



JAILING ACTIVISTS AND PARDONING MURDERERS: MONITORING TEN ISSUES OF CONCERN IN SRI LANKA IN 2021

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**SRI
LANKA
CAMPAIGN**
FOR PEACE & JUSTICE

An overview of the reconciliation, human rights, and accountability situation in Sri Lanka in 2021, in relation to the ten issues of concern raised by UN Human Rights Council Resolution 46/1.

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Monitoring Issues of Concern

In March 2021, the UN Human Rights Council passed Resolution 46/1: Promoting reconciliation, accountability and human rights in Sri Lanka. The resolution identified ten emerging legal and political trends it described as representing “a clear early warning sign of a deteriorating situation of human rights in Sri Lanka”:

1. Accelerating militarization of civilian government functions;
2. Erosion of the independence of the judiciary and key institutions responsible for the promotion and protection of human rights;
3. Ongoing impunity and political obstruction of accountability for crimes and human rights violations in “emblematic cases”;
4. Policies that adversely affect the right to freedom of religion or belief;
5. Increased marginalization of persons belonging to the Tamil and Muslim communities;
6. Surveillance and intimidation of civil society;
7. Restrictions on media freedom and shrinking democratic space;
8. Restrictions on public memorialization of victims of war;
9. Arbitrary detentions;
10. Alleged torture and other cruel, inhuman degrading treatment or punishment, and sexual and gender-based violence.

This report examines these trends over the past year and highlights the key developments. Despite its frequent claims to the contrary, the government of Sri Lanka has continued its trajectory towards authoritarian, militarised, and increasingly racist governance.

*A snapshot of the main developments is available on **page 4**.*

Resolution 46/1 followed the Government of Sri Lanka’s decision to withdraw from sponsorship of the consensus process at the Human Rights Council established in 2015 with resolution 30/1 (and renewed under the rollover resolutions 34/1 and 40/1). Under this consensus process some extremely limited progress was made towards addressing Sri Lanka’s culture of impunity and strengthening respect for human rights and the rule of law. However, [much of this progress was reversed](#) soon after President Gotabaya Rajapaksa was elected in November 2019.

Snapshot: Issues of Concern

1. Militarisation of civilian government

The military is involved in everything from the Covid-19 response to green agriculture. Retired and serving **military officers continue to be appointed to civilian positions** including the Secretaries of four state ministries:



Defence Public Security Foreign Affairs Industry

4. Policies that adversely affect freedom of religion and belief

Burials of those who have died with Covid-19 are still only permitted in one small area on the east coast, more than 6 hours' drive from Colombo. Despite **no evidence justifying the policy**, it has caused severe distress to Muslims who are required by their religion to bury their dead.



6. Surveillance and intimidation

Civil society activists and victim-survivor communities, including families of the disappeared and families of detainees, continue to face **surveillance and harassment**. Security forces are regularly present at protests, particularly in the North and East, photographing activists and noting their names. Social media is closely monitored.



8. Restrictions on memorialisation

10 Tamils were arrested in Batticaloa on 18 May for gathering to remember those who died in the war. They were released on bail in December after more than 6 months in jail.



A number of monuments commemorating civilian deaths during the war were **destroyed and vandalised**.



Police cited health regulations to obtain court orders **preventing gatherings by families of the disappeared** while other large gatherings were permitted.

2. Independence of judiciary and other key institutions

Allies of the Rajapaksa family have seen their cases dropped and the President **pardoned a convicted murderer**.



Global accreditation body GANHRI has recommended **downgrading** the Human Rights Commission of Sri Lanka from A status due to concerns over independence, activities, and plurality of membership.



5. Marginalisation of Tamils and Muslims

The One Country One Law Taskforce is headed by a monk convicted of **contempt of court** and with a history of **inciting violence** against Muslims.



Sri Lanka's North and East continues to be **heavily militarised**, with the army intimately involved in many aspects of civilian life.



3. Impunity in emblematic cases

Attorney General **dropped charges against former Navy Commander Wasantha Karannagoda** in the Navy 11 case. Shortly after, the President appointed him Governor of the North-Western Province.



Former Director of CID Shani Abeysekara was **granted bail** by the Court of Appeal after more than **10 months in detention**. Abeysekara had been a key investigator in many emblematic cases.



7. Media freedom and democratic space

Journalist Vishvachandran was allegedly **attacked by security forces** for photographing a road sign in November.

Journalist Keerthi Ratnayake has been **held in detention since August 2021** under the PTA and is still awaiting trial.



The government has used coronavirus regulations as a cover to reduce civic space, including **banning protests**.

9. Arbitrary detention

Over **300 Muslims**, including lawyer Hejaaz Hisbullah, **remain in detention** after being arrested in relation to the Easter attacks.



Several Tamil prisoners have been acquitted after more than **10 years in jail awaiting trial**.



The government introduced new **"deradicalisation" regulations** under terrorism laws which would allow arbitrary detention without judicial oversight for up to two years.

10. Torture and sexual violence

Reports of torture by security forces remain high, with several **deaths in custody** linked to beatings by police during arrest, including a 22 year old Tamil man, Chandran Vithushan.



Tamil prisoners held under the PTA were forced to **kneel at gunpoint** by minister Lohan Ratwatte.



A Troubling Trajectory

Less than a year after Resolution 46/1 was passed by the UN Human Rights Council, Sri Lanka remains on a deeply troubling trajectory.

The government's continued lack of respect for human rights and the rule of law has affected people across the island over the last 12 months. Following the heavily criticised pardon of former army officer Sunil Ratnayake in 2020, the President pardoned a second convicted murderer, his long-time ally Duminda Silva, whose conviction for shooting a fellow parliamentarian was confirmed by the Supreme Court as recently as 2018. Other allies of the President have apparently been shielded from the law, with the Attorney General dropping charges against high profile suspects in two emblematic cases. Key corruption cases, including some against the President's brother and Finance Minister, Basil Rajapaksa, have collapsed.

Prospects for domestic accountability in emblematic cases are almost non-existent, with key investigators transferred, arrested, and silenced, and witnesses facing intimidation.

Following the passage of the 20th Amendment in 2020, which gave the President complete control over senior judicial appointments and appointments to independent institutions, a raft of inappropriate appointments have confirmed the lack of independence of key bodies such as the Human Rights Commission (HRCSL), the Right to Information Commission (RTI), and the Office of Missing Persons (OMP). As a result, the international body responsible for monitoring national human rights institutions has recommended downgrading the HRCSL from A to B status.

The military continues to have a visible and oversized role in civilian governance. The defence budget will account for 15% of government expenditure in 2022, an increase of 14% on 2021. Army Commander Shavendra Silva, who has been leading Sri Lanka's COVID-19 response, also sits on several ad hoc Presidential Task Forces and has recently been tasked with leading the country's green agriculture strategy. Meanwhile, the Tamil-majority Northern Province continues to be heavily militarised, with sixteen of twenty army divisions stationed in an area that accounts for only 5% of Sri Lanka's population.

At the same time, civic space remains heavily restricted. Surveillance and intimidation of civil society organisations, victim-survivor communities, and human rights defenders has increased since 2019, but remains most prevalent in the North and East. Many activists now 'self-censor' for their safety. Numerous journalists and critics of the government have been interrogated or jailed by police. The government has used pandemic restrictions as a pretence to ban protests and restrict memorial gatherings. Education activists and students were arrested and detained after participating in protests, while ten Tamils were detained after gathering to remember those who died in the war.

Many of these arbitrary arrests of activists, particularly Tamils in the North and East, have been made using the Prevention of Terrorism Act (PTA), despite repeated government promises to repeal or reform the Act. Several hundred Muslims arrested in the wake of the 2019 Easter attacks remain in detention in Sri Lanka's overcrowded prisons, many held under the PTA. A majority of PTA detainees report being tortured, threatened, and forced to sign false confessions. The proposed introduction of so-called 'de-radicalisation' regulations, clearly targeted at Muslims, would allow the state to detain individuals for up to two years without judicial oversight. While the regulations are currently suspended pending a court challenge, the intention behind the regulations is clear and

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indicate that government promises to reform the PTA in line with international human rights obligations are hollow.

The government has been increasingly bold in asserting its Sinhala-Buddhist nationalist agenda, appointing a controversial and racist Buddhist monk who has a history of inciting violence against Muslims as the head of a Task Force on the 'One Country, One Law' concept – largely seen as an exclusionary and racist project by civil society. Government proposals to ban the burqa, niqab, and face veil, and to close around 1,000 madrassas, contribute to a narrative that the Muslim community is a threat to national security. Another Task Force on archaeology in the Eastern Province has exclusively supported Buddhist claims to contested sites.

