

Repression of Dissent

December 2022



Medical Doctor Chamal Sanjeewa while collecting data for the study on malnutrition among children in Suriyawewa area in Hambantota. In December 2022, he filed a fundamental Rights petition as he was suspended from his government employment last month for sharing his research findings with media that showed the alarming trends of Child malnutrition in a village in Hambantota district which the Ministry of Health claimed to be false information. UNICEF and WFO also have confirmed about rising levels of child malnutrition in Sri Lanka. Photo Courtesy: [Lankadeepa](#).

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Repression of Dissent in Sri Lanka in December 2022.

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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.

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1. Executive Summary

Context: Sri Lanka's economic crisis has led to increased levels of child malnutrition, food insecurity, and shortage of essential drugs in hospitals. The World Food programme reported that 37% of Sri Lankan households are facing acute food insecurity. Several events were held around the country celebrating the International Human Rights Day demanding justice to long awaited human rights issues, and ongoing state repression on anti-government protesters. Human Rights activist and anti-disappearance campaigner Sandya Ekneligoda was included in the BBC list of 100 inspiring and influential women from around the world for 2022. The 17th death anniversary of Tamil MP Joseph Pararajasingham was held in Batticaloa. The case still remains in impunity, as the suspects who were arrested in connection with his murder after a decade in 2015 were released in 2021 after the Attorney General department withdrew the case, seemingly in a politically motivated action. Vavuniya High Court ordered the Sri Lanka Army to produce the LTTE cadres who surrendered during the end of the Civil War in 2009 by March next year, hearing a habeas corpus petition relating to five cases of enforced disappearances. In May 2009, more than 100 unarmed LTTE cadres are believed to be murdered after being surrendered to the Sri Lankan government forces. Dhaniz Ali and Anuruddha Bandara, two active members in argalaya protest movement were summoned to the Criminal Investigation Department and a statement was recorded on the arson attack by protesters on the president Ranil Wickramasinghe's private residence in Colombo on 9th July 2022. Meanwhile, former president Gotabaya Rajapaksa left for the USA along with his family.

Case updates: The Supreme Court granted leave to proceed with the Fundamental Rights Petition, filed by the medical doctor Chamal Sanjeewa, who was suspended from duty last month as he made a statement to the media on increasing levels of malnutrition among children in a village in Hambantota District based on a study he had conducted. Wasantha Mudalige, the convenor of the Inter-University Student Federation and Ven. Galwewa Siridhamma Thero, the convenor of Inter-University Bhikku Federation were granted bail on 06th December 2022 by the Kaduwela magistrate court as the Police failed to identify them during an identification parade. However, Mudalige remained in remand custody in relation to the other case filed against him. A group of activists met with the Commissioner of Prisons requesting not to transfer Mudalige to the notorious Boosa prison in Galle. Mullaitivu based journalist Kanapathipillai Kumanan was summoned to Mullaitivu Police station to record a statement on a harassment he had previously faced from the military and Police, while covering a protest in the area. The Attorney General Department assured that Shani Abeysekera, the former Director of Criminal Investigation Department of Police will be provided with Police protection, as previously instructed by the National Authority for the Protection of Victims of Crimes and Witnesses. Abeysekera alleged that Deshabandu Tennakoon, Deputy Inspector General in charge of Western Province had deliberately ignored providing him protection as an act of retribution. The Court of Appeal issued an order to the Attorney General to draft the contempt of court charges against Minister Sanath Nishantha, who criticised the magistrates during a press briefing, for granting bail to the suspects involved in the *Argalaya* anti-government protest movement.

