

Repression of Dissent in Sri Lanka

January 2020



Journalists and activists in Colombo voiced against impunity on attacks on journalists while remembering journalists and media workers who have been killed, disappeared and assaulted due to their work, at a vigil at Liptons Circus in Colombo on Jan 28 (photo courtesy: Economy Next)

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Issues covered

- A. **Repression of journalists and Media**
- B. **Repression of Activists in North and East**
- C. **Legal changes, appointments and other developments that may impact dissent**

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.

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1. Methodology

This report provides some general trends and details of some significant incidents related to the repression of dissent in Sri Lanka during the month of January 2020. Since 2014, INFORM has been issuing regular reports on repression of dissent and this is the latest report.

This report was prepared mainly based on the information reported in local media, however in few cases information was gathered from direct interviews, or discussions INFORM staff had with affected organizations and persons. Incidents of repression mentioned in this report include both actual threats such as arrests, investigations of Human rights defenders (HRDs) etc. and potential threats such as new repressive laws, appointments and other trends which may have a negative impact on dissent and freedoms and security of HRDs in the future.

In this report, “dissent” is broadly defined to include acts of protest, resistance, defiance, challenge against, or attempt to record rights violations, social injustice at the hands of state or non-state apparatus, including police, armed forces, religious groups, and politicians among others. “Repression” is defined as any attempt by the above state or non-state actors to suppress the above acts of dissent. Any rhetoric decrying human rights, laws, policies, appointments and other developments with potential to erode rights and negatively impact dissent, has also been considered.

2. Context

In the November 2019, presidential elections, Gotabaya Rajapakse, brother of former President Mahinda Rajapakse, and also the former Defense Secretary received an overwhelming majority of votes and emerged as the clear winner. However he lacked support from ethnic minorities and human rights defenders for alleged human rights violations committed during the last phase of war in Sri Lanka and his allegiance with ethnonationalist politics of Sinhalese – Buddhist nationalist groups. However, the new President stated that he will work for all communities despite of lack of support from minorities.

Year 2020 is a challenging year for newly appointed government with USD 4.8 billion debt to be repaid during the year for the loans mainly acquired during the former Rajapakse period from China¹. There were also legal cases continuing about crimes against Human Rights Defenders and journalists which were committed during the former Rajapakse regime. However there was lot demand and pressure from nationalist groups who campaigned earlier for Rajapakse to release military or “war heroes” who were accused of such crimes. Over the past years, activists and others have pointed out Gotabaya Rajapakse’s alleged connection to some of these crimes including Welikada Prison massacre, in his capacity as the then then Defense Secretary.

¹ <http://www.ft.lk/front-page/4-8-b-debt-to-be-repaid-in-2020/44-692599>

3. Summary of the major incidents and trends

Repression against journalists and media workers was a prominent trend during this month. There were 8 incidents relating to 12 journalists that have been reported. In one incident, 7 journalists in Batticaloa reported having received death threats. One of them also had two prior threats and intimidations in the same month. In another incident a journalist in Chilaw was reported to have been assaulted by a group linked to local politicians after he reported on an unauthorized filling of a paddy field. A journalist's house was vandalized by an unidentified group in Jaffna. In another case, a female journalist who went to file a complaint at the Police station was treated in a degrading manner.

President Gotabaya Rajapaksa had also promoted senior Army and Navy officers who stand accused in High Courts for killings and abductions. One of the key accused in the abduction of 11 youth case was promoted to the rank of rear admiral in the Navy and also appointed as commander of a province. A former member of a paramilitary death squad was reported as being identified to be made Sri Lanka's Permanent Representative to the UN in Geneva and Switzerland. His presence in Geneva at the UN may deter survivors, victim families and human rights defenders from participating as they had been doing in the past, and also pose a challenge of engaging with Sri Lankan government to diplomatic missions and UN officials. A gazette extended the previously given special powers for military to intervene in civilian affairs. A cabinet spokesperson said that they will introduce an intelligence act which may provide immunity to intelligence officers. Activists have expressed concerns about this infringing on rights. Also Defense Ministry announced that they will introduce Cyber Security Act which will deal with the mitigation of Cybercrimes which is currently at the finalizing stage. In last year, a similar named draft act was made public by then government, which activists asked for more time for public consultation, also expressed fear whether it would be misused for controlling dissent in social media.

Repression of activists in the North and East continued same as the previous month. More than 50% of the incidents were reported from the North and East. Staff of 2 NGOs were questioned by Counter Terrorism Investigation Division (CTID). Another Woman HRD from the North was asked to come to CTID for an inquiry. However after she informed to the Human Rights Commission, she was informed that it was not necessary. Families of the victims of the Mirusuvil massacre were threatened by unknown persons in a white van, after reports appeared in media that the Army soldier who was convicted might be released. A Tamil youth was interrogated for involving in a campaign for the removal of an army camp from the local area.