As 2022 begins, Sri Lanka faces a looming economic crisis, caused by decades of economic mismanagement, overspending, and corruption, worsened by the impact of the pandemic. Government policies intended to ease the crisis and safeguard Sri Lanka's dwindling foreign reserves, such as the ban on chemical fertiliser imports, have backfired, leading to rising prices for basic food items and the risk of a rice shortage in coming months. People are queuing for hours to buy fuel, while medicine shortages are also expected. Anger at government incompetence has been growing for months, with strong criticism levelled at the President and his allies on social media and in the streets. As in the past, the Rajapaksas have played to majoritarian and nationalist sympathies in an attempt to shore up support, raising the spectre of terrorism and scapegoating non-Sinhalese communities. Given the trajectory over the last year, with a widening circle of repression beginning to affect Sinhalese critics and protestors, many fear the government could eventually opt for a violent crackdown on all forms of dissent.

What is certain is that ordinary people in Sri Lanka from all communities are suffering as the economic crisis bites. However, a sustainable solution to the economic crisis cannot ignore or postpone the need to restore human rights and respect for the rule of law to the centre of Sri Lanka's government. Indeed, as the roots of Sri Lanka's economic crisis lie in part in the lack of independent institutions able to prevent corruption and hold decision-makers accountable for fraud and mismanagement, Sri Lanka's economic and political well-being both depend on re-establishing the rule of law and practices of accountability.

Next Steps for the International Community

In the run up to the Human Rights Council session in March 2022, when Sri Lanka comes under scrutiny once more, the government of Sri Lanka has already launched a charm offensive intended to deflect criticism of its record on human rights and the rule of law. These last-minute conciliatory gestures must not, however, be allowed to obscure the reality of ongoing impunity and government disregard for human rights and the rule of law.

For instance, the government's recently announced proposals to amend the Prevention of Terrorism Act (PTA), a law which conflicts with Sri Lanka's international human rights obligations, have proved woefully inadequate. After months of promises of meaningful reform, the proposed changes will have little practical effect, and fail to address the major problems identified by [Sri Lankan civil society](#) and [UN experts](#). In the meantime, the government continues to arrest people under the PTA and has sought to extend the law with the appalling 'de-radicalisation' regulations which would allow detention for up to two years without judicial oversight or other safeguards. Human rights defenders and Tamil and Muslim communities who have been most affected by the PTA continue to call for its repeal, and for a complete and immediate moratorium on its use in the meantime.

Increasing international scrutiny has won some small yet important reversals from the current government. Following months of sustained international pressure, the government was forced in February 2021 to reverse its forced cremation policy, under which individuals thought to have died of Covid-19 were denied the right to be buried, despite the lack of medical or scientific justification. Since then, burials have been allowed in a single small plot in Eastern Sri Lanka, guarded by armed soldiers. Criticism of the PTA has also led to limited gains, with a small number of convicted prisoners pardoned and a few detainees released on bail with the consent of the Attorney General at the end of 2021. Stronger and more sustained international action is now needed to push back against the restriction of civic space and slow down the authoritarian slide.

However, the international community must use all available bilateral and multilateral mechanisms to support efforts to address the deep-rooted institutional problems at the core of the government's failure to respect human rights and the rule of law. Sri Lanka's current trajectory has been enabled by the long-running culture of impunity, with successive governments failing to tackle human rights violations and corruption committed by state actors. Instead, generations of political elites have protected each other. Opportunities to address these issues have been squandered, with governments playing for time with little intention of fulfilling their promises. With substantive consideration of Sri Lanka on the agenda of the Human Rights Council twice during 2022, it is essential that member states not be taken in by false promises. States concerned with a stable and prosperous Sri Lanka must remain engaged with and supportive of the UN process, but should also take their own independent actions, such as halting engagement with abusive security forces and applying targeted sanctions against individuals and organisations credibly accused of international crimes.

Recommendations

The Sri Lanka Campaign for Peace and Justice urges member states to:

1. **Support** the full implementation of Human Rights Council Resolution 46/1 and continue to **raise concerns** about Sri Lanka's current trajectory at the Council.
2. **Denounce** the crackdown on civil society and call on the government to immediately halt attempts to intimidate and harass activists, journalists, and victim groups, especially the families of the disappeared and those in detention.
3. **Provide support to activists** who continue to speak out, including through diplomatic attendance at relevant court hearings and visits to those held in arbitrary detention, diplomatic efforts on behalf of those at risk, and visible engagement with civil society organisations, activists, and protesters to support their right to freedom of expression.
4. **Implement** the recommendations of the High Commissioner for Human Rights on alternative accountability options, including by:
 - a) **Imposing** targeted sanctions on "credibly alleged perpetrators of grave human rights violations and abuses;" and
 - b) **Using** the principles of extraterritorial or universal jurisdiction to "investigate and prosecute international crimes committed by all parties in Sri Lanka through judicial proceedings in domestic jurisdictions."
5. **Immediately review all forms of bilateral engagement** with Sri Lanka, including in the spheres of aid, trade, and security cooperation. States should:
 - a) **Halt engagement** with Sri Lanka's armed forces and police until there is meaningful security sector reform, including the removal of individuals credibly accused of human rights violations including enforced disappearances, sexual violence, and torture; and
 - b) **Ensure** that Sri Lankan officials accused of grave human rights violations are deprived of political and material support.

1. Accelerating militarization of civilian government functions

President Gotabaya Rajapaksa has significantly increased the military's role in civilian governance since his election in November 2019. In January 2021, the International Truth and Justice Project (ITJP) [reported](#) that 39 retired military officials had been given government positions. Serving and retired officers have been appointed to Presidential [Task Forces](#), and Army Commander Shavendra Silva has led Sri Lanka's Covid-19 response. The military have been involved in all aspects of pandemic management, with [Major-Generals](#) co-ordinating the COVID-19 response and troops [administering vaccinations](#).

As of January 2022, military officers served as Secretaries to four government ministries ([Defence](#), [Public Security](#), [Foreign Affairs](#), and [Industry](#)). In May 2021, President Rajapaksa appointed retired Major-General Palitha Fernando to the [Office of Reparations](#), responsible for granting reparations to victims of conflict. Fernando is a [close ally](#) of the Rajapaksa family, and during the previous administration, Major-General Fernando, Gotabaya Rajapaksa and Admiral Jayanath Colombage (now Foreign Secretary) were all [indicted](#) in the 'Avant Garde' corruption scandal. However, after Rajapaksa's election, a Presidential Commission of Inquiry into 'political victimisation' [recommended](#) charges against Fernando be dropped, and in July, the Bribery Commission [withdrew its case](#) due to technical issues. *More information on the Presidential Commission of Inquiry can be found under **Concern 2**.*

Much of the government's disaster response has also been led by military officials. In August 2021, amid [food shortages](#), Major-General Niwunhella was [appointed](#) Commissioner General of Essential Food Services until the post's [abolition](#) in November. Army Commander General Shavendra Silva was previously [appointed](#) to lead the country's Covid-19 response as head of the National Operation Centre for Prevention of COVID-19 Outbreak (NOCPCO). In December 2021, as NOCPCO [ceased operations](#), he was [tasked with implementing](#) the President's new 'Green Agricultural Operative Centre'. It is unclear what qualifies either of these generals for such roles.

The Sri Lankan army has been active across the country in enforcing lockdowns, especially in the North-East. In November 2020, the [15th Drone Regiment](#) was established, which has been deployed across the country to arrest those who violate restrictions, and the Air Force has used drones on several occasions to [detect](#) and [arrest](#) people in Northern Province. Whilst many countries have used military manpower during the pandemic, it is the military leadership of efforts against coronavirus which is problematic, particularly given Sri Lanka's [widely respected and experienced](#) public healthcare system. Many Tamils in the North and East remain scarred by memories of atrocities committed by Sri Lankan armed forces, and the army taking such a visible role in responding to the virus and administering vaccines is unlikely to engender trust in the process.

Schools in Sri Lanka, especially in the North-East, have seen an alarming military presence in recent years, as the [Sri Lanka Campaign](#) has described. In 2021, the government attempted to militarise higher education through the Kotelawala National Defence University (KNDU) Bill, [placed before parliament](#) in June. Education activists have raised concerns that the bill seeks to establish a parallel military-run higher education network managed by the Board of Governors of the KNDU, an [armed forces university](#) founded in 1981. The bill sparked large-scale protests across Sri Lanka. Several protesters and activists were [arbitrarily arrested](#) and detained for many months as part of a general crackdown on civic space in Sri Lanka. In August, Minister Chamal Rajapaksa [indefinitely postponed](#) the debate on the bill. *More information on protests can be found under **Concern 7**.*

Military Appointees to Civilian Positions

More than **40** former military officials have been appointed to civilian positions since November 2019: here are just 9 of them. Several have been accused of involvement in or knowledge of **corruption** and serious **human rights abuses**.

