

# Repression of Dissent in Sri Lanka

January- December, 2017



*On 18 May, 2017, Memorial services to remember those who lost at the final stages of war were held at St. Paul's Catholic Church, near Mullivaikal Beach in Mullativu District, amidst severe restrictions and reprisals faced by the organizers. Image courtesy- Sri Lanka brief*

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INFORM was established in 1990 to monitor and document human rights situation in Sri Lanka, especially in the context of the ethnic conflict and war, and to report on the situation through written and oral interventions at the local, national and international level. INFORM also focused on working with other communities whose rights were frequently and systematically violated. Presently, INFORM is focusing on election monitoring, freedom expression and human rights defenders. INFORM is based in Colombo Sri Lanka, and works closely with local activists, groups and networks as well as regional (Asian) and international human rights networks.

## **Key trends & significant incidents**

- i. North & East: Assaults, Threats, Intimidation, Detentions, Interrogations and Surveillance
- ii. Abductions, Arrests and Intimidation
- iii. Attacks and Restrictions on Protests
- iv. Reprisals against Media
- v. Reprisals against Lawyers & Witnesses
- vi. Repressive statements by Politicians and Government Officials

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## **A. Introduction**

### **i. Methodology and Purpose**

This report seeks to provide general trends and snapshot of some significant incidents related to suppression of dissent in Sri Lanka in 2017. Organised around 30 individual headings, they cover more than 30 incidents. The report also attempts to analyse the recurring trends in these incidents to study the methods by which government attempted to clampdown on dissent in 2017. It tries to capture the incongruence between the government's feeble attempts to engage with activists on the one hand, while employing tactics of repressing dissent through abductions, assaults, threats, intimidations, detention, interrogations, surveillance, court orders etc.

This report draws on incidents reported to INFORM, observations and experiences of INFORM staff as well as incidents reported in local and international media as well as documents published from various human rights organisations working in and on Sri Lanka.

### **ii. Context and Executive Summary**

2017 was a year of protests in Sri Lanka. Across the island, grassroots agitations have been conducted to protest a broad range of issues, from war related injustices such as enforced disappearances, military occupied land, and political prisoners; to socio-economic issues such as contract labour, and privatisation of medical education. Memorialisation events for Tamils killed in the war, amidst varying degrees of repression also marked increasing resistance and defiance by Tamils affected by war, violence and injustice.

2017 was the Sirisena-Wickremesinghe administration's third year in power, with small steps being made to achieve some of the Yahapalanaya government's 2015 election promises, such as the implementation of the Right to Information (RTI) act and the appointment of an RTI commission; finalizing the legal framework to establish an Office of Missing Persons and some releases of military occupied civilian lands in the North.

The government has also sought to increase dialogue and engagement with HRDs and civil society organisations through processes such as the UN's Universal Periodic Review and adhocly on other issues, including related to some of the protests mentioned above. Many of the dialogues didn't contribute to changes on the ground. The lack of genuine commitment to resolve grievances is also indicated by insistence of some protesters to continue protests till results were obtained, while continuing to engage in repeated dialogues. Much of the findings and recommendations of the 2016 government appointed Consultation Task Force on Reconciliation Mechanisms seems to have been ignored, with no formal and substantial

government response for more than 16 months. Overall, consultations appear to be tokenistic ticking the box exercises, with findings and recommendations ignored, and not even acknowledged. A prominent exception appears to be the findings of the 2016 Public Representations Committee on Constitutional Reform which consisted mainly of civil society activists, academics and lawyers, who conducted consultation with grassroots communities to determine a national consensus for the constitution reform, being reflected in the Sub Committee and Steering Committee reports of the Constitutional Assembly (Parliament), though there is no indication of much of this will make it to a final draft for a new constitution.

Repression of dissent continued alongside these dialogues and consultations. 2017 marked the first high profile exile of a human rights defender, when Colombo based human rights lawyer Lakshan Dias was forced to temporarily leave the country when threatened by then Justice Minister Wijeyadasa Rajapakse for speaking out against attacks on Evangelical Christian groups. 2017 also saw two notable incidents of abduction in the South: the first being the abduction of a Trade Union leader leading a protest on workers rights; and the second being the attempted abduction of a university student activist protesting against the establishment of Private Medical Colleges. In May 2017, a court order was issued to an activist Catholic priest in Mullaitivu in an attempt to stop an event on May 18, memorialising those killed in the last stages of the war in 2009. Court orders have also been used to suppress protests by workers and student activists in and around Colombo. Following anti-garbage dumping protests by Colombo residents in the aftermath of the collapse of the Meethotamulla garbage dump, President Sirisena approved a gazette declaring disposal of garbage an essential service, which essentially criminalized vulnerable communities attempting to resist dumping of harmful and toxic substances near their homes.

While older, more explicit methods of containing dissent such as assaults, threats, intimidation, detention, interrogation, surveillance remained, there has also been an increasing reliance on court orders to pre-emptively shut down protests and other organised dissenting activities. Below are six cases from across the country, indicating trends in repression of dissent on variety of rights and social justice issues in the country.

### **iii. Six (6) significant cases**

While gathering detailed accounts of every instance of repression of dissent in Sri Lanka in 2017 is a difficult, if not impossible task, INFORM has included in this section six notable cases indicating key concerns. Five of them are based on first hand interviews with affected persons and the other is based on a detailed personal interview provided by the victim to a newspaper. They highlight issues of abductions, assaults, sexual assault, shootings, phone threats, public threats, confiscation of property etc. The six cases also indicate survivors who were men and women, Tamil and Sinhalese, from different parts of the country such as the South, North, East and Colombo. They also reflect reprisals against those campaigning on different issues – militarisation, land occupation by military, enforced disappearances, a prison massacre, religious freedom and workers rights.

**1. Mr. Sudesh Nandimal De Silva (Activist & eyewitness to prison massacre from South)**



*Photo: Sudesh Nandimal speaking at a press conference with his lawyer Senaka Perera to the right. Image courtesy Ada Derana*

Nandimal is a former inmate at Welikada prison and a key witness of the gruesome Welikada prison riots in 2012 which left 27 prisoners killed and at least 40 injured, including police, soldiers and a prison guard. He has been a vocal advocate for prisoners' rights and Secretary of the Committee to Protect the Rights of Prisoners. He has been subject to numerous threats and acts of intimidation. On 11 July, both Nandimal and his lawyer received chilling anonymous phone calls warning him that he would face "problems" if he continued to fight for the case. In September, the house he was staying in was shot at. Despite complaints to Police, no one has been held accountable.

**2. Mr. Sujeewa Mangala (Trade Union leader from Colombo)**



*Photo: Vice President of the All Ceylon Telecommunications Employees Union Sujeewa Mangala*  
*Image courtesy???*

Mangala is Vice President of the All Ceylon Telecommunications Employees Union. He was heavily involved in organising and leading a strike by manpower workers linked to Sri Lanka Telecom who were demanding equal treatment, compensation and benefits as full time workers due to sharing the same responsibilities. On 28 January, Mangala left the union office late at night after a meeting and rode his motorcycle. Mangala noticed a black van following him, which eventually overtook him. Three armed men alighted from the van and proceeded to apprehend Mangala by tying his hands and covering his head with a bag. Sometime later Mangala found himself in an abandoned house where he was kept

captive for three days and told to call off the strike. He was later blindfolded and dumped on the side of a road.

