles-cabinet-0>

<sup>17</sup> **Sri Lankan parliamentary elections: Five key takeaways.** *Aljazeera* (online, 7 August 2020) <https://www.aljazeera.com/news/2020/08/sri-lankan-parliamentary-elections-key-takeaways-200807081456427.html>

<sup>18</sup> Tisarane Gunasekara. **The Rajapaksa Tidal-wave and the Anti-Rajapaksa Tsunami-wall.** *Groundviews Journalism for Citizens* (online, 23 August 2020) <https://groundviews.org/2020/08/23/the-rajapaksa-tilal-wave-and-the-anti-rajapaksa-tsunami-wall/>

<sup>19</sup> **Rajapaksas' rule has diminished hope for justice for Lankan Tamils.** *The NEWS Minute* (online, 24 September 2020) <https://www.thenewsminute.com/article/rajapaksas-rule-has-diminished-hope-justice-lankan-tamils-133843>

Basil and MPs Sashindra (Chamal's son), Nipuna Ranawaka (nephew). Additionally, Chamal's son Shameendra became Private Secretary to multiple ministries, Mahinda's son Yoshitha became the PM's chief of staff and Chaminda Rajapaksa became a Presidential Adviser.<sup>20</sup>

On 3rd April 2022, Tamil Guardian reported that all of the Sri Lankan Government's 26 cabinet ministers, excepting Prime Minister Mahinda Rajapaksa, had tendered their resignations, in the wake of protests, as Sri Lanka plunged into deepening political and economic crises. In response, President Gotabaya Rajapaksa declared a curfew and a state of emergency across the island, giving unfettered powers to security services.<sup>21 22</sup>

The United Nations Human Rights Office stated

'There have also been reports of excessive and unwarranted police violence against protesters. We are concerned that such measures are aimed at preventing or discouraging people from legitimately expressing their grievances through peaceful protests, and that they frustrate the exchange of views on matters of public interest. We remind the Sri Lankan authorities that measures related to states of emergency must comply with international human rights law, should be limited to the extent strictly required by the situation and be proportionate to it, and should not be used to stifle dissent or hinder peaceful protest.' .... 'The High Commissioner has also previously voiced her concern that the Government responds to criticism and dissent in ways that undermine civic space, and we reiterate these concerns.'<sup>23</sup>

On 9<sup>th</sup> May 2022, Mahinda Rajapaksa resigned from his position as Prime Minister, after Sri Lanka Podujana Peramuna (SLPP) supporters violently assaulted peaceful anti-government demonstrators.<sup>24</sup> Seven people died during the incidents - including a Member of Parliament and two local officials, over 250 were injured, and the properties of others were destroyed by arson throughout the country.<sup>25</sup>

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<sup>20</sup> **Rajapaksas Tighten Stronghold In Sri Lanka As Fourth Brother Basil Joins Cabinet As FM.** *Republicworld.com* (online, 10 July 2021) <https://www.republicworld.com/world-news/rest-of-the-world-news/rajapaksas-tighten-stronghold-in-sri-lanka-as-fourth-brother-basil-joins-cabinet-as-fm.html>

<sup>21</sup> **Turmoil in Sri Lanka as entire cabinet resigns except Prime Minister Rajapaksa.** *Tamil Guardian* (online, 03 April 2022). <https://www.tamilguardian.com/content/turmoil-sri-lanka-entire-cabinet-resigns-except-prime-minister-rajapaksa>

<sup>22</sup> **Sri Lanka's largest opposition party has rejected the president's invitation to form a unity government, as protests continue over the country's worst economic crisis in memory and deepening mistrust in his leadership.** *Associated Press* (online, 5th April 2022). <https://abcnews.go.com/International/wireStory/sri-lanka-president-proposes-multiparty-cabinet-amid-crisis-83858719>

<sup>23</sup> **Press Briefing Notes OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS Sri Lanka: Concern at measures in response to protests amid economic crisis.** 05 April 2022. <https://www.ohchr.org/en/press-briefing-notes/2022/04/sri-lanka-concern-measures-response-protests-amid-economic-crisis>

<sup>24</sup> **Sri Lanka's Prime Minister Mahinda Rajapaksa resigns as violence erupts.** *Tamil Guardian* (online, 09 May 2022). <https://www.tamilguardian.com/content/sri-lankas-prime-minister-mahinda-rajapaksa-resigns-violence-erupts>

<sup>25</sup> **Bachelet urges restraint, and pathway to dialogue as violence escalates in Sri Lanka.** OHCHR Press Release. 10<sup>th</sup> May 2022. <https://www.ohchr.org/en/press-releases/2022/05/bachelet-urges-restraint-and-pathway-dialogue-violence-escalates-sri-lanka>



*"I am deeply troubled by the escalation of violence in Sri Lanka after supporters of the Prime Minister attacked peaceful protestors in Colombo yesterday 9 May and the subsequent mob violence against members of the ruling party,"* the UN Human Rights Commissioner Michelle Bachelet said.<sup>26</sup>

A Sri Lankan court on 12<sup>th</sup> May 2022, imposed an overseas travel ban on former prime minister Mahinda Rajapaksa, his son and MP Namal Rajapaksa and 15 others in view of investigations against them for the deadly attack on peaceful anti-government protesters in Colombo.<sup>27</sup>

In May 2022, Ranil Wickremesinghe was appointed to the position of Prime Minister by President Gotabaya Rajapaksa.<sup>28</sup>

In July 2022, amid massive anti-government protests, Gotabaya Rajapaksa fled Sri Lanka and resigned his presidency.<sup>29</sup>

With the support of the Rajapaksas' political party, the Sri Lanka Podujana Peramuna (SLPP), Ranil Wickremesinghe was declared President of Sri Lanka on 20<sup>th</sup> July 2022 in a secret parliamentary ballot.<sup>30</sup> SLPP politician Dinesh Gunawardena was elevated to the position of Prime Minister.<sup>31</sup>

The scale of protests by Sinhalese against the Rajapaksa-led Government has been unprecedented. But Sri Lanka's Tamils, the country's most persecuted community, were visibly absent from the protests. Mario Arulthas, advisor to U.S.-based Tamil rights non-profit People For Equality and Relief in Lanka, said:

*"Of all the bad things the Rajapaksas have done, the worst of it all is what they did to the Tamils. If you look at the risks Tamil people take and despite that, the actions they take, particularly using words like 'genocide' and accusing members of the ruling family, this can't be compared to what's happening in Colombo."*<sup>32</sup>

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<sup>26</sup> **Bachelet urges restraint, and pathway to dialogue as violence escalates in Sri Lanka.** OHCHR Press Release. 10<sup>th</sup> May 2022. <https://www.ohchr.org/en/press-releases/2022/05/bachelet-urges-restraint-and-pathway-dialogue-violence-escalates-sri-lanka>

<sup>27</sup> **Sri Lankan court imposes overseas travel ban on former PM Mahinda Rajapaksa, 16 others.** *Eastern Mirror* (online, 12<sup>th</sup> May 2022). <https://easternmirrornagaland.com/sri-lankan-court-imposes-overseas-travel-ban-on-former-pm-mahinda-rajapaksa-16-others/>

<sup>28</sup> **Rajapaksa swears in 4 Cabinet members amid Sri Lanka crisis.** *Montana Standard* (online, 14<sup>th</sup> May 2022) [https://mtstandard.com/news/national/govt-and-politics/rajapaksa-swears-in-4-cabinet-members-amid-sri-lanka-crisis/article\\_ca89b2f8-c6d0-5c7d-bcf8-60ecb3c10d90.html](https://mtstandard.com/news/national/govt-and-politics/rajapaksa-swears-in-4-cabinet-members-amid-sri-lanka-crisis/article_ca89b2f8-c6d0-5c7d-bcf8-60ecb3c10d90.html)

<sup>29</sup> **Sri Lanka's crisis is not just about the economy, but a long history of discrimination against minority groups.** *The Conversation* (online, 14 July 2022). [https://theconversation.com/sri-lankas-crisis-is-not-just-about-the-economy-but-a-long-history-of-discrimination-against-minority-groups-186747?mc\\_cid=659d49641a&mc\\_eid=81f597ba1d](https://theconversation.com/sri-lankas-crisis-is-not-just-about-the-economy-but-a-long-history-of-discrimination-against-minority-groups-186747?mc_cid=659d49641a&mc_eid=81f597ba1d)

<sup>30</sup> **Ranil Wickremesinghe declared Sri Lanka's president.** *Tamil Guardian* (online, 20 July 2022) <https://www.tamilguardian.com/content/ranil-wickremesinghe-declared-sri-lanka-s-president>

<sup>31</sup> **Following a brutal crackdown, Sri Lanka's new ministers are sworn in.** *Tamil Guardian* (online, 22 July 2022). <https://www.tamilguardian.com/content/following-brutal-crackdown-sri-lanka-s-new-ministers-are-sworn>

<sup>32</sup> **Why These Women Aren't Joining Sri Lanka's Massive Anti-Government Protests.** *Tamil Guardian* (online, 25<sup>th</sup> May 2022). <https://www.vice.com/en/article/n7n8jx/tamils-sri-lanka-protest-rajapaksa-crisis>



Freedom House in its 'Freedom in the World Report 2023', noted that the Rajapaksa family appears to maintain significant control through the SLPP. <sup>33</sup>

In February 2023, the Colombo Gazette reported that the SLPP is making moves to replace current Prime Minister Dinesh Gunawardena, a member of the SLPP, and appoint Sri Lanka Podujana Peramuna (SLPP) leader Mahinda Rajapaksa as Prime Minister. <sup>34</sup>

## Ranil Wickremesinghe

After the resignation of Gotabaya Rajapaksa, Ranil Wickremesinghe was declared President of Sri Lanka on 20<sup>th</sup> July 2022, with the support of the Rajapaksas' political party, the Sri Lanka Podujana Peramuna, in a secret parliamentary ballot.<sup>35</sup> <sup>36</sup> Ranil Wickremesinghe is the leader of the United National Party (UNP). The UNP was completely wiped out in the 2020 General Elections but secured a parliamentary seat for Wickremesinghe through the National List.

Wickremesinghe has consistently stated his opposition to any international accountability mechanism for violations of international humanitarian law. He has also claimed to have saved members of the government, including Mahinda Rajapaksa, from being brought before the International Criminal Court. <sup>37</sup>

Wickremesinghe has close ties to those accused of mass atrocities, including Shavendra Silva, the current head of the Sri Lankan army who is barred from entry to the USA due to his role in the execution of Tamils.

*"I have no problem with Shavendra Silva. He is my friend, and he has helped me a lot,"* said Wickremesinghe. <sup>38</sup>

The new Cabinet includes Dinesh Gunawardena who was elevated to the position of Prime Minister, Ali Sabry, Douglas Devananda, Vidura Wickramanayake and Wijeyadasa Rajapakshe. Sabry is a long-time Rajapaksa ally and was a member of the legal team of Gotabaya's presidential counsel. Devananda heads the notorious Eelam People's Democratic Party, a paramilitary organisation that continues to remain close to the Rajapaksa family. Wickramanayake supported militarisation efforts in his previous post as state minister for 'national heritage'. Wijeyadasa Rajapakshe previously advocated for the rape of lesbians to "cure" them of

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<sup>33</sup> 2023, Freedom House (Author) Sri Lanka. Annual report on political rights and civil liberties in 2022. <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>

<sup>34</sup> Moves to make Mahinda PM again. *Colombo Gazette* (online, February 25, 2023). <https://colombogazette.com/2023/02/25/moves-to-make-mahinda-pm-again/>

<sup>35</sup> Ranil Wickremesinghe declared Sri Lanka's president. *Tamil Guardian* (online, 20 July 2022) <https://www.tamilguardian.com/content/ranil-wickremesinghe-declared-sri-lanka-s-president>

<sup>36</sup> Sri Lanka: Security Forces Assault Peaceful Protesters. *Human Rights Watch* (online, 22 July 2022). <https://www.hrw.org/news/2022/07/22/sri-lanka-security-forces-assault-peaceful-protesters>

<sup>37</sup> Ranil Wickremesinghe declared Sri Lanka's president. *Tamil Guardian* (online, 20 July 2022) <https://www.tamilguardian.com/content/ranil-wickremesinghe-declared-sri-lanka-s-president>

<sup>38</sup> Ibid.

homosexuality and lashed out at UN Special Rapporteur Ben Emmerson, accusing him of "false facts".<sup>39</sup>

MP Tiran Alles replaced Sarath Weerasekara as Minister of Public Security in the Wickremesinghe Government. Tiran Alles has in the past been under investigation for alleged misappropriation of funds.<sup>40 41</sup>

In September 2022, Human Rights Watch reported that three State Ministers appointed to the Wickremesinghe government are implicated in serious human rights abuses - a further alarming indication that the Wickremesinghe administration is not committed to protecting human rights, ending impunity, or upholding the rule of law. They are Sivanesathurai Chandrakanthan, better known as Pillayan, Lohan Ratwatte and Sanath Nishantha.<sup>42</sup>

Sri Lanka's president, Ranil Wickremesinghe has not shied away from using military force. He extended the state of emergency he declared as acting president.<sup>43</sup> Wickremesinghe has previously called protesters "fascists" and directed the armed forces to "do whatever is necessary to restore order." He has also refused to hold the Sri Lankan military accountable for past human rights violations and mass atrocities.<sup>44</sup>

*"Just one day after taking office, President Wickremesinghe oversaw a brutal assault by security forces on peaceful protesters in the heart of Colombo,"*

said Meenakshi Ganguly, South Asia director at Human Rights Watch.

*"This action sends a dangerous message to the Sri Lankan people that the new government intends to act through brute force rather than the rule of law."*<sup>45</sup>

Human Rights Watch has reported that since Ranil Wickremesinghe was sworn in as president, the police and military have sought to curtail protests through the intimidation, surveillance, and arbitrary arrests of demonstrators, civil society

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<sup>39</sup> **Following a brutal crackdown, Sri Lanka's new ministers are sworn in.** *Tamil Guardian* (online, 22 July 2022). <https://www.tamilguardian.com/content/following-brutal-crackdown-sri-lanka-s-new-ministers-are-sworn>

<sup>40</sup> **EXCLUSIVE: Tiran Alles must show transparency dealing with the Party's money.** *Sri Lanka Guardian* (online, 23 November 2010). <http://www.srilankaguardian.org/2010/11/exclusive-tiran-alles-must-show.html>

<sup>41</sup> **Misappropriation of Rs 124 m RADA public funds. Tiran Alles, three others discharged.** *Sunday Observer* (online, 12 July 2020). <https://www.sundayobserver.lk/2020/07/12/news/tiran-alles-three-others-discharged>

<sup>42</sup> **Sri Lankan Government Appoints Alleged Rights Abusers.** *Human Rights Watch* (online, 08 September 2022). <https://www.hrw.org/news/2022/09/08/sri-lankan-government-appoints-alleged-rights-abusers>

<sup>43</sup> **In Sri Lanka, the Military Still Runs the Show.** *Foreign Policy* (online, 4 August 2022). [https://foreignpolicy.com/2022/08/04/sri-lanka-military-power-protests-history/?tpcc=onboarding\\_trending](https://foreignpolicy.com/2022/08/04/sri-lanka-military-power-protests-history/?tpcc=onboarding_trending)

<sup>44</sup> **Sri Lanka's international partners should send the message that they can't support an administration that violates human rights.** *Human Rights Watch* (online, 25 July 2022). <https://www.tamilguardian.com/content/sri-lanka-s-international-partners-should-send-message-they-can-t-support-administration>

<sup>45</sup> **Sri Lanka: Security Forces Assault Peaceful Protesters.** *Human Rights Watch* (online, 22 July 2022). <https://www.hrw.org/news/2022/07/22/sri-lanka-security-forces-assault-peaceful-protesters>

activists, lawyers, and journalists. *'The Sri Lankan government is using emergency regulations to harass and arbitrarily detain activists seeking political reform and accountability for the country's economic crisis'*, said the report. Security forces injured more than 50 people in the July 22 early morning raid on the main janatha aragalaya (people's struggle) site in Colombo. Security forces assaulted and beat three journalists. Wickremesinghe berated foreign diplomats for criticizing the security forces' use of excessive force and took no action to hold those responsible to account. <sup>46</sup>

UN Human Rights Office spokesperson Jeremy Laurence issued a statement: *"We are alarmed by the unnecessary use of force reportedly employed by Sri Lanka's security forces to break up a protest camp near presidential offices in Colombo – only hours before the protesters indicated that it was due to be dismantled. We condemn the reports of beatings of protesters, journalists and lawyers. .... The use of force against peaceful protesters runs contrary to international law, and we urge authorities to immediately halt the use of such force. .... We have concerns that the raid on the camp sends a chilling message to peaceful protesters, including elsewhere in the country."* <sup>47</sup>

On August 8, 2022, fourteen UN Human Rights Experts condemned the extensive, prolonged and repeated use of state of emergency measures since 2 April 2022 by Sri Lankan authorities to crack down on peaceful protesters and prevent them from voicing their grievances amidst economic collapse in the country. President Ranil Wickremesinghe declared another state of emergency on 17 July 2022, vowing to take a tough line against "troublemakers". The Sri Lankan Parliament further ratified an ordinance on 27 July 2022 extending the current state of emergency for another month, imposing a curfew, and granting broad and discretionary powers to security forces and the military. Such powers allowed them to detain protesters and search private properties without judicial supervision.

*"We have raised our concerns to the Government on a number of occasions over the misuse of emergency measures, but to no avail. We condemn the recent and continued abuse of such measures to infringe on the legitimate exercise of the rights to freedom of peaceful assembly and expression,"* the Human Rights experts said. <sup>48</sup>

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<sup>46</sup> **Sri Lanka: Heightened Crackdown on Dissent. End Arbitrary Arrests, Harassment of Protesters, Activists, Journalists.** *Human Rights Watch* (online, 2 August 2022). <https://www.hrw.org/news/2022/08/02/sri-lanka-heightened-crackdown-dissent>

<sup>47</sup> **Comment by UN Human Rights Office spokesperson Jeremy Laurence on raid on Sri Lanka protest camp.** *OHCHR* (online, 22 July 2022). <https://www.ohchr.org/en/statements/2022/07/comment-un-human-rights-office-spokesperson-jeremy-laurence-raid-sri-lanka>

<sup>48</sup> **Sri Lanka: UN human rights experts condemn repeated use of emergency measures to crackdown on protests.** *OHCHR* (online, 8 August 2022). <https://www.ohchr.org/en/press-releases/2022/08/sri-lanka-un-human-rights-experts-condemn-repeated-use-emergency-measures>

Tamanna Salikuddin, director of South Asia programs at the U.S. Institute of Peace, said:

*“The cabinet and parliament are still dominated by the Rajapaksa allies that really came to power on a right-wing, Sinhalese Buddhist populist platform. The parliament hasn't changed, and the parliament picked a president.”*<sup>49</sup>

Human Rights Watch World Report 2023 details the continued repression in Sri Lanka under President Wickremesinghe.<sup>50</sup>

In March 2023, Minister of Public Security, Tiran Alles refrained from appearing at a summons before Sri Lanka’s Human Rights Commission to address the conduct of police in administering a violent crackdown against student protestors.<sup>51</sup> Speaking in Parliament, State Minister of Tourism, Diana Gamage, advocated for violence against student demonstrators to end their protests. Government-aligned MP Nimal Lansa decried the student protestors as “good for nothing” and compared their actions to terrorism.<sup>52</sup>

South Asia director at Human Rights Watch, Meenakshi Ganguly noted that, *“President Ranil Wickremesinghe responded to calls for reform and accountability with repression.”*<sup>53</sup>

In June 2023, Sri Lankan authorities fired tear gas and water cannons on hundreds of students protesting in the capital to demand the release of people arrested during the anti-government protests in 2022. The protestors said the imprisonment of dozens of students and activists amounted to political persecution and that the Wickremesinghe government is continuing its campaign to repress and silence people’s voices.<sup>54</sup>

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<sup>49</sup> **Tamanna Salikuddin on the Crisis in Sri Lanka.** *US Institute of Peace.* (online, 3 August, 2022). <https://www.usip.org/publications/2022/08/tamanna-salikuddin-crisis-sri-lanka>

<sup>50</sup> **World Report 2023 - Sri Lanka.** *Human Rights Watch.* Published 12<sup>th</sup> January 2023. <https://www.hrw.org/world-report/2023/country-chapters/sri-lanka>

<sup>51</sup> **Tiran Alles to refrain from appearing before HRCSL for inquiry.** *Adaderana.lk* (online, 12 March 2023). <https://www.adaderana.lk/news/89016/tiran-alles-to-refrain-from-appearing-before-hrcsl-for-inquiry->

<sup>52</sup> **‘These people must be beaten’ – Sri Lanka’s Tourism Minister demands violence against student protestors.** *Tamil Guardian* (online, 13 March 2023). <https://www.tamilguardian.com/content/these-people-must-be-beaten-sri-lanka-s-tourism-minister-demands-violence-against-student>

<sup>53</sup> **‘Change of Presidents of Sri Lanka in 2022 did not lead to any improvement in the country's human rights records’ – HRW.** *Tamil Guardian* (online, 16 January 2023). <https://www.tamilguardian.com/content/change-presidents-sri-lanka-2022-did-not-lead-any-improvement-countrys-human-rights-records>

<sup>54</sup> **Tear gas, water cannon fired on protesting Sri Lankan students.** *Al Jazeera* (online, 07 June 2023). <https://www.aljazeera.com/news/2023/6/7/tear-gas-water-cannon-fired-on-protesting-sri-lankan-students>

## Legislative changes for greater control

In 2015 the Sri Lankan constitution was amended to reduce the powers of the Executive President. This 19<sup>th</sup> Amendment made the President more accountable to Parliament and the courts and gave more independence to a number of commissions.

However, in October 2020 the government elect pushed through a 20<sup>th</sup> Amendment to the constitution, giving the President full powers to appoint members to what were previously independent commissions, including commissions that ‘oversee elections, police, human rights and anti-corruption efforts.’<sup>55</sup>

The International Commission of Jurists criticised the 20<sup>th</sup> Amendment, saying that it introduced judicial appointment procedures which were incompatible with principles of the justice and “gives the President sole and unfettered discretion to appoint all judges of the superior courts. Under international standards, appointments to the judiciary should not be vested solely with the executive.”<sup>56</sup> According to Inform, a Sri Lankan human rights group, on 25 September 2020 President Rajapaksa ordered ‘state officials to treat all his verbal orders as circulars to be implemented’ and that ‘those who neglect this will face stern action.’<sup>57</sup> This verbal order can be ‘unrecorded, and sometimes could contravene with the existing laws, policies and other measures.’<sup>58</sup>

In March 2021, the Sri Lankan Government passed regulations allowing detention without trial for two years for those suspected to have caused “religious, racial or communal disharmony”. This was a significant expansion of the already notorious Prevention of Terrorism Act (PTA), which has historically been used to target Tamils and Muslims. The expansion provides security forces with sweeping powers under the pretext of deradicalization.<sup>59</sup> [See also the chapter on the PTA on pages 49 -54 of this report.]