ALLEGED INVOLVEMENT IN:

- Corruption
- Human Rights Violations



GENERAL KAMAL GUNARATNE: **DEFENCE SECRETARY**



ADMIRAL JAYANATH COLOMBAGE: **FOREIGN SECRETARY**



REAR ADMIRAL SARATH WEERASEKERA: **MINISTER OF PUBLIC SECURITY**



AIR MARSHAL ROSHAN GOONETILLEKE: **GOVERNOR, WESTERN PROVINCE**



GENERAL SHAVENDRA SILVA: **NOCPCO; NATIONAL SPORTS COUNCIL; GREEN AGRICULTURAL OPERATIVE CENTRE**



ADMIRAL WASANTHA KARANNAGODA: **GOVERNOR, NORTH-WESTERN PROVINCE**



GENERAL DAYA RATHNAYAKE: **SECRETARY, MINISTRY OF INDUSTRIES**



MAJOR GENERAL PALITHA FERNANDO: **OFFICE OF REPARATIONS**



MAJOR GENERAL JAGATH ALWIS: **SECRETARY, MINISTRY OF PUBLIC SECURITY**

2. The erosion of the independence of the judiciary and key institutions responsible for the promotion and protection of human rights

Since the Rajapaksas' return in 2019, the government has been accused of interfering with active court cases and undermining the independence of the judiciary. The President has appointed allies to leading positions in several human rights bodies, further eroding trust in these key institutions.

The Presidential Commission of Inquiry (PCOI) into 'political victimisation' was created in [January 2020](#) by the President to investigate the '[victimisation](#)' of Rajapaksa allies. The PCOI argued for the acquittal of the accused parties in dozens of high-profile legal cases, and for charges to be brought against prosecutors and witnesses in many such cases. In January 2021, a Special Presidential Commission of Inquiry was [formed](#) to make recommendations on the removal of civic rights for those guilty of 'political victimisation'. In April, Prime Minister Mahinda Rajapaksa [tabled](#) a Resolution in Parliament to implement the PCOI's remaining recommendations. Whilst this has not yet been passed, several cases investigated by the PCOI have recently collapsed. For example, the Attorney-General recommended charges be dropped in cases against MP [Sivanesathurai Chandrakanthan \(aka 'Pillayan'\)](#) and [Admiral Wasantha Karannagoda](#), who had been charged relating to a murder and a disappearance case respectively, and Finance Minister [Basil Rajapaksa](#), who was accused of corruption. Since charges were dropped, Karannagoda has been [appointed](#) by the President as Governor of North-Western Province. *More information on dropped charges can be found under [Concern 3](#).*

The President has also used his extensive executive powers to pardon those convicted of murder. Sunil Ratnayake, a soldier who was [convicted](#) in 2015 for the 2000 murder of eight Tamil civilians (including three children), was pardoned and [released](#) from prison by Presidential order in March 2020. In June 2021, Duminda Silva was one of 94 prisoners [pardoned](#) by the President. The release of 16 prisoners detained under the Prevention of Terrorism Act was widely seen as a [token gesture](#) in response to criticism of the PTA, and as cover for the release of a convicted murderer. Silva, a former MP and '[close ally](#)' of Gotabaya Rajapaksa, had been sentenced to death for the 2011 assassination of a rival politician and three supporters – a conviction which had been [upheld by the Supreme Court](#) as recently as 2018. The OHCHR has condemned both of these pardons ([here](#) and [here](#)), which demonstrate the President's disregard for accountability and the rule of law.

In October 2020, the Sri Lankan parliament passed the 20th Amendment to the Constitution, which [poses a critical threat](#) to the independence of key human rights institutions, as it concentrates the power to make appointments in the hands of the President. In addition to the appointment of the Rajapaksa ally Major-General [Palitha Fernando](#) to the Office for Reparations, Rajapaksa has changed the commissioners of the Human Rights Commission of Sri Lanka (HRCSL) on several occasions. In [December 2020](#), he appointed Dr. Jagath Balasuriya as Chairperson of the HRCSL, who had been a [Deputy Minister](#) under the government of former President and the current Prime Minister, Mahinda Rajapaksa; several of the [other appointees](#) were also associated with that government. Appointees were predominantly Sinhalese, and were almost all men. In October 2021, the Global Alliance of National Human Rights Institutions (GANHRI) [recommended](#) the HRCSL be downgraded from 'A' to 'B' status, due to its lack of action on several critical human rights issues; the change in appointment process; and its lack of religious, ethnic, and gender pluralism.

In December, the President made two [new appointments](#) to the HRCSL. The new Chairperson, retired Justice Rohini Marasinghe, had been controversially appointed to the Supreme Court by President Mahinda Rajapaksa in 2013 [ahead of more senior judges](#), which led the Bar Association of

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Sri Lanka to raise concerns about the independence of the judiciary. Buddhist monk Kalupahana Thero was also appointed. These latest appointments will do little to address GANHRI's criticisms of the 'lack of pluralism' amongst the membership.

In December 2020, the President [appointed](#) former Supreme Court Justice Upali Abeyratne as Chairperson of the Office of Missing Persons (OMP). Abeyratne had been previously the chairperson of the PCOI into 'political victimisation' and was accused of [contempt of court](#) over his intervention into the case of disappeared cartoonist Prageeth Ekneligoda. In November 2021, the [Families of the Disappeared in Sri Lanka](#) declared they had 'no faith' in Abeyratne. Abeyratne is no longer a commissioner at the OMP, but has since been appointed as the chairperson of another key institution – the [Right to Information Commission](#). While a new chairperson has been appointed to the OMP, Retired Inspector General of Police Jayantha Wickramaratne, appointed in June 2021, is [still a commissioner](#) as of January 2022. Wickramaratne was in charge of police units identified by the UN as being involved in mass disappearances at the end of the war and has also been [accused of 'derailing' investigations](#) into the murder of Lasantha Wickrematunge by instructing officers to conceal and destroy evidence.

3. Ongoing impunity and political obstruction of accountability for crimes and human rights violations in ‘emblematic cases’

The government of President Gotabaya Rajapaksa has reversed the limited progress made on a handful of emblematic cases under the previous government, and has further obstructed accountability in other cases, including through the Presidential Commission of Inquiry (PCOI) into ‘political victimisation’. Whilst victims and their families still await justice, charges have been dropped in several critical cases in 2021, including in emblematic cases highlighted by the UN. Meanwhile, investigators and witnesses have been harassed, threatened, or imprisoned.

Progress on several emblematic cases had stalled well before November 2019, and there is little evidence that justice will be delivered any time soon. In July 2019, a magistrate of Trincomalee acquitted all 13 defendants who stood accused of executing five Tamil students on a beach in January 2006, in what is known as the ‘Trinco 5’ case. Families of the victims appear no closer to obtaining justice despite the evidence provided by [Dr. Kasipillai Manoharan](#), father of one of the students, Ragihar, and others. The same is true for the families of 17 Tamil and Muslim [ACF aid workers](#), who were killed in Muttur, Trincomalee District in 2006. They have seen little progress in their case despite [orders from the Attorney-General](#) in 2019 for police to speed up investigations.

There has also been a lack of accountability regarding the disappearance and murder of Sri Lankan journalists. Journalists for Democracy in Sri Lanka reports at least [43 journalists and media workers were killed](#) between 2004 and 2010. In January 2021 Ahimsa Wickrematunge, daughter of murdered Lasantha Wickrematunge, [filed a complaint](#) with the UN Human Rights Committee over alleged government involvement in his 2009 death, stating that law enforcement in Sri Lanka had not conducted a credible investigation. The children of Dharmaratnam ‘Taraki’ Sivaram, a Tamil journalist who was murdered in 2005, [wrote in 2020](#) that they are ‘not surprised’ that no one has been convicted for his murder, and that their family has so little faith in Sri Lankan authorities that they are not even looking for justice. Meanwhile, in May 2021, suspects in the murder of Jaffna journalist Mylvaganam Nimalarajan, who was killed in 2000, [were released](#) after the Attorney General instructed the courts not to continue with the case.

In 2021, charges against suspects with links to the government were dropped in several emblematic cases. MP [Sivanethurai Chandrakanthan \(aka ‘Pillayan’\)](#), a former LTTE leader who joined government forces in 2004, was charged with assassinating Tamil MP Joseph Parajasingham during a Christmas mass in 2005. The Attorney-General [withdrew charges](#) against him and four others in January 2021. In October, the Attorney-General announced that [charges](#) against former Navy Commander Admiral Wasantha Karannagoda, including conspiracy to murder, would be dropped. Karannagoda was one of fourteen people accused of abducting and murdering 11 Tamils and Muslims between 2008-9 in the so-called ‘Navy 11’ case. Responding to this decision, [Sarojini Naganathan](#), mother of one of the victims, asked: “Wasantha Karannagoda knows everything. How can they [be] releasing him from the case? It is not fair.”