Repression of activists: A large presence of Police personnel was seen when the #GoGotaGama anti-government protesters organized an event to remember the fallen

protesters during recent anti-government protests in Colombo. Police also tried to disrupt the collection point of books and stationery items organized by #GoGotaGama library to distribute among children in low income families. Dilan Senanyake, a Social Media Activist actively involved with Argalaya, was stabbed by two masked men at his office in Nugegoda in Colombo suburbs on 14th December. Civil society activist Chirantha Amarasinghe filed a Fundamental Rights (FR) petition seeking an order preventing his arrest claiming that Police is conducting an inquiry seeking to implicate him falsely with the violence that occurred during protests on 9th July 2022 and tense situation occurred during a protest organised by fishermen on 28th November that he was covering to publish in his social media. Speaking at a press briefing, he also said that he was threatened, and his phone was snatched by pro-government mobs when he was recording the protest, while a Police officer has threatened him of arrest.

Repressive Legal and policy actions: On 12th of December, the Department of Posts announced that leave of all postal staff has been cancelled as the Joint Postal Trade Union Alliance has started an island wide token strike from 4 pm on the previous day to 12 midnight on 12th December based on several demands. On 3rd of December, the President issued a gazette notification declaring all services connected to the supply of electricity, the supply or distribution of petroleum products and fuel, and health services as essential services. Declaration as essential services is a tactic that has been historically used to prevent trade union actions. The monthly gazette notification was issued calling out the Armed Forces under the Public Security Ordinance, providing powers for armed forces to intervene in civilian affairs.

Other incidents: On 18th December, Youtuber and Journalist Chamuditha Samarawickrama summoned to the Criminal Investigation Department regarding an investigation into the killing of businessman Dinesh Schafter, as he conducted a discussion on the matter with investigative journalist and defence analyst Keerthi Rathnayake and published it in his YouTube Channel.

2. Context

Economic Crisis: Family Health Bureau of Sri Lanka Ministry of Health released a report showing alarming rates of child malnutrition (43.4%) and undernutrition (42.9%).¹ However, it was in the last month that a medical doctor who previously warned the public on the situation of child malnutrition was suspended from his job.² The World Food programme also reported that 37% of Sri Lankan households are facing acute food insecurity, and around 41% are reducing the number of meals.³ Media reported that the Sri Lankan Health Sector is experiencing a shortage of approximately 150 essential drugs including drugs for cancer patients as the lack of foreign reserves in the country has led to import restrictions.^{4 5}

Human Rights day: Several events were held around the country celebrating the International Human Rights Day. mothers of the victims of enforced disappearances held protest marches in the five districts of the North and East of Sri Lanka.⁶ A collective of Civil Society organizations and trade unions held an event marking Human Rights Day, highlighting the ongoing state crackdown and people's right to resist at the Foundation institute in Colombo, followed by a demonstration held at the Independence Square in Colombo.^{7 8}



Sandya Ekeneligoda interviewed by BBC News Sinhala. Photo Courtesy: BBC Sinhala News

¹ <https://drive.google.com/file/d/1dbNHZkNd4zJmP1etkIGhRuGGmRCvoCzx/view>

² <https://www.sundaytimes.lk/221113/news/501727-501727.html>

³ https://docs.wfp.org/api/documents/WFP-0000145643/download/?_ga=2.25620920.407229744.1675774438-458050933.1675774438

⁴ <https://economynext.com/sri-lanka-facing-shortage-of-150-essential-drugs-govt-looking-to-boost-local-production-101449/>

⁵ <https://www.aljazeera.com/gallery/2022/12/25/sri-lanka-cancer-patients-struggle-amid-economic-chaos>

⁶ <https://twitter.com/JDSLanka/status/1601536864397062145>

⁷ <https://twitter.com/JDSLanka/status/1601489706713481216>

⁸ <https://twitter.com/sunandadesh/status/1601481434648248320?cxt=HHwWglC8gae4zbksAAAA>

Sandya Ekneligoda is among 100 most inspiring women in the World: Human Rights activist and anti-disappearance campaigner Sandya Ekneligoda was included in the BBC list of 100 inspiring and influential women from around the world for 2022. Thirteen years ago, she started her activism after her husband Prageeth Ekneligoda who was an investigative journalist went missing in 2010 after being abducted by the Sri Lankan military.⁹

Remembrance events: The 17th death anniversary of Tamil MP Joseph Pararajasingham was held in Batticaloa on 25th of December.¹⁰ Pararajasingham was killed while attending mass at St Mary's Church, Batticaloa on Christmas Eve 2005. After 10 years of his murder, in 2015 five suspects including MP Sivanesathurai Chandrakanthan (alias Pillayan), the leader of Tamil Makkal Viduthalai Pulikal (TMVP) was arrested. However all the suspects were acquitted after the Attorney General's Department informed the court that they do not intend to proceed with the case in January 2021.¹¹ Pillayan was a supporter of the government in power at the time.¹² Both cases still remain in impunity.