On 30<sup>th</sup> August 2021, President Gotabaya Rajapaksa declared a state of emergency. The emergency law enabled authorities to detain people without warrants, seize property, enter and search any premises, suspend laws and issue

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<sup>55</sup> **Sri Lanka president tightens grip with constitutional changes.** *The Guardian* (online, 23 October 2020) <https://www.theguardian.com/world/2020/oct/23/sri-lanka-president-gotabaya-rajapaksa-parliament-reforms>

<sup>56</sup> **Sri Lanka: newly adopted 20th Amendment to the Constitution is blow to the rule of law.** *International Commission of Jurists* (online, 27 October 2020). <https://www.icj.org/sri-lanka-newly-adopted-20th-amendment-to-the-constitution-is-blow-to-the-rule-of-law/>

<sup>57</sup> **Repression of Dissent, September 2020.** *Inform* <https://www.inform.lk/repression-of-dissent-september-2020/>

<sup>58</sup> Ibid

<sup>59</sup> Mario Arulthas. **Sri Lanka: Discrimination against Muslims and Tamils is getting worse.** *Middle East Eye* (online, 30 March 2021). <https://www.middleeasteye.net/opinion/how-sri-lankas-future-could-replicate-its-past>

orders that cannot be questioned in court. Officials who issue such orders are also immune from lawsuits.<sup>60</sup>

In October 2021, Gotabaya Rajapaksa established a Presidential Task Force 'One Country, One Law' headed by the notorious extremist monk, and ex-convict, Galagodaaththe Gnanasara. The Presidential Task Force has faced severe criticism from numerous human rights organisations including Sri Lanka's Bar Association (BASL) and the International Commission of Jurists (ICJ). The ICJ warned that the task force may be used to target minorities and highlighted the Gnanasara record of imprisonment for contempt of court and being "openly violent and racist".<sup>61</sup>

In January 2022, Sri Lanka's Ministry of Defence declared that all marriages between Sri Lankan citizens and foreigners would now require military approval, sparking fears across the more than million-strong Tamil diaspora over its ties to the homeland. The new law requires all foreign nationals who are seeking to marry Sri Lankan citizens to obtain a 'Security Clearance Report'.<sup>62</sup>

Human Rights Watch World Report 2022 reported that the Global Alliance of National Human Rights Institutions (GANHRI) is reviewing the status of the Human Rights Commission of Sri Lanka after its independence was removed by the constitutional 20th amendment.<sup>63</sup> The proposed recommendation by the accreditation sub-committee of GANHRI is that the Human Rights Commission of Sri Lanka (HRCSL) be downgraded to B status. Concerns relate to the lack of pluralism in the HRCSL's current membership of Commissioners and staff, as well as its effectiveness in discharging its human rights mandate. The HRCSL has not effectively engaged on and publicly addressed all human rights issues including allegations of deaths in custody and torture, nor has it spoken out in a manner that promotes and protects all human rights.<sup>64</sup>

In March 2022 it was reported by Tamil Guardian that the Ministry of Public Security, in collaboration with the State Ministry of Community Police Service and the Sri Lanka Police, planned to recruit at least two youths as full-time "community assistants" to each 'Grama Nildhari' division under the Community Police Service Programme. The youths would directly report to and assist police officers in obtaining individual and community participation in various activities within their respective 'Grama Niladhari'. Opposing parties have criticized this

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<sup>60</sup> **Sri Lanka Authorities Crack Down on Protests, Stifle Critics and Accused of Torturing Detainees.** CIVICUS (online, 5 October 2021). <https://monitor.civicus.org/about/aboutcivicus/>

<sup>61</sup> **Sri Lankan President rejects resignation of Justice Minister.** *Tamil Guardian* (online, 9 November 2021). <https://www.tamilguardian.com/content/sri-lankan-president-rejects-resignation-justice-minister>

<sup>62</sup> **Fear across Tamil diaspora after Sri Lankan military demands approval before marriage.** *Tamil Guardian* (online, 13 January 2022). <https://www.tamilguardian.com/content/fear-across-tamil-diaspora-after-sri-lankan-military-demands-approval-marriage>

<sup>63</sup> **World Report 2022 -Sri Lanka.** Human Rights Watch. <https://www.hrw.org/world-report/2022/country-chapters/sri-lanka>

<sup>64</sup> **Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation.** GANHRI. October 2021. [pages 31-34] [https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/SCA-Report-October-2021\\_E.pdf](https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/SCA-Report-October-2021_E.pdf)



move, stating that to secretly gather confidential information on society and civilians is unconstitutional and a violation of their Fundamental Rights.<sup>65</sup>

In May 2022, Sri Lankan Prime Minister, Ranil Wickremesinghe, announced a proposed 21st Amendment to strengthen parliament. The leader of Sri Lanka's opposition, Sajith Premadasa, denounced the move, stating that the amendment did not abolish the executive Presidency and that the President could continue to hold an unlimited number of ministerial posts.<sup>66</sup>

In May 2022, Tamil National Alliance MP, MA Sumanthiran, demanded the dissolution of parliament and fresh elections.

*"Even though there has been a change in the individual who is holding the post of Prime Minister, the Rajapaksas are very much in the governance. They haven't gone anywhere. They are showing Ranil Wickremesinghe as PM and he is also happy to do so. Unless this situation is changed, the country cannot come out from the economic crisis,"* said Sumanthiran.<sup>67</sup>

Sumanthiran also noted that the proposed 21<sup>st</sup> Amendment still enabled the President to hold any number of ministerial posts.

*"The proposed draft strengthens presidential powers contrary to what was said about restoring 19A. Why can't they abolish the Executive Presidency altogether without reducing it at the token level?"* he stated.<sup>68</sup>

In July 2022, after the election of Ranil Wickremesinghe as President, Sumanthiran restated his calls to "dissolve Parliament and call General Elections".<sup>69</sup>

In October 2022, the Sri Lankan parliament passed the 22nd Amendment to Sri Lanka's constitution aimed at curbing the powers of the executive presidency. Opposition MPs and human rights organisations maintain that the 22nd Amendment does not go far enough, as it fails to abolish the executive presidency, and allows retention of several key powers.<sup>70</sup>

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<sup>65</sup> **Sri Lanka recruits 'youths' to monitor and report political activities to the police.** *Tamil Guardian* (online, 01 March 2022). <https://www.tamilguardian.com/content/sri-lanka-recruits-youths-monitor-and-report-political-activities-police>

<sup>66</sup> **Sri Lanka's Prime Minister declares 21 Amendment will be passed but opposition remains sceptical.** *Tamil Guardian* (online, 29 May 2022). <https://www.tamilguardian.com/content/sri-lanka-s-prime-minister-declares-21-amendment-will-be-passed-opposition-remains-sceptical>

<sup>67</sup> **TNA demands dissolution of parliament.** *Tamil Guardian* (online, 29 May 2022). <https://www.tamilguardian.com/content/tna-demands-dissolution-parliament>

<sup>68</sup> **TNA demands dissolution of parliament.** *Tamil Guardian* (online, 29 May 2022). <https://www.tamilguardian.com/content/tna-demands-dissolution-parliament>

<sup>69</sup> **'There is no chance that he can bring stability' – Sumanthiran slams Sri Lanka's new President.** *Tamil Guardian* (online, 24 July 2022). <https://www.tamilguardian.com/content/there-no-chance-he-can-bring-stability-sumanthiran-slams-sri-lanka-s-new-president>

<sup>70</sup> **'You are taking us for jokers!' – MA Sumanthiran slams 22nd Amendment.** *Tamil Guardian* (online, 25 October 2022). <https://www.tamilguardian.com/content/you-are-taking-us-jokers-ma-sumanthiran-slams-22nd-amendment>



*"The president still retains the power to prorogue parliament, to hold ministries and the constitutional council will still have mostly government appointees" noted Bhavani Fonseka, a senior researcher at the Centre for Policy Alternatives, a Colombo-based think tank.<sup>71</sup>*

The March 2023 Sri Lanka Report by the UN Human Rights Committee expressed concern that the amendment still appears to allow the executive presidency to have undue influence on the independence of oversight institutions, including the judiciary and the Human Rights Commission of Sri Lanka.<sup>72</sup>

The UN Human Rights Committee expressed deep concern about 'the extreme delay in bringing to justice perpetrators of past human rights violations that occurred during the conflict. It regrets that domestic legislation does not criminalize war crimes, crimes against humanity, and genocide.' The Committee expressed its 'concern about reports of interference in and obstruction of judicial and investigative processes by politicians and members of security force' and 'the continued appointment and promotion of military personnel, accused of war crimes during the conflict, which fosters a climate of impunity.'<sup>73</sup>

On 22 March 2023, the Wickremesinghe government published the proposed "Anti-Terrorism Bill" which, if adopted, would replace the Prevention of Terrorism Act (PTA). The Anti-Terrorism Bill purports to do away with the provisions of the PTA that were considered in violation of international human rights law. However, the International Commission of Jurists (ICJ) fear it will 'give rise to a panoply of human rights violations and, much as the existing PTA, is open to misuse'. The ICJ renewed its call on Sri Lanka to repeal the PTA and immediately halt attempts to replace it with an even worse piece of legislation that includes re-introducing the death penalty.<sup>74</sup>

The Anti-Terrorism Bill, "appears designed to give the president, police, and military broad powers to detain people without evidence, to make vaguely defined forms of speech a criminal offense, and to arbitrarily ban gatherings and organizations without meaningful judicial oversight" warned Human Rights Watch. Sri Lanka's police and military will have sweeping powers "to stop, question, search, and arrest anyone, or seize any document or object without a warrant, if they believe they have 'reasonable grounds'". The military will have 24

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<sup>71</sup> **You are taking us for jokers!' – MA Sumanthiran slams 22nd Amendment.** *Tamil Guardian* (online, 25<sup>th</sup> October 2022). <https://www.tamilguardian.com/content/you-are-taking-us-jokers-ma-sumanthiran-slams-22nd-amendment>

<sup>72</sup> **UN Human Rights Committee. Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023.** [point 11] [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FLKA%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FLKA%2FCO%2F6&Lang=en)

<sup>73</sup> **UN Human Rights Committee. Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023.** [point 11] [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FLKA%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FLKA%2FCO%2F6&Lang=en)

<sup>74</sup> **Sri Lanka: Proposed "anti-terror" bill set to introduce death penalty and break existing human rights violations record.** *ICJ* (online, 31<sup>st</sup> March 2023). <https://www.icj.org/sri-lanka-proposed-anti-terror-bill-set-to-introduce-death-penalty-and-break-existing-human-rights-violations-record/>

hours to transfer a detainee to police custody, placing detained people at greater risk of abuse. HRW have called for the repeal of the proposed Anti-Terrorism Bill.<sup>75</sup>

*“The proposed counterterrorism law would permit the Sri Lankan government to continue to use draconian measures to silence peaceful critics and target minorities,”*

said Meenakshi Ganguly, South Asia director at Human Rights Watch.

*“The government’s crackdown on dissent and misuse of existing counterterrorism laws to arbitrarily detain protesters highlights the obvious risk of abuse.”<sup>76</sup>*

Tamil political parties opposed the Anti -Terrorism Bill, as a piece of legislation that violates human rights and has the potential to increase violence against ethnic and religious minorities, journalists, dissenters, cooperatives, and trade unions. They called for a hartal (shutdown) on April 25th, 2023, throughout the North-East of the island to show opposition to the legislation and the ongoing Sinhalisation of the Tamil homeland and bring to light the ongoing oppression faced by Tamil and Muslim communities in Sri Lanka and the urgent need for the government to take action to address these issues.<sup>77</sup> The hartal caused a complete halt to all economic activities and movement of the public across the North-East.

In June 2023, Chairman of the Oversight Committee on National Security Rear Admiral Sarath Weerasekara MP, publicly denounced calls for repealing Sri Lanka’s Prevention of Terrorism Act (PTA). This statement comes as Sri Lanka faces growing international condemnation for its maintenance of the PTA which has been linked to arbitrary detention, torture and extrajudicial killings.<sup>78</sup>

In June 2023, Sri Lanka’s Public Security Minister, Tiran Alles, called for the mandatory registration of non-governmental organisations, “so that we can monitor them closely” he said.<sup>79</sup>

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<sup>75</sup> **Sri Lanka: Reject New Counterterrorism Bill.** *Human Rights Watch* (online, 7 April 2023). <https://www.hrw.org/news/2023/04/07/sri-lanka-reject-new-counterterrorism-bill>

<sup>76</sup> Ibid.

<sup>77</sup> **Hartal opposing new anti-terror legislation and Sinhalisation brings North-East to a standstill.** *Tamil Guardian* (online, 25 April 2023). <https://www.tamilguardian.com/content/hartal-opposing-new-anti-terror-legislation-and-sinhalisation-brings-north-east-standstill>

<sup>78</sup> **Sri Lanka’s Public Security Minister bemoans weak response to accusations of genocide.** *Tamil Guardian* (online, 13 June 2023). <https://www.tamilguardian.com/content/sri-lanka-s-public-security-minister-bemoans-weak-response-accusations-genocide>

<sup>79</sup> **Sri Lankan Minister calls for NGOs to be monitored closely.** *Tamil Guardian* (online, 13 June 2023). <https://www.tamilguardian.com/content/sri-lankan-minister-calls-ngos-be-monitored-closely>

## Attacks on journalists, lawyers & human rights organisations

Intimidation of Tamil journalists and human rights defenders in the highly militarized North and East of Sri Lanka continues with impunity. Threatening family members of human rights defenders is an additional burden to the hardship they are forced to endure.<sup>80</sup>

The March 2023 Sri Lanka Report by the UN Human Rights Committee states:

‘The Committee is concerned about reports of severe restrictions on freedom of opinion and expression in the State party, such as:

Harassment, intimidation, surveillance, disappearances and killings of journalists, human rights activists and other media workers with impunity.’<sup>81</sup>

In July 2022, UN Human Rights Office spokesperson Jeremy Laurence condemned the reported beatings of protesters, journalists and lawyers in the days after the election of President Ranil Wickremesinghe. It was reported that security forces had attacked journalists and lawyers, especially those trying to record the events or carrying cameras or phones, with at least two arrested. At least four journalists were beaten and assaulted by the security forces. Two were hospitalized.<sup>82</sup> In its August 2022 report, Human Rights Watch also condemned the attack, stating that the Sri Lankan government was using emergency regulations to harass and arbitrarily detain activists seeking political reform and accountability for the country’s economic crisis.<sup>83</sup>

The Human Rights Watch World Report 2022 reported that ‘the government continued to harass, threaten and surveil victims’ families, as well as lawyers and groups representing them. Intelligence agencies and the military interfere in the work of civil society organizations, particularly in the north and east, and suppress perceived dissent. Human rights organizations reported regular visits to their offices by security agencies including the police Terrorism Investigation Division.’<sup>84</sup>

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<sup>80</sup> **Continued Harassment Against Sri Lankan Human Rights Defender and Journalist Selvakumar Nilanthan.** *Frontline Defenders* (online, 05 December 2022). <https://www.frontlinedefenders.org/en/case/continued-harassment-against-sri-lankan-human-rights-defender-selvakumar-nilanthan>

<sup>81</sup> **UN Human Rights Committee. Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023.** [point 40a] [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FLA%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FLA%2FCO%2F6&Lang=en)

<sup>82</sup> **Comment by UN Human Rights Office spokesperson Jeremy Laurence on raid on Sri Lanka protest camp.** *OHCHR* (online, 22 July 2022). <https://www.ohchr.org/en/statements/2022/07/comment-un-human-rights-office-spokesperson-jeremy-laurence-raid-sri-lanka>

<sup>83</sup> **Sri Lanka: Heightened Crackdown on Dissent. End Arbitrary Arrests, Harassment of Protesters, Activists, Journalists.** *Human Rights Watch* (online, 2 August 2022). <https://www.hrw.org/news/2022/08/02/sri-lanka-heightened-crackdown-dissent>

<sup>84</sup> **World Report 2022 -Sri Lanka.** *Human Rights Watch*. <https://www.hrw.org/world-report/2022/country-chapters/sri-lanka>

In January 2021, the United Nations Commissioner for Human Rights, Michelle Bachelet, in her Report to the UN Human Rights Council, urged the Sri Lankan Government to order Sri Lankan authorities,

*“to immediately end all forms of surveillance, including intimidating visits by State agents and harassment against human rights defenders, lawyers, journalists, social actors and victims of human rights violations and their families, and to refrain from imposing further restrictive legal measures on legitimate civil society activity,”*<sup>85</sup>

The Report stated:

*“Significant challenges and negative trends have emerged over the past year which have profoundly changed the environment for reconciliation, accountability and human rights.”*<sup>86</sup>

The Report highlighted:

*“i) militarization of civilian government functions; ii) reversal of Constitutional safeguards; iii) political obstruction of accountability for crimes and human rights violations; iv) majoritarian and exclusionary rhetoric; v) surveillance and obstruction of civil society and shrinking democratic space; and vi) new and exacerbated human rights concerns. The High Commissioner is concerned these represent important early warning indicators that require the Human Rights Council’s urgent attention.”*<sup>87</sup>

In September 2021, the United Nations Commissioner for Human Rights, Michelle Bachelet, in her Oral Update to the UN Human Rights Council stated that:

*“Regrettably, surveillance, intimidation and judicial harassment of human rights defenders, journalists and families of the disappeared has not only continued, but has broadened to a wider spectrum of students, academics, medical professionals and religious leaders critical of government policies. Several peaceful protests and commemorations have been met with excessive use of force and the arrest or detention of demonstrators in quarantine centres.”*

*“New regulations on civil society groups are being drafted, and it is widely feared that they will further tighten restrictions on fundamental freedoms. I am deeply concerned about further deaths in police custody, .... as well as continuing reports of torture and ill-treatment by law enforcement officials.”*<sup>88</sup>

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<sup>85</sup> **Sri Lanka on alarming path towards recurrence of grave human rights violations – UN report.** Office of the High Commissioner for Human Rights (online 27 January 2021) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26695&LangID=E>

<sup>86</sup> **Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021** (page 6, point 18). [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)

<sup>87</sup> **Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021** (page 6, point 19). [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)

<sup>88</sup> **Oral Update on the human rights situation in Sri Lanka. Statement by Michelle Bachelet, UN High Commissioner for Human Rights.** September 2021. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27447&LangID=E>

An Amnesty International Report published in May 2021 stated that “human rights defenders, journalists, lawyers and criminal investigators, came under increased intimidation and harassment during 2020. Law enforcement officials paid unannounced visits to human rights organizations and enquired about their work and funders. At least 18 such visits were recorded in the north, east and west of Sri Lanka during the year and 13 incidents of intimidation of journalists. Dharisha Bastians, former editor of a state-owned newspaper and New York Times correspondent, was under investigation for reporting on various cases and human rights issues.”<sup>89</sup>

In August 2020, Human Rights Watch (HRW) expressed deep concern regarding a ‘campaign of fear and intimidation against human rights activists, journalists, lawyers, and others challenging government policy’ being waged by the Rajapaksa government.

At the time of the HRW report over 66,000 individuals had been arrested for allegedly breaching curfew. Contact tracing was run by the military and there was no confidentiality in the process. On 1 April 2020 it was announced by the police that any criticism of this response would result in arrest.<sup>90</sup>

In February 2020, the UN High Commissioner noted that Sri Lankans who had travelled to attend sessions of the Human Rights Council had been questioned about their trips. In March 2020, several participants at the Council’s session reported having been questioned before and after travel and surveilled during Council sessions and NGO side events. In December 2019, the Assistant Secretary-General addressed patterns of intimidation and reprisals in writing to the Government.<sup>91</sup>

In August 2020, the NGO Secretariat, which oversees the non-government organisations working in Sri Lanka, was placed under the purview of the Defence Ministry. Thirty other state organisations were also placed under Defence Ministry control.<sup>92</sup>

In September 2020, the Director of the NGO Secretariat, Raja Gunaratne, told local Newspaper the *Sunday Observer* that ‘some NGOs pose a serious threat to national security, spreading extremist ideologies. And discussions are underway to draft a new Act to overcome these drawbacks.’<sup>93</sup> Human Rights Watch links this move to

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<sup>89</sup> **Sri Lanka 2020.** Amnesty International. May 2021. <https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/>

<sup>90</sup> **Sri Lanka: Increasing Suppression of Dissent.** *Human Rights Watch* (online, 8 August 2020) <https://www.hrw.org/news/2020/08/08/sri-lanka-increasing-suppression-dissent>

<sup>91</sup> **Human Rights Council, Forty-fifth session 14 September–2 October 2020.** Agenda items 2 & 5. [https://www.ohchr.org/Documents/Issues/Reprisals/A\\_HRC\\_45\\_36.docx](https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_45_36.docx)

<sup>92</sup> **Sri Lanka: Increasing Suppression of Dissent.** *Human Rights Watch* (online, 8 August 2020) <https://www.hrw.org/news/2020/08/08/sri-lanka-increasing-suppression-dissent>

<sup>93</sup> Tharaka Wickremasekera. **New laws for NGOs on the cards.** *Sunday Observer* (online, 27 September 2020) <http://www.sundayobserver.lk/2020/09/27/news/new-laws-ngos-cards>

the work of human rights organisations in holding the Rajapaksa government accountable for the war crimes committed between 2005 and 2015.<sup>94</sup>

Further highlighting the censorship imposed by the new administration, Inform, a Sri Lankan human rights group, reported that, from January 1, 2021, to March 31, 2021, alone, there were 78 reported incidents of repression of dissent, with individual incidents often including multiple people. The majority of these were against journalists, protestors in the Northern and Eastern Provinces, and activists and civil society organisations. The highest number of incidents indicated 'systematic discrimination and targeting of the country's ethnic minorities, especially of Tamil individuals'. The perpetrators were predominantly linked to the state, including military, police, state institutions and officials, courts, and politicians.<sup>95</sup>

In November 2020, Sarath Weerasekara, was sworn in as Minister of Public Security. Retired Rear Admiral Weerasekara is known as an ultra-nationalist who has previously called for civil society groups and NGOs to be charged with treason and sentenced to death if they 'slander the government'.<sup>96</sup> Weerasekara remained in the role of Minister of Public Security until April 2022.

## Attacks against journalists

According to the Jaffna Press Club, 'The Tamil media field was and continues to be the most frequent target of threats and killings in Sri Lanka.'<sup>97</sup> The 2022 World Press Freedom Index, compiled by Reporters Without Borders, ranks Sri Lanka 146th out of a total of 180 countries, reporting a surge in cases of police harassment of journalists, including raids, interrogations, and acts of intimidation, since Gotabaya Rajapaksa was installed as President. Officials regularly invoke the anti-terrorism law to silence journalists, especially those who try to report on conditions for the Tamil minority in the island's north and east.<sup>98</sup>

In April 2023, journalist and human rights defender Ramachandran Sanath was summoned to appear before the Terrorism Investigation Department (TID) in Central Province. The TID refused to disclose the purpose of the inquiry. Human

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<sup>94</sup> **Sri Lanka: Increasing Suppression of Dissent.** *Human Rights Watch* (online, 8 August 2020) <https://www.hrw.org/news/2020/08/08/sri-lanka-increasing-suppression-dissent>

<sup>95</sup> **Repression of Dissent in Sri Lanka, 1 January 2021- 31 March 2021.** *Inform* <https://www.inform.lk/repression-of-dissent-in-sri-lanka-january-march-2021/>

<sup>96</sup> **Retired Sri Lankan Admiral Weerasekara calls for the abolition of 19th amendment.** *Tamil Guardian* (online, 8 August 2020) <https://www.tamilguardian.com/content/retired-sri-lankan-admiral-weerasekara-calls-abolition-19th-amendment>

<sup>97</sup> **No justice for crimes against journalists in Sri Lanka - Jaffna Press Club.** *Tamil Guardian* (online, 8 November 2020) <https://www.tamilguardian.com/content/no-justice-crimes-against-journalists-sri-lanka-jaffna-press-club>

<sup>98</sup> **2022 World Press Freedom Index.** *Reporters Without Borders.* <https://rsf.org/en/sri-lanka>



rights organisation Front Line Defenders believes it is linked to his human rights and journalism work.<sup>99</sup>

In February 2022 the residence of Colombo-based journalist, Chamuditha Samarawickrama, was attacked by masked gunmen travelling in a white van. The attack took place just 14 days ahead of a UN Human Rights Council session and followed a series of controversial videos released by the journalist, the latest of which laid allegations against the extremist Buddhist monk Galabada the Gnanasara who heads Sri Lanka's task force for 'One Country, One Law'.<sup>100</sup>

In December 2022 Tamil Guardian reported that Sri Lankan police had visited the home of journalist Selvakumar Nilanthan in Batticaloa and interrogated his family about his whereabouts. Nilanthan was forced to leave Sri Lanka 8 months earlier due to continuous threats and intimidation. Police threatened the family that if Nilanthan did not respond to police summons the family would be forced to appear instead.<sup>101</sup>

In February 2022, freelance journalist Nilanthan, secretary of the Batticaloa District Tamil Journalists Association, was interrogated twice by officers from Sri Lanka's Criminal Investigation Department (CID) about alleged links to the Tamil diaspora.<sup>102</sup> These interrogations had followed over two years of previous interrogations and threats. In January 2020, unidentified people circulated leaflets in Batticaloa, Eastern Province, stating that Nilanthan and six other journalists would be "given death punishment" for writing critically about the Sri Lankan government. In November 2020, police in Batticaloa district questioned Nilanthan at his home after he reported on the concerns of Tamil dairy farmers following the growth of military-backed Sinhalese settlements in the district. In July 2021, officers with the Batticaloa district's Terrorism Investigation Division, interrogated Nilanthan, and in August 2021 officers from the Batticaloa Special Crime Branch interrogated journalist Sasikaran, treasurer of the Batticaloa District Tamil Journalists Association.