A Presidential Commission of Inquiry which was appointed in this month ordered Attorney General (AG) to suspend a case against two military leaders until the commission concludes their hearings. However AG has refused to follow the order saying Presidential Commission does not have an authority to do so.

Also former Director of the Criminal Investigation Department (CID), Mr. Shani Abeysekera, is currently interdicted for controversial telephone conversations with opposition politician Ranjan Ramanayake, is reported to have lodged a complaint with the Police on alleged death

threats from an unidentified person. The Witness Protection Unit of the Department of Police has requested the CID and the intelligence agencies to launch an investigation into the complaint lodged by Abeysekera. He headed the CID when CID made significant findings in the prison massacre of 2012 and into investigations into killings and disappearances, including journalists, leading to arrest of Army intelligence personnel, senior Navy officers, senior prison officials etc., and the Attorney General filing indictment in High Courts in some of these cases.

4. Statistical Analysis

A total of 23 incidents were reported this month. A brief statistical analysis of these incidents was conducted to understand the patterns and categories of violations and victims.

Category of victim	Number of incidents	Percentage
Artist	1	4%
journalist	8	35%
NGO	2	9%
Others	5	22%
N/A	7	30%
Total	23	100%

TABLE 1: CATEGORY OF VICTIM

As illustrated in the above table, highest number of incidents were reported with regards to journalists, while 1 street artist and 2 NGOs also became victims. Other category included families of those who killed in a massacre in the North, a human rights activist, a youth who supposedly campaigned against demilitarization, a police officer investigated key crime cases relating to HRDs, and devotees of a temple.

Gender	Number of incidents	Percentage
Male	7	30.4%
Female	3	13.0%
other	0	0.0%
Not Applicable	13	56.5%
Total	23	100.0%

TABLE 2: GENDER OF THE VICTIM

7 incidents were related to male victims, while 3 were related to female victims. In 13 cases gender category was not applicable. These were mainly repressive policies, questionable appointments and groups where gender segregation was not possible.

Area	Number of incidents	percentage
Colombo	2	9%
North and East	12	52%
Other areas	1	4%
Online	1	4%
Not Applicable	7	30%
Total	23	100%

TABLE 3: GEOGRAPHICAL DISTRIBUTION INCIDENTS

When it comes to the geographical distribution of the incidents, more than half of the incidents were reported from the North and East. 2 Incidents were reported from Colombo, while only 1 incident reported from other areas. In 7 incidents geographical location was considered as not applicable, as they were questionable appointments, legal and policy changes which may have impact nationally and beyond.

Type of violation	number of incidents	percentage
verbal threats and hate speech	5	22%
questioning	5	22%
questionable appointment & promotions	3	13%
Repressive legal, intuitional and policy changes	3	13%
physical attacks	2	9%
Death Threats	2	9%
Intimidation	1	4%
Other	2	9%
Total	23	100%

TABLE 4: TYPE OF VIOLATION

22% of the cases were related to verbal threats and hate speech. Another 22% were related to questioning by military and Police. There were also 13% of questionable appointments and promotions, while another 13% were related to repressive legal, institutional and policy changes. 9% were related to physical attacks. Another 9% were related death threats.

Responsible party	Number of incidents	percentage
Military or Police	9	39%
Government or Politicians	8	35%
other	2	9%
Unknown	4	17%
Total	23	100%

TABLE 5: ALLEGEDLY RESPONSIBLE PARTY FOR THE VIOLATIONS

When looked at the allegedly responsible party for the violations, highest percentage 39% of incidents were related to military or Police, Secondly the government or politicians were allegedly responsible.