Court orders SL Army to produce surrendered LTTE cadres in court by March 2023

Vavuniya High Court ordered the Sri Lanka Army to produce the LTTE cadres who surrendered during the end of the Civil War in 2009, by March next year. Speaking to the press, lawyer K S Ratnavel said that the court delivered a verdict following the hearing of the habeas corpus petition relating to five cases of enforced disappearances. Though the Sri Lanka Army previously stated that they had a list of surrendered persons, they failed to submit the list to the court. As a result, the Vavuniya High Court accepted the petitioner's allegation that those who had surrendered were in the custody of the Sri Lankan army and the court asked them to be presented to the court by March 2023 or to provide reasons relating to their enforced disappearances. Ratnavel told the media that there are three other similar cases to be called before the court in January, 2023.¹³ In May 2009, more than 100 unarmed LTTE cadres are believed to be murdered after being surrendered to the Sri Lankan government forces.¹⁴

Aragalaya activists summoned on arson attack on President's house: Dhaniz Ali and Anuruddha Bandara, two active members in argalaya were summoned to the Criminal Investigation Department and a statement was recorded on the arson attack by protesters on the president Ranil Wickramasinghe's private residence in Flower Road in Colombo on 9th July 2022.^{15 16} Wickramasinghe acted as the Prime Minister at the time of attack.

Other incidents: Former President Gotabaya Rajapaksa who resigned from the position of President after fleeing the country in July, 2022, and returned to Sri Lanka in early September left for the USA along with his family on 26th of December.¹⁷

⁹ <https://www.bbc.co.uk/news/resources/idt-75af095e-21f7-41b0-9c5f-a96a5e0615c1>

¹⁰ <https://twitter.com/JDSLanka/status/1607160507773095937>

¹¹ <https://www.themorning.lk/articles/113809>

¹² <https://www.amnesty.org/en/latest/press-release/2021/01/sri-lanka-collapse-of-joseph-pararajasingham-murder-case-a-failure-of-justice/>

¹³ <https://www.tamilguardian.com/content/vavuniya-high-court-orders-sri-lankan-army-produce-forcibly-disappeared-ltte-cadres>

¹⁴ See <http://white-flags.org/>

¹⁵ https://twitter.com/anuruddha_ika/status/1607377362303188993?cxt=HHwWgoCwwbvMxs4sAAAA

¹⁶ <https://twitter.com/Welikumbura/status/1607672649408475136>

¹⁷ <https://www.newsfirst.lk/2022/12/26/gotabaya-rajapaksa-leaves-with-family-to-the-us/>

3. Case Updates

3.1. FR petition filed by Medical doctor Chamal Sanjeewa

The Supreme Court granted leave to proceed¹⁸ with the Fundamental Rights Petition, filed by the medical doctor Galmangoda Guruge Chamal Sanjeewa, who was suspended from duty as he made a statement to the media on increasing levels of malnutrition among children in a village in Hambantota District based on a scientific study he had conducted. The case will be heard from 07 March, 2023. The petitioner has demanded Rs. 10 million as compensation and his reinstatement in a position that befits his education and professional qualifications and experience. The petitioner has named Minister of Health Keheliya Rambukwelle, Secretary to the Ministry of Health, Janaka Sri Chandragupta and 21 others as respondents.¹⁹



Medical Doctor Chamal Sanjeewa while collecting data for his study on malnutrition among children in Suriyawewa area in Hambantota District. Photo Courtesy: [Lankadeepa](#).

