

Repression of Dissent

August 2023



Karunathilaka and Ajith Kumara, two farmer leaders in Mayurapura in Hambantota district were assaulted by organised groups in late July and mid-August. Police have failed to take legal action against anyone responsible for the attacks. Photo Courtesy: MONLAR/ Island

Repression of Dissent in Sri Lanka in 2023.

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<https://www.inform.lk/>

About the report

Repression of Dissent is the periodical human rights update series published by the INFORM Human Rights Documentation Centre in Sri Lanka. These reports provide some general trends and details of some significant incidents related to the repression of dissent in Sri Lanka, mainly based on the information reported in mainstream and social media. They include information on incidents such as arrests, threats, intimidation, investigations against human rights defenders (HRDs) and potential threats such as new repressive laws, policy decisions etc., which may have a negative impact on freedom of expression, assembly, association and 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. Executive Summary

Context: Discussions were held between Central Bank officials and trade unionists following the protests organised by trade unions against the proposed policy to utilise superannuation funds in the domestic debt restructuring (DDR) process. According to an IMF staff report, Sri Lanka is the only country out of 14 countries that has adopted an approach that mainly focuses on restructuring superannuation funds. A trade union filed a petition at the Supreme Court against the Inland Revenue Amendment Bill that proposes 30% tax on social security funds. Continuing shortage of drugs and brain drain of medical doctors in the context of the economic crisis has a serious impact on the public health system in Sri Lanka. The number of prisoners has increased more than double of its maximum capacity. President Ranil Wickramasinghe speaking at the parliament presented his plans on the implementation of 13th Amendment of Sri Lankan Constitution relating to devolution of power at provincial level. He also presented his plans on reconciliation and issues in the North and East. Demonstrations were held in Batticaloa, Mannar, and Vavuniya remembering the International Day of the Victims of Enforced Disappearances, and demanding justice for the disappeared persons. The chairperson of the Office on Missing Persons (OMP) stated that OMP is planning to conclude the first phase of investigations before the end of this year. This will allow the relatives of missing persons to obtain missing persons' certificates, or death certificates, and obtain relevant payments through the Office for Reparations. However, most of the relatives of the disappeared and activists in the North and East demand the truth, an international inquiry conducted into the cases of disappearances than the measures that OMP and other domestic mechanisms have proposed.

Case updates: Former Director of the Criminal Investigations Department (CID), Shani Abeysekera, and three others including exiled Inspector Nishantha De Silva were acquitted from the case of allegedly fabricating evidence during an investigation process. Shani Abeysekera handled a number of high profile cases on crimes relating to attacks, murders and disappearances of human rights activists and journalists. Two student activists were granted bail after 200 days of detention, after being arrested during a protest in January 2023, though they were accused of alleged involvement in ragging later. The Health Ministry held a meeting with trade unions on the recent circular that prohibits health workers from making statements to the media. Subsequently, a trade union withdrew its plans to conduct a token labour strike, after the Ministry assured that the ban would not apply to the unions. The supreme court dismissed the Fundamental Rights petition filed by the Inter-Company Employees union, challenging the resolution passed by the parliament on the domestic debt restructuring (DDR) process. A different case has been filed on the Inland revenue bill amendment relating to DDR. Court fixed 27th October for oral submissions regarding the preliminary objections raised by MP Wimal Weerawansa in relation to an alleged corruption case against him. Colombo Fort magistrate Court temporarily lifted the travel ban imposed on a key suspect of the controversial MiG deal case. Exposing the MiG deal is believed to be the closest the reason that led to the murder of the Journalist Lasantha Wickramatunge in 2009. Beginning excavations of the Kokkuthodavai mass grave in Mullaitivu was postponed to early September, due to a delay in allocating funds. In August, several persons were arrested in relation to a protest they had organised last February decrying Sri Lanka's Independence Day celebrations by the government and not ensuring the rights of Tamil communities. Despite an order issued by the Right to Information (RTI) Commission, Police failed to provide information on the progress of police investigations into the attack by Police on journalist and media rights activist Tharindu Jayawardena by Police last year.