The government has also targeted those who investigated cases during the previous government. Shortly after President Gotabaya Rajapaksa was elected in 2019, key officers from the Criminal Investigation Department were [transferred away](#) from their posts, including the Director, Shani Abeysekera. On 30 July 2020, Abeysekera, who had led investigations into emblematic cases against high-ranking military and police officers, was [arrested](#) for allegedly concealing and fabricating evidence in a case against 8 former police officers. He was released on bail in June 2021 after 10

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months in prison on remand, with the [Court of Appeal](#) stating that the allegations against Abeysekara were “a result of falsification and embellishment and a creature of afterthought”.

Emblematic cases have been marred by intimidation and alleged violence against witnesses and prosecutors. Sandya Ekneligoda, wife of journalist Prageeth Ekneligoda, has faced [harassment and threats](#) in her campaign for truth since her husband’s 2010 disappearance. Ekneligoda [has also stated](#) that the PCOI into ‘political victimisation’ has intimidated and threatened witnesses in her husband’s case. On the 12th anniversary of Prageeth’s disappearance, in January 2022, Sandya Ekneligoda shaved her head as part of [a religious ritual](#) calling for divine intervention in her case, [telling reporters](#) that she has no faith in the authorities or the judiciary.

Similar intimidation has been reported in the case against IP Neomal Rangajeewa, who had been charged in relation to the killing of 27 inmates during the [2012 Welikada Prison Massacre](#). Witnesses, journalists, and lawyers have [complained](#) that Rangajeewa has threatened them on social media, and that they had received intimidating phone calls; the wife of one witness claims two men threatened her with a gun. On 12 January 2022, Prisons Commissioner Emil Lamahewage was [sentenced to death](#) for his role in the massacre, but Rangajeewa was cleared of all charges; just days prior to the trial, Rangajeewa had been [promoted](#) to Senior Superintendent of Police (SSP). Civil society groups have [raised concerns](#) about the sentence and the application of the death penalty, noting that “scapegoating by sentencing one individual to death does nothing to address the very real concerns” regarding the Welikada Prison Massacre.

No Justice in Emblematic Cases

Under the previous government, **limited** progress had been made on 'emblematic' cases, with charges being brought in a few cases. However, many of these charges have since been **dropped**, and there is now **no** sign of justice for victims' families.



Years Without Justice

Murder of journalist Dharmaratnam Sivaram



Years Without Justice

Murder of MP Joseph Pararajasingham



Years Without Justice

Killing of the 'Trinco 5'



Years Without Justice

Killing of 17 ACF aid workers in Muttur



Years Without Justice

Murder of journalist Lasantha Wickrematunge



Years Without Justice

'Navy 11' enforced disappearances



Years without Justice

Enforced disappearance of cartoonist Prageeth Ekneligoda



4. Policies that adversely affect the right to freedom of religion or belief

Since the President's election in November 2019, the government has openly adopted policies that affect the right to freedom of religion or belief, particularly targeting Sri Lanka's Muslim communities. Since the outbreak of the COVID-19 pandemic, Muslims have been scapegoated by government officials, and the policy of forced cremation for victims of the disease caused severe distress to families. Burials continue to be heavily restricted. In keeping with its Sinhala-Buddhist agenda, the government and military have also undertaken partisan interventions in land disputes between religious communities. Whilst the government and military continues to emphasise its relationship with the Buddhist establishment, funding [lavish Buddhist ceremonies](#) and constructing new [Stupas](#), non-Buddhists face increasing discrimination.

Since the outbreak of the pandemic, social media commentators and even government officials have blamed Muslims for spreading the disease. On [several occasions](#), government ministers and officials have publicly announced the religion of those who had contracted COVID-19, but only when the individuals were Muslim.

In February 2021, following an outcry from [UN human rights experts](#) and many others, the Sri Lankan government [lifted](#) its blanket ban on burials for those who had died of COVID-19. This policy had mostly affected Sri Lanka's Muslim community, who are required by their faith to bury their dead, but had also affected other communities including Christians. Despite [repeated](#) assurances from the World Health Organisation that COVID-19 victims can be safely buried, the Sri Lankan government continues to restrict burial rights. In March 2021, the government mandated that only one small site at [Oddamavadi](#) in Eastern Province would be opened to COVID-19 burials. According to former Batticaloa MP Ali Zahir Moulana, 946 of the first 1,001 COVID-19 patients buried at Oddamavadi as of July 2021 were [Muslims](#).

The site at Oddamavadi is woefully inadequate. Whilst many Muslims do live in the Eastern Province, the [majority do not](#), and only [2%](#) of COVID-19 deaths as of May 2021 had occurred in that Province. As Moulana [describes](#), Muslims from Colombo have to travel for over 6 hours to Oddamavadi for a brief and heavily militarised funeral, which does not properly respect the dignity of the deceased. A recent [fact-finding mission](#) to Batticaloa found that residents in other districts had questioned why the government had refused their offers to donate land for COVID-19 burials, as Oddamavadi is too small and distant for many people; as of 26 December 2021, 3,246 people had been buried there, and a local official suggested only 300 more could be accommodated.

Muslim communities have been systematically targeted by the current government and accused of links with extremism and terrorism often without evidence. Since the 2019 Easter attacks, [hundreds](#) of Muslims have been arrested and detained for months or years without trial under the Prevention of Terrorism Act (PTA), including prominent civil society activists, such as lawyer [Hejaaz Hizbullah](#). *More information on PTA arrests can be found under [Concern 9](#).*

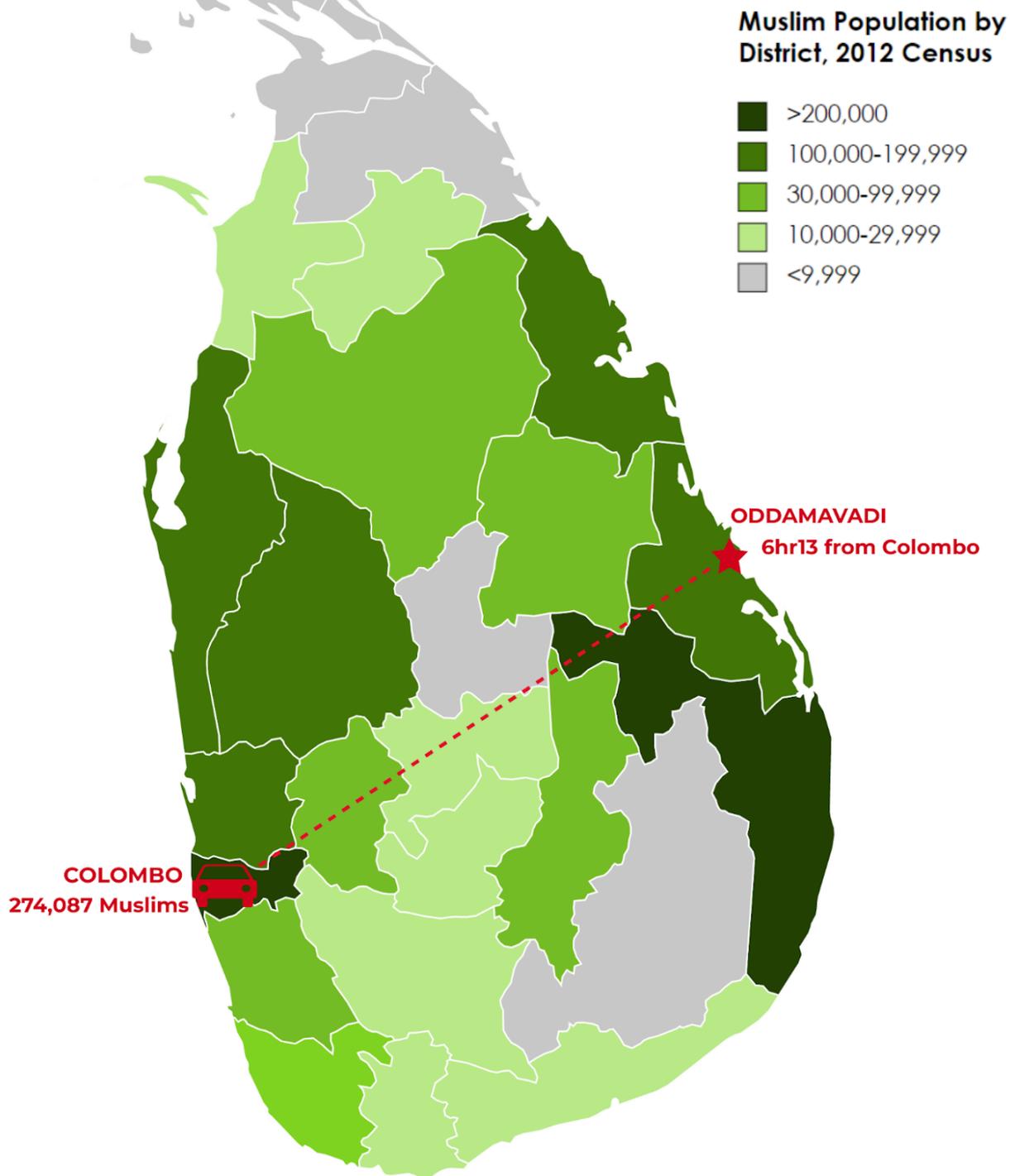
In March 2021, the Sri Lankan government announced plans to introduce [bans](#) on certain Islamic garb, and to close more than 1,000 unregistered madrassas. Minister of Public Security Admiral Sarath Weerasekera asserted that the burqa was a sign of 'religious extremism' that came about only recently, and sought cabinet approval to ban these items of clothing, which was [granted](#) on 27 April; however, legislation has not yet been brought forward. Also in March 2021, the Ministry of Defence issued a [ban](#) on the importation of any Islamic religious books without ministry approval. In October, President Rajapaksa created a ['One Country, One Law' Task Force](#), aimed at reforming personal law in Sri Lanka, and appointed Gnanasara Thero, a militant anti-Muslim monk and Buddhist