### **3. Mr. Lakshan Dias (Rights lawyer from Colombo)**



*Photo: Human rights defender Lakshan Dias speaking at a conference.  
Image courtesy National Christian Evangelical Alliance*

Activist and Human Rights lawyer Lakshan Dias, on 14 June, spoke on national television about continuing attacks against non-Catholic Christians in Sri Lanka. Few days later, the then Minister of Justice and Buddhasasana, Mr. Wijeydasa Rajapakse retaliated against these allegations, accusing Dias of spreading false information and directly threatened to take action to disbar Dias. Legally the Minister had no right or power to do so. Perceiving a very real threat to his person and career, Dias, who had never went into exile even in face of serious threats to his life under the previous regime, was forced to leave the country temporarily.

### **4. Ms. S. Chandraleela (Land rights activist from North)**



*Photo: Chandraleela being interviewed at a protest in Keppapulavu.*

*Image courtesy Shiran Illanperuma.*

Chandraleela is a grassroots activist and organiser from Mullaitivu, a former teacher and the President of the Keppapulavu Rural Women's Development Society. She is a well-known community leader in the North and played a prominent role in organising the protests by displaced villagers from Keppapulavu whose lands were occupied by the military. Chandraleela was often interviewed by print and broadcast media during this struggle. Shortly after the village of Pilakudiyurpu was released from Air Force occupation after prolonged protest, Chandraleela discovered that a plot of agricultural land belonging to her, to which she had deeds for, had been claimed by the Forest Department as a protected area. Chandraleela was neither consulted nor informed prior to this decision and only found out when workers she hired were refused entry into the land by Air Force officers.

**5. Ms. M. Easwary (Disappearances campaigner and wife of disappeared man from North)**



*on 4<sup>th</sup> August 2017, Mothers of the disappeared protesting in Mullaitivu marked 150 days since they began their campaign. Image courtesy Tamil Guardian*

Easwary's husband had disappeared after being taken away by the military. Repeated efforts to locate him since then have been unfruitful. Easwary has since gone on to organise protests with other family members of the disappeared. On 14 August 2017, Easwary, who was leading 5-month (now more than 14 months) long protest by families of the disappeared in Mullaitivu

at that time, was threatened by men on motorcycles while going home one night. According to reports, she was groped and slapped and told not to continue with her protest. "If you leave the campaign, the others will follow. If you don't, you will have to face severe consequences," she was told. After receiving treatment for injuries sustained in the assault at a government hospital, Easwary was directed to give a statement to police on 15 August. However, on 20 August, Easwary was visited twice by policeman who attempted to persuade her to accompany them to the police station to record another statement. She refused to go without the company of a lawyer.

## **6. Rights Activist from East (Male)**

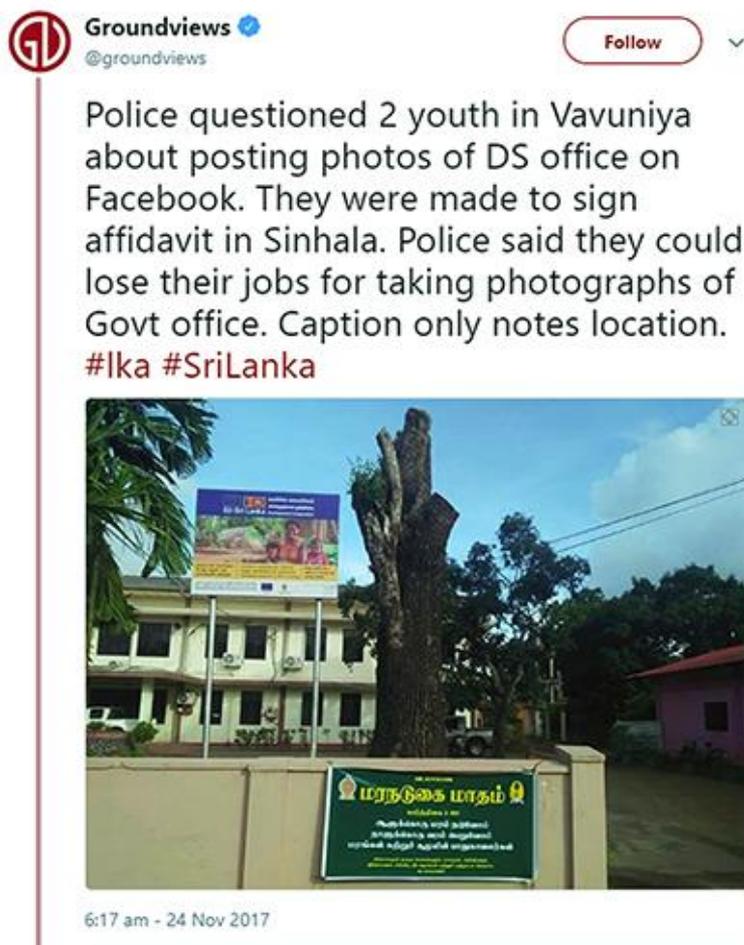
Late in 2017, a rights activist was travelling home, after having delivered a talk in which he had criticized the government. The activist was approached and questioned by an individual in plain clothes who claimed to be a police officer. When asked to reveal the contents of his bag the activist had refused without seeing the identity cards of the men. He was promptly surrounded by other officers. After some harassment the plain clothes officers had forced the activist to walk with them. The activist attempted to use his mobile phone but it was promptly snatched away from him. Eventually he was forced up a flight of stairs in a deserted area where the officers emptied the contents of his bag on the floor, damaging some of his belongings. The officers spoke to the activist in profanity, beat him and later commenced a body search during which the activist claims that the officers touched his genitalia. He had later complained to the Police about this.

## B. Key Trends & Significant Incidents

### i. North & East: Assaults, Threats, Intimidation, Detentions, Interrogations and Surveillance

The situation faced by activists in former war affected North and East has been much more difficult than rest of the country, with entrenched militarization leading to much more frequent surveillance and intimidation as well as requirements by government officials for community groups to submit information such as activity plans, budgets, personal details of staff etc. While it is true that the situation has eased after the election of the Unity Government in 2015, constant military presence and police surveillance intrudes on civilian life and prevents the normal functioning of civil activist's and movements, impeding on the people's right to assembly, expression, freedom of association and privacy. Most of violations against journalists, as outlined in the section on reprisals against media, are also in the North. Below are some incidents that illustrates these trends in the in the North and East.

#### 1. *Police questioning over a Facebook post by youth in Vavuniya*



*Image : Tweet by groundviews with the photograph led to the incident*

In November, two youths from the Vavuniya district in the Northern Province posted a photo on Facebook showing the Vavuniya District Secretariat office. The purpose of the photo appeared to be to draw attention to a poster of a tree planting campaign and a large tree behind the poster that looked as if it had been cut. On 24 November, Vavuniya Police questioned the two youths responsible for uploading the post. The youths were made to sign an affidavit written in Sinhala, a language they don't understand, and were told that they could lose their jobs and that they could not photograph Government offices nor critique their actions. The incident later sparked an online solidarity

campaign<sup>1</sup> through the use of the hash tag #justaphotolka. No one who posted photos of government offices in rest of the country were reported to have been persecuted. The incident sets a dangerous precedent as no specific law or regulation was quoted to back up the charges made by the police. For all intents and purposes it appears that the police were acting unilaterally to crack down on freedom of speech and expression.