Steven Butler, Committee to Protect Journalists' Asia program coordinator said,

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<sup>99</sup> **Journalist and human rights defender Ramachandran Sanath summoned for interrogation by the Terrorist Investigation Department.** *Front Line Defenders* (online, 5<sup>th</sup> April 2023) <https://www.frontlinedefenders.org/en/case/journalist-and-human-rights-defender-ramachandran-sanath-summoned-interrogation-terrorist>

<sup>100</sup> **Gunmen in white van attack journalist in Sri Lanka.** *Tamil Guardian* (online, 14 February 2022). <https://www.tamilguardian.com/content/gunmen-white-van-attack-journalist-sri-lanka>

<sup>101</sup> **Sri Lankan police interrogate Tamil journalist's family.** *Tamil Guardian* (online, 01 December 2022). <https://www.tamilguardian.com/content/sri-lankan-police-interrogate-tamil-journalist-s-family>

<sup>102</sup> **Sri Lanka's Criminal Investigation Department interrogates Tamil journalist.** *Tamil Guardian* (online, 13 February 2022). <https://www.tamilguardian.com/content/sri-lankas-criminal-investigation-department-interrogates-tamil-journalist>



*“Police should not be using intimidation tactics to prevent journalists from covering protests by Sri Lanka’s Tamil community, or any others.”*<sup>103 104</sup>

In December 2021, Saheer Ahmed, a Muslim journalist based in Amparai, Eastern Province, received a death threat from a police officer from the Akkaraipattu station. The police officer threatened him with disappearance and death if he did not obey his orders, which included dropping complaints of human rights abuses made against the policeman.<sup>105</sup>

In November 2021, Tamil journalist Vishwalingam Vishwachandran was attacked and beaten with a palm frond wrapped in barbed wire by military men in Mullaitivu, Northern Province, suffering serious injuries to his stomach, arms, and leg.<sup>106</sup>

## **Attacks against lawyers**

In August 2021, Tamil Guardian reported that over 70 individuals and organisations, including prominent religious leaders and human rights advocates in Sri Lanka, had demanded the immediate release of prominent lawyer Hejaaz Hizbullah who had been detained under the country’s draconian Prevention of Terrorism Act for over 500 days. Hizbullah was recognised as a Prisoner of Conscience by Amnesty International on 14th July 2021. The statement highlighted the detention of Hizbullah as an emblematic case, reflecting “egregious human rights abuses that take place under the PTA”. Included in this is “the fact that Tamil persons have endured prolonged detention both at the pre-trial and trial stages under the PTA”. They further noted that “detainees have been acquitted after detention periods of up to fifteen years”.<sup>107</sup> [See also the chapter on the PTA on pages 49-54 of this report.]

In February 2022 Hejaaz Hizbullah was finally released, following almost 2 years in Sri Lankan detention. However, the lawyer was only granted bail and Sri Lankan authorities can still detain and charge him under the draconian act, which for decades has been slammed by human rights organisations around the world.

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<sup>103</sup> **Sri Lankan anti-terror authorities interrogate journalist Selvakumar Nilanthan.** *Committee to Protect Journalists* (online, 14 July 2021) <https://cpj.org/2021/07/sri-lankan-anti-terror-authorities-interrogate-journalist-selvakumar-nilanthan/>

<sup>104</sup> **Sri Lanka police repeatedly interrogate journalist Punniyamoorthy Sasikaran.** *Committee to Protect Journalists* (online, 25 August 2021) <https://cpj.org/2021/08/sri-lanka-police-repeatedly-interrogate-journalist-punniyamoorthy-sasikaran/>

<sup>105</sup> **'Your name will appear on the disappeared persons list' - Sri Lankan police warn Muslim journalist.** *Tamil Guardian* (online, 22 December 2021). <https://www.tamilguardian.com/content/your-name-will-appear-disappeared-persons-list-sri-lankan-police-warn-muslim-journalist>

<sup>106</sup> **Sri Lanka military to probe itself over alleged torture of Tamil journalist.** *Journalists for Democracy in Sri Lanka* (online, 29 November 2021). <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/1061-sri-lanka-military-to-probe-itself-over-alleged-torture-of-tamil-journalist>

<sup>107</sup> **Over 70 individuals and organisations demand the release of Hizbullah.** *Tamil Guardian* (online, 29 August 2020). <https://www.tamilguardian.com/content/over-70-individuals-and-organisations-demand-release-hizbullah>

*“Ever since he was arrested in April 2020, prosecutors have only brought baseless accusations against him,” said Yamini Mishra, Amnesty International’s South Asia Director. “Hejaaz is a respected lawyer and minority rights activist who should have never been detained in the first place.”* <sup>108</sup>

## Forced disappearances

### Families of the Disappeared

The Office on Missing Persons is the Sri Lankan organisation responsible for “protecting the rights of the missing and disappeared and their families.” <sup>109</sup>

After the August 2020 General Election, the Office on Missing Persons was relegated to smaller premises and brought under the Justice Ministry, headed by Gotabaya Rajapaksa’s personal lawyer, Minister Ali Sabry.<sup>110</sup> The official website of the Office on Missing Persons no longer exists.

Amnesty International estimates that there have been at least 60,000 and as many as 100,000 cases of enforced disappearance in Sri Lanka since the 1980s. <sup>111</sup>

According to cases outstanding before the UN Working Group on Enforced or Involuntary Disappearances in 2021, Sri Lanka had the second largest number of enforced disappearances in the world, recorded at 6,259. <sup>112</sup>

The March 2023, Amnesty International report, ‘The State of the World’s Human Rights’ noted that Tamil families of the disappeared do not have any confidence in domestic mechanisms such as the Office of Missing Persons which has failed to provide answers. The state’s forces have repeatedly subjected them to intense surveillance and harassment, and they have been “pressured to accept financial compensation and death certificates in lieu of certificates of absence until the fate of those forcibly disappeared could be ascertained.” <sup>113</sup>

The March 2023 Report on Sri Lanka by the UN Human Rights Committee states that the Committee:

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<sup>108</sup> **Free at last? Hejaaz released on bail, but Sri Lanka’s terrorism law looms large.** *Tamil Guardian* (online, 9 February 2022). <https://www.tamilguardian.com/content/free-last-hejaaz-released-bail-sri-lanka-s-terrorism-law-looms-large>

<sup>109</sup> The official website of the **Office on Missing Persons** previously at <http://www.ompsrilanka.org/home>

<sup>110</sup> Minoli de Soysa. **Search for the Missing: A Testament to the Enduring Power of Grief.** 20 August 2020. Groundviews – Journalism for Citizens <https://groundviews.org/2020/08/20/search-for-the-missing-a-testament-to-the-enduring-power-of-grief/>

<sup>111</sup> **Still No Answers- An update on the rights of victims of enforced disappearances in Sri Lanka.** **Amnesty International 2022.** <https://www.amnesty.org/en/wp-content/uploads/2022/03/ASA3752782022ENGLISH.pdf>

<sup>112</sup> **Report of the UN Working Group on Enforced or Involuntary Disappearances, August 2021,** A/HRC/48/57, <https://undocs.org/A/HRC/48/57>

<sup>113</sup> **Amnesty International Report 2022/2023. The State of the World’s Human Rights. SRI LANKA 2022.** **Amnesty International. March 2023.** <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/report-sri-lanka/>

'Is concerned by the lack of progress in clarifications of the whereabouts and fate of persons subjected to enforced disappearances and of the appointments to these bodies of individuals implicated in the past human rights violations and interference in prosecutions of such cases, which deters victims and their relatives from seeking justice.'<sup>114</sup>

In January 2023, the Sri Lankan army intervened to prevent the Tamil Families of the Disappeared from participating in peaceful protests in Jaffna, disrupting their journey from Mullaitivu to Jaffna. They engaged in tactics of intimidation and noted down the details of the travelers' vehicles. Peaceful protesters in Jaffna were subjected to the violent use of riot shields and water cannons by Sri Lankan police.<sup>115</sup>

'Since the election of Gotabaya Rajapaksa, the Sri Lankan police, military and intelligence forces have escalated pressure against leaders in associations of the families of the disappeared, who are predominantly women, through increasingly severe threats and harassment that are intended to deter and silence existing and future activism' stated the Jaffna-based Adayaalam Centre for Policy Research in a briefing released in May 2022. <sup>116</sup> Drawing on interviews with the families themselves, the briefing outlined the threats and harassment they face as part of state efforts to nullify their protests. Families of the disappeared feel increasingly isolated from their communities' support and protection due to the systematic intimidation of their relatives, friends, and neighbors.

President Wickremesinghe's callous remarks in the past, on the struggle to find answers to the whereabouts of the forcibly disappeared, remain fresh in the minds of Tamils. In 2016, he triggered outrage amongst Tamils in the North-East, when he twice claimed that the thousands of Tamils that surrendered during the final phase of the armed conflict or were forcibly disappeared were "most probably dead". He offered no explanation as to who killed them or why they had died. In 2019, at an event in Kilinochchi, he told Tamils to "forget the past and move forward." <sup>117</sup>

In October 2022, the chairman of Sri Lanka's Office of Missing Persons, Mahesh Katundala, claimed "there was no evidence" that the many thousands of Tamils who had surrendered to the Sri Lankan military in 2009 had been abducted by the security forces. For more than 13 years, Tamil families across the North-East have

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<sup>114</sup> UN Human Rights Committee. **Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023.** [point 12]. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F6%2F6%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F6%2F6%2F6&Lang=en)

<sup>115</sup> 'The latest attempt to suppress a peaceful protest in the North and East' - Adayaalam, PEARL & TCSF. *Tamil Guardian* (online, 19 January 2023). <https://www.tamilguardian.com/content/latest-attempt-suppress-peaceful-protest-north-and-east-adayaalam-pearl-tcsf>

<sup>116</sup> **Situation Briefing No.6: Deteriorating Security Situation for Families of the Disappeared in the North-East of Sri Lanka.** Adayaalam Centre for Policy Research. May 2022. <http://adayaalam.org/situation-briefing-no-6-deteriorating-security-situation-for-families-of-the-disappeared-in-the-north-east-of-sri-lanka/>

<sup>117</sup> **Ranil Wickremesinghe declared Sri Lanka's president.** *Tamil Guardian* (online, 20 July 2022) <https://www.tamilguardian.com/content/ranil-wickremesinghe-declared-sri-lanka-s-president>

demanded to know the whereabouts of their loved ones. Many of them personally witnessed handing over their relatives to the army. Katundala however, claimed it was the LTTE who had abducted the “majority” of the disappeared people.<sup>118</sup>

“Although the purpose of the Office is to trace and search for the missing, it has not been able to trace a single disappeared person or clarify the fate of the disappeared in meaningful ways, and its current purpose is to expedite the closure of files.”

stated the Situation of Human Rights in Sri Lanka -Comprehensive Report of the United Nations High Commissioner for Human Rights in October 2022.<sup>119</sup>

This Report further stated that:

‘Families of the disappeared face surveillance, questioning, intimidation and unannounced visits by intelligence and police officers, especially when they are actively involved in protests or memorialization. As highlighted in previous reports, women are particularly affected, given their prominent role in advocating for justice. Civil society organizations throughout the country continue to be questioned about their work and funding sources.<sup>120</sup>

On March 20th, 2022, families of Tamils who were disappeared during Sri Lanka’s armed conflict, led mostly by elderly mothers, were on their way to protest Sri Lankan Prime Minister Mahinda Rajapaksa’s visit to Jaffna when they were locked inside a bus by Sri Lankan police officers in Madduvil. They were then pushed, beaten, and trampled so badly that the coordinator of the Mullaitivu Disappeared Relatives’ Association and a mother of the disappeared from Vavuniya had to be admitted to their district hospital for a two-day stay. Villagers who witnessed the incident described their feelings of helplessness at not being able to intervene because they were surrounded by armed police, Special Task Force and military officers.<sup>121</sup>

Speaking in September 2021 at the 48th UN Human Rights Council session, Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, Fabian Salvioli said:

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<sup>118</sup> ‘No genocide in Sri Lanka’ - OMP chairman denies surrendered Tamils are missing. *Tamil Guardian* (online, 26 October 2022). <https://www.tamilguardian.com/content/no-genocide-sri-lanka-omp-chairman-denies-surrendered-tamils-are-missing>

<sup>119</sup> A/HRC/51/5: Situation of human rights in Sri Lanka - Comprehensive report of the United Nations High Commissioner for Human Rights. Published 04 October 2022. [pages 9-10, Section V A: 42]. <https://www.ohchr.org/en/documents/reports/ahrc515-situation-human-rights-sri-lanka-comprehensive-report-united-nations-high>

<sup>120</sup> A/HRC/51/5: Situation of human rights in Sri Lanka - Comprehensive report of the United Nations High Commissioner for Human Rights. Published 04 October 2022. [page 7, Section 1V D: 31]. <https://www.ohchr.org/en/documents/reports/ahrc515-situation-human-rights-sri-lanka-comprehensive-report-united-nations-high>

<sup>121</sup> Situation Briefing No.6: Deteriorating Security Situation for Families of the Disappeared in the North-East of Sri Lanka. Adayaalam Centre for Policy Research. May 2022. <http://adayaalam.org/situation-briefing-no-6-deteriorating-security-situation-for-families-of-the-disappeared-in-the-north-east-of-sri-lanka/>

*“The last 18 months [in Sri Lanka] have witnessed a profound deterioration in the human rights situation, which jeopardizes the transitional justice process”.*

*“I deeply regret the lack of implementation of the recommendations made in the report, the insufficient progress in relation to the search for the truth, and the flagrant setback in the areas of accountability, memory and guarantees of non-repetition”*<sup>122</sup>

In May 2021, the Parliament Council appointed former Inspector General of Police, Hapu Arachchige Jayantha Shantha Kumara Wickremaratne as a member of the Office of Missing Persons. The International Truth and Justice Project (ITJP) said the recent appointment of the war time police chief to the Office of Missing Persons "completes the militarisation of this transitional justice mechanism" and "obliterates any chance of truth and justice" for Tamil families of the disappeared.<sup>123</sup> In June 2021, the UN Commissioner for Human Rights Michelle Bachelet expressed concern regarding the recent appointments to Sri Lanka's Office of Missing Persons and Office for Reparations and that steps to discourage investigations into past crimes, are further undermining victims' trust.<sup>124</sup>

In March 2021, the United Nations Human Rights Council passed a resolution on accountability and justice in Sri Lanka to mandate the Office of the High Commissioner for Human Rights to "collect" as well as "consolidate, analyse and preserve" evidence that could be used in future war crimes trials. The resolution also expressed *“serious concern at the trends emerging over the past year, which represent a clear early warning sign of a deteriorating situation of human rights in Sri Lanka”* and highlighted *“ongoing impunity and political obstruction of accountability for crimes and human rights violations”*.<sup>125</sup> In October 2022, the UN Human Rights Council adopted resolution 51/L1 on Sri Lanka, which will “extend and reinforce the capacity of the Office of the High Commissioner to collect, consolidate, analyse and preserve” evidence that may be used in future war crimes trials.<sup>126</sup>

Families of the disappeared, and lawyers acting on their behalf, continue to face threats and harassment from the authorities and from non-state actors in their

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<sup>122</sup> **Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. Fabián Salvioli.** September 2021. Human Rights Council, Forty-eighth session. [Sri Lanka page 19] [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_48\\_60\\_Add.2\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_60_Add.2_E.pdf)

<sup>123</sup> **Appointment of former police chief to OMP 'obliterates any chance of truth and justice' says ITJP.** *Tamil Guardian* (online, 1 June 2021). <https://www.tamilguardian.com/content/appointment-former-police-chief-omp-obliterates-any-chance-truth-and-justice-says-itjp>

<sup>124</sup> **UN rights chief voices concern over Sri Lanka's counter-terrorism laws.** *Adaderana.lk* (online, 21 June 2021). <http://www.adaderana.lk/news/74822/un-rights-chief-voices-concern-over-sri-lankas-counter-terrorism-laws>

<sup>125</sup> **UN Human Rights Council passes resolution mandating war crimes evidence collection on Sri Lanka.** *Tamil Guardian* (online, 23 March 2021). <https://www.tamilguardian.com/content/un-human-rights-council-passes-resolution-mandating-war-crimes-evidence-collection-sri-lanka>

<sup>126</sup> **UN passes resolution on collecting evidence for Sri Lankan war crimes trials.** *Tamil Guardian* (online, 06 October 2022). <https://www.tamilguardian.com/content/un-passes-resolution-collecting-evidence-sri-lankan-war-crimes-trials>

search for justice, truth, and reparation stated Amnesty International in November 2020.<sup>127</sup>

In September 2020, the UN Working Group on Enforced or Involuntary Disappearances made the following observations in relation to situations of particular concern in Sri Lanka:

“The Working Group is concerned by the deteriorating civil society space in Sri Lanka and emphasizes that relatives of forcibly disappeared individuals as well as others such as witnesses and defence counsels should be protected against any form of intimidation, harassment or ill-treatment, and that the Government has the duty to guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons and to assist victims of enforced disappearances.”<sup>128</sup>

The UN Working Group in September 2020 also expressed alarm that Former Army sergeant Sunil Ratnayake was granted a Presidential Pardon in March 2020 after being convicted of the murder of eight civilians including children. The Working Group stated that Sri Lanka has an obligation to hold criminally responsible perpetrators of enforced disappearances and other serious violations under international humanitarian law, as well as certain superior officers and to impose sanctions that are appropriate and proportionate to the crime committed.<sup>129</sup>

According to Sri Lankan human rights group Inform, on 30 September 2020, Mariasuresh Easwary, the head of the Mullaitivu Missing Persons’ Association, was threatened by two military officials regarding a protest she had planned for Children’s Day.<sup>130</sup>

Tamil activists have been “*abducted, tortured and raped because of their involvement in the search for the truth about the disappeared in Sri Lanka*” stated the International Truth and Justice Project in August 2020.<sup>131</sup>

The Presidential Secretariat stated in January 2020 that after necessary investigations, steps would be taken to issue a death certificate and the necessary support for families of the disappeared to rebuild their lives.<sup>132</sup> In May 2020, the

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<sup>127</sup> **Sri Lanka: Deliver justice, truth and reparation to families of the disappeared.** *Amnesty International* (online, 20 November 2020). <https://www.amnesty.org/en/latest/news/2020/11/sri-lanka-deliver-justice-truth-and-reparation-to-families-of-the-disappeared/>

<sup>128</sup> **Enforced or involuntary disappearances -Report of the Working Group on Enforced or Involuntary Disappearances.** Human Rights Council, Forty-fifth session, 14 September–2 October 2020. page 22. <https://undocs.org/en/A/HRC/45/13>

<sup>129</sup> **Mandates of the Working Group on Enforced or Involuntary Disappearances.** 11 May 2020. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25117>

<sup>130</sup> **Repression of Dissent: September 2020.** <https://www.inform.lk/repression-of-dissent-september-2020/>

<sup>131</sup> **Press Release: Raped and Tortured for Collecting the Names of the Disappeared.** *ITJP* (online, 30 August 2020). <https://itjpsl.com/assets/press/ENGLISH-ITJP-Press-release-Disappearance.pdf>

<sup>132</sup> **Death Certificates for Missing after Investigations.** Presidential Secretariat Press Release. January 2020. <https://www.presidentsoffice.gov.lk/index.php/2020/01/24/death-certificates-for-missing-after-investigations/>



UN Working Group on Enforced or Involuntary Disappearances recommended that Sri Lanka take appropriate steps regarding the legal situation of disappeared persons whose fate has not been clarified, including legal frameworks for their relatives in fields such as social welfare, financial matters, family law and property rights.<sup>133</sup> Without a death certificate, some families of the disappeared have struggled to access support.

The Gotabaya Rajapaksa Government ceased issuing interim relief payments to families of the disappeared, causing them further financial distress stated Amnesty International in November 2020. The Government stated that it would review the Act establishing the Office on Missing Persons, fearing that that the work of the Office on Missing Persons would enable war crime charges to be brought against the Sri Lankan military.<sup>134</sup>

## The situation for Tamils

While the tightening of civil liberties by the Rajapaksa government negatively impacted a wide range of minority groups within Sri Lanka, the risk posed to the Tamil community was especially acute. The majority of Sri Lankan Tamils live in the Northern Province and Eastern Province of Sri Lanka. The Sri Lankan security forces have a long history of brute force against the Tamil population on the island. The North-East remains heavily militarized, with army personnel regularly intimidating and harassing locals.

Ranil Wickremesinghe's visits to the North-East in the past have triggered protests from Tamils, including families of the disappeared.<sup>135</sup>

Ranil Wickremesinghe has a history of discrimination and militarisation against the Tamils. Like Rajapaksa, Wickremesinghe has close ties to the military. Wickremesinghe rejected the UN Expert Panel report that outlined Sri Lankan government atrocities against the Tamils.<sup>136</sup>

The 2023 Report on Sri Lanka by the UN Human Rights Committee noted that there are ongoing reports of arbitrary arrests and detention of anti-government protestors, trade unionists, Tamils and Muslims. Allegations of systematic torture

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<sup>133</sup> **Mandates of the Working Group on Enforced or Involuntary Disappearances.** 11 May 2020. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25117>

<sup>134</sup> **Sri Lanka: Commit funds to support transitional justice process for victims of conflict.** *Amnesty International* (online, 6 November 2020). <https://www.amnesty.org/en/latest/news/2020/11/sri-lanka-commit-funds-to-support-transitional-justice-process-for-victims-of-conflict/>

<sup>135</sup> **Ranil Wickremesinghe declared Sri Lanka's president.** *Tamil Guardian* (online, 20 July 2022). <https://www.tamilguardian.com/content/ranil-wickremesinghe-declared-sri-lanka-s-president>

<sup>136</sup> **Sri Lanka's crisis is not just about the economy, but a long history of discrimination against minority groups.** *The Conversation* (online, 14 July 2022). [https://theconversation.com/sri-lankas-crisis-is-not-just-about-the-economy-but-a-long-history-of-discrimination-against-minority-groups-186747?mc\\_cid=659d49641a&mc\\_eid=81f597ba1d](https://theconversation.com/sri-lankas-crisis-is-not-just-about-the-economy-but-a-long-history-of-discrimination-against-minority-groups-186747?mc_cid=659d49641a&mc_eid=81f597ba1d)



and sexual violence by government authorities against ethnic Tamil detainees remain unaddressed.<sup>137 138</sup>

In June 2023, Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights, in her oral update on promoting reconciliation, accountability and human rights in Sri Lanka stated:

“The past months have unfortunately witnessed the old reflex of using draconian laws to curtail opposition and control civic space, with a heavy-handed approach to protests far too often, including the arrest of protest leaders and forceful crowd control measures, as well as the persistent use of the military in police functions.

In March 2023, the Human Rights Committee expressed deep concern about the misuse of the Covenant on Civil and Political Rights Act against journalists, human rights defenders and other civil society actors.

The Government has committed to replacing the Prevention of Terrorism Act with legislation that adheres to international standards, but the new “Anti-terrorism” Bill gazetted in March contained sweeping provisions that would limit freedom of expression, peaceful assembly and even labour rights. Following strong pushback from civil society, the draft bill has been recalled for additional consultations.

I encourage the Government to repeal the Prevention of Terrorism Act, and in the meantime to implement fully a strict moratorium on its use, considering that the ordinary criminal code and other ancillary laws already provide adequate tools for law enforcement.”<sup>139</sup>

In June 2022 in his report to the UN Human Rights Council, Special Rapporteur Clement Voule stated that:

“Sri Lankan police frequently appear to respond to protests that are disfavoured for political reasons by arresting their participants, in violation of the right to freedom of peaceful assembly. Police have arrested peaceful protesters calling for accountability in relation to Tamil war victims; for environmental protection; for more equitable socio-economic policies; for better working conditions; and for education rights. Sri Lanka continues to engage in extremely restrictive practices relative to associations representing minority groups and viewpoints. Sri Lanka has continued surveilling, harassing and at times arresting human rights defenders, journalists, activists and critics. In light of what appears to be a pattern of surveillance, harassment and reprisals, the Special Rapporteur reiterates his call on Sri Lanka to immediately end all attacks on human rights defenders and victims of human rights violations with the utmost urgency.”<sup>140</sup>

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<sup>137</sup> UN Human Rights Committee. **Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023.** [points 28 & 29]

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2F6%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2F6%2F6&Lang=en)

<sup>138</sup> UN Paints Bleak Picture of Rights in Sri Lanka. **Entrenched Patterns of Abuse Define Country’s Current Crisis.** *Human Rights Watch* (online, 30<sup>th</sup> March 2023).