Repression of Media and Journalists: A Police officer on duty at the Gampaha Court Complex has attempted to prevent journalists who failed to display government issued media identity cards and/ or working for online platforms from entering court premises during the case against CID head Shani Abeysekara. Journalist Sunanda Deshapriya tweeted that he has been blocked from accessing the President's Website. Three journalists, along with a group of others were held in detention for five hours and forced to delete their footage by a mob led by a Buddhist monk. Media reported that the ruling party members of Parliament have decided to appoint a Parliamentary Select Committee against the Sirasa television channel for allegedly engaging in a political conspiracy against the government.

Repression of Freedom of Assembly: Four court orders were issued against protests held in Colombo, mainly against Domestic Debt restructuring and other issues. On 10th August, two court orders were issued against a protest organised by the Inter-University Student Federation (IUSF). Police dispersed the protest, attacking it with tear gas and water and arresting 22 protesters. Another court order was issued against a different protest organised by several politicians on the following day. Another court order issued against a protest march organised by a collective of trade union activists. Even though the Police sometimes allowed the demonstrations conducted on the roadsides, they prevented the protesters from marching. As the Magistrate refused the request by the Police to issue an order banning the Hindu religious rituals held at the controversial Kurunthamalai archaeological site, a group of Sinhala nationalists attempted to disrupt the event.

Repression Activists: A farmers' leader and a farmers' rights activist in Mayurapura in Hambantota district was assaulted and subsequently hospitalised due to sustained serious injuries. As another similar incident had occurred in late July, farmers groups protested urging for immediate investigations into both incidents. Pasted posters insulting Amalanayagi, the coordinator of the Association of Relatives of the Enforced Disappeared-Batticaloa District were seen around the Batticaloa town. Minister of Public Security Tiran Alles warned that NGOs not registering under the NGO secretariat would be prohibited.

Repression of State Officials: A group of Buddhist monks threatened the government officials at the District Secretariat of Batticaloa District demanding urgent approval for the construction of a new temple. Hard line nationalist, MP Sarath Weerasekara speaking at the Parliament, called for the transfer of the magistrate who allowed the Hindus to conduct religious rituals at the controversial Kurunthamalai archaeological site.

Legal and Policy Action: Monthly Gazette notification was issued calling for armed forces same as the previous months, indicating continuing militarization in Sri Lanka. Another gazette notification was issued declaring several government services as essential service, as a usual strategy to prevent and discourage workers from engaging in labour strikes.

Other incidents: A group of Sinhala nationalist politicians and their supporters surrounded Gajendrakumar Ponnambalam, Jaffna District MP's residence in Colombo, as he advocated against the state sponsored Buddhist temple constructions in the North and East. Former MP Mervin Silva speaking at a public rally threatened to cut off the heads of those who harm Buddhist Temples in the North East.

2. Context



Trade unions protesting against the utilisation of social security funds in the domestic debt restructuring process proposed by the government. Photo: Sri Lanka Brief