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supremacist, to lead the Task Force. *More information on the 'One Country, One Law' Task Force can be found under **Concern 5**.*

The Archaeology Department and the Presidential Task Force on Archaeological Heritage in the Eastern Province have also been [accused of inflaming tensions](#) by mapping Buddhist heritage sites in the North and East without considering the claims of other local communities. There have been several instances where state officials and the army have intervened in land disputes between religious communities and there is a [perception](#) among non-Buddhists that Buddhism has been promoted by the state at the expense of other faiths.

Sri Lanka's Discriminatory COVID-19 Burial Laws



In 2021, the Sri Lankan government designated only **1** site in the entire country for the burial of victims of COVID-19, in the Eastern Province. Muslims, who are required by their faith to bury their dead, have been told - **without evidence** - that burial contaminates ground water. Many Muslims live in the **Western** and **Central** parts of Sri Lanka, particularly Colombo. As of May 2021, Colombo District accounted for **42%** of all Sri Lanka's COVID-19 deaths, with no COVID-19 burial sites within **6 hours drive**. Muslims and others who wish to bury their dead have to travel **across the country** to Oddamavadi to do so.

Sources: 2012 Census of Population and Housing; Sri Lankan Ministry of Health; BBC News; Google Maps.

5. Increased marginalization of persons belonging to the Tamil and Muslim communities

Whilst the marginalization of Sri Lanka's Tamil and Muslim communities is not new, their situation has deteriorated since the Easter Bombings and the Rajapaksas' return to power in 2019. Hundreds of Tamils and Muslims have been detained arbitrarily under the draconian Prevention of Terrorism Act (PTA), and the North and East of the country remains heavily militarised. Meanwhile, President Rajapaksa has been unapologetic in displaying his Sinhala-Buddhist credentials, [stating](#) in January 2022 that 'the protection of Sinhala Buddhists' who elected him is his 'foremost responsibility'. He has also created a 'One Country, One Law' Task Force, led by the extremist Buddhist monk Gnanasara Thero, who has a history of inciting violence against Muslims. *More information on PTA arrests can be found under **Concern 9**.*

As previously noted by the [Sri Lanka Campaign](#), the military is heavily concentrated in the Tamil majority Northern and Eastern Provinces. According to a [2017 report](#), approximately 25% of all Sri Lankan troops were located in Mullaitivu District in Northern Province, home to about 0.6% of Sri Lanka's population. There are military checkpoints [across the region](#), and Tamil communities are targeted for surveillance. Armed forces play an active role in the civilian economy in the North-East. A [report](#) by the South Asian Centre for Legal Studies found that the military is heavily involved in various industries, running hotels, restaurants, farms, and other enterprises, which has created unfair competition with locals.

The military's presence in the North-East continues to expand. In March 2021, President Rajapaksa announced that [fifty military and Special Task Force \(STF\) camps](#) in Eastern Province were to be re-opened to combat 'separatist terrorism' and 'Islamic Extremism'. A new 'elite strike force' unit '[1 Corps](#)' was founded in [October 2021](#) as a 'deterrent force' which will take 'pre-emptive actions' to safeguard national security. This militarisation is unlikely to be reversed in 2022, as the [proposed defence budget](#) has grown by 14% to Rs. 373 billion, now accounting for 15% of total government expenditure. Military spending is increasing despite Sri Lanka's ongoing [economic crisis](#), which has left many Sri Lankans struggling to afford food. The Rajapaksa government has also ramped up surveillance on civil society organisations in the North and East, which are [regularly visited](#) by security agencies, and activists claim to have witnessed a [rise in government surveillance](#). *More information on the surveillance of civil society can be found under **Concern 6**.*

The creation of the '[One Country, One Law](#)' Presidential Task Force under Galagodaaththe Gnanasara Thero in October 2021 has greatly concerned civil society organisations in Sri Lanka, such as the [Centre for Policy Alternatives](#). Gnanasara Thero is the leader of the Bodu Bala Sena (BBS) or 'Buddhist Power Force', an extreme Sinhala-Buddhist nationalist organisation. Gnanasara and the BBS have been implicated in anti-Muslim riots in [Aluthgama](#) in 2014 and in [Digana](#) in 2018. In another incident, Gnanasara was convicted of contempt of court and sentenced to six years in prison, before being [pardoned](#) by former President Sirisena. [Muslim](#) and [Catholic](#) religious organisations, as well as [MPs](#), have condemned Gnanasara's appointment.

'One Country, One Law' is an election slogan Rajapaksa had used in 2019 with majoritarian connotations which promotes a false narrative that the current legal system in Sri Lanka benefits minorities. Civil society organisations and international NGOs including the [International Commission of Jurists](#) have expressed [concerns](#) that the Gnanasara-led Task Force would target non-Buddhists. In press interviews, Gnanasara has made it clear that the Task Force will [predominantly focus](#) on issues relating to Sri Lankan Muslims, including [BBS concerns](#) about 'unethical conversions' and 'cultural invasion'. The Task Force has since been touring the [North](#) and [East](#) of the country, and is [expected](#) to submit a report on their recommendations by 28 February 2022.

Sri Lanka's Ever-Expanding Military

Although it has now been **over a decade** since the war ended, Sri Lanka's army has continued to expand. That army is now one of the **largest in the world**, and its budget continues to **expand**.

Sri Lanka's **active** military personnel, as of 2018, numbered **243,000**. At **11.61** soldiers per **1,000** population, Sri Lanka had the **20th** largest army in the world, and the **7th** largest per capita.



According to World Bank data, by the end of the war in 2009, Sri Lanka's **total** military personnel numbered **223,100**. By 2018, 9 years later, that number had **grown** to **317,000**, an increase of **over 34%**.

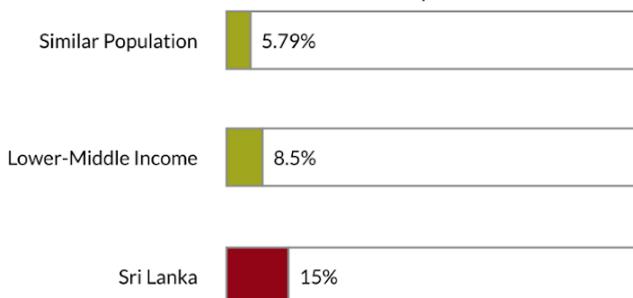


Sri Lanka's proposed Defence Budget for 2022 is \$1.86bn.

That is **14%** higher than 2021.

Defence now accounts for **15%** of expenditure.

For comparison, governments in countries with a similar population to Sri Lanka spend **5.79%** of their total expenditure on Defence, and governments of other lower-middle income countries spend **8.5%**.



The Sri Lankan government spends **over 50% more** of its budget on Defence than the **South Asian** average of **9.8%**.



The Army in the North-East

Sri Lanka's oversized army has been **disproportionately** concentrated in the country's **North** and **East**, where **Tamil** and **Muslims** are in the majority, since the end of the civil war. In 2021, its presence in these regions continued to expand.

Militarisation of the North and East



As of 2021, **16** of the Army's **20** divisions were located in the Northern Province alone. **Dozens** of military bases are dotted throughout the province.

In the North and East, the Army controls large parts of the civilian economy, via military-run **farms, shops, and factories**. Checkpoints can be found **across the region**.

5 of the Army's **7** Regional Headquarters are located in the **Northern** and **Eastern** provinces. In Mullaitivu District alone, there is an estimated ratio of about **1** soldier for every **2** civilians.

In March 2021, **President Gotabaya Rajapaksa** announced that Sri Lanka planned to **re-open**

50

military and **Special Task Force** camps within **Eastern Province**, to counter '**Separatist Terrorism**' and '**Islamic Extremism**'.



In October 2021, the **Army** announced the formation of a new elite strike force unit, named '**1 Corps**', based in Kilinochchi District, **Northern Province**.