<https://www.hrw.org/news/2023/03/30/un-paints-bleak-picture-rights-sri-lanka>

<sup>139</sup> **Oral update on promoting reconciliation, accountability and human rights in Sri Lanka. Statement by Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights. 21st June 2023.** <https://www.ohchr.org/en/statements/2023/06/sri-lanka-promoting-reconciliation-accountability-and-rights>

<sup>140</sup> **Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule (A/HRC/49/9) (Advance Unedited Version).** Human Rights Council Fiftieth session, 13 June–8 July 2022. [paragraphs 37,40, 45, 48]. <https://reliefweb.int/report/tunisia/follow-country-visits-tunisia-armenia-sri-lanka-and-zimbabwe-report-special-rapporteur-rights-freedom-peaceful-assembly-and-association-clement-nyaletsossi-voule-ahrc499-advance-unedited-version>

In March 2022 the Annual Report of the United Nations High Commissioner for Human Rights stated that:

‘The pattern of surveillance and harassment of civil society organizations, human rights defenders and victims highlighted in previous reports has continued, particularly for those in the north and east of the country. OHCHR continues to receive allegations of intimidation, monitoring and surveillance by the security services of human rights defenders, civil society representatives, journalists and families of the disappeared.’

‘A range of restrictions have affected the operating space for civil society organizations, particularly in the north and east of the country. Organizations report being unable to work without surveillance or scrutiny and having to inform and get approval from the district secretariat for any activity. Some areas of work that do not involve material service delivery, such as psychosocial support, are particularly discouraged. Civil society organizations informed OHCHR that banks often require them to get approval from their respective district secretariat before releasing funds, placing administrative hurdles in their way.’

‘The High Commissioner is concerned by the Government’s recent public responses to human rights advocacy by well-known and respected civil society representatives and its conflation with propaganda by the Liberation Tigers of Tamil Eelam (LTTE). Similar interventions in the past have had a chilling effect on Sri Lankan human rights defenders, including in their interaction with the Human Rights Council.’

‘OHCHR has received a number of reports stating that victim groups continue to face harassment and intimidation from the authorities, including multiple visits from intelligence and police officers inquiring about plans for protests or commemorations, or their past links with LTTE. In addition, rehabilitated LTTE members and their families or anyone considered to have had any link to LTTE during the conflict are targets of constant surveillance. The High Commissioner is concerned about the gender dimension of these policies in a context where many of those advocating for justice are women survivors or family members and face additional vulnerability in their dealings with the security forces and the authorities’<sup>141</sup>

In January 2021, in her Report to the UN Council for Human Rights, Michelle Bachelet, United Nations Commissioner for Human Rights stated,

*“Sri Lanka’s current trajectory sets the scene for the recurrence of the policies and practices that gave rise to grave human rights violations.”*<sup>142</sup>

## **Banning of public commemorations for Tamils killed during the civil war:**

State-led suppression of commemorative events can be an indicator for the authoritarian abuse of history warned the co-editor of the Network of Concerned Historians.<sup>143</sup>

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<sup>141</sup> A/HRC/49/9: Situation of human rights in Sri Lanka – Report of the Office of the United Nations High Commissioner for Human Rights. 28 February–1 April 2022. [pages 6-7, paragraphs 27 -30, 32] <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ListReports.aspx>

<sup>142</sup> Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021 (page14, point 52). [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)

<sup>143</sup> Ruben Zeeman. **Suppression of Public Commemoration is an Early Warning of Authoritarian Abuse of History.** *History News Network* (online, 26<sup>th</sup> February 2023) <https://historynewsnetwork.org/article/185105>

In November 2020, the Rajapaksa government banned all public commemorations for Tamils killed during the civil war. Great Hero's Day (Maaveerar Naal) celebrations were forbidden.<sup>144</sup> Private commemorations were still permitted, however according to media reports, security forces blocked access to the thuyilum illams – the resting places of those killed during the war – as well as raiding private homes and making arrests.<sup>145</sup> The thuyilum illams were destroyed by government forces following the war but many of these have been restored by Tamil communities.<sup>146</sup>

One Tamil MP, in response to this ban, maintained that the actions of the Tamils during the war were not terrorism, and that, 'You cannot conduct continuous pogroms against a community and expect them to accept all humiliation and violence and go about their day- to-day chores as if nothing has happened.' He further asserted that it was a response to 'state terrorism'.<sup>147</sup>

In November 2022, the Sri Lankan army, who continue to be stationed across the Tamil homeland, increased acts of intimidation towards Tamils as they prepared to mark Maaveerar Naal. The Sri Lankan military established more checkpoints in the already heavily militarised North-East, noting vehicle registration numbers and passenger details.<sup>148</sup> Tamils were harassed and photographed by the military as they cleaned Thuyilum Illams.<sup>149</sup> Tamil youth in Mullaitivu participating in a blood donation drive to mark the fifth day of Maaveerar remembrance week were photographed and questioned by Sri Lanka's Criminal Investigation Department. Sri Lankan police officers interrogated Tamils wearing a badge embroidered with the karthigai poo - the national flower of Tamil Eelam.<sup>150</sup> Traders and their families were investigated by Sri Lankan intelligence officers after decorating their shop fronts with red and yellow flags in the lead up to Maaveerar Naal.<sup>151</sup> Mullaitivu police threatened to shoot Tamils after tearing down red and yellow flags hoisted for Maaveerar Naal commemorations. Police also threatened to

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<sup>144</sup> **Sri Lanka bans remembrance of dead Tamil rebels.** *TRT World* (online, 27 November 2020) <https://www.trtworld.com/asia/sri-lanka-bans-remembrance-of-dead-tamil-rebels-41851>

<sup>145</sup> **Tamil nation marks Maaveerar Naal 2020.** *Tamil Guardian* (online, 27 November 2020) <https://www.tamilguardian.com/content/tamil-nation-marks-maaveerar-naal-2020>

<sup>146</sup> **Kilinochchi residents clear up destroyed Mulankavil LTTE cemetery.** *Tamil Guardian* (online, 25 October 2017) <https://www.tamilguardian.com/content/kilinochchi-residents-clear-destroyed-mulankavil-ltte-cemetery>

<sup>147</sup> **'Our youth took up arms for self defence' - Tamil parliamentarian C V Wigneswaran.** *Tamil Guardian* (online, 29 November 2020) <https://www.tamilguardian.com/content/our-youth-took-arms-self-defence-tamil-parliamentarian-c-v-wigneswaran>

<sup>148</sup> **Sri Lankan military set up checkpoints as Maaveerar remembrance week begins.** *Tamil Guardian* (online, 21 November 2022). <https://www.tamilguardian.com/content/sri-lankan-military-set-checkpoints-maaveerar-remembrance-week-begins>

<sup>149</sup> **Mullaitivu Tamils prepare for Maaveerar Naal amidst military intimidation.** *Tamil Guardian* (online, 17 November 2022). <https://www.tamilguardian.com/content/mullaitivu-tamils-prepare-maaveerar-naal-amidst-military-intimidation>

<sup>150</sup> **Mullaitivu youth face CID intimidation at blood donation drive.** *Tamil Guardian* (online, 25 November 2022). <https://www.tamilguardian.com/content/mullaitivu-youth-face-cid-intimidation-blood-donation-drive>

<sup>151</sup> **Traders in Mullaitivu investigated over red and yellow flags on shop fronts.** *Tamil Guardian* (online, 26 November 2022). <https://www.tamilguardian.com/content/traders-mullaitivu-investigated-over-red-and-yellow-flags-shop-fronts>

arrest Tamils at Mullaitivu beach who were broadcasting songs that paid tribute to the tens of thousands of Tamil fighters who sacrificed their lives.<sup>152</sup>

In May 2023, a Tamil man was arrested by police for having a banner which read "Tamil Genocide Memorial Day" at a commemoration event in Naripulhottam, Batticaloa.<sup>153</sup>

On May 18th, 2022, on the 13th anniversary of the massacre at Mullivaikkal which killed tens of thousands of Tamil civilians, the Sri Lankan military announced that 396 Officers & 8,110 other ranks in the army had been promoted. The promotions were approved by the head of Sri Lanka's army Shavendra Silva and Sri Lankan president Gotabaya Rajapaksa, both of whom are credibly accused of war crimes.<sup>154</sup>

In May 2022 a Tamil man Vivekanandan Piriyanagan was hospitalised after being brutally assaulted by thugs with close ties to Sri Lankan military intelligence for organising a Tamil Genocide Remembrance Day commemoration event in Mullivaikkal earlier that week.<sup>155</sup>

In November 2021, over 50 restraining orders against Tamil politicians and grassroots activists, were issued by judicial courts to prevent them from participating in Maaveerar Naal events.<sup>156</sup>

On May 18th, 2021, on the 12th anniversary of the massacre at Mullivaikkal, Sri Lankan President Gotabaya Rajapaksa promoted 452 officers in the Sri Lankan army and 4289 officials of other ranks.<sup>157</sup> Heavily armed troops patrolled Tamil areas and intimidated Tamils from remembering their war dead. Sri Lankan security forces arrested ten Tamil men and women after the group held a memorial event at a beach in Batticaloa to mark Tamil Genocide Day. They were charged under the draconian anti-terror law, the Prevention of Terrorism Act

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<sup>152</sup> **BREAKING - Mullaitivu police threaten to shoot Tamils over Maaveerar Naal commemorations.** *Tamil Guardian* (online, 27 November 2022). <https://www.tamilguardian.com/content/breaking-mullaitivu-police-threaten-shoot-tamils-over-maaveerar-naal-commemorations>

<sup>153</sup> **Sri Lankan police arrest Tamil man over 'Tamil Genocide Memorial Day' banner.** *Tamil Guardian* (online, 17<sup>th</sup> May 2023). <https://www.tamilguardian.com/content/sri-lankan-police-arrest-tamil-man-over-tamil-genocide-memorial-day-banner>

<sup>154</sup> **Hundreds of Sri Lankan army officers promoted as Tamil nation mourns massacre at Mullivaikkal.** *Tamil Guardian* (online, 18 May 2022). <https://www.tamilguardian.com/content/hundreds-sri-lankan-army-officers-promoted-tamil-nation-mourns-massacre-mullivaikkal>

<sup>155</sup> **Tamil man hospitalised following assault by Sri Lankan military aligned thugs over Mullivaikkal commemoration.** *Tamil Guardian* (online, 22 May 2022). <https://www.tamilguardian.com/content/tamil-man-hospitalised-following-assault-sri-lankan-military-aligned-thugs-over-mullivaikkal>

<sup>156</sup> **Sri Lanka launches offensive against Tamils preparing to mourn war dead.** *Journalists for Democracy in Sri Lanka* (online, 18th November 2021). <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/1057-sri-lanka-launches-offensive-against-tamils-preparing-to-mourn-war-dead>

<sup>157</sup> **Sri Lanka's military promotes 452 officers during Tamil Genocide Day.** *Tamil Guardian* (online, 21 May 2021). <https://www.tamilguardian.com/content/sri-lanka-s-military-promotes-452-officers-during-tamil-genocide-day>

(PTA). The PTA allows arbitrary and indefinite imprisonment of people.<sup>158</sup> The ten Tamils were detained for 7 months. They were released on bail in December 2021 and in April 2022 all charges against them were dropped.<sup>159</sup> <sup>160</sup>

### **Arbitrary Administrative Detention:**

In June 2021, Michelle Bachelet, United Nations Commissioner for Human Rights at the opening of the UN Human Rights Council's 47th session in Geneva, stated:

*"In Sri Lanka, I am concerned by further Government measures perceived as targeting Muslims, and by the harassment of Tamils, including in the context of commemoration events for those who died at the end of the war."* <sup>161</sup>

She further said that regulations now permit the arbitrary administrative detention of people for up to two years, without trial for the purposes of de-radicalisation. *"I also note a continuing series of deaths in police custody and in the context of police encounters with alleged criminal gangs."* <sup>162</sup>

In August 2021, a team of UN Special Rapporteurs published a report expressing serious concern about the adoption and implementation of a recent Regulation by the Sri Lankan Government, titled 'Prevention of Terrorism (De-radicalization from holding violent extremist religious ideology). The provisions in the Regulation are contrary to Sri Lanka's international legal obligations. The current legislation *"risks jeopardizing the rights and liberties of persons who may be detained arbitrarily, especially religious and ethnic minorities, and may curtail political dissent"*. The UN experts highlighted that a criminal act need not be committed by the individual as authorities are granted the power to detain and deprive them of their liberty simply *"on the basis of suspicion and without judicial process"*. The Report states *"the possibility of coercion, torture, or risk of enforced disappearance during the 24-hour unsupervised detention period, gives rise to considerable concerns"*. The UN Special Rapporteurs have called upon the Sri Lankan Government to rescind the Regulation. The new Regulation expands upon previous concerns raised by the UN that remain unaddressed and are an additional set of rights-denying measures further undermining the protection of

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<sup>158</sup> **Sri Lanka Charges Tamils who Remembered their War Dead under Draconian Anti-Terror Law.** *Tamil News Service* (online, 19 May 2021). [https://www.einnews.com/pr\\_news/541565310/sri-lanka-charges-tamils-who-remembered-their-war-dead-under-draconian-anti-terror-law](https://www.einnews.com/pr_news/541565310/sri-lanka-charges-tamils-who-remembered-their-war-dead-under-draconian-anti-terror-law)

<sup>159</sup> **Ten Tamils detained for 7 months for commemorating Mullivaikkal genocide released on bail.** *Tamil Guardian* (online, 8 December 2021). <https://www.tamilguardian.com/content/ten-tamils-detained-7-months-commemorating-mullivaikkal-genocide-released-bail>

<sup>160</sup> **Tamils arrested, detained and now finally released for lighting candles.** *Tamil Guardian* (online, 26 April 2022). <https://www.tamilguardian.com/content/tamils-arrested-detained-and-now-finally-released-lighting-candles>

<sup>161</sup> **UN rights chief voices concern over Sri Lanka's counter-terrorism laws.** *Adaderana.lk* (online, 21 June 2021) <http://www.adaderana.lk/news/74822/un-rights-chief-voices-concern-over-sri-lankas-counter-terrorism-laws>

<sup>162</sup> **UN rights chief voices concern over Sri Lanka's counter-terrorism laws.** *Adaderana.lk* (online, 21 June 2021) <http://www.adaderana.lk/news/74822/un-rights-chief-voices-concern-over-sri-lankas-counter-terrorism-laws>

human rights in Sri Lanka.<sup>163</sup> <sup>164</sup> [See also the chapter on the Prevention of Terrorism Act (PTA) on pages 49-54 of this report.]

### **Increased use of the military:**

After the election of President Rajapaksa there was increased use of the military and the militarisation of responses to issues such as the COVID 19 pandemic. *“Sri Lanka’s involvement of the military at every level, with limited parliamentary and civilian oversight, raises serious human rights and rule of law concerns,”* stated Boram Jang, Legal Advisor at the International Commission of Jurists Asia & the Pacific Programme. *“Having the military to oversee the public health policy and to act as the State’s first responders also normalises military occupation, exacerbates the existing ethnic divides, and further deteriorates human rights in Sri Lanka”* stated Jang.<sup>165</sup>

The Wickremesinghe Government has continued to increase military presence in the Northern and Eastern provinces.

The UN Human Rights Committee in its March 2023 Report on Sri Lanka, expressed its “concern about the continued expansion and increase of military zones, security-related infrastructure and military-owned businesses in the Northern and Eastern provinces, despite the State party’s commitment to reducing the military presence in those provinces.”<sup>166</sup>

In November 2021, the Sri Lankan army reportedly set up a new camp in Batticaloa district in Eastern Province. This move from the Sri Lanka’s army was the latest in its rampant militarisation of the Tamil homeland in the North-East.<sup>167</sup>

In March 2021 President Gotabaya Rajapaksa announced that security would be increased in the Eastern Province which has significant Tamil and Muslim populations, with the reopening of 50 military and STF camps, to stem separatist terrorism and Islamic extremism. This announcement followed the closing of

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<sup>163</sup> UN Special Rapporteurs Communication Report to Sri Lankan Government. 9th August 2021. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26575>

<sup>164</sup> Sri Lanka’s expanded PTA violates basic liberties warn UN experts. *Tamil Guardian* (online, 16 August 2021) <https://www.tamilguardian.com/content/sri-lankas-expanded-pta-violates-basic-liberties-warn-un-experts>

<sup>165</sup> Sri Lanka’s militarised COVID-19 response ‘exacerbates ethnic divides’. *Tamil Guardian* (online, 29 October 2020). <https://www.tamilguardian.com/content/sri-lanka-s-militarised-covid-19-response-exacerbates-ethnic-divides>

<sup>166</sup> UN Human Rights Committee. Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023. [point 34] [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FLKA%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FLKA%2FCO%2F6&Lang=en)

<sup>167</sup> Sri Lankan army sets new camp up in Batticaloa bird sanctuary. *Tamil Guardian* (online, 5 November 2021). <https://www.tamilguardian.com/content/sri-lankan-army-sets-new-camp-batticaloa-bird-sanctuary>



1,000 Islamic schools and the banning of the Burka on the grounds of ‘national security.’<sup>168</sup>

In December 2020, the then Minister of Public Security, Sarath Weerasekara increased surveillance in the Eastern Province, and reiterated his calls for the Tamil National Alliance to be banned:

*“We have deployed our intelligence people and informed the Security Forces in the area. We have increased our mobile patrols and planted certain informants there and they will give us all information required.”*<sup>169</sup>

## Abductions

White vans were routinely used by the Sri Lanka state to forcibly disappear countless individuals, particularly during the armed conflict and under the Rajapaksa regime. White van attacks and abductions continue under the current government.

In August 2022, Mangala Maddumage, a national organiser of the Revolutionary Students Union was reportedly abducted by unidentified men in Colombo, as the crackdown on anti-government protesters continued across the South. According to Journalists for Democracy in Sri Lanka (JDS), Sri Lankan police confirmed that Maddumage was being held at Colombo Crime Division in Bamabalapitiya.<sup>170</sup>

In February 2022, Sri Lankan intelligence officers attempted to kidnap Tamil activist Nithanshan, in a white van. Nithanshan, the assistant secretary of the Illankai Tamil Arasu Kachchi (ITAK) youth wing in Kalmunai, along with the MP for Ampara were arranging the signature campaign in Ampara to repeal the Prevention of Terrorism Act (PTA).<sup>171</sup>

In February 2022, Sinhala journalist’s Chamuditha Samaraweickrame’s residence was attacked by an armed group who came in a white van. In February 2022, justice activist Shehan Malaka Gamage was arrested by a group who came in a white van.<sup>172</sup>

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<sup>168</sup> **Rajapaksa to reopen military and STF camps in the Eastern Province as militarisation intensifies.** *Tamil Guardian* (online, 17 March 2021). <https://www.tamilguardian.com/content/rajapaksa-reopen-military-and-stf-camps-eastern-province-militarisation-intensifies>

<sup>169</sup> **Sri Lanka’s security minister boasts intelligence is ‘back on track’.** *Tamil Guardian* (online, 6 December 2020) <https://www.tamilguardian.com/content/sri-lanka-s-security-minister-boasts-intelligence-back-track>

<sup>170</sup> **Another activist abducted as crackdown continues in the South.** (online, 8 August 2022). <https://www.tamilguardian.com/content/another-activist-abducted-crackdown-continues-south>

<sup>171</sup> **Sri Lankan intelligence ‘attempts to kidnap’ Tamil political activist.** *Tamil Guardian* (online, 17 February 2022). <https://www.tamilguardian.com/content/sri-lankan-intelligence-attempts-kidnap-tamil-political-activist>

<sup>172</sup> **Third dreaded white van incident reported within a week in Sri Lanka.** *Sri Lanka Brief* (online, 22 February 2022). <https://srilankabrief.org/third-dreaded-white-van-incident-reported-within-a-week-in-sri-lanka/>



Abductions and kidnappings went from 800 in 2021 to 3596 within the first 11 months of 2022 according to the Global Initiative Against Transnational Organised Crime.<sup>173</sup>

In August 2021 a Tamil man, who had been studying in Edinburgh went to Sri Lanka after his father fell ill. Whilst there, he was grabbed from the street and put into a white van and taken away.

*"I did not believe I would survive after I was abducted off the street and taken blindfolded to a torture centre where I was beaten and abused day after day," the man continued, telling of how he was branded with lit cigarettes and fell unconscious as his captors placed a petrol-dosed plastic bag over his head.*

*"If my family had not found bribe money, I would have been killed," he said after he fled back to Scotland in September. "I can never return home."*<sup>174</sup>

In February 2021, Journalists for Democracy in Sri Lanka reported that at least 16 young Tamil men from Northern Province remained missing eight months after they were taken into custody by the Terrorist Investigation Division (TID) and accused of 'trying to resurrect the Tamil Tigers'. This is the single largest group of Tamils 'disappeared' while in the custody of the TID, since President Gotabaya Rajapaksa assumed office in November 2019.<sup>175</sup>

In September 2021, Tamil National Alliance MP M.A. Sumanthiran questioned as to why Sri Lanka has a minister for Public Security when students & activists are being abducted by plain-clothed police in broad daylight and why the police had come in white vans to arrests the suspects. The MP said that the government was attempting to send a subtle reminder to the protesters adding that "You want to tell the country, remember we did this earlier...we have brought it back. You want to instill fear."<sup>176</sup>

In December 2016, the Report of the UN Committee Against Torture (CAT) stated that numerous individuals suspected of having even a remote link with the Liberation Tigers of Tamil Eelam (LTTE) had been abducted and then subjected to "brutal torture", including sexual violence and rape. "According to the information received, such practices are carried out by both military and police in unacknowledged places of detention, which have included law enforcement headquarters, army and IDP camps, and rehabilitation centres", the report stated.

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<sup>173</sup> **The criminal cost of Sri Lanka's crisis.** *Global Initiative* (online, 05, May 2023).