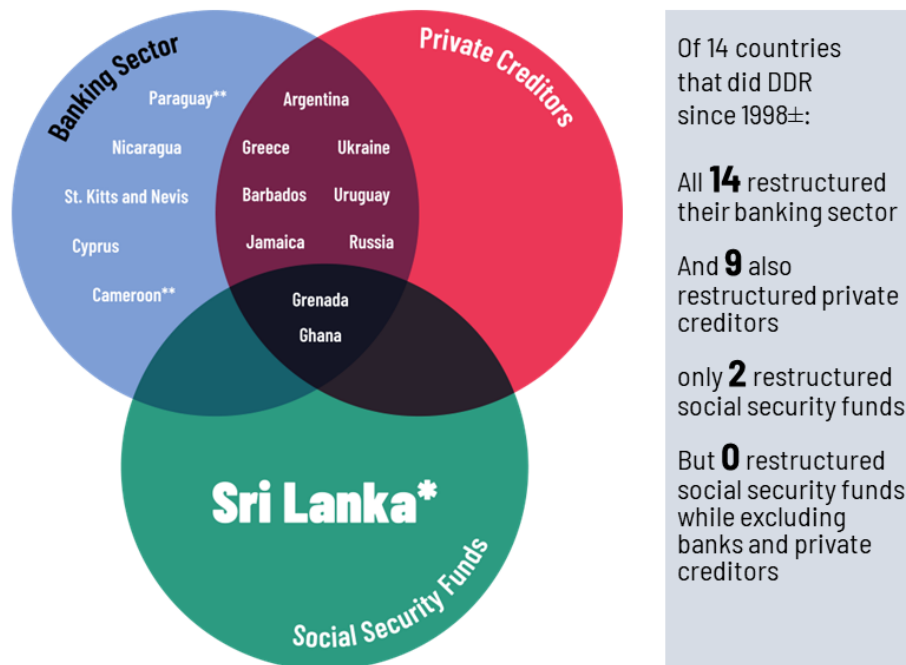
Domestic Debt Restructuring: A collective of trade unions has issued a statement refuting the claims made by the Central Bank of Sri Lanka (CBSL)¹ stating that the trade unionists refused an opportunity offered by CBSL to meet with their officials to discuss the concerns on utilisation of superannuation funds in the DDR process. Trade unions said they had actually attempted to negotiate with officials to include more representatives from various trade unions at the proposed meeting. In their statement, they also highlighted issues pertaining to corruption and financial mismanagement by respective governments including issues relating to bonds held by tax evaders, and demanded forensic audits on the loss of US\$ 53 billion in funds caused by transfer mispricing and trade-misinvoicing in international trade during 2009-2018 period, and foreign and domestic loans and the removal of tax holidays given to BOI firms.² Juan Pablo Bohoslavsky, Independent Expert on Foreign Debt and Human Rights by the Human Rights Council stated that linking state economic policies in debt restructuring with human rights is important in easing the burden of repayment of the Sri Lankan working class, particularly its women.³ According to an IMF staff report titled "Issues in Restructuring of Sovereign Domestic Debt" that detailed all 14 DDR episodes from 1998 onwards, Sri Lanka is the only country that has adopted an approach on restructuring superannuation funds.⁴

¹ <https://www.cbsl.gov.lk/en/news/raising-awareness-on-domestic-debt-optimisation-programme>

² <https://www.newswire.lk/2023/08/30/trade-union-collective-accuses-cbsl-of-spreading-misinformation-over-meeting/>

³ https://www.dailymirror.lk/breaking_news/Economic-policies-should-link-with-human-rights-to-protect-women-in-debt-repayment-Fmr-UN-expert/108-265116

⁴ <https://publicfinance.lk/en/topics/exceptionalism-of-domestic-debt-restructuring-in-sri-lanka-1691519159>



Sri Lanka is the only country that primarily focused its debt restructuring approach on social security funds, excluding private bondholders, banks, and other financial institutions. Image courtesy: publicfinance.lk

The United Federation of Labour filed a Special Determination Action challenging the constitutionality of the proposed Inland Revenue Amendment Bill, placed in the order paper of Parliament on the 8th August. The petitioner, the President of the Union Swasthika Arulingam stated that the Parliament has no mandate to pass a legislation which would impose a tax on the retirement savings of the workers, and contrary to the constitutionally guaranteed fundamental right - equality before law.⁵ Government is planning to impose a 30% tax on the superannuation funds (EPF/ETF) of employees through this proposed bill.⁶

Challenges in the health sector: Brain drain of medical doctors has increasingly impacted on the public health system in Sri Lanka. The Health Ministry stated that 120 medical doctors, and 12 out of Sri Lanka's 29 Anaesthesiologists have migrated since January 2022.⁷ 6 out of the 11 Paediatric Cardiologists have also migrated recently.⁸ Drug shortage is another serious concern Sri Lanka's health sector faces in the context of economic crisis, and over 200 drugs are still in shortage in the country.⁹

Prison overcrowding: The number of prisoners increased more than double of its maximum capacity.^{10 11} Overcrowding, inadequate and unhygienic living conditions in prisons have been reported in Sri Lankan prisons for a long time.¹²