5. List of incidents

#	Date	Place	Description	Source
A. Repression against journalists and media workers				
1	January 2, 2020	Batticaloa	Sri Lankan police in plain clothing has entered the house of the Batticaloa based journalist: S. Nilanthan, purportedly to arrest him, and threatened his family when it was discovered he was not at home.	https://www.tamilguardian.com/content/sri-lankan-police-threaten-family-tamil-guardian-correspondent-arrest-warrant
2	January 5, 2020	Kilinochchi	Foreign Journalist was denied access to Iranaitheevu island by the Navy. She had a valid journalist visa and media accreditation card issued by Department of Government Information, which had been endorsed by the Ministry of Foreign Affairs.	personal interview
3	January 10, 2020	Colombo	Officer in Charge (OIC) of Mulleriyawa Police has refused to accept a complaint made by a female journalist. about threats she has received due to her work. The OIC had also behaved in a manner that had threatened her life and dignity, according to the Free Media Movement.	Free Media Movement http://www.fmmsrilanka.lk/the-free-media-movement-condemns-the-degrading-treatment-meted-out-for-professional-journalists/
4	January 17, 2020	Chilaw	Prasad Purnimal Jayamanne: a journalist based in Wennappuwa in Chilaw was assaulted by group linked to few politicians after he exposed unauthorized filling of a paddy field in Wennappuwa. Mr. Jayamanne has told Free Media Movement that he was assaulted by a group including the son of a former Wayamba Provincial Council member who had taken over the land filling from another former Wayamba Provincial Council member who claims to own the paddy field.	http://www.aithiya.lk/n_view.php?id=3476&lan=1
5	January 18, 2020	Batticaloa	The Grama Niladari (GN) had visited a house of a Batticaloa based journalist around 11 am on 18 th January and told him that the Criminal Investigation Department (CID) in Colombo had requested details about him. The GN has noted down the personal details of the journalist including his data of birth, place, origin, family details etc.	personal interview
6	January 19, 2020	Jaffna	The house of a Tamil local news journalist had been attacked and vandalized by a group of unidentified men in Mannipay, Jaffna.	https://www.tamilguardian.com/content/tamil-journalists-home-wrecked-vandals-intimidation-attempt

7	January 20, 2020	Online	Journalist Azzam Ameen faced hate speech based on his ethnicity after a call recording between him and former minister Ranjan Ramanayake was released online. A statement provided by Ameen on the incident states that he had to speak to Politicians and others in his capacity as a journalist, and has always safeguarded professional integrity. He had stated that he had moved away from his employment (BBC) over the incident involving some distorted private telephone conversations which have been made public. In addition to the content of the call, he had been subjected to hate speech in an organized manner due to his ethnicity and religion as a Muslim / Islam.	https://www.facebook.com/AzzamAmeenSL/photos/a.1549879965318657/2203342193305761/?type=3&theater
8	January 23, 2020	Batticaloa	Seven Journalists of Batticaloa Press Club had received death threats, with leaflets of their photographs highlighted, warning that they will soon be executed. The leaflets were pushed through the door of the Batticaloa Press Club building.	https://www.tamilguardian.com/content/tamil-journalists-sent-threats-death-punishment-batticaloa
B. Repression of Dissent in the North and East				
9	early January	Trincomalee	Members of an NGO in Trincomalee were asked to come to the Counter Terrorism Investigation Division (CTID) headquarters in Colombo for an inquiry. Two leaders went for the inquiry. They were questioned about their funding and activities and requested to submit detailed reports.	personal interview

10	January 10, 2020	Jaffna	<p>Sri Lankan intelligence has erased Jaffna street art painting which depicts an image of a tiger, after threatening Tamil artists. Tiger symbol was used by LTTE as their symbol. However the erased artwork does not resemble the symbol of LTTE. Meanwhile many street art paintings which promotes militarization were allowed in the South.</p>  <p>Above is the painting erased and below is the LTTE symbol depicted in the LTTE flag, from a government newspaper in January 2020.</p> 	<p>(1) https://www.tamilguardian.com/content/sri-lankan-intelligence-erases-jaffna-street-art-after-threatening-tamil-artists ,</p> <p>(2) https://twitter.com/TamilGuardian/status/1215572416027602944</p> <p>(3) https://www.dailynews.lk/2020/01/14/local/208360/ltte-remains-terrorist-group</p>
11	January 15, 2020	Mullaitivu	<p>As reported by Tamil Guardian, Sri Lankan security forces have intruded Neeraviyadi Hindu temple's Pongal celebrations. As preparation for the festival celebrations were underway, Sri Lankan intelligence officers were reportedly photographing those present at the temple, whilst uniformed police officials parked vehicles and conducted patrols nearby in an apparent act of intimidation.</p> <p>During the last decade, Buddhist monks have forcefully built a new Buddhist temple at the Neeraviyadi Hindu temple premises after Buddhist archaeological remains were discovered by the archaeological department. However reportedly there are no Buddhists in the area. There is an ongoing legal case between two temples regarding this.</p>	<p>https://www.tamilguardian.com/content/sri-lankan-security-forces-intrude-neeraviyadi-temples-pongal-celebrations</p>
12	January 16, 2020	Mannar	<p>Few leaders of an NGO based in Mannar were questioned by the CTID in Colombo.</p>	<p>personal interview</p>