<https://globalinitiative.net/analysis/crime-sri-lanka-ocindex/#:~:text=The%20study%20cited%2C%20for%20one.first%2011%20months%20of%202022.>

<sup>174</sup> **Torture victim accuses Police Scotland of strengthening Sri Lankan regime.** *Tamil Guardian* (online, 31st October 2021). <https://www.tamilguardian.com/content/torture-victim-accuses-police-scotland-strengthening-sri-lankan-regime>

<sup>175</sup> **Relatives unable to find group of Tamils arrested by Sri Lanka anti-terror police.** *Journalists for Democracy in Sri Lanka* (online, 15th February 2021). <http://www.jdslanka.org/index.php/news-features/human-rights/998-relatives-unable-to-find-group-of-tamils-arrested-by-sri-lanka-anti-terror-police>

<sup>176</sup> **Sri Lanka: Plainclothes police tried to abduct a university lecturer; Govt is bringing the abductions back to instil fear charges Sumanthiran.** *Sri Lanka Brief* (online, 06<sup>th</sup> August 2021). <https://srilankabrief.org/sri-lanka-plainclothes-police-men-tried-to-abduct-a-university-lecturer-govt-is-bringing-the-abductions-back-to-instil-fear-charges-sumanthiran/>

The committee also expressed “concern over credible reports” of so-called “white van” abductions of Tamils that has continued since the end of the civil war.<sup>177</sup>

### **Torture and excessive use of force by police and security forces:**

In June 2023, a Tamil man in Mullaitivu was illegally detained, assaulted and tortured by Special Task Force Officers and officials from Sri Lanka's Wildlife Department. Following his release on bail, the victim made a complaint to the Vavuniya Human Rights Commission.<sup>178</sup>

In November 2022, Tamil Guardian reported that the National Police Commission (NPC) had received 9,295 complaints about the Sri Lanka Police's functioning during the last five years. Complaints include cases of unlawful arrest, false charges, assault, torture, partiality, abuse of power, as well as police inaction.<sup>179</sup>

*“Sri Lanka’s police force is one of the most brutal in the world. They have tortured, raped and killed. They continue to commit crimes with almost absolute impunity,” said Kavi, a Tamil activist.*<sup>180</sup>

In August 2022, amidst a crackdown by President Ranil Wickremesinghe, leading activists and civilians were arrested by Sri Lankan security forces for their involvement in demonstrations calling for former Sri Lankan president Gotabaya Rajapaksa to step down. This included General Secretary of the Ceylon Teachers Union, Joseph Stalin.<sup>181</sup> United Nations Special Rapporteur on Human Rights Defenders Mary Lawlor questioned the arrest of Joseph Stalin stating: *“I’m hearing disturbing reports from Sri Lanka that prominent Human Rights Defender, Joseph Stalin, was arrested.”* Mary Lawlor further said that the work of Human Rights Defenders like Joseph Stalin has been more important than ever in recent weeks, adding that such work of Human Rights Defenders must be supported and not punished.<sup>182</sup>

In February 2022 Sri Lanka’s Terrorism Investigation Division (TID) issued a summons to a Tamil political activist V S Sivakaran, a former head of the ITAK youth wing and well-known political activist, demanding he appear before them

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<sup>177</sup> **Sri Lanka: 'Brutal torture', abduction of Tamils continued after 2009, says UN report.** *First Post* (online, 15 December 2016). <https://www.firstpost.com/world/sri-lanka-brutal-torture-abduction-of-tamils-continue-says-un-report-3157818.html>

<sup>178</sup> **Tamil man files complaint at Human Rights Commission following torture by Sri Lanka’s Wildlife Department officials and STF.** *Tamil Guardian* (online, 19<sup>th</sup> June 2023). <https://www.tamilguardian.com/content/tamil-man-files-complaint-human-rights-commission-following-torture-sri-lanka-s-wildlife>

<sup>179</sup> **Over 9,000 complaints lodged by the public against Sri Lankan Police.** *Tamil Guardian* (online, 10 November 2022). <https://www.tamilguardian.com/content/over-9000-complaints-lodged-public-against-sri-lankan-police>

<sup>180</sup> **Over 9,000 complaints lodged by the public against Sri Lankan Police.** *Tamil Guardian* (online, 10 November 2022). <https://www.tamilguardian.com/content/over-9000-complaints-lodged-public-against-sri-lankan-police>

<sup>181</sup> **Protestors demand release of arrested union leader.** *Tamil Guardian* (online, 4 August 2022). <https://www.tamilguardian.com/content/protestors-demand-release-arrested-union-leader>

<sup>182</sup> **Joseph Stalin’s arrest: UN special rapporteur concerned.** *Newswire* (online, 4 August 2022). <https://www.newswire.lk/2022/08/04/joseph-stalins-arrest-un-special-rapporteur-concerned/>

in Colombo for questioning. Sivakaran, like many other Tamil activists, had been subject to interrogation by the Sri Lankan security forces before.<sup>183</sup>

In January 2022, a prominent Tamil activist in the Northern Province was killed at sea, when his fishing boat was rammed by a Sri Lankan navy vessel. Mariyaseelan was a well-known and popular activist, having prominently taken part in protests, against the Sri Lankan navy's land grabs in Mathagal, near Jaffna, in recent months.<sup>184</sup>

In September 2021, Ambika Satkunanathan, commissioner of the Human Rights Commission of Sri Lanka from 2015 to 2020, said,

*"If you are a Tamil woman activist working in the Northern Province, you will face additional challenges, such as surveillance, constant visits by the security agencies to your house to make inquiries about your activities, and phone calls prior to events or demonstrations to intimidate you from participating."*<sup>185</sup>

In September 2021, the International Truth and Justice Project (ITJP) released a report titled Sri Lanka: Torture & Sexual Violence by Security Forces 2020-21.<sup>186</sup> The report contains testimonies from 15 Tamils who had been abducted, detained and tortured by Sri Lanka security forces, since Gotabaya Rajapaksa took office as Sri Lanka's president in 2019. The witnesses have now fled the island and reside in the UK. The ITJP report noted that a "new generation of Tamils" are being victimised for exercising their constitutional rights." "The victims being detained now are generally young and of little intelligence value to the security forces, who appear to be mounting a campaign of repression against legitimate Tamil expression of fundamental rights including protests or calls for accountability."<sup>187</sup>

In June 2021, the International Truth and Justice Project (ITJP) released a statement highlighting recent cases of "abduction and torture of Tamils perpetrated by the Sri Lankan security forces under the government of President Gotabaya Rajapaksa," with the most recent documented case occurring in November 2020. ITJP's Executive Director, Yasmin Sook said that numerous victims arriving in the UK had been tortured, and more than half of those interviewed appear to have been picked up because they were involved in campaigning against the election of President Gotabaya Rajapaksa and participating in protests by the families of the disappeared. One of the youngest

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<sup>183</sup> **Sri Lanka's Terrorism Investigation Division summon Tamil activist again.** *Tamil Guardian* (online, 16 February 2022). <https://www.tamilguardian.com/content/sri-lanka-s-terrorism-investigation-division-summon-tamil-activist-again>

<sup>184</sup> **Anger in Jaffna after leading Tamil protestor killed by Sri Lankan navy.** *Tamil Guardian* (online, 12 January 2022). <https://www.tamilguardian.com/content/anger-jaffna-after-leading-tamil-protestor-killed-sri-lankan-navy>

<sup>185</sup> **The criminal justice system in South Asia is discriminatory and violent**: Ambika Satkunanathan. (online, 26 September 2021) <https://www.moneycontrol.com/news/trends/features/the-criminal-justice-system-in-south-asia-is-discriminatory-and-violent-ambika-satkunanathan-7509391.html>

<sup>186</sup> **Sri Lanka: Torture & Sexual Violence by Security Forces 2020-21.** *International Truth and Justice Project. Sept.2021.* <https://itjpsl.com/assets/ITJP-Torture-report-2021-Sep-ENGLISH.pdf>

<sup>187</sup> **New ITJP report documents ongoing abduction, torture and rape of Tamils in the North-East.** *Tamil Guardian* (online, 8 September 2021) <https://www.tamilguardian.com/content/new-itjp-report-documents-ongoing-abduction-torture-and-rape-tamils-north-east>

witnesses was only 19 when he was detained, tortured and brutally raped. Three victims attempted to kill themselves after reaching safety in the UK. The perpetrators include the Sri Lankan Army and counter-terrorism police.<sup>188</sup>

In June 2021, Human Rights Watch reported that Sri Lanka's police were increasingly killing and abusing people under cover of the Covid-19 pandemic measures and an anti-drug campaign. Recent police abuses reported in the media included alleged extrajudicial killings, torture, and arbitrary detention.<sup>189</sup> In June 2021, Journalists for Democracy in Sri Lanka reported that in Batticaloa district, Eastern Province, a young Tamil man died while in police custody after he was brutally assaulted in front of his family members, before being taken to the police station on drug-related offences.<sup>190</sup> An initial autopsy led by the Special Judicial Medical Officer (JMO) cited a drug overdose as the cause of death. However, a second autopsy in November 2021, reportedly revealed signs of torture. There were at least 31 different injuries on the body of the young Tamil man.<sup>191 192</sup>

The US State Department's Human Rights Practices 2020 Country Report for Sri Lanka cited allegations of ongoing torture. Interviews by human rights organizations found that torture and excessive use of force by police, particularly to extract confessions, remained endemic. The Human Rights Commission of Sri Lanka (HRCSL) documented 260 complaints of physical and mental torture from January to August 2020 in addition to 37 complaints from prisoners. In response to allegations of torture, the HRCSL carried out routine visits of detention centers.<sup>193</sup>

## **Tamil marginalization in state institutions and committees:**

Tamil voices were further marginalized by the Rajapaksa government in state institutions and committees; in November 2020 President Rajapaksa appointed only Sinhalese to the board of the Human Rights Commission of Sri Lanka.<sup>194</sup> This was not long after he gave a speech in which he declared that the Sinhalese "rallied

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<sup>188</sup> **International Truth & Justice Project. Press release: Not Cricket – Sri Lankan Torture. 26 June 2021.** <https://itjpsl.com/assets/press/Final-English-Press-release-ITJP-26-June-2021.pdf>

<sup>189</sup> **Sri Lanka: Police Abuses Surge Amid Covid-19 Pandemic.** *Human Rights Watch* (online, 6 August 2021) <https://www.hrw.org/news/2021/08/06/sri-lanka-police-abuses-surge-amid-covid-19-pandemic>

<sup>190</sup> **Death in Sri Lanka's Police custody: Tamil Youth's body to be exhumed.** *Journalists for Democracy in Sri Lanka* (online, 20 June 2021) <http://www.jdslanka.org/index.php/news-features/human-rights/1029-death-in-sri-lankas-police-custody-tamil-youths-body-to-be-exhumed>

<sup>191</sup> **Sri Lankan police officer boasted of 'nine murders' say parents of murdered Tamil youth.** *Tamil Guardian* (online, 22 November 2021). <https://www.tamilguardian.com/content/sri-lankan-police-officer-boasted-nine-murders-say-parents-murdered-tamil-youth>

<sup>192</sup> **Forensic evidence of torture found on murdered Tamil youth.** *Tamil Guardian* (online, 14 November 2021). <https://www.tamilguardian.com/content/forensic-evidence-torture-found-murdered-tamil-youth>

<sup>193</sup> **2020 Country Reports on Human Rights Practices: Sri Lanka. Section C. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.** US Department of State. March 30, 2021. <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/sri-lanka/>

<sup>194</sup> **Sri Lankan Human Rights Commission staffed with all Sinhalese nominations by Gotabaya Rajapaksa.** *Tamil Guardian* (online, 26 November 2020) <https://www.tamilguardian.com/content/sri-lankan-human-rights-commission-staffed-all-sinhalese-nominations-gotabaya-rajapaksa>

because they had legitimate fears that the Sinhala race, our religion, national resources and the heritage would be threatened with destruction in the face of various local and foreign forces and ideologies that support separatism, extremism and terrorism.”<sup>195</sup> He also appointed only Sinhalese to an archaeology task force, overseen by the military, because he intended to “preserve our Buddhist and national heritage.”<sup>196</sup> In the Northern Province, during 2021, Sinhala government officers were appointed in Tamil areas, violating the tradition of appointing Tamil officers to Tamil-majority areas.<sup>197</sup>

### **Intensified surveillance and harassment:**

A pattern of intensified surveillance and harassment of Civil Society Organisations, human rights defenders and victims increased when the Rajapaksa Government came to power.<sup>198</sup> This has continued under the Wickremesinghe Government.

In June 2023, Tamil National People's Front (TNPf) leader Gajendrakumar Ponnambalam MP was assaulted and a loaded gun drawn on him by plain clothes state intelligence officers, when the TNPf leader asked the men to identify themselves at a party meeting. The leader and two TNPf activists were later arrested by police.<sup>199</sup> Tamil MPs and British politicians condemned the arrest of the TNPf leader and called for his immediate release.

Tamil National Alliance (TNA) MP, Sivagnanam Sritharan, slammed the incident as an illustration of “*extreme repression*” and said that it shows the harm “*the military and state investigators can pose to the normal lives of ordinary Tamil people*”.<sup>200</sup>

TNA MP Rasamanickam R. Shanakiyan, said that the issue of harassment by plainclothes officers is common as MPs are under constant surveillance.<sup>201</sup>

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<sup>195</sup> **Gotabaya speaks on ‘Sinhala race’ and strengthening security in televised address.** *Tamil Guardian* (online, 19 November 2020) <https://www.tamilguardian.com/content/gotabaya-speaks-sinhala-race-and-strengthening-security-televised-address>

<sup>196</sup> Ibid

<sup>197</sup> **TNA Leader complains against appointing Sinhala officers to Tamil areas.** *The Island Online* (online, 30 July 2021). <https://island.lk/tna-leader-complains-against-appointing-sinhala-officers-to-tamil-areas/>

<sup>198</sup> **Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021** (page9, point 32). [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)

<sup>199</sup> **Marunthankerny police tells TNPf leader that he could face arrest.** *Tamil Guardian* (online, 05 June 2023). <https://www.tamilguardian.com/content/marunthankerny-police-tells-tnpf-leader-he-could-face-arrest>

<sup>200</sup> **An act of ‘extreme repression’ – TNA MP condemns intimidation of TNPf leader.** *Tamil Guardian* (online, 02 June 2023). <https://www.tamilguardian.com/content/act-extreme-repression-tna-mp-condemns-intimidation-tnpf-leader>

<sup>201</sup> **Tamil MPs condemn the arrest of TNPf leader.** *Tamil Guardian* (online, 07 June 2023). <https://www.tamilguardian.com/content/tamil-mps-condemn-arrest-tnpf-leader>



*"This is a chilling reminder even elected representatives of Tamils speaking about justice for mass atrocities & a political solution to the ethnic conflict aren't safe,"* said British MP Elliot Colburn, All Party Parliamentary Group Chair for Tamils.

*"Democratically elected representatives of the Tamil community should be able to speak up for their constituents without fear of prison or worse,"* said British MP Gareth Thomas.<sup>202</sup>

Following the threatening of TNPF leader Gajendrakumar Ponnambalam and his subsequent arrest and release on bail, Chairman of the Oversight Committee on National Security, former Rear Admiral, Sarath Weerasekara MP warned that Tamil MPs must know their place or face arrest.

*"Tamil MPs need to know their place, if not they will be locked up in prison,"* Weerasekara stated.<sup>203</sup>

In January 2023, Civil Society leader Velan Swamigal was arrested while peacefully protesting. "It represents the latest brazen move by authorities in their campaign to silence those who speak up for Tamil rights," said British MP Elliot Colburn, the Chair of the All-Party Parliamentary Group for Tamils. <sup>204</sup>

'The OHCHR continues to receive reports of surveillance, intimidation and harassment of journalists, human rights defenders, families of the disappeared and persons involved in memorialization initiatives by intelligence services, the military and the police, in particular in the north and east' stated the Situation of Human Rights in Sri Lanka -Comprehensive Report of the United Nations High Commissioner for Human Rights in October 2022.<sup>205</sup>

In September 2022, Tamil Guardian reported that "offices of civil society organisations in Batticaloa, Eastern Province, had been broken into and important documentation stolen from the premises as a part of Sri Lanka's ongoing campaign to crack down on those highlighting the island's abuses." Tamils in Batticaloa and Jaffna held demonstrations calling on the Sri Lankan government to protect human rights of civil society organisations and human rights defenders.<sup>206</sup>

In September 2022, human rights defender Sabharatnam Sivayoganathan (Seelan), received a summons to appear before the Counter-Terrorism

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<sup>202</sup> **British politicians have condemned the arrest of Tamil National People's Front leader Gajendrakumar Ponnambalam and have called for his immediate release.** *Tamil Guardian* (online, 07 June 2023). <https://www.tamilguardian.com/content/tamil-mps-are-not-safe-british-politicians-condemn-arrest-tnpfs-leader>

<sup>203</sup> **Tamil MPs 'need to know their place, if not they will be locked up' - Sarath Weerasekara** *Tamil Guardian* (online, 15 June 2023). <https://www.tamilguardian.com/content/tamil-mps-need-know-their-place-if-not-they-will-be-locked-sarah-weerasekara>

<sup>204</sup> **British MPs slam arrest of Tamil civil society leader** *Tamil Guardian* (online, 21 January 2023). <https://www.tamilguardian.com/content/british-mps-slam-arrest-tamil-civil-society-leader>

<sup>205</sup> **A/HRC/51/5: Situation of human rights in Sri Lanka - Comprehensive report of the United Nations High Commissioner for Human Rights.** Published 04 October 2022. [page7, Section IV D: 30-32]. <https://www.ohchr.org/en/documents/reports/ahrc515-situation-human-rights-sri-lanka-comprehensive-report-united-nations-high>

<sup>206</sup> **'Protect our human rights!' - Tamils demonstrate in the North-East.** *Tamil Guardian* (online, 14 September 2022). <https://www.tamilguardian.com/content/protect-our-human-rights-tamils-demonstrate-north-east>



Investigation Division (CTID) for interrogation. The reason for the questioning was not given. Seelan had been vocal about the reprisals and intimidation faced by regional journalists, military land grabbing, militarization and the Presentation of Terrorism Act.<sup>207</sup>

In April 2021, the Mayor of Jaffna was arrested by Sri Lanka's Terrorism Investigation Division (TID) under accusations of attempting to resurrect the LTTE, despite the lack of any discernible evidence. The arrest was internationally condemned and slammed by Tamil Parliamentarians across the North-East.<sup>208</sup>

Muslim activists have received death threats when speaking out against Islamophobia. Many have been told that if they were to speak out and file a case in the international court of law they would have to face "dire consequences." Those openly criticizing Islamophobic policies that the government had implemented, such as forced cremations, were being threatened with arrest and danger to their families.<sup>209</sup>

In March 2021, the Sri Lankan government issued a gazette announcing the proscription of hundreds of Tamils and several diaspora organisations. The organisations included Tamil advocacy groups such as the British Tamil Forum; the Canadian Tamil Congress; the Australian Tamil Congress; the Global Tamil Forum; the National Council of Canadian Tamils; the Tamil Youth Organisation; and the World Tamil Coordinating Committee. The disclosure of names and addresses placed those listed as living in Sri Lanka at grave and immediate risk.<sup>210</sup> The British Tamil Forum noted that this action was taken to "stop all forms of communication between Tamils in the North and East and civil societies political parties and Tamil diaspora".<sup>211</sup>

*"I urge the international community to listen to the determined, courageous, persistent calls of victims and their families for justice, and heed the early warning signs of more violations to come,"* the UN Human Rights Commissioner Michelle Bachelet said in January 2021.<sup>212</sup>

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<sup>207</sup> **Human Rights Defender Sabharatnam Sivayoganathan Summoned for Questioning by the Counter-Terrorism Investigation Division.** *Frontline Defenders* (online, 21st September 2022). <https://www.frontlinedefenders.org/en/case/human-rights-defender-sabharatnam-sivayoganathan-summoned-questioning-counter-terrorism>

<sup>208</sup> **Groups spread lies about white vans, crocodiles and sharks – Gotabaya Rajapaksa.** *Tamil Guardian* (online, 12 April 2021). <https://www.tamilguardian.com/content/groups-spread-lies-about-white-vans-crocodiles-and-sharks-gotabaya-rajapaksa-0>

<sup>209</sup> Tasnim Nazeer. **Sri Lankan Muslims Fear Speaking Out. A crackdown on dissenting voices — those denouncing Islamophobia and criticizing the government — has Sri Lanka's Muslims afraid to speak out.** *The Diplomat* (online, 9 April 2021). <https://thediplomat.com/2021/04/sri-lankan-muslims-fear-speaking-out/>

<sup>210</sup> **Sri Lanka proscribes hundreds alongside Tamil diaspora organisations.** *Tamil Guardian* (online, 27 March 2021). <https://www.tamilguardian.com/content/sri-lanka-proscribes-hundreds-alongside-tamil-diaspora-organisations>

<sup>211</sup> **Tamil organisations speak out against Sri Lanka's ban.** *Tamil Guardian* (online, 4 April 2021). <https://www.tamilguardian.com/content/tamil-organisations-speak-out-against-sri-lankas-ban>

<sup>212</sup> **UN report warns of 'seeds of future violence' in Sri Lanka.** *Tamil Guardian* (online, 27 January 2021). <https://www.tamilguardian.com/content/un-report-warns-seeds-future-violence-sri-lanka>

By December 2020, over 40 civil society organizations had approached the Office of the High Commissioner for Human Rights (OHCHR) with reports of harassment, surveillance and repeated scrutiny by a range of security services - including Criminal Investigation Department, Terrorist Investigation Division and State Intelligence officials – who questioned them about administrative details and activities of the organization, lists of staff, including their personal contact details, donors and funding sources. Some were questioned about the whereabouts of their relatives abroad. The Secretary-General and Special Procedures have received similar allegations of surveillance and reprisals.<sup>213</sup>

## Seizing of historical Tamil lands:

There has been an increase in land-related concerns and militarisation since the Governance of Gotabaya Rajapaksa,<sup>214</sup> with growing fears from Tamils, politicians and elected council members over the seizing of lands in historical Tamil areas in the north and east and increasing Sinhala colonisation. Tamil names of places were erased and changed to Sinhala names.<sup>215</sup> The Sri Lankan Archaeological Department has been accused of attempting to ‘Sinhalise’ Tamil historical and cultural areas by confiscating large areas, identifying them as ‘archaeological sites’ and occupying these sites.<sup>216</sup> <sup>217</sup> In many instances Tamil farmers have been evicted and displaced with the support of the Sri Lankan government’s armed forces and the Sri Lankan Archaeological Department.<sup>218</sup> The escalating number of land grabs, enabled by the Sri Lankan military, are heavily impacting on the livelihoods of Tamils across the North-East.<sup>219</sup> A Sinhala Buddhist monk who is a member of the Presidential Task Force on archaeology in the Eastern Province stated that ‘tenant’ Tamils shouldn’t cause problems for the ‘landlord’ Sinhalese, claiming that there is *“no proof that the North and East are historical Tamil*

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<sup>213</sup> **Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021** (page9, point 32).

<sup>214</sup> **Tamil politicians and locals in Jaffna protest against Sri Lankan navy land grab efforts.** *Tamil Guardian* (online, 10 November 2020) <https://www.tamilguardian.com/content/tamil-politicians-and-locals-jaffna-protest-against-sri-lankan-navy-land-grab-efforts>

<sup>215</sup> **Sri Lanka accelerates Sinhalisation across Vavuniya.** *Tamil Guardian* (online 12 November 2020). <https://www.tamilguardian.com/content/sri-lanka-accelerates-sinhalisation-across-vavuniya>

<sup>216</sup> **High court imposes injunction against Sri Lanka Archaeology Department land occupation in Trincomalee.** *Tamil Guardian* (online, 10 November 2020). <https://www.tamilguardian.com/content/high-court-imposes-injunction-against-sri-lanka-archaeology-department-land-occupation>

<sup>217</sup> **‘They threatened to shoot me in the head for destroying Buddhist culture’.** *Tamil Guardian* (online, 24 June 2022). <https://www.tamilguardian.com/content/they-threatened-shoot-me-head-destroying-buddhist-culture>

<sup>218</sup> **‘Army prevents us from entering our own farmland,’ Vavuniya farmers lament.** *Tamil Guardian* (online, 29 September 2020). <https://www.tamilguardian.com/content/%E2%80%98army-prevents-us-entering-our-own-farmland%E2%80%99-vavuniya-farmers-lament>

<sup>219</sup> **Sri Lankan army establishes ‘firing zone’ in Batticaloa grazing land.** *Tamil Guardian* (online, 12 July 2021) <https://www.tamilguardian.com/content/sri-lankan-army-establishes-firing-zone-batticaloa-grazing-land>

*provinces. Just like tenants don't cause any hassle to the landlords, the minority communities shouldn't cause any trouble to the majority in the country.*"<sup>220</sup>

Land-grabbing by the military has continued under the Wickremesinghe Government. The UN Human Rights Committee in its March 2023 Report noted:

"Reports of new land grabs by the military using threats and intimidation as well as of partial land releases with the military retaining the control of neighboring land. It is also concerned about the forced resettlement of the Tamil community as a result of annexation of their traditional land by the authorities for irrigation and development purposes, and the lack of reparations provided to the affected community. It also notes with concern reports of frequent land disputes in relation to the construction of Buddhist archaeological heritage and forestry conservation sites, especially in the provinces largely inhabited by Tamils and Muslims, which have undermined reconciliation and led to new conflicts."<sup>221</sup>

### **Harassment of Tamils with links to the LTTE:**

"Former Liberation Tigers of Tamil Eelam cadres, including women, are subject to intensive surveillance, regardless of whether they have undergone the Government's "rehabilitation" scheme or not. Female ex-combatants still face serious security risks, including sexual abuse and extortion, by security forces and others. The High Commissioner fears that, without fundamental security sector reforms and the demilitarization of the north and the east, the pervasive culture of surveillance and oppressive environment for the people in these areas will continue."

stated the Situation of Human Rights in Sri Lanka -Comprehensive Report of the United Nations High Commissioner for Human Rights in October 2022.<sup>222</sup>

In February 2021 Tamil Guardian reported that dozens of Tamils had been detained in recent months by Sri Lankan security forces, particularly in the Eastern Province, over alleged social media posts with LTTE content.<sup>223</sup>

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<sup>220</sup> **Sinhala Buddhist monk warns 'minorities' that 'tenants should not trouble landlords'**. Tamil Guardian (online, 8 September 2020). <https://www.tamilguardian.com/content/sinhala-buddhist-monk-warns-minorities-tenants-should-not-trouble-landlords>

<sup>221</sup> **UN Human Rights Committee. Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023.** [point 34] [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FLA%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FLA%2FCO%2F6&Lang=en)

<sup>222</sup> **A/HRC/51/5: Situation of human rights in Sri Lanka - Comprehensive report of the United Nations High Commissioner for Human Rights.** Published 04 October 2022. [page7, Section IVD: 32]. <https://www.ohchr.org/en/documents/reports/ahrc515-situation-human-rights-sri-lanka-comprehensive-report-united-nations-high>