⁵ <https://srilankabrief.org/swasthika-arulingam-petitions-sc-against-30-tax-on-the-income-of-epf-etf-funds/>

⁶ <https://island.lk/imposing-30-tax-on-epf-etf-makes-workers-paupers-eran/>

⁷ <https://www.newsfirst.lk/2023/08/20/brain-drain-120-specialist-doctors-blacklisted/>

⁸ <https://www.dailymirror.lk/top-story/Six-out-of-11-Paediatric-Cardiologists-have-migrated/155-265568>

⁹ https://www.dailymirror.lk/breaking_news/Over-200-drugs-still-in-shortage-in-Sri-Lanka/108-265755

¹⁰ <https://www.themorning.lk/articles/8UvHuRs3vLpKN9x2LmQm>

¹¹ <http://prisons.gov.lk/web/wp-content/uploads/2023/05/prison-statistics-2023.pdf>

¹² <https://www.hrcsl.lk/wp-content/uploads/2020/01/Prison-Report-Final-2.pdf>

13th Amendment: President Ranil Wickramasinghe speaking at the parliament presented his plans on the implementation of 13th Amendment of Sri Lankan Constitution relating to devolution of power at provincial level. It was historically proposed as a solution to Sri Lanka's ethnic problem that led to the civil war which was never fully implemented due to strong opposition from nationalist politicians in the south. President proposed adopting a participatory process with provincial councils on matters contained in the provincial list and introducing a number of new laws and policies to ensure independent functioning of provincial councils, development in provincial areas and ensuring rights of minorities especially in the North and East. He also spoke on progress on Anti-Terrorism Bill, Anti-Corruption Bill, Truth-seeking Mechanism and the Bill, Office for the National Unity and Reconciliation (ONUR) Bill, Office for Reparations, Office on Missing Persons (OMP), Presidential pardon to prisoners who were involved in LTTE activities during civil war, proposed National Land Commission and resolution of land related matters, issuing passports to Sri Lankans living in Indian rehabilitation camps, progress on resettlement of internally displaced persons, and strengthening cooperation with India on development in the North and East.¹³ Last month, during his visit to India, President Wickramasinghe discussed these matters with the Indian government.¹⁴



Demonstrators demanding an international inquiry into disappearances during Sri Lanka's civil war. 30th August, Batticaloa. Photo Courtesy: [Kumanan](#)

¹³ <https://www.parliament.lk/uploads/documents/hansard/1692182030042132.pdf>

¹⁴ https://www.inform.lk/wp-content/uploads/2023/09/RoD_July23.pdf

Disappearances: On 30th August, demonstrations were held in Batticaloa, Mannar, and Vavuniya remembering the International Day of the Victims of Enforced Disappearances, and demanding justice for the disappeared persons.^{15 16 17 18} A week earlier, the chairperson of the Office on Missing Persons (OMP) stated that OMP is planning to conclude the first phase of investigations before December this year, as they have fast-tracked the tracing mechanism. This will allow the relatives of missing persons to obtain missing persons' certificates, or death certificates, obtain relevant payments through the Office for Reparations, and to be included in a priority list in obtaining government services.¹⁹ However, most of the relatives of the disappeared and activists in the North and East demand the truth, an international inquiry conducted into the cases of disappearances, then the measures that OMP and other domestic mechanisms have proposed. For instance, on 9th of August, the villagers of Mylanthanai, Punanai-Kiran in Batticaloa District, wrote a letter to President Wickremasinghe calling for a re-examination and a retrial on the Mylanthanai village massacre in 1992.²⁰

¹⁵ <https://twitter.com/kumanan93/status/1696792708621226149>

¹⁶ <https://twitter.com/kumanan93/status/1696792587632353657>

¹⁷ <https://twitter.com/JeraThampi/status/1696760828689822075>

¹⁸ <https://www.tamilguardian.com/content/tamil-families-disappeared-mark-international-day-victims-enforced-disappearances-across-1>

¹⁹ <https://www.adaderana.lk/news/92883/justice-will-be-served-for-families-of-missing-persons-within-6-months-omp-chief->