13	January 18, 2020	Jaffna	As reported by Tamil Guardian the Sri Lankan military has interrogated a Tamil youth in Jaffna, after accusing him of leading a campaign for the removal of a military base from the local area. Soldiers have reportedly raided the house of the youth in Chulipuram, and informed his family that he was to be summoned for questioning the next day. During the interrogation, he had been asked to sign a letter stating that he did not want the military to leave the area.	https://www.tamilguardian.com/content/sri-lankan-army-interrogates-tamil-youth-after-calls-demilitarisation
14	January 20, 2020	Jaffna	Families of the victims of the Mirusuvil massacre were threatened by unknown persons in a white van. (After about 13 years of the case, the first accused army Staff Sergeant Sunil Ratnayake was found guilty for the murder of eight civilians in Mirusuvil, Jaffna has been sentenced to death by the Colombo High Court on 25 June 2015. Current President Gotabaya during his presidential campaigns has told that he would release all the military officers who have charged with serious crimes).	(1) https://www.jvpnews.com/community/04/254898 , https://www.tamilguardian.com/content/men-white-van-intimidate-relatives-mirusuvil-massacre-victims (2) http://www.adaderana.lk/news/58267/gotabaya-pledges-to-release-imprisoned-war-heroes-by-nov-17
15	January 21, 2020	Vavuniya	A woman activist predominantly working with the war affected children and families was asked to come to the CTID on the 21 st Jan 2020 for an inquiry. After she informed the Human Rights Commission of Sri Lanka, they have spoken to the CTID and subsequently told the activist that it is not necessary for her to go.	personal interview
C. Legal changes, appointments and other developments that may impact dissent				
16	January 1, 2020	n/a	Shavendra silva allegedly accused of crimes against humanity during the war was appointed as acting chief of defence staff. Army Commander Lieutenant General Shavendra Silva was appointed as the acting Chief of Defense staff by the President. effective from 1 January 2020, in addition to his present office of the Commander of the Army.	https://www.army.lk/news/incumbent-army-chief-serve-acting-chief-defence-staff
17	January 22, 2020	n/a	President issued a gazette notification extending the call for armed forces further, enabling the military to intervene in civilian affairs.	https://www.dailynews.lk/2020/01/22/local/209165/armed-forces-maintain-public-order

18	January 15, 2020	n/a	A cabinet decision is reported to have been taken to draft National Intelligence Act which would legalize impunity for intelligence officials. Activists have also expressed concerns about this act stating that it could be also used as a tool for repression of dissent	(1) https://www.facebook.com/news/467918424163343/ [9.00 - 10.00 minutes] , (2) http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/923-sri-lanka-to-legalise-impunity-for-intelligence-officials (2) Article in “Anidda” Sinhalese paper, 26 th Jan. 2020, page 15.
19	January 22, 2020	n/a	Legal Draftsman was reported to be finalizing the proposed Cyber Security Act (1). When a draft act was presented by the previous government, activists have expressed concerns whether this will be used to repress the dissent (2) and others asked time for wider public consultation on protection of privacy and defending freedom of expression online.	(1) http://www.defence.lk/Article/view_article/837 (2) https://mawbima.lk/news-more/17083 (3) https://www.vikalpa.org/?p=35087
20	January 16, 2020	n/a	Commodore DKP Dassanayake who has been accused of abduction of 11 youth case was promoted to the rank of Rear Admiral and then appointed as the Commander of Northwestern Naval Area.	(1) http://www.hirunews.lk/232391/commodore-dkp-dassanayake-promoted-to-the-rank-of-rear-admiral (2) https://ceylontoday.lk/news-more/12019
21	January 18, 2020	n/a	CA Chandraprema, who has been named as a member of a death squad group in late eighties in an affidavit and been arrested, was reported to be appointed as Sri Lankan envoy to the UN in Geneva	(2) https://www.colombotelegraph.com/index.php/proposed-sri-lankan-envoy-to-geneva-c-a-chandraprema-was-a-member-of-prra-death-squad/
22	January 27, 2020	n/a	The Presidential Commission inquiring into incidents of alleged political victimization has requested the Attorney General (AG) to suspend court proceedings, where the former Commander and Spokesperson of the Navy are implicated. AG has refused to follow the order saying Presidential Commission does not have an authority to do so.	https://srilankabrief.org/2020/01/sri-lanka-presidential-commission-of-inquiry-ordered-ag-to-suspend-cases-against-two-military-leaders/ https://colombogazette.com/2020/01/28/ag-refuses-to-bow-down-to-pcoi-instructions/
23	January 29, 2020	Colombo	Former Director of the Criminal Investigation Department (CID) Director Shani Abeysekera had lodged a complaint with Police On Alleged Death Threats from an unidentified person. the Witness Protection Unit of the Department of Police has requested the CID and the intelligence agencies to launch an investigation into the complaint lodged by Abeysekera. The former CID Director has also requested Police protection in the light of alleged death threats.	https://mail.asianmirror.lk/news/item/30798-former-cid-director-shani-abeysekera-lodges-complaint-with-police-on-alleged-death-threats