<sup>223</sup> **Sri Lanka arrests Tamil youth for Tik Tok posts after 'cyber patrol unit' monitoring.** Tamil Guardian (online, 26 February 2021). <https://www.tamilguardian.com/content/sri-lanka-arrests-tamil-youth-tik-tok-posts-after-cyber-patrol-unit-monitoring>

In November 2020 Sri Lankan police arrested 19 people under the Prevention of Terrorism Act for allegedly posting birthday wishes online in memory of LTTE leader Velupillai Prabhakaran, with a further 55 people under investigation.<sup>224</sup>

In October 2020, a land-mark judgement from Britain's Proscribed Organisations Appeal Commission found that the decision to keep the LTTE as a proscribed terrorist organisation was 'flawed' and unlawful. Sri Lanka's Prime Minister Mahinda Rajapaksa called on the British authorities to ensure a ban was kept on the organisation, claiming the LTTE was "very active".<sup>225</sup> The Sri Lankan Government issued a statement that "The Government of Sri Lanka has sufficient evidence to prove remnants of the LTTE and groups aligned with its terrorist ideology are active in foreign countries, working to incite violence and destabilize the country."<sup>226</sup>

In July 2020 Sri Lankan security forces carried out an increasing number of raids across the North-East arresting as many as 22 people, plus more than a dozen Tamil youths on charges of attempting to regroup the LTTE.<sup>227</sup>

In March 2020 security measures were tightened across the North- East following the arrest of six former LTTE cadres and a German citizen alleged to be a former LTTE cadre plotting to revive the Liberation Tigers of Tamil Eelam.<sup>228</sup>

Former LTTE combatants and Tamil disappearance activists continue to bear the brunt of the state's security apparatus stated a Report by the Sri Lanka Campaign for Peace and Justice in February 2020.<sup>229</sup>

## Continuing and intensifying oppression against Tamils:

In February 2023, thousands of Tamils, including Tamil University students, Hindu and Christian religious leaders, Tamil Civil Society groups, Tamil women groups, Tamil trade unions, Tamil farmers, and Fisheries organizations, marched

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<sup>224</sup> Sri Lankan police arrest 19 and mark further 55 for posting Prabhakaran birthday messages. Tamil Guardian (online, 27 November 2020). <https://www.tamilguardian.com/content/sri-lankan-police-arrest-19-and-mark-further-55-posting-prabhakaran-birthday-messages>

<sup>225</sup> Sri Lankan High Commission scrambles to ensure ban on LTTE is kept. Tamil Guardian (online, 26 October 2020). <https://www.tamilguardian.com/content/sri-lankan-high-commission-scrambles-ensure-ban-ltte-kept>

<sup>226</sup> Sri Lanka 'closely monitoring' British ruling on LTTE ban. Tamil Guardian (online, 22 October 2020). <https://www.tamilguardian.com/content/sri-lanka-closely-monitoring-british-ruling-ltte-ban>

<sup>227</sup> Sri Lankan police arrest Tamil youth for 'regrouping the LTTE'. Tamil Guardian (online, 1 July 2020). <https://www.tamilguardian.com/content/sri-lankan-police-arrest-tamil-youth-%E2%80%98regrouping-ltte%E2%80%99>

<sup>228</sup> Toughened security across North East following conspiracy by 'prominent ex-LTTE cadres' to 'assassinate politician'. Tamil Guardian (online, 7 March 2020). <https://www.tamilguardian.com/content/toughened-security-across-north-east-following-conspiracy-prominent-ex-ltte-cadres>

<sup>229</sup> Sri Lanka Campaign for Peace and Justice, Abandoned Promises? Preserving Human Rights and Pursuing Accountability in Gota's Sri Lanka, February 2020. <https://www.srilankacampaign.org/wp-content/uploads/2020/02/Abandoned-Promises-Sri-Lanka-Campaign-J-February-2020-compressed.pdf>

in a four-day rally from the North to the East, protesting against continuing discrimination and abuse, and calling for an end to the Sri Lankan military's occupation of the Tamil homeland. They were met with intimidation, surveillance and violence by the Sri Lankan police and military.<sup>230 231</sup>

In July 2022, a statement from five Tamil civil society organisations demanded "meaningful restructuring of the constitution", such as devolving power towards a more federal form of governance, demilitarisation of the north and east, the repeal of the Prevention of Terrorism Act, justice for the disappeared, ratification of the Rome Statute, and the ceasing of land acquisitions by the military and security outposts in the north and east.<sup>232</sup>

In February 2021, tens of thousands of people led by North-East Civil Societies joined one of the largest rallies in the Tamil homeland since the end of the armed conflict in 2009, as they marched in a five-day long campaign across the Tamil homeland from Pottuvil in the east to Polihandy in the north. The march was endorsed by all Tamil political parties, as well as by Tamil and Muslim civil society organisations and Muslim leaders. "*Successive Sri Lankan Sinhala - Buddhist Governments have continually suppressed our right to self-determination and govern us employing brutal military force to annihilate, which amounts to Genocide*"<sup>233</sup>

Sri Lanka's then public security minister Sarath Weerasekara claimed that his regime would file cases against the Tamil protestors who marched through the North-East. "*We receive intelligence reports,*" said Weerasekara. "*We have their photos, and we have their vehicle numbers, we know who these individuals are.*"<sup>234</sup>

In December 2021, 32 individuals, including journalists, activists, politicians, and members of the Families of the Disappeared, who attended the Pottuvil to Polikandy (P2P) protests, were summoned by the Pottuvil Magistrate Court, following a request from the Sri Lankan security forces.<sup>235</sup>

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<sup>230</sup> **Day 4 – Eelam Tamils continue demands to end military occupation.** *Tamil Guardian* (online, 07 February 2023). <https://www.tamilguardian.com/content/day-4-eelam-tamils-continue-demands-end-military-occupation>

<sup>231</sup> **Anti-Sri Lanka March by Tamil Univ Students Proceeds, braving Military Blockade. Tamil Demands to be Declared at the End.** *Lanka News* (online, 6<sup>th</sup> February 2023). [https://www.einnews.com/pr\\_news/615508916/anti-sri-lanka-march-by-tamil-univ-students-proceeds-braving-military-blockade-tamil-demands-to-be-declared-at-the-end](https://www.einnews.com/pr_news/615508916/anti-sri-lanka-march-by-tamil-univ-students-proceeds-braving-military-blockade-tamil-demands-to-be-declared-at-the-end)

<sup>232</sup> **A chauvinist flag and war crimes: Tamil perspectives of Sri Lanka protests.** *The News Minute* (online, 24 July 2022). <https://www.thenewsminute.com/article/chauvinist-flag-and-war-crimes-tamil-perspectives-sri-lanka-protests-166160>

<sup>233</sup> **Sri Lanka: Tens of Thousands of Tamils Rally to Call For Freedom and Rejecting Unitary State.** North East Civil Societies. *Einpresswire* (online, 8<sup>th</sup> February 2021). [https://www.einnews.com/pr\\_news/535338187/sri-lanka-tens-of-thousands-of-tamils-rally-to-call-for-freedom-and-rejecting-unitary-state](https://www.einnews.com/pr_news/535338187/sri-lanka-tens-of-thousands-of-tamils-rally-to-call-for-freedom-and-rejecting-unitary-state)

<sup>234</sup> 'Tear gassed and arrested, that's what Sumanthiran and Ponnambalan need' - Sri Lankan minister. *Tamil Guardian* (online, 9<sup>th</sup> February 2021). <https://www.tamilguardian.com/content/tear-gassed-and-arrested-thats-what-sumanthiran-and-ponnambalan-need-sri-lankan-minister>

<sup>235</sup> **Sri Lankan police persecute journalists that covered the P2P protests.** *Tamil Guardian* (online, 22 December 2021). <https://www.tamilguardian.com/content/sri-lankan-police-persecute-journalists-covered-p2p-protests>

In January 2021, 47 Member States of the UN Human Rights Council, elected representatives of the Tamil people in Sri Lanka, leaders of Tamil national political parties, members of the Tamil victim communities and Tamil civil society organizations sent a joint letter urging the UN Human Rights Council to refer Sri Lanka to the International Criminal Court and any other appropriate and effective international accountability mechanisms to inquire into the crime of genocide, war crimes and crimes against humanity.

The letter stated:

"The continuing and intensifying oppression against the Tamils including militarisation, indefinite detention of political prisoners, land grab in the name of archaeological explorations, the denial of traditional, collective land rights like cattle grazing rights, intensifying surveillance of political and civil society activists, the denial of burial rights during COVID19 to our Muslim brethren and the denial of the right to memory, underscore the urgency of addressing the deteriorating situation."<sup>236</sup>

## Election violence

### November 2019 Presidential Election

Sources reporting on the election and post-election period observed that Tamils and Muslims, were intimidated, prevented from voting or faced reprisals for not voting for Gotabaya Rajapaksa.<sup>237 238</sup>

In the lead-up to the November 2019 Presidential Election, Tamil Makkal Viduthalai Pulikal - Tamil Peoples Liberation Tigers (TMVP), declared its support for Sri Lanka Podujana Perumna (SLPP) candidate Gotabaya Rajapaksa.<sup>239</sup> TMVP is a paramilitary political party led by Pillayan (alias Sivanesanathurai Chandrakanthan), who at the time of the election was in remand over the 2005 murder of Tamil National Alliance parliamentarian Joseph Pararajasingham. The paramilitary leader broke away from the LTTE with Karuna in 2004, and since then has been accused of committing executions and other rights abuses with the support of the Sri Lankan state.<sup>240</sup> The TMVP was originally the political wing of

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<sup>236</sup> **Tamils Unitedly Urge UN Human Rights Council to Refer Sri Lanka to International Criminal Court (ICC).** *Tamil News, Einpresswire* (online, 17 January 2021) [https://www.einnews.com/pr\\_news/534655598/tamils-unitedly-urge-un-human-rights-council-to-refer-sri-lanka-to-international-criminal-court-icc](https://www.einnews.com/pr_news/534655598/tamils-unitedly-urge-un-human-rights-council-to-refer-sri-lanka-to-international-criminal-court-icc)

<sup>237</sup> **ACLED. Regional Overview South Asia 10-16 November 2019.** <https://acleddata.com/2019/11/19/regional-overview-south-asia-10-16-november-2019/>

<sup>238</sup> **ACLED. Regional Overview South Asia 17-23 November 2019.** <https://acleddata.com/2019/11/26/regional-overview-south-asia-17-23-november-2019/>

<sup>239</sup> **'TMVP to back Gotabaya'.** *Sunday Observer* (online, 13 October 2019) <http://www.sundayobserver.lk/2019/10/13/news/tmvp-back-gotabaya>

<sup>240</sup> **'Pro-Rajapaksa paramilitary leader 'assured Sri Lankan minister post'.** *Tamil Guardian* (online, 1 August 2020) <https://www.tamilguardian.com/content/pro-rajapaksa-paramilitary-leader-%E2%80%99assured-sri-lankan-minister-post%E2%80%99>



the armed faction earlier known as the Karuna group. It enjoyed the strong backing of the government of President Mahinda Rajapaksa. The TMVP is still actively involved in serious human rights abuses.<sup>241 242</sup>

The European Union Election Observation Mission received complaints from the Sri Lanka Muslim Congress (SLMC), that intimidation of voters and inciting of violence was planned in the Batticaloa District in Eastern Province using members of organisations under the leadership of Karuna Amman and Pillayan. Similar incidents were reported in Batticaloa and Ampara districts during the previous elections.<sup>243</sup>

On 10th of November 2019 the Batticaloa home of a supporter of candidate Sajith Premadasa was attacked with a petrol bomb. Members of the Pillayan paramilitary group are alleged to have carried out the attack.<sup>244</sup>

An attack on a convoy of internally displaced Muslims heading to Northern Province to cast their ballots in Mannar District where the Elections Commission had encouraged them to register as voters, raised concerns of a coordinated effort to disenfranchise the minority group.<sup>245</sup>

On 3 November 2019 in Mullaitivu, Northern Province, a prominent member of the youth wing of Ilankai Tamil Arasu Katchi (ITAK), the largest party of the Tamil National Alliance, was summoned for questioning in Colombo by the Terrorism Investigation Division. He was the fourth Mullaitivu -based individual to be summoned in recent weeks.<sup>246</sup>

Gotabaya Rajapaksa won the election. While sweeping Sinhala votes in the South, Rajapaksa averaged less than 18% of the vote in the Tamil homeland of the North-East.<sup>247</sup>

On 30th November 2019, Vavuniya Citizens Committee leader and Coordinator of the Vavuniya families of the disappeared K. Rajkumar, was brutally attacked

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<sup>241</sup> **Sri Lanka: Human Rights Situation Deteriorating in the East -Armed Faction Is Killing, Kidnapping Civilians.** *Human Rights Watch* (online, 24 November 2008) <https://www.hrw.org/news/2008/11/24/sri-lanka-human-rights-situation-deteriorating-east>

<sup>242</sup> **TMVP General Secretary arrested for threatening witnesses in double murder case.** *ColomboPage* (online, 12 November 2020) [http://www.colombopage.com/archive\\_20B/Nov12\\_1605205026CH.php](http://www.colombopage.com/archive_20B/Nov12_1605205026CH.php)

<sup>243</sup> **'Karuna and Pillayan planning election violence in the East, SLMC leader informs EU Election Monitoring Team'.** *ColomboPage* (online, 31 October 2019) [http://www.colombopage.com/archive\\_19B/Oct31\\_1572505075CH.php](http://www.colombopage.com/archive_19B/Oct31_1572505075CH.php)

<sup>244</sup> **'Petrol bombs flung at home of Sajith supporter in Batticaloa'.** *Tamil Guardian* (online, 14 November 2019) <https://www.tamilguardian.com/content/petrol-bombs-flung-home-sajith-supporter-batticaloa>

<sup>245</sup> **Associated Press, 'Attack probed as Sri Lankans choose next leader'.** *North West Arkansas Democrat Gazette* (online, 17 November 2019) <https://www.nwaonline.com/news/2019/nov/17/attack-probed-as-sri-lankans-choose-nex/>

<sup>246</sup> **'ITAK activist latest in spate of summons by terrorism division as Maaveerar Naal approaches'.** *Tamil Guardian* (online, 3 November 2019) <https://www.tamilguardian.com/content/itak-activist-latest-spate-summons-terrorism-division-maaveerar-naal-approaches>

<sup>247</sup> **'Hate speech flourishes online as Gotabaya victory declared'.** *Tamil Guardian* (online, 17 November 2019) <https://www.tamilguardian.com/content/hate-speech-flourishes-online-gotabaya-victory-declared>

several times by paramilitary Eelam People's Democratic Party (EPDP) supporters after a protest held to show their concerns regarding its leader Douglas Devananda.<sup>248</sup> Douglas Devananda, a current Sri Lankan cabinet minister, is notorious in the Northern Province for his role in abductions and disappearances during and after the armed conflict.<sup>249</sup> The EPDP, a government backed paramilitary organisation, has been accused of a litany of crimes including assassinations, abductions, running prostitution rings and extortion.<sup>250 251</sup>

## August 2020 General Parliamentary Election

In June 2020, Sri Lanka's opposition party, the Samagi Jana Balavegaya, accused the government's intelligence agencies of collecting data on civilians as part of a larger surveillance project, that would see military intelligence officers in every polling station across the island at the upcoming parliamentary elections.<sup>252</sup>

Eleven international human rights organisations cautioned the Sri Lankan government in a statement demanding that they end targeted detention and the intimidations of lawyers, activists, human rights defenders, and journalists in Sri Lanka.

According to the joint statement:

*"A campaign of fear has intensified since the 2019 presidential election and has cast a shadow over the 2020 parliamentary election campaign"*<sup>253</sup>

UN Special Rapporteur Clément N. Voule expressed repeated concern at rapid changes that had taken place in Sri Lanka since the 2019 presidential elections, citing ethnic discrimination, militarisation, and intimidation of civil society in an address to the UN Human Rights Council.

*"I am concerned about the fate of hard-fought gains in relation to civic space and the rule of law, including in the run up to the 5 August parliamentary elections."*<sup>254</sup>

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<sup>248</sup> **'Paramilitary members attack families of disappeared representative'**. *Tamil Guardian* (online, 1 January 2020) <https://www.tamilguardian.com/content/paramilitary-members-attack-families-disappeared-representative>

<sup>249</sup> **'Families of disappeared protest demanding EPDP leader arrest'**. *Tamil Guardian* (online, 3 January 2020) <https://www.tamilguardian.com/content/families-disappeared-protest-demanding-epdp-leader-arrest>

<sup>250</sup> **'Vavuniya locals protest EPDP MP's 'demeaning' comment'**. *Tamil Guardian* (online, 17 September 2020) <https://www.tamilguardian.com/content/vavuniya-locals-protest-epdp-mp%E2%80%99s-%E2%80%98demeaning%E2%80%99-comment>

<sup>251</sup> **Abductions, murders and prostitution rings – The story of Douglas Devananda, who is still a Sri Lankan minister**. *Tamil Guardian* (online, 18 April 2022). <https://www.tamilguardian.com/content/abductions-murders-and-prostitution-rings-story-douglas-devananda-who-still-sri-lankan>

<sup>252</sup> **'Sri Lankan opposition warns of intelligence officers at polling stations as part of state surveillance'**. *Tamil Guardian* (online, 09 June 2020) <https://www.tamilguardian.com/content/sri-lankan-opposition-warns-intelligence-officers-polling-stations-part-state-surveillance>

<sup>253</sup> **'Human rights under attack' in Sri Lanka warn multiple NGOs'**. *Tamil Guardian* (online, 31 July 2020) <https://www.tamilguardian.com/content/human-rights-under-attack-sri-lanka-warn-multiple-ngos>

<sup>254</sup> **'Concern, concern, concern' – UN Special Rapporteur says Sri Lanka has 'rapidly changed'**. *Tamil Guardian* (online, 10 July 2020) <https://www.tamilguardian.com/content/%E2%80%98concern-concern->

A Northern Province TNA candidate expressed fear to the Election Commission that Sri Lanka's militarisation may hinder free voting in the elections.<sup>255</sup>

Sri Lankan Military intimidated former Northern Province Chief Minister Justice Wigneswaran ahead of the Parliamentary Elections.<sup>256</sup>

Socialist Equality Party (SEP) candidates for the Jaffna district experienced military harassment on several occasions.<sup>257</sup> Leaders of independent groups contesting the general election also complained about military harassment.<sup>258</sup>

A Tamil journalist in Kilinochchi was threatened by a local politician with links to a former paramilitary MP. The council member was reported to be a member of a political party led by M Chandrakumar, a former parliamentarian who served under the paramilitary Eelam People's Democratic Party.<sup>259</sup>

Sri Lanka election monitoring organisation, People's Action for Free and Fair election (PAFFREL) received across the country 1,469 complaints of violations of election laws and other laws related to the general election by July 24th, according to the PAFFREL Executive Director Rohana Hettiarachchi. Out of the total, 58 incidents of serious violence had been reported and 876 complaints had been received regarding illegal propaganda activities. In addition, PAFFREL received 24 complaints of assaults during political activities. Among them were 9 serious assaults, six within the same party and nine disputes between the opposition parties.<sup>260</sup>

In the lead up to the August 2020 General Parliamentary Election, Sri Lanka election monitor, Campaign for Free and Fair Elections (CaFFE) warned that certain parts of Digamadulla district in the Eastern Province could be a hotspot for election violence. Three hotspots were identified in the district - Pottuvil, Sainthamaruthu and Akkaraipattu.<sup>261</sup>

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[concern%E2%80%99-%E2%80%93-un-special-rapporteur-says-sri-lanka-has-%E2%80%98rapidly-changed%E2%80%99](#)

<sup>255</sup> 'TNA candidate fears Sri Lanka's militarisation may hinder free voting in elections.' *Tamil Guardian* (online, 26 June 2020) <https://www.tamilguardian.com/content/tna-candidate-fears-sri-lanka%E2%80%99s-militarisation-may-hinder-free-voting-elections>

<sup>256</sup> Justice C.V.Wigneswaran, Thamizh Makkal Thesiya Kootani, 'Sri Lankan Military Intimidates Former Northern Province Chief Minister Justice Wigneswaran Ahead of Polls'. *Einpresswire* (online, 31 July 2020) <https://www.einpresswire.com/article/522977070/sri-lankan-military-intimidates-former-northern-province-chief-minister-justice-wigneswaran-ahead-of-polls>

<sup>257</sup> 'Growing demands that Sri Lankan defence secretary end the military harassment of SEP candidates'. *World Socialist Web Site* (online, 28 July 2020) <https://www.wsws.org/en/articles/2020/07/28/sril-j28.html>

<sup>258</sup> 'As support widens for SEP defence campaign, Sri Lanka army commander says allegations of military harassment of northern election candidates are "false"'. *World Socialist Web Site* (online, 16 July 2020) <https://www.wsws.org/en/articles/2020/07/16/sldc-j16.html>

<sup>259</sup> 'Tamil journalist threatened by paramilitary-linked local politician', *Tamil Guardian* (online, 25 July 2020) <https://www.tamilguardian.com/content/tamil-journalist-threatened-paramilitary-linked-local-politician>

<sup>260</sup> 'Election monitor receives 1469 complaints regarding election law violations' *ColomboPage* (online, July 26 2020) [http://www.colombopage.com/archive\\_20B/Jul26\\_1595737864CH.php](http://www.colombopage.com/archive_20B/Jul26_1595737864CH.php)

<sup>261</sup> 'Digamadulla already a hotspot for election violence - CaFFE', *ColomboPage* (online, 7 July 2020) [http://www.colombopage.com/archive\\_20B/Jul07\\_1594144783CH.php](http://www.colombopage.com/archive_20B/Jul07_1594144783CH.php)

Paramilitary organisations and Sri Lankan military intelligence had pursued a campaign of intimidation and harassment against party members of Tamil National People's Front (TNPf) contesting in the Eastern province, said party leader Gajendrakumar Ponnambalam.