## **2. Harassment of Mullaitivu community war memorial organiser**

On 17 May, the Mullaitivu Police acquired a court order from the Mullaitivu Magistrate Court to prevent Jesuit priest Fr. Elil Rajendran and others from conducting a memorial service for Tamil victims of the last stages of the war near a collection of stones carved with community sourced names of the dead.<sup>2</sup> On 18 May, the order was challenged in court by Fr. Elil's legal representative. During the hearing, police repeatedly obstructed observers and harassed journalists attempting to document court proceedings. While the memorial event proceeded with restrictions imposed by courts, the harassment of Fr. Elil continued, with police arriving at his residence after dark with a summons written in Sinhala, a language he didn't understand. Later, police requested a complete list of the names that were carved on stone, in order ascertain whether any were LTTE cadres.



Photo: Stones carved with the names of the people who have died, image courtesy- Sri Lanka brief

<sup>1</sup> <http://groundviews.org/2017/12/14/justaphotolka-highlighting-and-pushing-back-against-ongoing-surveillance-in-vavuniya/>

<sup>2</sup> <https://roar.media/english/reports/reports/trials-of-memorialisation-continue-in-the-north-east/>

The incident marks the ongoing difficulty in community organised memorial services and monuments in the North and East, even eight years after the end of the war. Organisers of such memorialisation projects continue to face constant surveillance and harassment. This is despite the state littering the North, especially Kilinochchi and Mullaitivu, with intrusive, militaristic war memorials, while also permitting public memorial events for previously proscribed groups like the Janatha Vimukthi Peramuna (JVP). The suppression of community lead memorial events in the North and East continues to be an obstruction to reconciliation.

### **3. Assault of female a disappearances activist from North**



*Mrs. Mariyasuresh Easwary, photo courtesy: jdslanka.org*

Mrs. Mariyasuresh Easwary is a Tamil woman activist from Mullaitivu, whose husband Mariyathas Mariyasuresh had disappeared after being taken away by the military. Repeated efforts to locate him since then have been unfruitful. Easwary has since gone on to organise protests with other family members of the disappeared. On 14 August 2017, Easwary, who was leading 5-month (at that time, now more than 14 months) long protest by families of the disappeared in Mullaitivu, was intimidated and threatened with death by men on motorcycles while going home one night. According to reports, she was groped and slapped and told not to continue with her protest. “If you leave the campaign, the others will follow. If you don't, you will have to face severe consequences,” she was told.

After receiving treatment for injuries sustained in the assault at a government hospital, Easwary was directed to give a statement to police on 15 August.<sup>3</sup> However, on 20 August, Easwary was visited twice by policeman who attempted to persuade her to accompany them to the police station to record another statement. She refused to go without the company of a lawyer.

### **4. Land confiscation of land rights activist in the North**

Ms. S. Chandraleela is a grassroots activist and organiser from Mullaitivu, a former teacher and the President of the Keppapulavu Rural Women's Development Society. She is a well-known community leader in the North and played a prominent role in organising the protests by displaced villagers from Keppapulavu whose lands were occupied by the military<sup>4</sup>. Chandraleela was often interviewed by print and broadcast media during this struggle. Shortly after the village of Pilakudiyurppu was released from Air Force occupation after prolonged protest, Chandraleela discovered that a plot of agricultural land belonging to her,

<sup>3</sup> <http://www.jdslanka.org/index.php/news-features/human-rights/704-sri-lanka-police-continue-harassment-of-tamil-woman-activist>

<sup>4</sup> <https://roar.media/english/life/reports/long-road-home-the-lives-of-mullaitivus-displaced/>

to which she had deeds for, had been claimed by the Forest Department as a protected area<sup>5</sup>. Chandraleela was neither consulted nor informed prior to this decision and only found out when workers she hired were refused entry into the land by Air Force officers.



*Women in Keppapulavu in a protest for land rights (Chandraleela is also among the protesters), February, 2017. Image courtesy – Tamil guardian*

Chandraleela and other activist strongly suspect that this was an act of reprisal by the State due to her role in leading and sustaining the grassroots protest to reclaim military occupied lands. The act of confiscating Chandraleela’s agricultural land is a direct attack on her livelihood and financial security and stability.

### **5. Police threats against Iranaitivu priest**

In 1992, around 242 families were forced off the small island of Iranaitivu<sup>6</sup>. In 2017, these families continued their decades long demand to access their homes and the lands where they carried out their traditional livelihoods. They had launched a continuous protest on 1<sup>st</sup> May 2017. A supporter of these protests was community leader and Catholic Parish priest of Iranaimathanagar Church Rev. Fr. Arulchelvan. On the 54th day of the continuous protest organised by residents of Iranaitivu, protestors created a roadblock<sup>7</sup>. The Priest who was present in support of the community at the time was approached by police officers and threatened.

The Mannar Diocese Catholic Union condemned the incident along with other police and military threats frequently made against activists and religious leaders. The incident is one of

<sup>5</sup> <http://www.tamilguardian.com/content/land-return-activist%E2%80%99s-field-confiscated-sri-lankan-air-force-apparent-reprisal>

<sup>6</sup> <http://www.tamilguardian.com/content/irainativu-villagers-demand-return-land-sri-lankan-navy>

<sup>7</sup> <http://www.tamilguardian.com/content/sl-police-threats-against-protesting-mannar-priest-condemned-catholic-diocese>

many such occurrences in the North and East, where police and security forces have been observed to abuse their power by intimidating non-violent protesters and their supporters.

### 6. *Intelligence officers intimidate IDPs from participating in protest*

In February 2017, displaced residents of the village of Pilakudiyiruppu began a protest to demand the release of their land under military occupation. Other communities in the North also started protests around the same time. The prolonged protests attracted visitors from across the country and sparked solidarity protests as well.

The National Fisheries Solidarity (NAFSO) organised one such solidarity protest in Jaffna. The protest was attended by other activists from Colombo, Trincomalee and Mannar. Protesters later learned that intelligence operatives had visited an IDP camp in Jaffna<sup>8</sup>, whose residents were supposed to participate in the protest. Singling out one of the community leaders, the operatives had intimidated the IDPs and pressured them not to attend the protest.

### 7. *Sri Lanka Air Force questioning of rights activist visiting resettled village*



*Photo: Tweet by Ruki Fernando on the incident*

On 9 March 2017, when Colombo based rights activist Ruki Fernando was visiting the village of Pilakudiyiruppu in Mullaitivu, which had been released after military occupation few days before, he was questioned by two plain clothes Air Force officers<sup>9</sup>. Fernando was speaking to residents of the village when two individuals approached him and asked him who he was and why he was visiting the village. The individuals later stated that they were from the neighbouring Air Force camp. The village had been occupied by the Air Force for about 8 years and was only released after one month long day and night

protest by the community. Fernando had joined the protest several times, spoken to media and written in support of the protest.

<sup>8</sup> <http://groundviews.org/2017/03/10/spiraling-incidents-of-military-intimidation-in-the-north-ruki-fernando/>

<sup>9</sup> <http://groundviews.org/2017/03/10/spiraling-incidents-of-military-intimidation-in-the-north-ruki-fernando/>

## **8. *Surveillance, intimidation and sexual assault of Eastern rights activist***

Around November 2017, a rights activist was travelling home, after having delivered a talk in which he had criticized the government. The activist was approached and questioned by an individual in plain clothes who claimed to be a police officer. When asked to reveal the contents of his bag the activist refused without seeing the identity cards of the men. He was promptly surrounded by other officers. After some harassment the plain clothes officers had forced the activist to walk with them. The activist attempted to use his mobile phone but it was promptly snatched away from him. Eventually he was forced up a flight of stairs in a deserted area where the officers emptied the contents of his bag on the floor, damaging some of his belongings. The officers spoke to the activist in profanity, beat him and later commenced a body search during which the activist claims that the officers touched his genitalia.