It is described by the Army as a '**deterrent force**', raised to undertake '**pre-emptive actions**' to 'proactively respond to all forms of threats to national security'.



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6. Surveillance and Intimidation of Civil Society

Civil society groups, which have suffered from harassment and intimidation under successive Sri Lankan governments, have come under increasing pressure since 2019. NGOs have been repeatedly visited by the police, whilst activists have faced threats, arrests, and violence. The families of the disappeared and families of detainees are subjected to surveillance by security forces, and prominent critics of the government have been regularly interrogated by police. This has increased the environment of fear in which activists worked and silenced some activists and civil society groups, whose operations have been monitored, investigated, and restricted by authorities.

Many activists and NGOs, especially in the North and East, report that they have been surveilled, harassed, and intimidated by the government. A Human Rights Watch [report](#) from February 2021 describes one instance where the Terrorism Investigation Department (TID) had questioned staff at an NGO office in Northern Province, demonstrating that TID officers were very well-informed not only about the NGO's activities, but also about the personal lives of staff and their families. According to one human rights activist, the pressure on activists and NGOs has meant that activists are 'self-censoring' out of fear, as many receive death threats, have their devices hacked, or are at risk of arbitrary arrest and violence.

According to Amnesty International, between [60,000 and 100,000](#) people in Sri Lanka have been disappeared since the late 1980s, and families of the disappeared have often faced intimidation and surveillance from the state. Family members [report](#) receiving daily calls and home visits from intelligence officers and being summoned for interrogation by the TID. In February 2021, the TID summoned the secretaries of the [Vavuniya Families of the Disappeared Association](#) and the [North-East Relatives of the Missing Persons Association](#) for questioning, asking for details about their activities, their sources of income, and information that was to be presented to the Council. Protests by these organisations are frequently subjected to intimidation by security forces, such as in [December 2021](#), when security personnel photographed and monitored a demonstration in Mullaitivu District, Northern Province. Some Tamil asylum seekers now in the UK have also alleged that they were [tortured](#) by the state for protesting alongside these families. *More information on torture can be found under **Concern 10**.*

Whilst the situation is particularly troubling in the North and East, civil society groups and government critics throughout the country face harassment. This includes former Health Ministry Spokesman Dr. Jayaruwan Bandara, who was [summoned](#) for questioning by the Criminal Investigation Department (CID) in August for his comments about the government's handling of the COVID-19 pandemic, and [Shehan Malaka Gamage](#) and [Fr. Cyril Gamini](#), who were both interrogated by the CID for criticising the government's investigation into the Easter bombings. In [December 2021](#), Kandy police obtained a court order to prevent NGO Human Rights Office Kandy from holding an International Human Rights Day event discussing the rights of prisoners, claiming that this might cause 'ethnic disunity'.

In June, Sri Lankan police [announced](#) that anyone posting or sharing false information and news on social media could be arrested without a warrant. Following the arrest and detention for over 150 days of activist [Ramzy Razeek](#) in 2020, online activists have continued to face harassment and intimidation. In its annual assessment of online freedom, Freedom House reported that a significant number of [individuals had been arrested](#) for their activities on social media, including young Tamils detained for allegedly promoting the LTTE, and others for criticising the government. In November, a '[gag-order](#)' was reportedly issued to civil servants to prevent them from criticising the government on social media.

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Meanwhile, government ministers have continuously worked to discredit NGOs and civil society groups, particularly those who receive funding from abroad. In August 2021, the government announced plans to draft new legislation to [regulate](#) NGO finances. Cabinet spokesperson Keheliya Rambukwella claimed that during the war, some international NGOs ‘assisted terrorist groups’, and it was thus necessary to ensure such organisations did not harm national security. In his [budget speech](#) in November, Finance Minister Basil Rajapaksa alleged that ‘agents of foreign powers disguised as social activists’ were exerting so much pressure on Sri Lanka that they could ‘overthrow strong and populist governments’.

7. Restrictions on media freedom and shrinking democratic space

Since the outbreak of the COVID-19 pandemic in early 2020, the government has used pandemic restrictions to crack down on protestors. The government has also attempted to restrict media freedom. Protestors have faced court bans, arrests, and surveillance, whilst journalists have been interrogated, harassed, arrested, and assaulted.

In February 2021, a [5-day march](#) raising the [concerns](#) of Tamil and Muslim communities was held across the North and East, known as 'Pothuvil to Polikandy' or 'P2P'. In his role as head of the pandemic response, General Shavendra Silva [called](#) the rally a 'show' and announced that action would be taken against those who violate COVID-19 restrictions, whilst Prime Minister Mahinda Rajapaksa accused protestors of trying to divide the country. The army and police [disrupted](#) and threatened marchers through court injunctions and physical harassment, and several activists were later [arrested](#) for their participation.

Amidst rising COVID-19 cases, the government imposed further restrictions in July 2021, including a [ban on all protests and gatherings](#), which led to a police crackdown. In July, 13 people were [arrested](#) in Southern Province for protesting increasing fuel prices and the ban on chemical fertilisers; 31 education activists, including the General Secretary of the Ceylon Teachers' Union, were also [arrested](#) that month for protesting the Kotelawala National Defence University (KNDU) Bill. After being released on bail, 16 of these activists were prevented by police from leaving court premises and [forcibly](#) taken to quarantine facilities.

The Sri Lankan government has cited public health concerns to justify regulations, but they appear to have been selectively used to silence critics. In November 2021, the President issued [emergency regulations](#) to limit the size of public gatherings days before a planned [mass opposition rally](#) by the Samagi Jana Balawegaya (SJB). The SJB rally went ahead on 16 November, and police used [spike strips](#) to prevent buses from entering Colombo. That day, [updated health guidelines](#) came into place which allowed for indoor private gatherings of up to 100 persons whilst prohibiting all outdoor private gatherings, despite indoor gatherings being [more conducive](#) to the spread of the disease. The Sri Lankan Centre for Policy Alternatives (CPA) has [argued](#) that the government's restrictions on protests may violate the constitution, and that the press release announcing the ban on protests and public meetings in July did not provide a legal basis.

State officials have also used legal measures and police intimidation in an attempt to restrict media freedom. Tamil journalists have faced particular harassment, especially those who have covered anti-government protests. In February 2021, court orders were [issued](#) to prevent journalist Punniamorthy Sasikaran from attending the P2P march; Batticaloa police later [interrogated him](#) in March and July, accusing him of organising the protest. Another Batticaloa journalist, Selvakumar Nilanthan, was [interrogated](#) in July about his activism and income sources, having previously been interrogated in 2016 and in 2020. Journalist Vishvalingam Vishvachandran [alleges](#) that he was assaulted on 27 November for taking a photo of a Mullivaikkal sign during Maaveerar Naal, a time in which Tamils remember those who died in the Tamil separatist struggle. He alleged soldiers attacked him and threw him against barbed wire, and photos show his bloody hands. The Sri Lankan army published a [press statement](#) on 30 November denying the assault, claiming the incident had been exaggerated by social media users 'with vested interests'. However, that same day, several soldiers reportedly [confessed](#) to committing the assault and apologised to the journalist. *More information on the government crackdown on memorialisation can be found under **Concern 8**.*

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In August, the Prevention of Terrorism Act (PTA) was used to arbitrarily [arrest and detain](#) journalist Keerthi Ratnayake, who remains in detention after he reported a potential terrorist attack on the Indian embassy to embassy staff. Security Minister Admiral Sarath Weerasekara has [said](#) it was an offence for Ratnayake to give this information to the embassy instead of the police. Ratnayake, however, has since submitted a [Fundamental Rights Petition](#) to the Supreme Court alleging he was questioned about his articles and sources at *Lanka-e-News* after his arrest. The [Colombo Telegraph](#) reported that Ratnayake's arrest was ordered by Senior Deputy Inspector General of Police for Western Province Deshabandu Tennakoon, after Ratnayake had reported on Tennakoon's alleged connections with drug traffickers and accusations of corruption. Tennakoon has previously [threatened](#) a journalist, Tharindu Jayawardena, on Facebook. *More information on PTA arrests can be found under **Concern 9**.*

The Prevention of Terrorism Act (PTA) is being used to arrest and detain Muslims, Tamils, and dissidents for months or years, often without charge or trial.



Ahnaf Jazeem

Arrested 16 May 2020;
released on bail 15
December 2021

A poet and teacher from Mannar, Jazeem was arrested for allegedly 'promoting Islamic extremism' through his Tamil poetry. Tamil-language experts dispute this claim. Jazeem's lawyer claims he was held in squalid conditions, denied confidential access to legal advice, and coerced into signing false confessions. He was held in detention for more than 18 months before being released on bail in December 2021.