²⁰ <https://srilankabrief.org/mylanthanai-villagers-call-for-justice-for-the-massacre-in-1992-where-33-tamils-killed/>

3. Case Updates

3.1. Health Ministry circular banning health workers from speaking to media

On 2nd August, the Health Ministry held a meeting with trade unions that have called a token labour strike, protesting against the circular prohibiting health workers from making statements to the media without the ministry's approval.²¹ The Secretary of the Health Ministry said that there is no need to withdraw the circular, as it has been issued according to the establishment code for the public officials.²² Subsequent to the discussion, the Health Professionals Association (HPA) of Sri Lanka cancelled a labour strike they had scheduled to be held on August 4. HPA leader Ravi Kumudesh said the Ministry had given a written assurance that the ban would not apply to the union and similar associations, while it would apply to the rank-and-file health employees.²³

3.2. The FR petition against domestic debt restructuring dismissed

The supreme court dismissed the Fundamental Rights petition filed by Inter-Company Employees union, challenging the domestic debt restructuring process by the government.²⁴ This petition had been filed by the President of the Inter-Company Employees Union and former JVP Parliamentarian Wasantha Samarasinghe and five others.²⁵ The speaker of the parliament commenting on the matter said that no court established under the Constitution of Sri Lanka is empowered to issue orders or judgments of any nature against a resolution already passed by Parliament.²⁶ The parliament passed the resolution on domestic debt restructuring on 1st of July 2023.^{27 28}

3.3. Former CID Head Shani Abeysekera, exiled officer Nishantha Silva and others were acquitted and released

Former Director of the Criminal Investigations Department (CID), Shani Abeysekera, Sub-Inspector Sugath Mohana Mendis, retired Sub Inspector Navaratne Prematillaka, and former Inspector Nishantha De Silva currently in exile, were discharged from all the charges in the case of allegedly fabricating evidence in the investigation process of the case of murder of businessman Mohamed Shiyam in 2013 for which the then Deputy Inspector-General Vaas Gunawardena and his son were convicted.^{29 30} The case against Abeysekera seemed politically motivated from the beginning. Media reported that Gotabaya Rajapaksa had a close relationship with the Vaas Gunawardena, who vowed to take retaliation against Abeysekera

²¹ සෞඛ්‍ය ලේකම්ගෙන් වෘත්තීය සමිති වලට කැඳවීමක් - Lankadeepa Online

²² වත්මන් සෞඛ්‍ය අමාත්‍ය කළ යුතු නැ: වර්ජනයට මුහුණ දීමට ලැබෙයි - සෞඛ්‍ය ලේකම් | Divaina

²³ <https://www.wsws.org/en/articles/2023/08/07/rhjc-a07.html>

²⁴ <https://ceylontoday.lk/2023/08/10/sc-dismisses-petition-on-epf-etf/>

²⁵ https://www.dailymirror.lk/breaking_news/SC-dismisses-FR-petition-against-domestic-debt-restructuring/108-264926

²⁶ https://www.dailymirror.lk/breaking_news/No-court-empowered-to-issue-orders-judgments-against-resolution-on-Debt-Restructuring-Speaker/108-264917

²⁷ <https://www.parliament.lk/uploads/documents/hansard/1688727803079310.pdf>

²⁸ http://documents.gov.lk/files/bill/2023/8/371-2023_E.pdf

²⁹ <https://economynext.com/sri-lanka-top-detective-shani-abeysekera-discharged-from-fabricated-case-129195/>

³⁰ <https://www.dailymirror.lk/print/front-page/Alleged-fabricated-charges-against-former-Director-of-CID-Shani-Abeysekera-and-four-others-acquitted/238-266043>

in 2013.³¹ ³² A few days after President Gotabaya Rajapaksha was appointed as the President, Shani Abeysekera was removed from the CID, and demoted as a personal assistant to a DIG.³³ Soon after, Inspector of Police Nishantha De Silva who closely worked with Abeysekera left the country with his family for his protection.³⁴ Several months following Abeysekera's demotion, Shani Abeysekera, and his colleague Inspector Sugath Mendis were arrested by the CID for the above case.³⁵ The Gampaha magistrate court dropped the case on a request of the Attorney General, despite the disagreement of Colombo Crime Division of Police.³⁶ Shani Abeysekera handled a number of high profile, emblematic cases on crimes relating to attacks, murders and disappearances of human rights activists and journalists during the first Rajapakse regime immediately after Sri Lanka's civil war.³⁷