This incident is a serious case of surveillance, intimidation, and sexual violence used by police to threaten and silence a prominent local activist exercising his rights. It is a story reminiscent of the many similar cases that occurred during the last regime, which contributed to the overall climate of fear and repression in the North and East.

## **9. *Surveillance of Northern rights activist***

In March – April 2017, residents of Mullikulam, Mannar launched a protest to demand the return of their lands occupied by the military. The protest was subject to military surveillance from the outset, taking photos of protesters and visitors who were supporting the protest. After the Navy threatened to cut basic services to the displaced people's village, one activist filed a complaint to the Human Rights Commission of Sri Lanka. Through phone calls to the Colombo head office and the Vavuniya regional office of the HRCSL, the activist had also complained of Navy surveillance through photographing, Navy threats of cutting essential services, and Navy loudly driving past the protesters in order to cause disruption.

In the months following this complaint, the activist has reported consistent security surveillance.

The same activist also experienced surveillance through photography, as well as questioning and interrogation of protesters, in Iranaimathanagar, where another community whose lands were also occupied by the Navy, had started an indefinite protest on 1<sup>st</sup> May.

Later in the year, the same activist had booked a public hall to organize a public event, for which he had also provided his mobile number. He was later told by the officer making the booking that military intelligence had requested his details, which the officer had provided. On the day of the event, two intelligence officers questioned cleaners at the venue for more information on the event organisers. Participants said that 10-15 security intelligence officers were stationed at the event throughout, affecting participants' ability to express themselves freely.

## 10. Raid of Trincomalee District Women's Network



*Women activists and women's organizations organized a protest condemning this incident, June, 2017. Image courtesy – Tamil guardian*

On June 25, the office of the Trincomalee District Women's Network were broken into and raided<sup>10</sup>. After the raid by anonymous perpetrators, it was found that several computers and laptops had been tampered with. In addition, a hard disk and a motorbike belonging to the organisation was stolen the same night.

At the time of the raid the organisation was working on a case where three school girls were allegedly raped in nearby town of Muttur<sup>11,12</sup>. The case had also ignited tensions between the Tamil and Muslim communities due to the victims being Tamil and the alleged perpetrators being Muslim. Authorities have yet to make any arrests or identify the perpetrators behind this raid. The incident is an example of the obstacles HRDs, particularly women, face.

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<sup>10</sup> <https://twitter.com/rukitweets/status/879264139146874880>

<sup>11</sup> [https://twitter.com/Mari\\_deSilva/status/879240394864603136](https://twitter.com/Mari_deSilva/status/879240394864603136)

<sup>12</sup> <https://www.colombotelegraph.com/index.php/wan-wants-justice-for-sexually-abused-children-calls-for-due-process-and-justice-over-politics/>

### ***11. Police and military harassment of Batticaloa women's organisation***

In March 2017 an organisation for war affected women in Batticaloa organised a campaign which was visited by police and intelligence officers. Participants of the campaign noted that the intelligence officers were taking photographs of the activists present. On the same day, a vehicle belonging to the women's organisation was allegedly followed by men on motorcycles.

A few weeks later two officers from the area police station visited the organisation and requested the details of the organisation including all of its staff members. At the time the women present in the office refused to divulge their details and so the officers informed them to prepare the information for collection the next day.

The two officers revisited the organisation on a weekend. However, since the office was closed, intelligence officers had visited the Grama Niladhari (Village official) and other local government offices to collect more information on the organisation. In addition, military intelligence also visited the house of a woman staff member one morning. As she had already left for work the officers acquired her phone number from her family members and made over seven calls to inquire her whereabouts. Eventually the officers requested her to visit a military checkpoint that evening.

Fearing further harassment of herself and family, the woman agreed to visit the checkpoint, where she was interrogated about her work. Crippled with fear and anxiety from this ordeal the woman decided to step down from her job at the organisation.

This incident highlights the dogged nature in which police and military harass activists, especially women activists. In this instance the harassment was so severe and traumatising that an activist was forced to stop her activism, so as to ensure peace for herself and her family. These incidents are worrying on an individual scale but on a larger scale they show how systematic surveillance and harassment serves to deteriorate human rights activism and robust civil society needed for democratic life.

### ***12. TID summons to a Mannar civil society leader***

V. S. Sivakaran is the head of the Federation of Community Organisations in Mannar. He had written a letter to President Sirisena, ahead of the latter's plans to visit the opening of an allegedly illegally constructed Buddhist temple in the vicinity of the historic Thiruketheeswaram Hindu Temple in an area with no Buddhist residents<sup>13</sup>. In his letter, Sivakaran criticised the President for his participation in what he termed the illegal construction of the Buddhist temple on 10 acres of privately-owned land. He also mentioned that the President's attendance at the opening ceremony would be marked with protests from aggrieved locals. Despite Sivakaran not issuing any specific threat to the President's person, and only invoking on his and his community's right to assembly and protest, the Terrorist Investigation Department (TID) summoned him to appear in Colombo on 3 October, days

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<sup>13</sup> <http://www.tamilguardian.com/content/mannar-civil-society-slam-sri-lankan-presidents-plan-attend-opening-illegally-constructed>

after the President's scheduled visit on 29 September<sup>14</sup>. The President never attended the opening of the temple, and Sivakaran informed the TID that he would not be able to travel to Colombo due to illness<sup>15</sup>. However, Sivakaran was issued another summons, this time to appear at the TID in Colombo on October 20.

The incident highlights not only the ongoing process of Sinhalisation – Buddhistisation of traditionally Tamil areas in the North and East, but also the difficulty locals face when voicing their opposition. The involvement of the TID in particular, which has historically been accused of human rights abuses, is alarming. As a citizen and community leader, activists like Sivakaran have a right to contact elected representatives like the President with grievances, and if necessary, threaten non-violent action such as protest.

## ii. **Abductions, arrests and intimidation**

Though abductions and arrests of activists, opposition politicians, journalists had reduced compared to previous government, there were several such incidents reported in 2017.

### ***13. Abduction of a Trade Union leader***

On December 26, 2016, over 800 contract workers employed by Sri Lanka Telecom (whose Chairman is President Sirisena's brother), a subsidiary SLT Human Capital Solutions, began a strike, demanding to be assimilated as permanent employees. Workers claim to be doing the same work as full time employees but with far fewer benefits and financial security. The protest continued into 2017 and gained momentum through support from trade unions, students and other civil society activists.

At the height of these protests, on January 28, 2017 Vice President of the All Ceylon Telecommunications Employees Union (ACTEU) Sujeewa Mangala was abducted while driving home on his motorbike after midnight. Mangala alleged that a van followed him before overtaking him, at which point three masked men armed with handguns forced him into the van<sup>16</sup>. Mangala had his hands tied behind his back and was blinded with a bag over his head. After approximately three hours of travel, Mangala claims that he was escorted to a room and held captive for three days. While he was not tortured while being held, Mangala claims that one of his abductors told him to give up the strike he played a role in leading. Mangala was later found blindfolded on the side of a road in Ingiriya on February 1.

This incident is one of the first recorded abductions related to trade union activism in the South, since the election of the Sirisena-Wickremesinghe administration. It sets an alarming precedent, recalling the brutal suppression of trade unionists in previous decades,

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<sup>14</sup> <http://www.tamilguardian.com/content/terrorism-investigation-department-summon-mannar-civil-society-leader-over-planned-protest>

<sup>15</sup> <http://www.tamilguardian.com/content/terrorism-investigation-department-reissue-summons-mannar-civil-society-leader>

<sup>16</sup> <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/662-armed-abductors-threaten-trade-union-leader-to-give-up-strike-action>

particularly during the JVP uprisings under UNP Presidents J. R. Jayawardene and Ranasinghe Premadasa.