*"In Amparai, 3 of our candidates are on the verge of withdrawing due to ferocious threats and harassment from the Karuna group," he said. "In Batticaloa, one of our candidates is under threat from Pillayan group for the last 3 years."* <sup>262</sup>

A week after the General Parliamentary Election the TNPf Amparai District candidate was attacked with swords by men from the paramilitary Karuna group and admitted to hospital with serious injuries.<sup>263</sup>

Karuna Amman (alias Vinayagamoorthy Muralitharan), is a close ally of the ruling Rajapaksa regime, and is accused of a litany of crimes including kidnappings, extortion, and executions, many of which took place with the complicity of Rajapaksa's government, after Karuna had defected from the LTTE. <sup>264</sup> <sup>265</sup>

Karuna contested the Parliamentary Election as a candidate for the Tamil United Freedom Front (TUFF) in Kalmunai. Although unsuccessful, he split the Tamil vote in Digamudulla electoral district, with the TNA losing its Tamil representation in this area. Karuna was later appointed the District Coordinator of Prime Minister Mahinda Rajapaksa for Ampara and Batticaloa.<sup>266</sup>

Ilankai Tamil Arasu Kachchi (ITAK) is the main party in the Tamil National Alliance. Thavarasa Kalaiarasan, a candidate for ITAK in Kalmunai, was unsuccessful at the Parliamentary General Election, but later nominated to parliament as a TNA National List MP. <sup>267</sup>

Leader of the Tamil Makkal Viduthalai Pullikal (TMVP), Sivanesathurai Chandrakanthan (Santhirakanthan) alias Pillayan, despite being held in remand for the murder of a TNA politician in 2005, was elected to Parliament. Pillayan is a paramilitary leader accused of committing executions and other human rights abuses with the support of the Sri Lankan state. A firm supporter of the Rajapaksa

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<sup>262</sup> **"Candidates on the verge of withdrawing due to ferocious threats' - TNPf'**, *Tamil Guardian* (online, 30 July 2020) <https://www.tamilguardian.com/content/%E2%80%98candidates-verge-withdrawing-due-ferocious-threats%E2%80%99-%E2%80%93-tnpf>

<sup>263</sup> **'Former TNPf candidate seriously injured by paramilitary sword attack'**, *Tamil Guardian* (online, 11 August 2020) <https://www.tamilguardian.com/content/former-tnpf-candidate-seriously-injured-paramilitary-sword-attack>

<sup>264</sup> Mahinda Rajapaksa warns against 'minor distractions' of Karuna and urges focus on 'foreign conspirators'. *Tamil Guardian* (online, 30 June 2020) <https://www.tamilguardian.com/content/mahinda-rajapaksa-warns-against-minor-distractions-karuna-and-urges-focus-foreign>

<sup>265</sup> **"Accountability should apply to everyone' says UN in call to investigate Karuna'**, *Tamil Guardian* (online, 26 June 2020) <https://www.tamilguardian.com/content/accountability-should-apply-everyone-says-un-call-investigate-karuna>

<sup>266</sup> **Karuna Amman appointed district coordinator of Prime Minister.** *The Island Online* (online, 15 October 2020) <https://island.lk/karuna-amman-appointed-district-coordinator-of-prime-minister/>

<sup>267</sup> **'Tamil parties appoint National List MP's'**, *Tamil Guardian* (online, 10 August 2020) <https://www.tamilguardian.com/content/tamil-parties-appoint-national-list-mps>

regime, he contested in the parliamentary elections as part of the Tamil Makkal Viduthalai Pulikal Party (TMVP) and attained the most votes in Batticaloa with over 54,000 votes. Tamil observers have commented that his party exploited tensions between Tamils and Muslims in the East as part of election campaigning. Pillayan had been in remand custody for the assassination of Pararajasingham since October 2015.<sup>268</sup>

In September 2020, President Rajapaksa appointed Pillayan as Co-Chairperson of the Batticaloa District Coordinating Committee (DDC) charged with coordinating, implementing, and monitoring all development activities of state institutions and NGOs in the district.<sup>269</sup>

In January 2021, the charges against Pillayan, now a sitting MP and close political ally of the Rajapaksa's SLPP, were dropped by the Attorney General.<sup>270</sup>

## Prevention of Terrorism Act (PTA)

Numerous Human Rights reports have cited widespread and systemic brutal abuse, torture, and ill-treatment of Sri Lankan Tamil people arbitrarily detained, or arrested under the notorious Prevention of Terrorism Act (PTA).<sup>271 272 273 274 275</sup>

The PTA is one of the main tools used to perpetrate human rights violations in Sri Lanka. Suspects can be placed in prolonged detention – without charge and without being produced before a judge.<sup>276</sup>

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<sup>268</sup> 'Murder-accused paramilitary leader permitted to attend parliament sessions', *Tamil Guardian* (online, 19 August 2020) <https://www.tamilguardian.com/content/murder-accused-paramilitary-leader-permitted-attend-parliament-sessions>

<sup>269</sup> **2020 Country Reports on Human Rights Practices: Sri Lanka. Section C. Torture and Other Cruel, Inhuman, Or Degrading Treatment Or Punishment.** US Department of State. March 30, 2021. <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/sri-lanka/>

<sup>270</sup> **Sri Lankan government to drop murder case of senior Tamil politician.** *Outlook India. The News Scroll* (online, 11 January 2021). <https://www.outlookindia.com/newscroll/sri-lankan-government-to-drop-murder-case-of-senior-tamil-politician/2008622>

<sup>271</sup> **Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Addendum -Mission to Sri Lanka. July 2018. (page 8)** [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJuly2018.PDF](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJuly2018.PDF)

<sup>272</sup> **Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka. March 2017. (pages 6-7).** <https://www.mfa.gov.lk/wp-content/uploads/2018/03/34-5.pdf>

<sup>273</sup> **Unstopped: State Torture & Sexual Violence in 2016/17.** International Truth & Justice, July 2017. [www.itjpsl.com](http://www.itjpsl.com)

<sup>274</sup> **2020 Country Reports on Human Rights Practices: Sri Lanka. Section C. Torture and Other Cruel, Inhuman, Or Degrading Treatment Or Punishment.** US Department of State. March 30, 2021. <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/sri-lanka/>

<sup>275</sup> **Human Rights Watch World Report 2022. Sri Lanka -Events of 2021.** Human Rights Watch. <https://www.hrw.org/world-report/2022/country-chapters/sri-lanka>

<sup>276</sup> Thyagi Ruwanpathirana. **On Hejaaz Hizbullah: The latest victim of Sri Lanka's draconian Prevention of Terrorism Act.** *Amnesty International*, 15 July 2020.

UN Special Rapporteur on human rights and counter-terrorism Mr. Emmerson said in 2017:

*“The Tamil community has borne the brunt of the State’s well-oiled torture apparatus, as the law is used disproportionately against them. The use of torture is deeply ingrained in the security sector. I heard deeply disturbing, first-hand accounts of brutal torture. These included beatings with sticks, stress positions, asphyxiation using plastic bags drenched in kerosene, pulling out of fingernails, insertion of needles beneath the fingernails, various forms of water torture, suspension for several hours by the thumbs, and mutilation of the genitals.”*<sup>277</sup>

The National Human Rights Commission in Sri Lanka emphasized in 2017 that torture in custody was widespread, systemic, institutionalised and formed a major priority in its work.<sup>278</sup>

When Gotabaya Rajapaksa came to power in November 2019, his administration used the PTA to target perceived political opponents and members of the minority Tamil and Muslim communities. Authorities threatened the victims of past human rights violations, human rights activists and lawyers, journalists, and members of civil society groups under the guise of countering terrorism. A human rights activist working with the Tamil community based in the north of Sri Lanka said: *“They are using PTA to create fear among activists. When we talk to the families of the disappeared, they say they can be arrested at any time. Police are arresting people for posting pictures on Facebook. They can arrest you for anything.”*<sup>279</sup>

The United Nations Commissioner for Human Rights, Michelle Bachelet expressed concern in her January 2021 Report to the UN Human Rights Council, that the Sri Lankan Government has continued to use the Prevention of Terrorism Act (PTA), despite repeated calls over many years by United Nations human rights mechanisms to repeal it.<sup>280</sup>

*“These incidents reflect the persistence of longstanding and endemic patterns of custodial deaths, use of torture and other ill-treatment, and extrajudicial killings by law enforcement officials with impunity.*

*OHCHR has also continued to receive credible allegations through well-known human rights organizations of abductions, torture and sexual violence by Sri Lankan*

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<https://www.amnesty.org/en/latest/news/2020/07/sri-lanka-on-hejaaz-hizbullah-and-the-prevention-of-terrorism-act/>

<sup>277</sup> **Sri Lanka routinely tortures security suspects amid stalled reform process, UN expert finds.** OHCHR. 18 July 2017.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21884&LangID=E>

<sup>278</sup> **Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Addendum -Mission to Sri Lanka. July 2018. (page 8)**

[https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJuly2018.PDF](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJuly2018.PDF)

<sup>279</sup> **“In a Legal Black Hole” Sri Lanka’s Failure to Reform the Prevention of Terrorism Act.** Human Rights Watch. February 2022.

[https://www.hrw.org/sites/default/files/media\\_2022/02/srilanka0222\\_web.pdf](https://www.hrw.org/sites/default/files/media_2022/02/srilanka0222_web.pdf)

<sup>280</sup> **Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021 (pages 10 & 11).** [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)



security forces since the adoption of resolution 30/1, including in the past year, which need to be credibly investigated.”<sup>281</sup>

*“the failure to implement any vetting or comprehensive reforms in the security sector means that the State apparatus and some of its members credibly implicated in the alleged grave crimes and human rights violations remain in place.”*<sup>282</sup>

In March 2021, ‘de-radicalization’ regulations, which allowed for the arbitrary administrative detention of people for up to two years without trial, were introduced. The International Commission of Jurists expressed concern that the regulations could disproportionately target minority religious and ethnic communities and called for the regulations to be immediately withdrawn.<sup>283</sup>

In August 2021, UN Special Rapporteurs called upon the Sri Lankan Government to rescind the Regulation which expanded upon previous concerns raised by the UN that remained unaddressed and are an additional set of rights-denying measures further undermining the protection of human rights in Sri Lanka.<sup>284 285</sup>

In October 2021, former Sri Lanka Human Rights Commissioner, Ambika Satkunanathan explained in a briefing to the US Congress Human Rights Commission, that due process is almost always violated during arrests under the PTA and that the PTA also allows the admission of a confession made to a Police officer above the rank of an Assistant Superintendent of Police as evidence during the trial.

*“As a result, persons are tortured to obtain confessions. The burden of proving the confession was obtained under duress upon the accused person,”* she said.<sup>286</sup>

The Sri Lanka Human Rights Commission has recorded testimonies of persons who were subjected to severe torture when removed from judicial custody for interrogation.<sup>287</sup>

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<sup>281</sup> **Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021** (pages 10 & 11). [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)

<sup>282</sup> **Promotion reconciliation, accountability & human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021** (page 14, point 52). [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)

<sup>283</sup> **Sri Lanka: ‘De-radicalization’ regulations should be immediately withdrawn. ICJ** (online, 21<sup>st</sup> March 2021). <https://www.ici.org/sri-lank-de-radicalization-regulations-should-be-immediately-withdrawn/#:~:text=Sri%20Lankan%20President%20Gotabaya%20Rajapaksa,notification%20on%2012%20March%2C%202021>

<sup>284</sup> **UN Special Rapporteurs Communication Report to Sri Lankan Government. 9th August 2021.** <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26575>

<sup>285</sup> **Sri Lanka's expanded PTA violates basic liberties warn UN experts. Tamil Guardian** (online, 16 August 2021) <https://www.tamilguardian.com/content/sri-lankas-expanded-pta-violates-basic-liberties-warn-un-experts>

<sup>286</sup> **Commission discusses Sri Lanka's PTA. Colombo Gazette** (online, 27th October 2021). <https://colombogazette.com/2021/10/27/us-congress-human-rights-commission-discusses-sri-lankas-pta/>

<sup>287</sup> Ibid.

On January 27th, 2022, the Sri Lankan Government published a Bill to amend the PTA. However, the proposed amendments left the most often abused provisions of the law intact, and if enacted, would do little to bring the PTA into compliance with Sri Lanka's international human rights obligations.<sup>288</sup>

Sri Lanka's Centre for Policy Alternatives, on January 31st, 2022, stated that the government's proposed amendments to the PTA were "grossly inadequate" and that there needed to be an "immediate moratorium on the use of PTA until an acceptable law can be drafted". "Many of the aspects which require urgent reform as highlighted by legal scholars, civil society actors and even the Supreme Court of Sri Lanka have not been addressed in the Bill. In this light, the proposed amendment to the PTA appears to be more a token effort to address international pressure rather than a genuine and effective exercise to address ground realities and the abuses and violations brought about by the PTA."<sup>289</sup>

In February 2022, former Human Rights Commissioner of Sri Lanka Ambika Satkunanathan, stated that "nearly all human rights deficient provisions in the PTA remain untouched" and that the Sri Lankan Government "has taken no action to repeal two provisions which facilitate torture." "They are sections 7(3), which allows the police to take the person out of prison to another place for interrogation even after the person has been remanded, and section 15A, which allows the Secretary Defence to decide on a place of detention after the person has been remanded to judicial custody, even following conviction." "The worst forms of torture have been recorded to have taken place when these two provisions were used," Satkunanathan stated.<sup>290</sup>

In February 2022, Human Rights Watch released a report titled "*In a Legal Black Hole*" Sri Lanka's Failure to Reform the Prevention of Terrorism Act.<sup>291</sup> The report examined the PTA, noting how "twelve years since the end of the war the government is still targeting Tamils but also using the PTA against Muslims, particularly since 2019". The report noted that the government's proposed amendments to the PTA would still leave it falling far short of international standards. "If the amendments are adopted, the PTA would still not meet any of the five "necessary prerequisites" described by seven United Nations special rapporteurs in December 2021 to comply with international human rights standards," said HRW.<sup>292</sup>

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<sup>288</sup> "In a Legal Black Hole" Sri Lanka's Failure to Reform the Prevention of Terrorism Act. Human Rights Watch. February 2022. [https://www.hrw.org/sites/default/files/media\\_2022/02/srilanka0222\\_web.pdf](https://www.hrw.org/sites/default/files/media_2022/02/srilanka0222_web.pdf)

<sup>289</sup> Commentary on Prevention of Terrorism (Temporary Provisions) (Amendment) Bill 2022. Centre for Policy Alternatives. 31st January 2022. <https://www.cpalanka.org/commentary-on-prevention-of-terrorism-temporary-provisions-amendment-bill-2022/>

<sup>290</sup> PTA reform: A farce in multiple acts. Ambika Satkunanathan. *The Sunday Morning Sri Lanka* (online, 5th February 2022). <https://www.themorning.lk/pta-reform-a-farce-in-multiple-acts/>

<sup>291</sup> "In a Legal Black Hole" Sri Lanka's Failure to Reform the Prevention of Terrorism Act. Human Rights Watch. February 2022. [https://www.hrw.org/sites/default/files/media\\_2022/02/srilanka0222\\_web.pdf](https://www.hrw.org/sites/default/files/media_2022/02/srilanka0222_web.pdf)

<sup>292</sup> 'In a Legal Black Hole' - Human Rights Watch slams Sri Lanka's PTA. *Tamil Guardian* (online, 7 February 2022). <https://www.tamilguardian.com/content/legal-black-hole-human-rights-watch-slams-sri-lanka-s-pta>

The International Commission of Jurists issued a statement in February 2022 stating:

*“The PTA as it stands allows for arbitrary and indefinite deprivation of liberty of any individual, group of individuals, association, organisation or body of persons within or outside Sri Lanka suspected of a wide range of ill-defined activities that are considered unlawful under this Act. These amendments do not in any way address the fundamental violation, as they still allow for persons to be deprived of liberty for an entire year without being given the opportunity to be heard before a court of law. The PTA has deprived scores of victims of their right to liberty for months if not years without charge or trial and has been instrumental in the torture and ill-treatment of many under arbitrary and indefinite detention”*<sup>293</sup>

In March 2022, the High Commissioner reiterated her call for the Government to apply a moratorium on the use of the Act until it is replaced by legislation that fully complies with the country’s international human rights obligations.<sup>294</sup>

Tamil Guardian reported in May 2022, that a Tamil youth who was arrested by Sri Lankan authorities under the Prevention of Terrorism Act (PTA) in 2009 and tortured to produce a false confession, was finally, 13 years later, acquitted of all charges.<sup>295</sup>

In August 2022, Human Rights Watch called on Sri Lankan president Ranil Wickremesinghe to immediately end the use of the Prevention of Terrorism Act (PTA) which continues to be used by his government to detain anti-government protesters.<sup>296</sup>

‘Amendments to the Prevention of Terrorism Act failed to address key human rights concerns, and Muslims and Tamils continued to be targeted under the Act,’ stated Amnesty International in its 2022/2023 report on Human Rights in Sri Lanka.<sup>297</sup>

The March 2023 Report on Sri Lanka by the UN Human Rights Committee stated: ‘The Committee remains concerned that the [Prevention of Terrorism] Act continues to permit prolonged pretrial detention, up to 12 months, without charge, contains a broad definition of terrorism, and is used to legitimize the targeting of minorities, particularly

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<sup>293</sup> **The Prevention of Terrorism Act cannot be reformed; it must be repealed.** International Commission of Jurists. February 1st, 2022. <https://www.icj.org/sri-lanka-the-prevention-of-terrorism-act-cannot-be-reformed-it-must-be-repealed/>

<sup>294</sup> **A/HRC/49/9: Situation of human rights in Sri Lanka – Report of the Office of the United Nations High Commissioner for Human Rights. 28 February–1 April 2022. [page 9, paragraph 43]** <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ListReports.aspx>

<sup>295</sup> **Arrested, tortured and finally acquitted after 13 years.** *Tamil Guardian* (online, 25 May 2022). <https://www.tamilguardian.com/content/arrested-tortured-and-finally-acquitted-after-13-years>

<sup>296</sup> **‘End Use of Terrorism Law Against Protesters’.** *Human Rights Watch* (online, 31 August 2022). <https://www.hrw.org/news/2022/08/31/sri-lanka-end-use-terrorism-law-against-protesters>

<sup>297</sup> **Amnesty International Report 2022/2023. The State of the World’s Human Rights. SRI LANKA 2022.** Amnesty International. March 2023. <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/report-sri-lanka/>

Muslims and Tamils, government critics and lesbian, gay, bisexual and transgender individuals, and to extract confessions through torture. It is also concerned about reports of deaths in custody of individuals detained under the Act with impunity.’<sup>298</sup>

According to human rights groups, the controversial Act has been used against hundreds of political dissenters in Sri Lanka, often from the ethnic Tamil or minority Muslim community. It has been reported that prisoners arrested under the Act, irrespective of gender, have undergone humiliation and torture inside prison. Even after their release, those targeted under the PTA continue to face structural surveillance by the state apparatus and face difficulties in finding employment. Over 200 Tamil political prisoners are currently incarcerated in different prisons and detention centers in Sri Lanka, according to Counter Currents.<sup>299</sup>

In June 2023, a former political prisoner, Selvanayagam Ananthavarnan, was summoned by Sri Lanka's Terrorism Investigation Department (TID) to submit a statement about an undisclosed TID investigation. Political prisoners often continue to face various forms of harassment and intimidation from the Sri Lanka's police and military even after they have been released.<sup>300</sup>

## Returned Asylum Seekers

Returning people to a country in which they face harm is a breach of international law.

The UN Convention Against Torture to which Australia is a signatory, clearly states in Article 3 that:

1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.<sup>301</sup>

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<sup>298</sup> **UN Human Rights Committee. Concluding observations on the sixth periodic report of Sri Lanka. 24th March 2023.** [point 16 Counter-terrorism measures]

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F6%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F6%2F6&Lang=en)

<sup>299</sup> **Three Tamil political prisoners freed in Sri Lanka after 14 years of incarceration.** *Peoples Dispatch* (online, 8<sup>th</sup> April 2023). <https://peoplesdispatch.org/2023/04/08/three-tamil-political-prisoners-freed-in-sri-lanka-after-14-years-of-incarceration/>

<sup>300</sup> **Former Tamil political prisoner summoned by TID.** *Tamil Guardian* (online, 05 June 2023). <https://www.tamilguardian.com/content/former-tamil-political-prisoner-summoned-tid>

<sup>301</sup> **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.** UN General Assembly. 10 December 1984. <https://www.refworld.org/docid/3ae6b3a94.html>

In March 2022 and in January 2021, the United Nations Commissioner for Human Rights, Michelle Bachelet, in her Report to the UN Human Rights Council, recommended:

“the Human Rights Council and Member States: Review asylum measures with respect to Sri Lankan nationals to protect those facing reprisals and avoid any refoulement in cases that present real risk of torture or other serious human rights violations.”<sup>302 303</sup>

Sri Lanka’s Immigration and Emigration Department came under the direct control of the Defence Ministry in 2020.<sup>304</sup> The Cabinet Minister of Defence is President Wickremesinghe. The Defence Secretary under the Wickremesinghe Government remains Kamal Gunaratne, a former military commander accused of overseeing mass atrocities.<sup>305</sup>

Tightening of control by the Sri Lankan Government places returned Tamil asylum seekers at particular risk of torture and human rights abuses at the hands of Sri Lanka’s security forces. Many Tamils are still attempting to flee the island, but face deportation from other states around the world.<sup>306</sup>

In January 2021, Tamil Guardian reported that Australia had signed a Memorandum of Understanding with Sri Lanka on the Return and Readmission of Persons which includes provisions for the return of asylum seekers who continue to face threats of torture and abuse in Sri Lanka.<sup>307</sup>

Departure pending visas have been issued by the Australian Government to at least nine Sri Lankan Tamil asylum seekers in the Geelong Region, said a refugee advocate. They must show their intent to depart to Sri Lanka.<sup>308</sup>

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<sup>302</sup> **A/HRC/49/9: Situation of human rights in Sri Lanka – Report of the Office of the United Nations High Commissioner for Human Rights. 28 February–1 April 2022. [page 15, paragraph 68(b)].** <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ListReports.aspx>

<sup>303</sup> **Promotion reconciliation, accountability and human rights in Sri Lanka. Report of the Office of the High Commissioner for Human Rights. Advance unedited version. Distr.: General. 27 January 2021** (page 16, point 61g). [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJan2021.docx](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJan2021.docx)

<sup>304</sup> **Sri Lanka’s defence ministry assigned control of immigration.** *Tamil Guardian* (online, 27th January 2020). <https://www.tamilguardian.com/content/sri-lanka%E2%80%99s-defence-ministry-assigned-control-immigration>

<sup>305</sup> **Sri Lanka -A Parallel State.** International Truth and Justice Project Press Release (online, 7th July 2020) <https://itjpsl.com/assets/press/7-july-2020-OTJP-press-release-merged-2.pdf>

<sup>306</sup> **Sri Lanka’s defence ministry assigned control of immigration.** *Tamil Guardian* (online, 27th January 2020). <https://www.tamilguardian.com/content/sri-lanka%E2%80%99s-defence-ministry-assigned-control-immigration>

<sup>307</sup> **Australia moves to return Tamil asylum seekers to Sri Lanka despite threats of torture.** *Tamil Guardian* (online, 21 January 2021). <https://www.tamilguardian.com/content/australia-moves-return-tamil-asylum-seekers-sri-lanka-despite-threats-torture>

<sup>308</sup> **Anecdotal evidence from a refugee advocate in Geelong. July 2022.**

## **UK Upper Tribunal judges reject Australian DFAT country report used as a basis to determine asylum applications for Sri Lankan Tamils**

In June 2021, the Australian Government DFAT Sri Lanka Country Information Report (Nov 2019), used extensively by Home Affairs and tribunals to judge Sri Lankan asylum seekers' claims, was criticised by an influential UK refugee tribunal, leading to calls for its retraction.<sup>309</sup> In a landmark immigration case<sup>310</sup> in the United Kingdom, “three Upper Tribunal judges were scathing in their rejection of Australian and UK country reports used as a basis to determine asylum applications for Sri Lankan Tamils. The consequences for many Sri Lankan applicants, particularly Tamil people seeking asylum in Australia has been the refusal of protection, based on what the UK court has said is unreliable information. The court also confirmed that if returned to Sri Lanka, they risk being subjected to torture, which the Tribunal says is endemic in the country.”<sup>311</sup>

The Upper Tribunal judges’ decision referenced the inaccurate Australian Government DFAT Sri Lanka Country Information 2019 Report on Sri Lanka and found serious methodological shortcomings noting that: *“none of the sources are identified, there is no explanation as to how the information from these sources was obtained, and there is no annex containing, for example, records of any interviews... Indeed, it is unclear whether any formal interviews took place. The report does not provide direct quotes from any source. In light of these matters, it is difficult to gauge the reliability of the sources which have informed the “judgement and assessment” applied to them by the authors of the report.”*<sup>312</sup>

The Upper Tribunal recognised that the ‘authoritarian and paranoid’ Government of Sri Lanka monitors proactively the activities of Tamils in the diaspora and as such if persons are returned to Sri Lanka, they are at serious risk of detention and torture on return, not just at the airport, but following return to their home areas.<sup>313</sup>

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<sup>309</sup> **A DFAT report used to judge Sri Lankan asylum seekers' claims has been criticised by an influential UK refugee tribunal, leading to calls for its retraction.** Source: AAP. *SBS News* (online, 3/6/21). <https://www.sbs.com.au/news/dfat-urged-to-retract-inaccurate-report-saying-sri-lankans-face-low-torture-risk-following-uk-court-finding>

<sup>310</sup> **Upper Tribunal (Immigration and Asylum Chamber) Appeal Numbers: PA/09978/2016 PA/13288/2018 issued on 27 May 2021. UK.** <https://www.doughtystreet.co.uk/sites/default/files/media/document/KK%20%26%20RS%20%28Sri%20Lanka%29.pdf>

<sup>311</sup> **Joint Media Release: Human rights groups demand suspension of reports on Sri Lanka to assess refugee applications following rejection by a UK court. Jun 3, 2021.** Australian Centre for International Justice. <https://acij.org.au/joint-media-release-human-rights-groups-demand-suspension-of-reports-on-sri-lanka-to-assess-refugee-applications-following-rejection-by-a-uk-court/>

<sup>312</sup> **Upper Tribunal (Immigration and Asylum Chamber) Appeal Numbers: PA/09978/2016 PA/13288/2018 issued on 27 May 2021. UK.** (page 66, paragraph 302) <https://www.doughtystreet.co.uk/sites/default/files/media/document/KK%20%26%20RS%20%28Sri%20Lanka%29.pdf>

<sup>313</sup> **Joint Media Release: Human rights groups demand suspension of reports on Sri Lanka to assess refugee applications following rejection by a UK court. Jun 3, 2021.** Australian Centre for International Justice. <https://acij.org.au/joint-media-release-human-rights-groups-demand-suspension-of-reports-on-sri-lanka-to-assess-refugee-applications-following-rejection-by-a-uk-court/>