3.2. Student activists Siridhamma Thero and Mudalige were granted bail in one case, but Mudalige remanded again for the other case.

Wasantha Mudalige, the convenor of the Inter-University Student Federation and Ven. Galwewa Siridhamma Thero, the convenor of Inter-University Bhikku Federation were granted bail on 06th December 2022 by the Kaduwela magistrate court as the Police failed to identify them during an identification parade in relation to the second case filed against them. They have been arrested and detained since August 2022 under the draconian Prevention of Terrorism Act for a different case being heard at the Colombo magistrate court. After Galwewa

¹⁸ Approval of the Supreme Court for further hearing of the case. See 126 (2) of SL constitution

¹⁹ <https://island.lk/supreme-court-decides-to-take-up-fr-violation-petition-filed-by-suspended-outspoken-doctor/>

Siridhamma Thero was granted bail in November, he was arrested and presented before the Kaduwela magistrate for allegedly damaging the public property during a protest demanding educational rights held in Colombo in July 2022.²⁰ On the 13th December 2022 in relation to the first case against them, Inter-University Student Federation Convener Wasantha Mudalige was further remanded by the Colombo Additional Magistrate until 17th January 2023. The magistrate also asked the Police to expedite the investigations.²¹ On 21st of December, Activists of the “Movement for a Peoples’ Council” met Commissioner of Prisons to warn that prison authorities will be responsible if any harm occurs to the life of Wasantha Mudalige whose life is under threat, if he is transferred to the notorious Boosa prison in Galle, where previously a number of incidents of torture have been reported. Prison authorities denied any impending transfer of Mudalige out of Colombo remand prison.^{22 23}

3.3. Tamil Journalist summoned to the police over a previous harassment



Kanapathipillai Kumanan visiting the Mullaitivu police station: photo courtesy: Tamil Guardian

Mullaitivu based journalist Kanapathipillai Kumanan was summoned to Mullaitivu Police station to record a statement on a harassment he had previously faced while covering a protest in the area. In June 2022, Kumanan had been harassed by the navy and Police officers while covering a protest against allegedly planned land grabbing for the expansion of the Gotabaya Naval Base held in Vattuvakkal in Mullivaikkal in Mullaitivu district.²⁴ However, Kumanan was not initially informed of the reasons for the summoning, and the summon notices were issued in Sinhala.

²⁰ <http://www.adaderana.lk/news/86338/ven-galwewa-siridhamma-thero-remanded-again>

²¹ <https://www.newsfirst.lk/2022/12/13/iusf-convener-wasantha-mudalige-further-remanded-till-17-jan-2023/>

²² <https://www.themorning.lk/articles/e0aMT4RDN7gc0vXMOPfE>

²³ <https://www.themorning.lk/articles/e0aMT4RDN7gc0vXMOPfE>

²⁴ <https://www.tamilguardian.com/content/tamil-journalist-summoned-mullaitivu-police-over-harassment-land-grab-protest>

3.4. AG assures that Shani Abeysekera will be given Police protection

Shani Abeysekera is the former Director of Criminal Investigation Department of Police who led the investigations into the emblematic cases such as murders of journalists, human rights activists and others, in which the Sri Lankan military and high profile politicians became alleged suspects or perpetrators. Soon after the appointment of President Gotabaya Rajapakse on 18th November 2019, he was removed from his position as the Director of the CID and assigned as the Personal Assistant to the Southern Deputy Inspector General (DIG) of Police on the 21 of November 2019.²⁵ He was arrested in July 2020 for allegedly fabricating evidence during a previous investigation in which a former top ranking Police officer was found guilty for a murder of a businessperson.²⁶ Soon after his arrest, his fellow investigator Nishantha Silva fled the country, seeking asylum.²⁷ After almost one year, Abeysekera was released on bail in June 2021. Soon after his release on bail, Abeysekera requested the National Authority for the Protection of Victims of Crimes and Witnesses (NAPVCW) to provide him with necessary Police protection. As informed to the court in December 2022, he has not been provided with protection, despite the instructions made by the NAPVCW in July 2022. Abeysekera alleged that Deshabandu Tennakoon, Deputy Inspector General in charge of Western Province had deliberately ignored the instructions as an act of retribution. Subsequently Abeysekera filed a writ petition seeking Police protection for him and his family. The Attorney General Department informed the court that Abeysekera and his family will be provided with necessary Police protection and legal action will be taken against DIG Tennakoon for contempt of court.^{28 29 30}