Lack of acknowledgement and investigation by the government means that accountability eludes victims of abductions under this government. The incident also casts doubt over the government's commitment to combating and preventing enforced disappearances, despite its ratification of the International Convention for the Protection of All People from Enforced Disappearances and the opening of the Office of Missing Persons.

#### ***14. Attempted abduction of Student Activist***

On 21 July, plain clothed Police officers in a white van attempted to abduct and arrest Convenor of the Medical Students' Action Committee, Ryan Jayalath<sup>17</sup>. Jayalath and other students were handing out leaflets protesting against the private medical college known as South Asian Institute of Technology and Medicine (SAITM), outside the building of the Organisation of Professional Associations of Sri Lanka at the time. Jayalath narrowly escaped when Police in plain clothes attempted to force him into their van.



*Photo: Van used for attempted abduction. Photo courtesy – Sri Lanka mirror*

The incident was followed by student protests outside the United Nations Head office in Colombo<sup>18</sup>. The Inter University Students Federation submitted a petition to the Sri Lanka Human Rights Commission regarding this incident while Chairman of the National Trade Union Centre K. D. Lal Kantha condemned the behaviour of Police officers<sup>19</sup>.

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<sup>17</sup> <http://www.sundaytimes.lk/article/1028077/protest-over-alleged-attempt-to-abduct-student-leader>

<sup>18</sup> <http://www.sundaytimes.lk/article/1028077/protest-over-alleged-attempt-to-abduct-student-leader>

<sup>19</sup> <http://www.hirunews.lk/166456/two-ministers-accuse-police-for-their-attempt-to-abduct-convenor-medical-faculty-student-activists>

Unlike the abduction of Sujeewa Mangala, a number of government officials including high ranking ministers made public statements on the attempted abduction of Jayalath. Finance and Mass Media Minister Mangala Samaraweera condemned the attempted abduction and ordered Police IGP Pujith Jayasundera to investigate the issue<sup>20</sup>. However, Samaraweera avoided implicating the government in the act and instead speculated that the event was a “conspiracy” to “taint” the national government. MP Johnston Fernando accused the government of resorting to repressive tactics, while UNP General Secretary Kabir Hashim condemned the police for acting outside of their legal framework.

### ***15. Arrest of student protesters***

The most widely reported protests in 2017 were arguably the anti-Private Medical College (SAITM) agitations lead by university students. In Colombo, these protests, which started off non-violently, often met with excessive force from the police, including tear gas, water cannons and restrictive court orders. In many cases, student activists and protesters were also arrested.

The following is an incomplete list of arrests of anti-SAITM protests sourced from local media:

- ❖ On 2 February, 21 students were arrested for protesting in defiance of a court order. Their protest at Lotus Roundabout was dispersed with teargas and water cannons<sup>21</sup>.
- ❖ On 15 February, Inter University Student Federation (IUSF) Convener Lahiru Weerasekera and Inter University Bhikku Federation (IUBF) Convenor Ven. Tampitiye Sugatananda were arrested for violating court orders and blocking roads during a protest<sup>22</sup>
- ❖ On 17 May, eight students including a Buddhist monk were arrested for alleged unlawful behaviour at a protest as well as protesting in defiance of a court order<sup>23</sup>. Other reports stated that at least 17 students were injured after tear gassing and attacks by riot police<sup>24</sup>.
- ❖ On 21 June, hundreds of student protesters entered and occupied the Ministry of Health as part of a protest. Riot police, including the Special Task Force were deployed and baton charged and tear gassed the students to disperse them. The clash resulted in 84 to 96

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<sup>20</sup> <http://www.asianmirror.lk/news/item/24591-mangala-says-white-van-abduction-a-conspiracy-promises-police-action>

<sup>21</sup> <http://www.dailymirror.lk/123190/-Update-students-arrested-over-protest>

<sup>22</sup> <http://www.adaderana.lk/news/45968/lahiru-weerasekera-and-ven-tampitiye-sugatananda-thera-remanded->

<sup>23</sup> <http://www.hirunews.lk/161563/eight-university-students-saitm-protest-arrested-five-policemen-hospitalized>

<sup>24</sup> <http://colombogazette.com/2017/05/17/police-fire-tear-gas-to-disperse-anti-saitm-protest/>

injured students, all of whom were admitted to the National Hospital<sup>2526</sup>. At least two students were arrested.

- ❖ On 23 June, it was reported that IUSF Convenor Lahiru Weerasekera, IUBF Convenor Thamitiye Sugathananda Thero and student activist Faisdeen Faizan Mohammed were arrested in connection with organising the forced entry into the Ministry of Health on 21 June<sup>27</sup>.
- ❖ On 12 October, IUSF Convenor Lahiru Weerasekera and a Buddhist monk were arrested in connection with the protest held on 10 October<sup>28</sup>.

### iii. **Attacks and restrictions on protests**

#### ***16. Court orders***

While overt methods of suppression of dissent continued in 2017, through the use of surveillance, threats, intimidation, arrests, abductions and so on, the state has increasingly resorted to legal mechanisms such as court orders to suppress human rights activism.

In several cases, both in the North and South, court orders were used to deny people the right to assembly and protest on the pretext of such protests being a public nuisance. Protesters who chose to violate these orders were often met with excessive police force including tear gas and water cannon attacks. In the case of certain struggles, such as the anti-private medical college protests led by university students, violation of court orders appear to be a leading pretext with which to arrest organisers and student leaders. Many of these incidents are highlighted in the section on arrests of student protesters.

In Mullaitivu, on May 17, Police acquired a court order to prevent community war memorial event organised by a Jesuit priest from taking place. Though the order was later challenged and slightly amended, the act itself served to harass and intimidate the organisers.

#### ***17. Teargas, water cannons and assault***

2017 saw regular mass protest by university students against the establishment of Private Medical Colleges. Many of these protests were accused in the media of blocking traffic and causing public nuisance. Police response to these however was excessive, with tear gas, water cannons and physical beatings being used to discipline and disperse protesters.

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<sup>25</sup> <http://www.sundaytimes.lk/article/1024057/84-students-injured-as-police-fire-tear-gas-baton-charged-at-health-ministry>

<sup>26</sup> <http://www.dailynews.lk/2017/06/27/local/120175/storming-health-ministry-two-more-suspects-arrested>

<sup>27</sup> [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=167154](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=167154)

<sup>28</sup> <http://colombogazette.com/2017/10/12/iusf-convenor-arrested-and-remanded-over-protest/>



A policeman is seen firing tear-gas at the protesting IUSF members at the Viharamahadevi Park in Colombo. Photo courtesy Damith Wickramasinghe, (Daily mirror)

The following is a list of some incidents of excessive police force as reported by local media:

- ❖ On 19 January, Police fired teargas at student protesters in Colpetty<sup>29</sup>.
- ❖ On 1 February, Police deployed tear gas and water cannons against a protest organised by the National Trade Union Centre<sup>30</sup>. Police attempted to stop protesters from approaching the presidential Secretariat with a court order in hand. However protesters broke through the barriers, at which point the police used tear gas and water cannons.
- ❖ On 2 February, protesters from the Medical Faculty Student Activists Committee began a protest march from the Colombo Medical Faculty to the President's Office in defiance of a court order barring public meetings and protest that inconvenience the public<sup>31</sup>. Police deployed tear gas and water cannons to disperse the protesters.
- ❖ On 13 March, a protest organised by the IUSF at Lotus roundabout was tear gassed and water cannoned by police<sup>32</sup>.
- ❖ On 18 May, the IUSF staged a rally from Fort Railway Station to the University Grants Commission in defiance of a court order<sup>33</sup>. The students were eventually obstructed by