The Upper Tribunal found that Tamils who engage in a range of political activities in the United Kingdom may continue to face “a real risk of ill-treatment or harm” if deported to Sri Lanka, in a significant ruling that clarifies and expands those who may face persecution on the island. The Upper Tribunal stated that Sri Lanka may target more than those who hold formal positions in diaspora organisations and listed a range of activities, carried out both through organisations, or as individuals, that may place a person at risk.<sup>314</sup>

The Upper Tribunal noted:

*“[Sri Lanka] draws no material distinction between the violent means of the LTTE and non-violent political advocacy,”*

*“To this extent, Government of Sri Lanka's interpretation of separatism is not limited to the pursuance thereof by violent means alone; it encompasses the political sphere as well... there is no tolerance of the expression of any avowedly separatist or perceived separatist beliefs.”*

*“It is abundantly clear that there is a reasonable likelihood that those detained by the Sri Lankan authorities will be subjected to persecution.”*<sup>315 316</sup>

The Upper Tribunal stated that there was also the need to apply wider principles of refugee law when examining cases of Tamil asylum seekers, highlighting the HJ (Iran) principle – a 2010 ruling that was affirmed in 2012. It added that “if it is found that the individual would not seek to express their separatist beliefs on return... to avoid the risk of persecution and serious harm, they are entitled to international protection.”<sup>317</sup>

Citing the criticism of the UK Upper Tribunal, the NSW Council for Civil Liberties in July 2021 called on the Australian Government's DFAT to withdraw its 2019 Country Information Report - Sri Lanka, due to concerns over its currency and accuracy. This report was relied on to refuse protection to Tamils including the Murugappan family.<sup>318</sup>

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<sup>314</sup> **How a landmark British ruling may save Tamil activists from deportation to Sri Lanka.** *Tamil Guardian* (online, 5 June 2021). <https://www.tamilguardian.com/content/how-landmark-british-ruling-may-save-tamil-activists-deportation-sri-lanka>

<sup>315</sup> **How a landmark British ruling may save Tamil activists from deportation to Sri Lanka.** *Tamil Guardian* (online, 5 June 2021). <https://www.tamilguardian.com/content/how-landmark-british-ruling-may-save-tamil-activists-deportation-sri-lanka>

<sup>316</sup> **New country guidance issued by the Upper Tribunal in Sri Lankan asylum claims.** *Doughty Street Chambers*. UK. 28 May 2021. <https://www.doughtystreet.co.uk/news/new-country-guidance-issued-upper-tribunal-sri-lankan-asylum-claims>

<sup>317</sup> **New country guidance issued by the Upper Tribunal in Sri Lankan asylum claims.** *Doughty Street Chambers*. UK. 28 May 2021. <https://www.doughtystreet.co.uk/news/new-country-guidance-issued-upper-tribunal-sri-lankan-asylum-claims>

<sup>318</sup> **NSWCCL calls on DFAT to retract Sri Lanka report.** *NSW Council for Civil Liberties*, 16 July 2021. <https://www.nswccl.org.au/dfat>

## Treatment of Returnees and Failed Asylum Seekers

In an interview in March 2022 with the Research Directorate, Immigration and Refugee Board of Canada, a professor at an American university who focuses on South Asian politics stated that asylum seekers are viewed as having "undermined or shamed the country" and that returnees who sought asylum are viewed as "traitors". According to the Professor, Tamil or Muslim individuals have a "greater" chance of being on the watch list. The Professor stated that if there is a reason for the authorities to believe the person was connected to the LTTE during the war, even for something such as transporting goods for a Tamil person that they did not know was connected to the LTTE, they are "taken into custody and tortured, [and face] extortion." The Professor added that "ethnicity matters" and Tamils face "more scrutiny," especially those who are failed asylum seekers. The Professor stated that in "every" village there are people who will alert the authorities to the individuals entering the village, making it impossible to remain hidden.<sup>319</sup>

In correspondence in March 2022 with the Research Directorate, Immigration and Refugee Board of Canada, the Executive Director of Law & Society Trust, a not-for-profit "engaged in legal research, advocacy and human rights documentation", noted that there is "resentment and antipathy" toward both Tamil refugees and Tamil asylum seekers as the government believes that they have "aired negative views about Sri Lanka and the government abroad."<sup>320</sup>

In an interview in March 2022 with the Research Directorate, Immigration and Refugee Board of Canada, The Analyst, International Crisis Group noted that there have been "credible allegations" over the years of people thought to have connections to the LTTE being arrested, detained and tortured and there is "deep mistrust" among security forces of Tamil returnees.<sup>321</sup>

Expert evidence provided in May 2021 by academic and consultant Dr Chris Smith to the UK Upper Tribunal in a landmark immigration case, cited evidence relating to the treatment of detainees by the Sri Lankan authorities. Dr Smith stated that, based on a source within the Sri Lankan State Intelligence Service (SIS), the electronic database which underlies the stop and watch lists contains many thousands of names which remain in place for life. That database can be consulted at the airport and, if appropriate, an individual could be handed over to the Sri Lankan State Intelligence Service (SIS), the Sri Lankan Terrorist Investigation Department (TID), or the Sri Lankan Criminal Investigation Department (CID). The latter two maintain a permanent presence at the airport, with the CID controlling the database in relation to arrivals. Dr Smith's view is that the wider

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<sup>319</sup> Sri Lanka: Situation and treatment of returnees, including failed asylum seekers (2020–March 2022). Research Directorate, Immigration and Refugee Board of Canada. May 2022. <https://irb.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458595&pls=1>

<sup>320</sup> Sri Lanka: Situation and treatment of returnees, including failed asylum seekers (2020–March 2022). Research Directorate, Immigration and Refugee Board of Canada. May 2022. <https://irb.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458595&pls=1>

<sup>321</sup> Ibid.

database will not necessarily have information on every individual but will do so if they have previously been “arrested or informed upon”. Information can easily be obtained from other districts within Sri Lanka itself, given the networked capability of the state’s overall intelligence sector.<sup>322</sup>

Dr. Smith’s Report further stated: “The Sri Lankan authorities therefore possess the wherewithal to identify and detain members of the Tamil diaspora who they perceive to be of potential or existing adverse interest. Once identified they have the legal right under the PTA to detain almost whomsoever they wish. Once detained, Tamils associated with the diaspora are vulnerable and at risk of extreme ill-treatment that will violate their civil liberties and their human rights.” Dr Smith’s view was that “any” organisation or individual perceived to be threatening to the state will be of adverse interest. He stated that the watch list is being used “extensively” and is used to facilitate monitoring/surveillance once a returnee has passed to the airport and returns to their home area. Dr Smith’s source of information about the watch list was a security officer.<sup>323</sup>

In May 2021 Rohan Gunaratna, a professor of security studies at Nanyang Technology University, Singapore, who has conducted research on the LTTE, provided expert oral evidence to the UK Upper Tribunal. He indicated that the database is “detailed and elaborate”; while there is a “gradient” with those suspected of more serious crimes, such as obtaining weapons, “treated more harshly,” “even those at a low level would not be tolerated”; everyone in the database would “certainly” be detained.”<sup>324</sup>

In correspondence with the Research Directorate, Immigration and Refugee Board of Canada in March 2022, a sessional lecturer at a Canadian university, who has conducted field work in Sri Lanka with a research focus on conflict prevention and peacebuilding, made the following observation. Drawing on research compiled by NGOs and the country guidance from the UK Upper Tribunal decision, returnees involved in Tamil diaspora activism, such as being a member of a diaspora organization or attending a protest, and individuals with “any association” with the LTTE, are “at risk of persecution on return to Sri Lanka.”<sup>325</sup>

According to the Australian Government Department of Foreign Affairs & Trade Sri Lanka Country Information Report (Dec. 2021), local sources have indicated that “some” returnees, particularly individuals in the North and East with

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<sup>322</sup> UK Upper Tribunal (Immigration and Asylum Chamber) Hearing. May 2021. Appeal Numbers: PA/09978/2016 PA/13288/2018. [paragraphs 33, 37, 38, 39, 45, 47, 73]

<https://www.doughtystreet.co.uk/sites/default/files/media/document/KK%20%26%20RS%20%28Sri%20Lanka%29.pdf>

<sup>323</sup> UK Upper Tribunal (Immigration and Asylum Chamber) Hearing. May 2021. Appeal Numbers: PA/09978/2016 PA/13288/2018. [paragraphs 33, 37, 38, 39, 45, 47, 73]

<https://www.doughtystreet.co.uk/sites/default/files/media/document/KK%20%26%20RS%20%28Sri%20Lanka%29.pdf>

<sup>324</sup> Sri Lanka: Situation and treatment of returnees, including failed asylum seekers (2020–March 2022). Research Directorate, Immigration and Refugee Board of Canada. May 2022.

<https://irb.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458595&pls=1>

<sup>325</sup> Ibid

suspected LTTE links, are monitored by the authorities, including visits to their home and telephone calls by the CID.<sup>326</sup>

In August 2021 a Tamil man, who had been studying in Edinburgh went to Sri Lanka after his father fell ill. Whilst there, he was grabbed from the street and put into a white van and taken away.

*"I did not believe I would survive after I was abducted off the street and taken blindfolded to a torture centre where I was beaten and abused day after day," the man continued, telling of how he was branded with lit cigarettes and fell unconscious as his captors placed a petrol-doused plastic bag over his head.*

*"If my family had not found bribe money, I would have been killed," he said after he fled back to Scotland in September. "I can never return home." <sup>327</sup>*

In April 2021, Tamil Makkal Thesiya Kootani leader, C.V. Wigneswaran said that Tamil asylum seekers, recently deported to Sri Lanka, were at risk of "surveillance, torture and arbitrary detention." He highlighted that Sri Lanka's notorious Prevention of Terrorism Act "continues to be used to justify the mistreatment of Tamils for no reason other than their ethnicity."<sup>328</sup> The returned asylum seekers were handed to the Sri Lankan army by the Immigration and Emigration department at Bandaranaike International Airport. After quarantine they were to be handed to the CID and the National Intelligence Unit for legal action.<sup>329</sup>

Representatives from the Sri Lankan Department of Immigration and Emigration in October 2019 provided the following information about returned refused asylum seekers: If a person is identified as a failed asylum seeker they will be questioned, then passed to CID. They may be released but monitored. The local police would be informed, and the person would be monitored although the length of time may vary.<sup>330</sup>

A representative of the Tamil National Alliance (TNA) interviewed in October 2019 by a UK Fact Finding Mission replied, when asked if someone who has claimed asylum in the UK would have a reasonable fear when they return: "It has to be viewed in context of what is happening- the rule of law is not enforced or observed, there have been thousands of cases where they have been no investigations. People have natural fear in country where they do not feel safe. If

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<sup>326</sup> Australian Government DFAT Country Information Report Sri Lanka. December 2021. [para.5.29] <https://www.dfat.gov.au/sites/default/files/country-information-report-sri-lanka.pdf>

<sup>327</sup> Torture victim accuses Police Scotland of strengthening Sri Lankan regime. *Tamil Guardian* (online, 31st October 2021). <https://www.tamilguardian.com/content/torture-victim-accuses-police-scotland-strengthening-sri-lankan-regime>

<sup>328</sup> Tamil asylum seekers deported to Sri Lanka at risk of 'surveillance, arbitrary detention and torture' says Wigneswaran. *Tamil Guardian* (online, 1 April 2021). <https://www.tamilguardian.com/content/tamil-asylum-seekers-deported-sri-lanka-risk-surveillance-arbitrary-detention-and-torture>

<sup>329</sup> Tamil deportees to be handed to CID after 'quarantine process'. *Tamil Guardian* (online, 01 April 2021). <https://www.tamilguardian.com/content/tamil-deportees-be-handed-cid-after-quarantine-process>

<sup>330</sup> Sri Lanka: Country Report. July 2020 (COI between 1 January 2020 and 19 May 2020). Asylum Research Centre (ARC), June 2020. (pages 312-313) [https://www.ecoi.net/en/file/local/2033016/FINAL\\_ARC\\_COI\\_report\\_on\\_Sri\\_Lanka\\_July\\_2020PDF.pdf](https://www.ecoi.net/en/file/local/2033016/FINAL_ARC_COI_report_on_Sri_Lanka_July_2020PDF.pdf)

they left because they fear persecution and been involved in some activity that puts them at risk then it needs to be understood in that context, that background [...] Tamils who left the country as a result of LTTE or as a result of fear of persecution are being identified somehow when they come back- they could fear that they might not be safe”<sup>331</sup>

A Tamil refugee who escaped Sri Lanka some years ago reported:  
“When a refugee is returned by Home Affairs to Sri Lanka, a representative of the International Organisation for Migration (IOM) meets the returned person at Colombo airport. Sri Lanka’s Criminal Investigation Department (CID) then takes the person into custody and asks questions because the original departure from Sri Lanka was illegal. Out of fear the person will not want to tell the CID the real reason for leaving as this will impact on the person and his/her family. A bribe might help. The person may be bailed and then face ongoing court visits to report. However, you may not be bailed, but punished brutally, especially if your name is within their system – for being a freedom fighter in the past or working as a social activist for the Tamil people. Your file might still be there.”<sup>332</sup>

In May 2019, UN News reported that:

The UN Committee Against Torture has expressed concern over the United Kingdom’s policy of forcibly returning asylum-seekers to places where they face a risk of abuse – highlighting 43 enforced returns to Sri Lanka last year.<sup>333</sup>

In December 2019, a spokesperson for Australia’s Department of Home Affairs said:

*“We cooperate closely with the Sri Lankan government to return people who have been intercepted trying to reach Australia illegally and have returned 38 Sri Lankan nationals across three vessels since May 2019.”*<sup>334</sup>

In August 2021, a Tamil asylum seeker in Australia died after self-immolating.

*“We have lost many refugees to Australia’s refugee policy, and we dread that there will be more. Asylum seekers have been telling us for a long time that they would prefer to die here than be sent back to Sri Lanka. Here we have yet another case illustrating just how desperate and hopeless the situation has become for Tamil refugees in Australia,”* said a spokesperson for the Tamil Refugee Council in Australia.<sup>335</sup>

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<sup>331</sup> Sri Lanka: Country Report. July 2020 (COI between 1 January 2020 and 19 May 2020). Asylum Research Centre (ARC), June 2020. (pages 312-313)  
[https://www.ecoi.net/en/file/local/2033016/FINAL\\_ARC\\_COI\\_report\\_on\\_Sri\\_Lanka\\_July\\_2020PDF.pdf](https://www.ecoi.net/en/file/local/2033016/FINAL_ARC_COI_report_on_Sri_Lanka_July_2020PDF.pdf)

<sup>332</sup> Anecdotal evidence from a Tamil refugee in Australia. September 2020.

<sup>333</sup> Sri Lanka: Country Report. July 2020 (COI between 1 January 2020 and 19 May 2020). Asylum Research Centre (ARC), June 2020. (pages 312-313)  
[https://www.ecoi.net/en/file/local/2033016/FINAL\\_ARC\\_COI\\_report\\_on\\_Sri\\_Lanka\\_July\\_2020PDF.pdf](https://www.ecoi.net/en/file/local/2033016/FINAL_ARC_COI_report_on_Sri_Lanka_July_2020PDF.pdf)

<sup>334</sup> A. Fernandes. **This is what happened to the Tamil asylum seekers Australia sent back to Sri Lanka.** SBS News. *Asia-Pacific* (online, 2 December 2019). <https://www.sbs.com.au/news/this-is-what-happened-to-the-tamil-asylum-seekers-australia-sent-back-to-sri-lanka>

<sup>335</sup> **Tamil refugee dies after self-immolation in Australia.** *Tamil Guardian* (online, 22 August 2021)  
<https://www.tamilguardian.com/content/tamil-refugee-dies-after-self-immolation-australia>

A Tamil asylum seeker family in Australia had been fighting deportation to Sri Lanka under Australia's Coalition Government. The Federal Court ruled in April 2020 that an injunction applied to the family's two-year-old daughter Tharunicaa. The judge ruled that Tharunicaa was "not afforded procedural fairness" in her asylum bid.<sup>336</sup> In August 2022, after a change in government in Australia, the Tamil family was granted a permanent visa by the Albanese Labor Government.<sup>337</sup>

Returned asylum seeker Sebamalai Jesupalam from Mullaitivu said the asylum seeker boat he was on in 2012 was stopped by the Sri Lankan navy. Eight years on he still attends mandatory court hearings in the city of Negombo - a six-hour journey from his home.<sup>338</sup>

Based on interviews with 26 Tamil asylum seekers in Britain, the International Truth and Justice Project reported in October 2019 that all the interviewees said their families

*"had been repeatedly visited by security services after they had fled the country – including some as recently as September 2019".*

*"This shows that surveillance in the UK of Tamils, who have been forced to go into exile, is being used to silence victims and witnesses," said the Executive Director of the International Truth and Justice Project, Yasmin Sooka, "state agencies wouldn't need to silence victims' families if they hadn't driven them out in the first place."*<sup>339</sup>

In September 2018, the United Nations Working Group on Arbitrary Detention stated that the use of torture by Sri Lankan security forces on Tamil detainees continues. The Working Group highlighted several areas of concern, including the use of torture of those held in detention, highlighting the case of Tamils who return to the island.

*"The Working Group also received accounts of Tamils who were arrested and detained in 2015, 2016 and 2017 when returning to Sri Lanka after seeking asylum in another country or working abroad,"* said the report. *"The Working Group received testimony that, in some cases, the returnees were beaten and kept under surveillance once released and charged with offences relating to illegal departure from Sri Lanka."*<sup>340</sup>

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<sup>336</sup> **Tamil girl 'not afforded procedural fairness' in Biloela family's asylum bid, Federal Court rules.** ABC News (online, 17 April 2020). <https://www.abc.net.au/news/2020-04-17/biloela-tamil-family-decision-in-federal-court/12156380>

<sup>337</sup> **'Biloela' Tamil family finally gets permanent residency.** *The Conversation* (online, 5 August 2022). <https://theconversation.com/biloela-tamil-family-finally-gets-permanent-residency-188306>

<sup>338</sup> A. Fernandes. **This is what happened to the Tamil asylum seekers Australia sent back to Sri Lanka.** *SBS News. Asia-Pacific* (online, 2 December 2019). <https://www.sbs.com.au/news/this-is-what-happened-to-the-tamil-asylum-seekers-australia-sent-back-to-sri-lanka>

<sup>339</sup> **Families of Tamil asylum seekers assaulted by Sri Lankan security forces.** *Tamil Guardian*. (online, 30 October 2019). <https://www.tamilguardian.com/content/families-tamil-asylum-seekers-assaulted-sri-lankan-security-forces>

<sup>340</sup> **UN Working Group finds continued use of torture in Sri Lanka.** *Tamil Guardian* (online, 15 December 2017). <http://www.tamilguardian.com/content/un-working-group-finds-continued-use-torture-sri-lanka>



In August 2018, a Tamil asylum seeker died after a suicide attempt in Australia, following the rejection of his asylum application by the Australian government.<sup>341</sup>

In July 2018, Tamil asylum seeker Thileepan Gnaneswaran was deported from Australia and detained by Sri Lankan police on arrival in Colombo. He was charged by Sri Lankan authorities for illegally leaving the country. The offence is understood to carry a maximum sentence of a fine of 200,000 rupees and prison term of five years. The deportation was widely criticised, including by the UN Refugee Agency who condemned Australia's actions to separate a family indefinitely, as his Tamil wife and child remain as refugees in Australia.<sup>342</sup>

In February 2018, Tamil asylum seeker Mr Santharupan was deported from Australia despite direct criticism from the UN refugee agency. He was arrested and charged by Sri Lankan authorities. In his deportation notice, ABF officers said his personal information may be disclosed to foreign governments or agencies as part of his removal.<sup>343</sup>

Santharupan has experienced ongoing harassment. Security forces have made multiple visits to his home and recorded the details of his wife and children, including the school his children attend.

Tamil Refugee Council spokesperson Aran Mylvaganam said:

*"The security forces are trying to intimidate not only Santharuban but his family as well. Such visits strike deep fears in Tamils, who continue to face assault, torture and disappearance at the hands of the Criminal Investigation Department (known as CID), the Special Task Force and other sections of the police and military."*<sup>344</sup>

On 11 December 2017, the UN Committee Against Torture (CAT) advised the Australian Government that a Tamil man held in immigration detention in Australia and in danger of imminent deportation, should not be returned to Sri Lanka. Director Principal of Human Rights for All, Alison Battisson, said of the interim order:

*"The Committee Against Torture's interim measure once again highlights the serious issues faced by Tamil asylum seekers in Australia. By issuing this measure, the UN recognises that Sri Lanka is not safe for Tamils, despite Australia denying refugee status to many Tamils. .... These interim measures are quite rare - this illustrates the very real concern the UN has over*

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<sup>341</sup> **Tamil asylum seeker commits suicide in Australia after application rejection.** *Tamil Guardian* (online, 28 August 2018). <https://www.tamilguardian.com/content/tamil-asylum-seeker-commits-suicide-australia-after-application-rejection>

<sup>342</sup> **Deported Tamil refugee charged.** *Tamil Guardian* (online, 20 July 2018). <https://www.tamilguardian.com/content/deported-tamil-refugee-charged>

<sup>343</sup> **Tamil Tiger due to be deported says he will face torture in Sri Lanka.** *ABC News* (online, 21 February 2018). <http://www.abc.net.au/news/2018-02-21/tamil-tiger-due-to-be-deported-says-he-will-face-torture/9468088>

<sup>344</sup> A. Mylvaganam. **Deported Tamil Man harassed by security forces in Sri Lanka.** *Tamil Refugee Council* (online, 28 February 2018). <http://tamilrefugeecouncil.org.au/portfolio-items/tamil-man-harassed/>

*Australia's practices of refouling Tamils to Sri Lanka. Sri Lanka is not safe for many Tamils to return to.*"<sup>345</sup>

In November 2017, the Associated Press (AP) detailed ongoing allegations of rape and torture of 50 Tamil men by Sri Lankan security forces that are said to have taken place between 2016 and July 2017.

AP noted:

*"Raped, branded or beaten repeatedly, more than 50 men from the Tamil ethnic minority seeking political asylum in Europe say they were abducted and tortured under Sri Lanka's current government."*<sup>346</sup>

A damning report from the International Truth and Justice Project *"Unstopped: State Torture & Sexual Violence in 2016/17"*, took detailed testimony from 57 Tamil victims of illegal detention and torture under the Sirisena government, with 24 cases occurring in 2016 or 2017. Findings of the report highlighted that Tamils were abducted and tortured for a range of reasons including political campaigning, returning from the diaspora, and having family members that used to belong to the Liberation Tamil Tigers of Tamil Eelam (LTTE). The interrogators asked about participation in protests abroad, indicating that these events are still watched closely. Victims in detention have also been told there were photographs of them attending protest events abroad, indicating that this kind of activity abroad still poses a significant risk for anyone likely to visit or be returned to Sri Lanka.<sup>347</sup>

In June 2016, a British Tamil man who had lived in the UK for 16 years, was detained and tortured upon returning to Sri Lanka to be married. Ambi Seevaratnam, international coordinator of the International Centre for the Prevention and Prosecution of Genocide, said:

*"He has torture marks all over his body. We need to get him out of Sri Lanka and back to the UK as soon as possible. Any Tamil who is a British citizen who travels to Sri Lanka from London seems to be suspected of being a traitor."*<sup>348</sup>

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<sup>345</sup> **UN Advice to Australia Not to Deport Tamil Asylum Seeker.** *Scoop Independent News* (online, 14 December 2017). <https://www.scoop.co.nz/stories/WO1712/S00174/un-advice-to-australia-not-to-deport-tamil-asylum-seeker.htm>

<sup>346</sup> **Dozens of men say Sri Lankan forces raped and tortured them.** *AP News* (online, 9 November 2017) <https://apnews.com/article/ced017bd441f46ba838aaedf6ff5d8e2>

<sup>347</sup> **Unstopped: State Torture & Sexual Violence in 2016/17.** International Truth & Justice, July 2017. [www.itjpsl.com](http://www.itjpsl.com)

<sup>348</sup> **British Tamil 'tortured and detained' during Sri Lanka wedding trip.** *The Guardian* (online, 11 June 2016). <https://www.theguardian.com/law/2016/jun/11/sri-lanka-british-tamil-velauthapillai-renukaruban-tortured-wedding>