Hejaaz Hizbullah

Arrested 14 April 2020;
remains in detention

A prominent human rights lawyer, Hizbullah was arrested under the PTA in connection to the 2019 Easter Sunday bombings. He has been denied access to his lawyers and his family, who believe he was arrested due to his legal work and advocacy. Three children allege that police tried to coerce them into making false allegations against Hizbullah. Hizbullah was charged in March 2021 for 'inciting communal disharmony'.



10 Batticaloa
Tamils

Arrested 18 May
2021; released on bail
8 December 2021

In Kiran, Batticaloa, 10 Tamils were arrested under the PTA for holding a memorial vigil for Tamils who were killed during the final stages of the civil war in 2009. They were detained without charge or trial for 7 months, amidst a broader government crackdown on Mullivaikkal commemorations across the North and East.



Keerthi
Ratnayake

Arrested 14 August 2021;
remains in detention

A journalist for Lanka-e-News, Ratnayake was arrested for reporting a possible terrorist attack on the Indian embassy to embassy staff, rather than to the Sri Lankan police. Whilst in detention, he claims that he was questioned and threatened about articles he had written which alleged that senior police figures were corrupt, and asked to reveal his sources. He remains in detention.



Long-Term
Tamil Detainees

Arrested over many decades

Since the introduction of the PTA in 1979, hundreds of Tamils have been detained, often waiting many years for a trial. In October 2021, Kapilan Kathiravelu, detained without charge under the PTA since 2009, was acquitted after 12 years in prison. He had been accused of links to the LTTE, and was 17 at the time of his arrest. In December 2021, Thevarasa Sivapalan, arrested in 2006 for allegedly smuggling arms to Colombo, was acquitted after 15 years. Both acquittals were due to a lack of evidence, yet the victims will receive no compensation for the time they spent behind bars.



Hundreds of
Muslims

Arrested since April 2019

After the Easter Sunday Bombings in 2019, hundreds of Muslims were arrested and detained on vague allegations under the PTA, Penal Code, and other laws, such as the Offensive Weapons Act. Over 300 Muslims - including over 100 from Kattankudy alone, the hometown of the leader of the attacks, Zahran Hashim - remain in detention under the PTA. Many have been awaiting trial since 2019 in overcrowded and unhygienic prisons, far from their families and loved ones. At least 15 Muslim women are detained under the PTA, some with young children, and women whose husbands have been detained struggle to survive.

8. Restrictions on public memorialization of victims of war

Tamils have long struggled for the right to publicly remember victims of war. and since the election of Gotabaya Rajapaksa in November 2019, there has been a renewed crackdown on memorialisation. The outbreak of the COVID-19 pandemic in 2020 allowed authorities to place further restrictions on Tamil memorialisation, and in 2021, security forces have used harsh measures to prevent Tamils from commemorating their loved ones.

On 8 January 2021, a monument at Jaffna University to those who died at Mullivaikkal during the final stages of the war in May 2009 was [demolished](#) by university authorities with police and army officers in attendance. The demolition provoked [international condemnation](#) and led to [protests](#) at the university. The Vice-Chancellor of Jaffna University issued a [statement](#) suggesting he had been instructed that the monument had to be removed. Following intense pressure, authorities announced on 11 January that the monument would be [rebuilt](#), and a new monument was [unveiled](#) in April. Just days before the 12th anniversary of the end of the war on 18 May, on 13 May, it was discovered that an important memorial monument in Mullivaikkal had been [destroyed](#), and that a new memorial stone placed there on 12 May was missing. Witnesses [claim](#) the army had cordoned off the area around the monument on the evening of 12 May, and several [Tamil MPs](#) have blamed the army for the monument's destruction.

Despite a [court order](#) allowing Tamils to attend memorial events at Mullivaikkal in Mullaitivu District on 18 May, Sri Lankan police tried to stop organisers reaching events and the army [imposed](#) a COVID-19 lockdown on much of the district on 17 May, mere hours before the scheduled memorial events. Several Tamil MPs were [harassed](#) during these commemorations. In Kiran, Batticaloa, ten Tamils were [arrested](#) under the Prevention of Terrorism Act (PTA) for holding commemorations on a beach, and were held in detention until they were finally [released on bail](#) in December, almost 7 months later.

Restrictions on memorialisation continued throughout the summer. In August, as Tamils remembered the dozens of children killed in the [Sencholai Massacre](#), security forces [blocked roads](#) leading toward the memorial site at Vallipunam, Mullaitivu, and turned away relatives of the deceased. Whilst the government often cited COVID-19 concerns when they restricted Tamil commemorations, government events went ahead without restriction and politicians were freely able to attend [the memorial](#) for the 62nd anniversary of the assassination of Prime Minister SWRD Bandaranaike in September.

Sri Lankan authorities further cracked down on Tamil commemoration in the run up to Maaveerar Naal on 27 November, a day in which Tamils remember those who fought and died during the war. On 19 November, Mannar police applied for a [court ban](#) on religious services at various temples and churches between 20-27 November, and [military checkpoints](#) were set up in Mullaitivu the week before Maaveerar Naal, supposedly to enforce COVID-19 restrictions. Authorities in the North and East sought [restraining orders](#) in local courts to prevent people from commemorating their dead; some were granted, while others were refused. The army reportedly [threatened traders](#) in Mullaitivu not to close their shops. On 27 November, Sri Lankan authorities did their best to prevent online and public commemoration, [arresting](#) a Tamil youth in Mannar for a Maaveerar Naal-related post on Facebook, and a [political youth leader](#) in Mullaitivu. In Jaffna District Tamils were prevented from gathering at a cemetery, and soldiers [stamped out](#) lamps lit by mourners in Theeruvil.

9. Arbitrary Detentions

The Prevention of Terrorism Act (PTA), introduced in 1979, has been used for decades to arrest and detain people for extended periods, particularly Tamils, without charge or due process safeguards, and continues to this day. Civil society organisations have long called for the PTA to be [repealed](#). However, since the Easter Bombings in 2019, the use of the PTA has become even more extensive, and it has been used to arrest and detain hundreds of Muslims for months or years on end. Whilst the Rajapaksa government has promised [PTA reforms](#), the reforms tabled to date have been criticised by experts as superficial and limited. Civil society groups and affected communities continue to demand a complete [moratorium](#) on the use of the PTA.

The PTA is disproportionately used to arrest Muslims and Tamils, While data about the number of PTA detainees and their backgrounds is not publicly available, according to data obtained from the [Department of Prisons](#) by human rights defenders, as of 28 October 2021, there were 85 people held in remand for over alleged links to the LTTE, and 205 held in relation to the Easter Attacks. Of these, 14 had been in remand for over a decade. In October 2021, Tamil National Alliance (TNA) MP Sivagnanam Sritharan told Parliament that [39 Tamils in the North-East](#) had been arrested under the PTA in the past three months.

Ahnaif Jazeem, a Muslim teacher arrested under the PTA [for his poetry](#) in May 2020, was finally [released on bail](#) in December 2021 after more than 18 months in detention. In an [interview](#) in January 2022, Jazeem said that he had been beaten and deprived of sleep and food in detention, and was forced to make a false confession after officers threatened him with 15 to 20 years in prison and threatened to arrest the woman he was due to marry. Officers told him that he could not have a lawyer and said they could keep him in detention for 10 years without going to court.

[Hejaaz Hizbullah](#), a Muslim human rights lawyer arrested in April 2020, remains in detention. While he was initially accused of involvement in the 2019 Easter Sunday Bombings, he has now been charged with the vague [speech-based offence](#) of “causing communal disharmony”.

While Hejaaz and Ahnaif’s cases have attracted international attention, hundreds of other Muslims remain in detention. [Over 100 individuals](#) from Kattankudy – the hometown of the organiser of the Easter attacks – have been detained under the PTA; many have been in detention since 2019 in overcrowded prisons far from their families. Some Tamil detainees have been also held in remand for many years while they await trial. In late 2021, [Kapilan Kathiravelu](#) was released without charge after being in PTA detention for over 12 years, and [Thevarasa Sivapalan](#) was acquitted after 15 years’ detention. Neither will receive compensation or even an apology for the time they spent behind bars.

According to information provided by the Women’s Action Network, at least 25 Muslim and Tamil women are currently detained under the PTA. This includes at least 15 Muslim women who have been detained since 2019 relating to the Easter Attacks, often due to accusations against their male relatives. Many have young children and are forced to rely on their relatives to look after them. Women whose male relations have been arrested and detained for months are also [severely affected](#) and face serious [socio-economic hardships](#): many families have lost their primary income earner, and have struggled with basic expenses, including the cost of their children’s education. Many are shunned by their communities who do not wish to put themselves at risk by associating with families accused of terrorism.