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<sup>29</sup> <https://www.newsfirst.lk/2017/01/160101/>

<sup>30</sup> <https://www.newsfirst.lk/2017/02/police-use-water-cannons-tear-gas/>

<sup>31</sup> <https://www.newsfirst.lk/2017/02/police-fire-tear-gas-water-cannons-disperse-protest-medical-students/>

<sup>32</sup> <https://www.newsfirst.lk/2017/03/police-fire-tear-gas-university-students-protesting-colombo/>

<sup>33</sup> <https://www.newsfirst.lk/2017/05/tear-gas-fired-protesting-students-defied-court-orders-video/>

the police who attempted to disperse them with tear gas. Several students were injured and admitted to Colombo National Hospital.

- ❖ On 24 May, a demonstration was staged by university students and their parents from Fort Railway Station to the Presidential Secretariat<sup>34</sup>. Police obstructed the demonstration at Lotus Roundabout and dispersed the protest using tear gas and water cannons. Among those injured were students, parents and a journalist.
- ❖ On 21 June, hundreds of student protesters entered and occupied the Ministry of Health as part of a protest. Riot police, including the Special Task Force were deployed and baton charged and tear gassed the students to disperse them. The clash resulted in 84 to 96 injured students, all of whom were admitted to the National Hospital<sup>3536</sup>.
- ❖ On 10 October, Police officers were photographed using iron rods to beat student protesters<sup>37</sup>. According to reports, at least 14 students were admitted to the National Hospital with injuries.

#### iv. **Repression of media, especially Tamil journalists**

Though no journalist was reported as killed or abducted in 2017 (also in 2015-2016), it appeared that threats, intimidations and restrictions against Tamil journalists in the North was regularly happening. Alarming, web censorship also made a return in late 2017. Below are some incidents.

#### **18. Jaffna journalist interrogated by CID and made to sign statement in Sinhala**

In July, Northern Tamil print and broadcast journalist T. Pratheepan received multiple summonses by the Criminal Investigation Department (CID) to appear in Colombo to testify about broadcasting a press conference by Northern provincial Councillor M. K. Sivajilingam in a 'racially conflicting manner<sup>38</sup>.' Pratheepan was first ordered to appear in Colombo on 10 July, with just three days notice. Pratheepan informed the police who delivered the notice on behalf of the CID that he would not be able to travel to Colombo due to injuries sustained in a road accident. Pratheepan received another summons on the 12 July, summoning him to the CID headquarters on 15 July. Having still not recovered from his injuries, Pratheepan was finally asked to report to Achuveli Police Station in Jaffna district on 18 July to be interrogated by CID officers.

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<sup>34</sup> <https://www.newsfirst.lk/2017/05/tear-gas-water-cannons-fired-medical-faculty-students-parents/>

<sup>35</sup> <http://www.sundaytimes.lk/article/1024057/84-students-injured-as-police-fire-tear-gas-baton-charged-at-health-ministry>

<sup>36</sup> <http://www.dailynews.lk/2017/06/27/local/120175/storming-health-ministry-two-more-suspects-arrested>

<sup>37</sup> <https://www.colombotelegraph.com/index.php/police-brutality-continues-no-more-batons-now-its-iron-bars/>

<sup>38</sup> <http://www.tamilguardian.com/content/tamil-journalist-issued-multiple-summons-cid-over-broadcast-press-conference>

On 18 July, Pratheepan was interrogated by CID officers for three hours about the press conference and was asked to produce footage. His statements, given in Tamil, were transcribed in Sinhala - a language he does not understand. Pratheepan was later pressured to sign this Sinhala document despite being unable to verify its contents<sup>39</sup>.

### **19. Attack on Tamil radio journalist in Jaffna**

On 2 December, Tamil radio journalist Shanmuganathan Manoharan was stopped by a three-wheeler as he was driving home in Chavakachcheri<sup>40</sup>. Three men stepped out of the three-wheeler and assaulted Manoharan by beating him until onlookers arrived, at which point they dispersed. A complaint was filed at the Chavakachcheri Police who had reportedly apprehended the driver of the three-wheeler.

### **20. Detention of 8 journalists in Mullaitivu**

On 9 December, 8 Tamil journalists investigation Sinhalisation in Mullaitivu were questioned by a soldier on a bicycle, who then called for another soldier who detained the group<sup>41</sup>. Despite providing identification, the soldier detained these journalists for over half an hour and then summoned the police. Police officers arrived in plain clothing and refused to provide any identification. These officers confiscated the journalists' cameras and handed them over to the soldiers who proceeded to delete all photos and videos taken in the area. The officers also photographed the journalists and recorded their ID numbers and vehicle registration before allowing them to leave.

### **21. Attack on journalist in Mullaitivu**

On 9 December, Tamil journalist Subramaniam Baskaran was attacked by three men on a motorcycle without a registration plate while he was driving in the Pandikulam area of Mankulam, in the Mullaitivu district<sup>42</sup>. Baskaran was chased by the assailants who attempted to beat him with clubs, injuring his head and arms. The attackers dispersed once police arrived at the scene, though one attacker was apprehended by locals.

### **22. Intimidation of journalists covering Maruthankerny protest**

On 21 March, three Tamil journalists were reportedly subjected to surveillance, harassed and threatened while attempting to cover a protest by families of the disappeared in Maruthankerny in the Jaffna district<sup>43</sup>. According to the reporters, who were from Jaffna and Chavakachcheri, soldiers took photographs of them en route to the protest. On the way back to

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<sup>39</sup> <http://www.tamilguardian.com/content/tamil-journalist-interrogated-3-hours-cid-and-pressured-sign-statement-sinhalese>

<sup>40</sup> <http://www.tamilguardian.com/content/tamil-radio-journalist-attacked-jaffna>

<sup>41</sup> <http://www.tamilguardian.com/content/sri-lankan-army-detains-tamil-journalists-documenting-sinhalisation-mullaitivu>

<sup>42</sup> <http://www.tamilguardian.com/content/tamil-journalist-attacked-mullaitivu>

<sup>43</sup> <http://www.tamilguardian.com/content/tamil-journalists-threatened-sri-lankan-soldiers>

Jaffna, the reporters were tailed by two soldiers on motorcycles who yelled at them to stop in broken Tamil. After stopping the reporters were questioned and told they needed permission to come to the area. Their license plates were noted down and the soldiers threatened them to head straight home without stopping. Apparently one of the soldiers approached the reporters and gestured as if to attack.

On 18 July, Jaffna-based journalist Uthayarasa Shalin was stopped and harassed by Police while attempting to cover the same protest<sup>44</sup>. Shalin was stopped en route to the protest by two soldiers on a motorcycle who questioned him about his intended destination and then attempted to convince him that the protest had ended. After checking his ID, the soldiers recognised Shalin as a prolific reporter in the North and East and accused him of spreading lies.