3.5. Problematic statement by Minister Sanath Nishantha criticising Judiciary for granting bail to protesters

On 12th December, the Court of Appeal issued an order to the Attorney General to Draft the contempt of court charges against Minister Sanath Nishantha, who criticised the magistrates during a press briefing, for granting bail to the suspects involved in the *Argalaya* anti-government protest movement.³¹ State Minister Sanath Nishantha had made the controversial statement during a media briefing held in Battaramulla on the 23rd of August.

²⁵ <https://www.themorning.lk/articles/62874>

²⁶ <https://www.dailynews.lk/2020/07/31/local/224797/former-cid-director-shani-abeysekera-arrested>

²⁷ <https://www.aljazeera.com/news/2019/11/26/top-detective-who-investigated-high-profile-cases-flees-sri-lanka>

²⁸ <https://colombogazette.com/2022/12/05/shani-abeysekera-to-get-police-protection/>

²⁹ https://www.ft.lk/ft_view_editorial/Threats-to-Shani-Abeysekera-must-be-taken-seriously/58-742821

³⁰ <https://sinhala.srilankabrief.org/?p=42897>

³¹ <https://www.onlanka.com/news/court-of-appeal-orders-attorney-general-to-draft-contempt-of-court-charges-against-sanath-nishantha.html>

4. Repression of activists

4.1. Police attempt to disrupt the remembrance event

On 9th of December, another event was held at the Galleface to remember the fallen protesters during recent anti-government protests in Colombo.³² A large presence of Police personnel was seen on the site.³³ Police also tried to disrupt the collection point of books and stationary items to provide for children in low income families organized by anti-government activists and finally the book collection point was moved to a different place designated by the Police.³⁴

4.2. Social Media Activist stabbed by unidentified persons

Dilan Senanyake, a Social Media Activist actively involved with Argalaya, was stabbed by two masked men at his office located on Pagoda Road, Nugegoda in Colombo suburbs on 14th December. Two masked men had arrived in a three-wheeler to his office and asked Dilan whether he could recognize them. At once the two men had stabbed him with sharp weapons and fled the scene. Later Dilan was admitted to the Kalubowila Teaching Hospital for treatment.^{35 36}



Dilan Senanyake at the Hospital with serious wounds after being stabbed. Photo Courtesy: Newsfirst.

³² <https://twitter.com/sunandadesh/status/1601217843374493696>

³³ <https://twitter.com/sunandadesh/status/1601217843374493696?cxt=HHwWgMDUpaPJ1bgsAAAA>

³⁴ <https://twitter.com/Welikumbura/status/1601160683537969152?cxt=HHwWgMDRqZHKu7gsAAAA>

³⁵ <https://english.newsfirst.lk/2022/12/15/police-probing-knife-attack-on-social-media-activist-dilan-senanyake>

³⁶ <https://www.themorning.lk/articles/j9P8jv2RZRBWMjm8MI0J>

4.3. Activist is threatened by mobs while covering a protest and files a Fundamental Rights petition to prevent imminent arrest

Civil society activist Chirantha Amerasinghe has filed a Fundamental Rights (FR) petition before the Supreme Court seeking an order preventing his arrest. In his petition, he claimed that he received information that Police are planning to arrest him over incidents relating to the Galle Face protest on 9th of July and covering a protest organized by Attorney-at-law Nagananda Kodituwakku on 28th November on the illegal poaching of Indian fishermen. He also said that there is no legal basis for such an inquiry against him.³⁷ Amerasinghe speaking at a press briefing further said that a mob of people claiming to be trishaw drivers attempted to disrupt the protest, also threatened him, and snatched his phone while he was recording the protest to be published on his facebook page. He told the media that even though he made a complaint to the Police, they failed to take any action claiming that they have insufficient information, despite him providing them with identifying details including photographs of the persons who made threats.³⁸ He accused that the mobs who threatened him were sent by the pro-government parties and they were supported by some Police officers present there, and one Police officer threatened him with arrest.