Whilst the government has long promised PTA reform, it proposed further ‘de-radicalisation’ regulations under the PTA in March 2021, which would allow individuals to be detained for ‘rehabilitation’ for up to two years without trial. These regulations were met with concern by local

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activists and the [Office of the High Commissioner for Human Rights](#), and have been [temporarily suspended](#) by the Supreme Court pending a legal challenge; in January 2022, the Court [scheduled the hearing](#) for March 2022.

In late January, the government published [proposed reforms](#) to the PTA. [Human rights lawyers](#) and [civil society organisations](#) have been quick to criticise the reforms as superficial and disingenuous, noting that they do not address major problems with the legislation and do not bring it into line with Sri Lanka's international obligations. The proposed reforms do nothing to address the overly broad definition of terrorism within the Act, or the admissibility of confessions – a provision which has long been linked to detainees being tortured during detention.

Others have been arbitrarily detained without the use of the PTA. In July, 16 education activists were [forcibly sent](#) to a quarantine centre in Mullaitivu despite being granted bail by the courts following their arrest for participating in a protest. Union activists and opposition politicians questioned the legality of their detention and they were [eventually released](#) early. In August, at a bail hearing for three student activists, Colombo Chief Magistrate Buddhika Sri Ragala '[strongly advised](#)' police not to arrest members of the public and send them to court without 'reasonable grounds' that they had committed an offence, as the court had warned police about this in the past. *More information on the arrest of protesters can be found under **Concern 7**.*

Women and the Prevention of Terrorism Act

Analysis of the impact of the Prevention of Terrorism Act (PTA) has mainly focused on the majority of male detainees. Women who are arrested under the PTA face unique challenges, and families of male PTA detainees suffer greatly due to the arrests of their fathers or sons.

As of January 2022, Women's Action Network (WAN) estimates that more than **25** Tamil and Muslim women are in detention under the PTA in over 11 locations across Sri Lanka. At least **15** Muslim women have been arrested since the 2019 Easter attacks, many simply due to **suspicious against their male relatives**.

8 cases analysed by WAN:



6 of 8 detainees have children under twelve



They rely on relatives to care for their children while in detention, usually the children's elderly grandmothers.

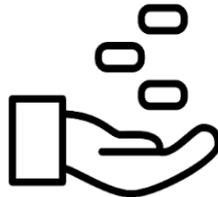


2 of the women were **pregnant** at the time of their arrest.

Following the Easter attacks in April 2019, hundreds of Muslims, mostly men, were arrested under the PTA. Accusations against detainees were often flimsy, with many young men arrested for hearing a sermon or even providing professional services to a suspect.

Many of those arrested have young families who have faced challenges since their loved ones' detention.

For many families, the men who have been detained under the PTA were the **primary or even sole income earners**. Their dependents are struggling to make ends meet without a regular source of income.



As well as basic living expenses, families have struggled to cover the cost of their children's education. **Some children have been unable to continue at school**.

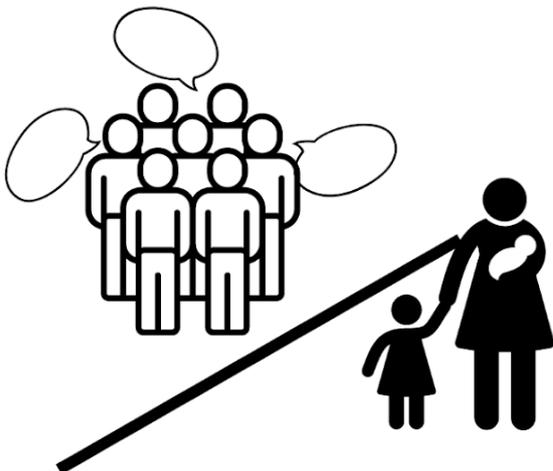


Many families have had difficulty obtaining legal representation due to the stigma attached to PTA cases. **Legal expenses are an additional financial burden** that some families are unable to afford.



Often PTA detainees are held in prisons many miles away from their homes. Some families struggle to **afford travel expenses** and many travel for hours only to see their loved ones for a few minutes under close supervision by prison officers.

Some women have been forced to **sell property and jewellery** to pay for basic expenses and legal representation for husbands and sons.



Some families have been **ostracised** and **stigmatised** by local communities, who fear attracting the interest of security forces.

In traditional patriarchal communities, women who are left to look after their families alone are also **vulnerable to rumours** and allegations about their character, especially when they are visited by male security service officers in connection to their case.

10. Alleged torture and other cruel, inhuman degrading treatment or punishment, and sexual and gender-based violence

Torture is not a recent issue in Sri Lanka, and UN experts have long raised concerns about the [‘routine and systemic’](#) use of torture by police, security forces, and prison officials. The [National Study of Prisons](#) published by the Human Rights Commission of Sri Lanka in December 2020 found that “violence is an entrenched feature of the criminal justice process” and torture “is inflicted to extract information.” Reports of torture remained high during 2021 and there were a number of deaths in custody linked to beatings by police during arrest.

Between March and June 2021, press reports identified at least six individuals who died in police custody. In May, a [video emerged](#) that appeared to show police [ordering a man](#) to beat 47-year-old father of three Susil Indrajith, who was searching for food for his family; after he was beaten unconscious, police drove off, and Indrajith was run over and killed by a bus. Mohamed Ali of Panadura, arrested for a quarantine violation, died in police custody in June. According [Police Spokesman DIG Ajith Rohana](#), he died after jumping out of a moving police car. Ali’s wife, however, [believes](#) her husband was beaten to death by police. Also in June, Chandran Vithushan, a 22-year-old Tamil man from Batticaloa, [died in detention](#) soon after being arrested by police at his home. An initial autopsy ruled that Vithushan had died after swallowing packets of drugs; however, his family say that he was dragged out of the house by police, tied to a tree, and severely beaten in front of them. They have continued to fight his case, and the court has ordered a [second autopsy](#). Although the court is still waiting for the results, in November the lawyer representing the victim’s family [told the media](#) that the Judicial Medical Officer had submitted a report to the court which stated that there were 31 injuries on Vithushan’s body. His parents [claim](#) that a police officer who had beaten their son had boasted that this was his ninth murder.

There has also been a spate of custodial deaths in so-called ‘encounter killings’, where suspects in detention were reportedly killed in shootouts when they were taken by police to recover hidden weapons or other evidence. In November, the Committee for Protecting the Rights of Prisoners (CPRP) said that it would [seek international intervention](#) following a lack of action by the Human Rights Commission of Sri Lanka and the Inspector General of Police. The [CPRP](#) and the [Bar Association of Sri Lanka](#) (BASL) raised concerns about the deaths of Mabaluge Dineth Melan Mabula (aka ‘Urujuwa’) and Dharmakeerthi Tharaka Perera Wijesekera (aka ‘Kosgoda Tharaka’) in May 2021 and noted that their lawyers and families had been alerted to the possibility of their deaths before they occurred. On 26 November, police claim that Hewa Lunuwilage Lasantha (aka ‘Tinkering Lasantha’) had been [taken to recover hidden weapons](#), during which time he threw a grenade at officers, leading police to open fire and kill him. However, his lawyer had [contacted BASL](#) the previous day, 25 November, saying he had information that his client had already been killed in custody by police, who would use a weapon recovery shootout as an alibi.

Concerns have also been raised about detainee safety in prisons. In September, State Minister for Prisons Lohan Ratwatte [reportedly stormed into a prison](#) while drunk and forced prisoners held under the Prevention of Terrorism Act (PTA) to kneel at gunpoint. Although Ratwatte resigned from his ministerial post in charge of prisons, he retained his post as State Minister for Gem and Jewellery Related Industries and has yet to face any other disciplinary actions. The safety of prisoners was further brought into question in December after [reports](#) that four Muslim prisoners held on remand under the PTA had been hospitalised after being assaulted by other inmates at Badulla prison.

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In September 2021, the International Truth and Justice Project reported that it had [interviewed](#) 15 Sri Lankans in the UK who claim they had been tortured since 2020, 14 of whom claim they were sexually assaulted as part of that torture, all from the North and East.

Despite evidence of the systematic use of torture by police in Sri Lanka, in October, Public Securities Minister Admiral Sarath Weerasekera announced plans to [automatically cancel](#) cases against police officers if charge sheets against them were not completed within six months.

Prevention of Terrorism Act (PTA): Torture and Forced Confessions

The PTA is **overwhelmingly** used against Tamils and Muslims, and the **majority** of detainees are from the North and East.



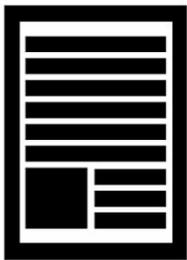
Detainees are tortured...

83% of men detained under the PTA report being tortured.



and forced to sign confessions...

90% of men who reported torture claim they were then forced to sign a confession.



which are pre-written...

80% of men who signed confessions claim they were pre-written or blank when they were signed.



in a language they don't understand.

95% of men who signed these confessions claim they could not read them as they were in Sinhala, which many Tamils and Muslims do not speak.