### 23. Police assault on journalist in Hambantota



*Police officer assaulting the journalist, image courtesy Ada Derana*

On 6 October, Police Assistant Superintendent Roshan Daluwatte was recorded assaulting journalist while the latter was being taken into custody<sup>45</sup>. The video of Karunaratne being held by two police officers while Daluwatte slapped him went viral online and was widely broadcast on television. The Human Rights Commission launched an investigation into the incident shortly after. The National Police Commission claimed that it was waiting for a report from IGP Pujith Jayasundara before launching an investigation of its own, however this claim

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<sup>44</sup> <http://www.tamilguardian.com/content/tamil-journalist-harassed-sri-lankan-soldiers-en-route-disappearances-protest>

<sup>45</sup> <http://srilankabrief.org/2017/10/journalist-attacked-by-police-officer-in-public-hrc-sl-launch-an-investigation/>

was challenged by a former commissioner of the Human Rights Commission who claimed that the NPC should have sent its own investigators as an independent body<sup>46</sup>.

## **24. Blocking Lanka E News and other websites**

On 8 November 2017, controversial online news website Lanka E News, which often posts articles highly critical of the state, was blocked in Sri Lanka by the Telecommunications Regulatory Authority<sup>47</sup>. According to civil society observers the block occurred shortly after Government Spokesperson Rajitha Senarathne requested president Sirisena arrest those posting critical content and abusive language on social media<sup>48</sup>.

Groundviews, Maastram and Vikalpa subsequently filed RTI requests with the TRC to obtain more information on the blocks. The results of the request revealed that 13 websites had been blocked since the Sirisena-Wickremesinghe administration came to power in 2015, many of which were political websites. Supporting documentation acquired through the RTI revealed that the initial orders to block these sites came from the Presidential Secretariat for at least 4 of the websites<sup>49</sup>. The reasons given for blocking some of the websites include, “publishing incorrect information and damaging the President’s reputation”.

The block of Lanka E News and the revelations from the RTI application are significant as it is the first recorded instance of the Sirisena-Wickremesinghe lead Yahapalanaya government blocking access to online news websites - a repressive tactic common during the former Rajapaksa regime.

## **v. Reprisals against Lawyers & Witnesses**

### ***25. Threats to human rights lawyer for speaking on violence against religious minorities***

Speaking on the Derana TV talk show “Aluth Parlimenthuwa” on 14 June, human rights activist and attorney-at-law Lakshan Dias cited figures from a report by the National Christian Evangelical Alliance which documented 195 attacks against minority Christian Evangelical groups by predominantly majority Buddhists actors including local neighbours and Buddhist clergy<sup>50</sup>.

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<sup>46</sup> [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=173012](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=173012)

<sup>47</sup> [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=174876](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=174876)

<sup>48</sup> <http://www.cpalanka.org/on-the-blocking-of-lanka-e-news-website-in-sri-lanka/>

<sup>49</sup> <https://groundviews.org/2017/12/08/blocked-rti-requests-reveal-process-behind-blocking-of-websites-in-sri-lanka/>

<sup>50</sup> <http://www.thesundayleader.lk/2017/06/25/media-and-christian-organisations-raise-concerns/>



*Civil society groups in Colombo protested against the threats made by the minister, photo courtesy – Vikalpa*

Then Justice Minister Wijeyadasa Rajapakse, responded to these allegations in a statement telecast on ITN on June 17. Misquoting the figures given by Dias, Rajapakse asserted that his claims were baseless and threatened to take action to disbar Dias unless he apologise to the nation within 24 hours<sup>51</sup>. President Sirisena later said that he spoke to the Catholic Archbishop of Colombo, Cardinal Malcolm Ranjith regarding these attacks and was told that no such thing happened. However, Dias figures were specific to non-Catholic denominations of Christianity.

Following Rajapakse’s public threats of disbarment, Dias was eventually forced to leave the country due to fears for his own personal safety, despite not going into exile in the face of serious threats during the previous regime. He has since returned to Sri Lanka.

The incident highlights the remarkably brazen manner in which Sri Lankan politicians continue to intimidate and threaten activists with unilateral action. In fact, Rajapakse’s threat to disbar Dias went beyond the scope of power afforded to him as the then Minister of Justice. The public and open nature of such threats continues to be a concern and raises questions over the government’s willingness to hold such abuses of power to account and allow genuine freedom for dissenting voices.

<sup>51</sup> <https://groundviews.org/2017/06/18/in-support-of-religious-minorities-rule-of-law-and-lakshan-dias/>

## ***26. Assault on human rights lawyer***

H. T. Amitha Ariyaratne is a human rights lawyer based in Ragama in Colombo district. Practicing for over 20 years, Ariyaratne is a member of the Bar Association of Sri Lanka and was sworn in as a lawyer of the Supreme Court of Sri Lanka in 1997.



Amitha Ariyaratne at the hospital

On 12 July 2017, around 9:20 pm, Ariyaratne stepped into a trishaw, hoping to go home after a meal at a restaurant. Ariyaratne claims to have lost consciousness during the ride. He woke up on an abandoned plot of land adjacent to a marshland and noticed two men in military style camouflaged dress standing next to him. His shirt was removed, leaving him clothed in only an undershirt and pants. As he tried to stand up, the men began to beat his face, head and body, while delivering verbal death threats. The men told Ariyaratne that he was brought here to be murdered due to his appearance in cases against the police. Ariyaratne then noticed a black vehicle parked nearby with more officers seated inside. He heard one of them cry out, "Kill that one!"

The men then attempted to undress Ariyaratne while threatening that he would be sodomised by six men. Ariyaratne resisted as the men attempted to strip him of his pants. One of the officers then pulled out a pistol and pointed it at Ariyaratne saying, "Now I am going to shoot you. You can think of your last wish or last thought." Ariyaratne replied, "I have done nothing but my duty. You can do your duty or whatever you wish."

Ariyaratne was then beaten to the point of unconsciousness. When he regained consciousness he was alone with his pants around his legs. His shirt, two mobile phones, national identity card, lawyer's identity card, around 30,000 Sri Lankan Rupees, a mini bag with office

documents and rubber stamps, 2-3 USB memory chips, a pair of spectacles, and a watch were all missing.

Staggering towards the road, Ariyaratne pieced together that he was near Dalupitiya junction, around three and a half kilometres from his home. Ariyaratne attempted to hail a trishaw or help from passersby but was unable to do so, and started walking home. Reaching Ragama town he eventually hired a trishaw to take him home around 2.25 am.

Upon reaching home, Ariyaratne's wife contacted the police emergency line. The police arrived in 45 minutes and requested Ariyaratne come to the police station to make a complaint. However, being physically unable to, he was instead admitted to Ragama hospital and was discharged the next day. According to the medical report, Ariyaratne had sustained injuries to the chest, head and back. The police did not take a statement from Ariyaratne while he was in hospital. The police turned down Ariyaratne's wife and a junior lawyer when they approached the station to deliver a statement on Ariyaratne's behalf.

Ariyaratne continues to experience headaches and back pains for which he receives regular Ayurvedic treatment.

## **27. Senaka Perera**



*Lawyer Senaka Perera. Image courtesy Daily Mirror*

Senaka Perera is a lawyer and President of the Committee to protect the Rights of Prisoners. Perera is a key figure in the movement to seek justice for the victims of the 2012 Welikada prison riot which left 27 inmates dead and 40 people - including inmates, soldiers, guards and STF - injured. Activists and eye witnesses have alleged that some of the prisoners were executed. In April, Perera had filed a writ application on behalf of former inmate, eyewitness to the massacre and activist, Nandimal De Silva.