Civil society activist Chirantha Amerasinghe speaking at a press conference alleged that he was threatened by pro-government mobs during an event organized by fishermen. Video: [Voice Tube](https://www.youtube.com/watch?v=vtlrDTevCc)

³⁷ https://www.dailymirror.lk/breaking_news/Civil-activist-Chirantha-Amarasinghe-files-FR-to-prevent-imminent-arrest/108-250704

³⁸ <https://www.youtube.com/watch?v=vtlrDTevCc>

5. Repressive Legal and policy actions

5.1. Leave cancelled for postal workers to prevent trade union action

On 12th of December, the Department of Posts announced that leave of all postal staff has been cancelled as the Joint Postal Trade Union Alliance has started an island wide token strike from 4 pm on the previous day to 12 midnight on 12th December based on several demands. The Postmaster General Ranjith Ariyaratne said the decision has been taken to ensure postal services are uninterrupted following the announcement of the strike by trade unions. The demands included revising the existing overtime payment system at the Central Mail Exchange, transfer of land and buildings of the postal department to the private sector, privatization of the postal department and reduction of overtime hours, providing a maximum overtime of 240 hours to the officers in the control offices of the Department of Posts. Chintaka Bandara, the co-convener of the Alliance of trade unions said that authorities have been notified on several occasions of their grievances but to no avail.³⁹

5.2. Supply of Electricity and fuel, and health services are gazetted as essential services

On 3rd of December, the President issued a gazette notification declaring all services connected to the supply of electricity, the supply or distribution of petroleum products and fuel, and all services linked to hospitals, nursing homes, dispensaries, and other similar institutions as essential services.⁴⁰ Declaration as essential services has been historically used to prevent trade union actions as it is used as a tactic for retribution of workers who get involved in trade union actions.

5.3. Monthly gazette issued calling armed forces to maintain law and order

On 21st December, a gazette notification was issued calling out the Armed Forces under the powers granted under the Public Security Ordinance (Chapter 40).⁴¹ The gazette notification provides powers for armed forces to intervene in civilian affairs. The Sri Lankan government has been issuing similar monthly gazettes for several years now, indicating the increasing militarization and shrinking civil Space.⁴²

³⁹ http://www.colombopage.com/archive_22B/Dec12_1670825582CH.php

⁴⁰ http://documents.gov.lk/files/eqz/2022/12/2308-62_E.pdf

⁴¹ http://documents.gov.lk/files/eqz/2022/8/2293-68_E.pdf

⁴² <https://colombogazette.com/2022/12/22/military-kept-on-alert-to-maintain-law-and-order/>

6. Other incidents

Senior Journalist summoned to the Police for publishing an interview

On 18th December, Youtuber and Journalist Chamuditha Samarawickrama summoned to the Criminal Investigation Department regarding an investigation into the killing of businessman Dinesh Schafter, as he conducted a discussion on the matter with investigative journalist and defence analyst Keerthi Rathnayake and published in his YouTube Channel *‘Truth With Chamuditha’*.^{43 44} Journalist Keerthi Rathnayake whom Samarawickrama interviewed was unjustly detained for around 6 months under the Prevention of Terrorism Act from August 2021 to February 2022.⁴⁵



Journalist Chamuditha Smarawickrama and Keerthi Rathnayake during the interview. Courtesy: Truth with Chamuditha

⁴³ <https://english.theleader.lk/news/3237-dinesh-schaffter-murder-journalist-summoned-to-cid-for-questioning>

⁴⁴ <https://youtu.be/YDK53jF47Nk>

⁴⁵ https://www.dailymirror.lk/latest_news/Freelance-journalist-Keerthi-Ratnayake-granted-bail/342-230779