Police officers Shani Abesekera and Sugath Mendis handcuffed and taken to Gampaha magistrate court in 2020. Photo Courtesy: Al Jazeera

3.4. Petitioner seeks full judge bench to hear the Minister's Citizenship case

A motion was filed by the former politician Oshala Herath, in relation to the writ petition filed over the citizenship of State Minister of Tourism MP Diana Gamage, requesting a full bench comprising five judges of the Court of Appeal to hear the petition, owing to the grave national importance of the matter. On July 25, the Court of Appeal's two-judge-bench comprising

³¹ <https://www.ft.lk/Opinion-and-Issues/arrest-of-vaas-gunawardena-and-descent-into-rulelessness/14-156895>

³² <https://www.colombotelegraph.com/index.php/i-am-a-murderer-see-what-i-will-do-to-you-all-dig-vass-threatened-cid/>

³³ https://www.dailymirror.lk/breaking_news/NPC-approves-transfer-of-SSP-Shani-Abeysekera/108-178271

³⁴ <https://www.adaderana.lk/news.php?nid=59246>

³⁵ <https://www.newsfirst.lk/2020/07/31/ssp-shani-abeysekera-arrested-over-firearms-related-incident/>

³⁶ <https://economynext.com/sri-lanka-top-detective-shani-abeysekera-discharged-from-fabricated-case-129195/>

³⁷ <https://www.cpalanka.org/wp-content/uploads/2021/01/Revisiting-Ten-Emblematic-Cases-in-Sri-Lanka-final-draft-1.pdf>

Justice (President) Nissanka Bandula Karunaratne and Justice M.A.R. Marikkar delivered a split verdict and ordered this matter to be heard before a three-judge-bench. Petitioner is seeking an order declaring State Minister of Tourism Diana Gamage is disqualified to be a Member of Parliament since she is a British citizen.³⁸

3.5. Court to hear oral submissions on Bribery case against MP Weerawasana

On 9th August, the Colombo High Court fixed 27th October for oral submissions regarding the preliminary objections raised by Parliamentarian Wimal Weerawansa in relation to the corruption case filed against him by the Bribery Commission. The Director General of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) had filed indictments for having undeclared assets and alleged unlawful acquisition of money and assets, estimated at Rs. 75 million within a period of six years while serving as a Minister between 2009 and 2015.³⁹

3.6. Two student activists detained over 200 days released on bail

The Chairperson of the Student Union of the University of Kelaniya *Kelum Mudannayake*, and student activist Dilshan Harshana of the same university who were initially arrested in January 2023, for allegedly damaging public property during a protest held in July 2022, and later charged with their alleged involvement in ragging university students were granted bail in August 2023.⁴⁰ ⁴¹ Some activists and social media sources claimed that accusations of their involvement in ragging were fabricated.⁴²

3.7. Court temporarily lifts the travel banned imposed on a key suspect of the controversial MiG deal case that led to Lasantha's murder

On 23rd August the Colombo Fort Magistrate's Court ordered to temporarily suspend the travel ban imposed on former Sri Lankan Ambassador to Russia Udayanga Weeratunga, until the next court hearing on 22nd November. The travel ban has been imposed in relation to the controversial MiG aircraft deal in 2006, in which 14.6 million USD payment has been made in a fraudulent manner, to repair the aircrafts belonging to the Sri Lankan air force.⁴³ Journalist Lasantha Wickramatunga is believed to be murdered for exposing this corrupt deal.⁴⁴ Udayanga Weeratunga through his lawyer made an application to temporarily suspend the travel ban, informing that Weeratunga was instrumental in bringing Russian tourists to Sri Lanka.⁴⁵

³⁸ https://www.dailymirror.lk/breaking_news/Petitioner-seeks-five-judge-bench-to-hear-Diana-Gamages-citizenship-case/108-265407