At around 7:45 pm on 11 July, Perera received a phone call from an anonymous person who threatened his life if he continued to represent the case<sup>52</sup>. Perera filed a formal complaint of this threat at the Nittambuwa police station in the Gampaha district. Speaking to state media, Perera asserted that threat may have been due to him being scheduled to appear in court a little over two weeks later on 28 July.

### **28. Sudesh Nandimal De Silva**

Sudesh Nandimal De Silva is a former inmate at the Welikada prison and a key witness of the 2012 Welikada prison riots. He is the Secretary of the Committee to Protect the Rights of Prisoners and is represented by lawyer Senaka Perera.



*Photo: Bullet holes in the gate of Nandimal's residence*

On the same day, and approximately at the same time, that his lawyer was threatened, De Silva too received a threatening phone call<sup>53</sup>. Just like his lawyer, De Silva was told to drop his involvement in the case on 11 July. He later reported this incident to the Tissamaharama Police station in the Hambantota district. On 4 September, the house he was staying at in Moratuwa in the Colombo district was shot at. De Silva had again complained to the Police.

De Silva had also received several other threats in 2017 and before as well. Despite complaints to the Police, no one has been held accountable.

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<sup>52</sup> <http://www.dailymirror.lk/article/Key-eyewitness-lawyer-threatened-with-death-132788.html>

<sup>53</sup> <http://www.dailymirror.lk/article/Key-eyewitness-lawyer-threatened-with-death-132788.html>

## vi. **Statements Discrediting HRDs**

Throughout 2017, high ranking state officials, including President Maithripala Sirisena and former Minister of Justice Wijeyadasa Rajapakse, have made statements to discredit HRDs, NGOs and local and international human rights campaigns. Sirisena's international rhetoric on reconciliation, his public statements on accountability for wartime atrocities and human rights violations are often in stark contrast to Sri Lanka's commitments to the UNHRC Resolution 30/1 which the country co-signed in 2015.

Despite these statements, there have been a few progressive voices within the government, such as that of Minister of National Coexistence and Dialogue Mano Ganesan. Following Rajapakse's comments about regulating NGOs, Ganesan said that he preferred to use the word "facilitation"<sup>54</sup>. Countering Rajapakse's remarks, Ganesan said: "I note more hindrances to national coexistence from religious and political forces... I can't generalise such a policy and call most NGOs are against the state and reconciliation and close shop". While Ganesan's positive comments are a welcome antidote to the more repressive rhetoric from the likes of President Sirisena and former Justice Minister Rajapakse, they are also indicative of the lack of a shared vision for human rights in the Unity Government. Contradicting statements from members of a supposedly National Government cast doubts over the government's willingness to enact good governance as per its election manifesto.

### ***29. Statements by President Maithripala Sirisena***

President Sirisena has stated several times in 2017, his position against the inclusion of foreign judges in the accountability process, as well his determination to "protect war heroes" from such trials. On 3 March, President Sirisena's office released a statement rejecting appeals from the UN to include foreign judges in trials for wartime atrocities. In his statement, Sirisena said that he would, "not allow non-governmental organisations to dictate how to run my government," echoing the anti-NGO rhetoric that prevailed under the Rajapaksa regime - rhetoric that was used to discredit and suppress human rights activism at the peak and after the war.

On 3 September, at the 66th anniversary celebrations of the Sri Lanka Freedom Party, Sirisena vowed to protect military leaders in general, and former Army Commander General Jagath Jayasuriya in particular, from the "international community"<sup>55</sup>. These comments were in response to a lawsuit filed by a human rights group in Brazil and Colombia, who accused Jayasuriya (the then Ambassador to Brazil and some other Latin American countries) of being complicit in the Sri Lankan Army's alleged war crimes<sup>56</sup>. In the same speech, the President was quoted saying that he would not, "dance to the tune," of NGOs, employing old tactics of

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<sup>54</sup> <http://srilankabrief.org/2017/07/sri-lanka-i-will-facilitate-but-not-regulate-ngos-minister-ganesan/>

<sup>55</sup> <http://www.adaderana.lk/news/42829/president-vows-to-protect-sri-lankas-military-commanders-war-heroes->

<sup>56</sup> <http://www.aljazeera.com/amp/news/2017/08/brazil-lawsuit-accuses-jagath-jayasuriya-war-crimes-170829055025990.html>

discrediting civil society organisations by claiming connections to, and funding from, the now defunct LTTE.

Following these two incidents, Inspector General of Police Pujith Jayasundera was quoted in local media in September saying that President Sirisena and Prime Minister Ranil Wickremesinghe would not tolerate, “NGOs dependent on foreign donors and racketeers.” These comments illustrate how repressive rhetoric from high ranking government politicians can embolden other officials such as IGP Jayasundera<sup>57</sup>.

Again, on 19 December, in a speech addressing the Annual Conference for Judicial Officers, at the Galadari Hotel in Colombo, Sirisena reiterated his opposition to the inclusion of foreign judges in the post-war accountability process<sup>58</sup>. Sirisena was quoted in the Daily FT, saying that, “Some LTTE members living abroad and members of some organisations as well as NGOs affiliated to the LTTE are the ones still making various statements and have not given up the cause [of accountability].”

### ***30. Statements by former Justice Minister Rajapakse against NGOs & LGBTIQ community***

In an interview with Ceylon Today published on 22 June, then Minister of Justice, Wijedasa Rajapakse accused NGOs of attempting to destabilise the country and trigger communal unrest in order to continue receiving funding, without providing specific examples<sup>59</sup>. Rajapakse goes on to brand NGO activists as traitors, while accusing pro-minority NGOs of propagating anti-Sinhala Buddhist propaganda.

Rajapakse repeated much of the same rhetoric in a similar interview published by the Daily Mirror on 29 June, where he called for stricter legislation to regulate NGOs - a worrying statement in a country where the official NGO Secretariat was under the watchful eye of the Ministry of Defence just three years ago<sup>60</sup>. In the interview, Rajapakse charged that, “Most NGOs act with objectives seriously detrimental to the national interest.”

By August 2017 Rajapakse resigned from the position of Justice Minister, though he later claimed that he was sacked<sup>61</sup>. It is noteworthy that this move was made in response to the then Minister’s criticism of the Hambantota Port agreement with China. Rajapakse was therefore never officially reprimanded for his statements against HRDs and minority groups such as Muslims and the LGBTIQ community.

On 22 January, then Rajapakse made repressive remarks against Sri Lanka’s Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and Questioning (LGBTIQ) community, who under Sri

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<sup>57</sup> <http://www.dailymirror.lk/article/Prez-PM-won-t-tolerate-NGOs-surviving-on-foreign-aid-IGP-140297.html>

<sup>58</sup> <http://tamilguardian.com/content/sri-lankan-president-blames-ngos-calling-foreign-judges>

<sup>59</sup> <http://www.ceylontoday.lk/print20170401CT20170630.php?id=23826>

<sup>60</sup> <http://www.dailymirror.lk/article/Laws-needed-to-regulate-NGOs--131852.html>

<sup>61</sup> <https://www.colombotelegraph.com/index.php/i-did-not-resign-i-was-sacked-double-doctor-wijeyadasa-rajapakse/>

Lankan laws are unable to express their identity and often live in secrecy and fear<sup>62</sup>. Speaking at a district court opening in Tissamaharama he referred to homosexuality as a “culture of indecency”, and a “mental illness”. These comments by a high ranking minister whose portfolio includes law are deeply concerning in a country where LGBTQ activism faces severe repression.

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<sup>62</sup> <https://www.colombotelegraph.com/index.php/homophobic-justice-minister-wijeyadasa-should-resign-right-activists/>