³⁹ https://www.dailymirror.lk/breaking_news/Corruption-case-against-Wimal-fixed-for-oral-submissions/108-264914

⁴⁰ <https://www.themorning.lk/articles/1eqz60GkcKSYj6QTtoLQg>

⁴¹ නවක වදය දුන්නැයි විමර්ශිත සිටි කැලණියේ සිසුන් දෙකකට ඇප

⁴² <https://twitter.com/EmDeeS11/status/1633674988275535872>

⁴³ <https://www.newsfirst.lk/2017/07/19/controversial-mig-deal-lasantha-wickrematunga-connection/>

⁴⁴ <https://groundviews.org/2021/01/08/the-mig-deal-why-my-father-had-to-die/>

⁴⁵ https://www.dailymirror.lk/breaking_news/Udayangas-travel-ban-temporarily-suspended/108-265884

3.8. Delay in allocating funds for excavation of Kokkuthodavai Mass grave

On 10th August, Mullaitivu District Magistrate R Pradeepan, a team of archaeology department officials and forensic experts visited the mass grave site. Excavation of the mass grave was initially expected to begin on 21st August, after a plan submitted by the Department of Archaeology on 17th August.⁴⁶ However, the process was delayed as government funding for the process was not allocated in due time and subsequently the Mullaitivu district secretary was summoned to the court to inquire about the matter. On 31st August 2023, the Mullaitivu Magistrate Court ordered the resumption of the exhumation and excavation process of the Kokkuthodavai mass grave to be started on September 5th, 2023.^{47 48}

3.9. Protesters against Independence Day arrested and granted bail

On 7th August, Civil society activist, and Hindu Priest Velan Swamigal and members of the Association for Relatives of the enforced Disappeared, parliamentarian M K Sivajilingam were arrested and produced in the Kilinochchi magistrate court by the Police, on charges of participating in an illegal assembly, in relation to a protest march they organised, demanding rights for Tamil people, and calling the independence day “a black day for Tamils” during a protest held on 4th February 2023.⁴⁹ They were granted bail on the same day.⁵⁰

3.10. Police violates RTI Act and fails to provide information on investigations into an attack on a journalist by Police

Despite an order issued by the Right to Information (RTI) Commission, Police failed to provide information on the progress of police investigations into the attack by Police on journalist and media rights activist Tharindu Jayawardena last year. In October 2022, when Jayawardena had been to the Fort Police station to make a complaint against Senior Superintendent of Police Roshan Dias (now DIG) and Assistant Superintendent of Police Nalinda Dilruk in relation to an incident of arbitrary detention by the Police officers for which he previously faced, he had been blocked, manhandled and assaulted by the Police, while refusing to accept his complaint. As no response has been so far received from the Police regarding the complaints he later lodged at the Police Headquarters on 11th October 2022 in relation to the incident, Jayawardena has recently sought information on the actions taken by the Police in relation to his complaints through an RTI request. As Police did not respond to his RTI request, he had appealed to the RTI commission on the matter, and Police had subsequently agreed to provide requested information before 22nd August during the hearing held at the RTI Commission. However, Jayawardena stated that Police failed to provide any information on the matter by the deadline, as ordered by the commission.⁵¹

⁴⁶ <https://www.tamilguardian.com/content/excavations-kokkuthoduvai-mass-grave-site-expected-resume-month>

⁴⁷ [Resumption of Kokkuthoduvai Mass Grave exhumation and excavation set for September 5th](#)

⁴⁸ <https://asianmirror.lk/news/item/35429-mullaitivu-court-approves-excavation-of-kokkuthoduvai-mass-graves-to-begin-on-september-5th>

⁴⁹ <https://www.tamilguardian.com/content/black-day-tamil-homeland-tamils-jaffna-protest-sri-lankas-independence-day-celebrations>

⁵⁰ <https://twitter.com/kumanan93/status/1688519549237198848>

⁵¹ <https://srilankabrief.org/police-break-the-rti-act-will-the-rti-commission-take-action-to-take-igp-justice-tharindu-jayawardene/>

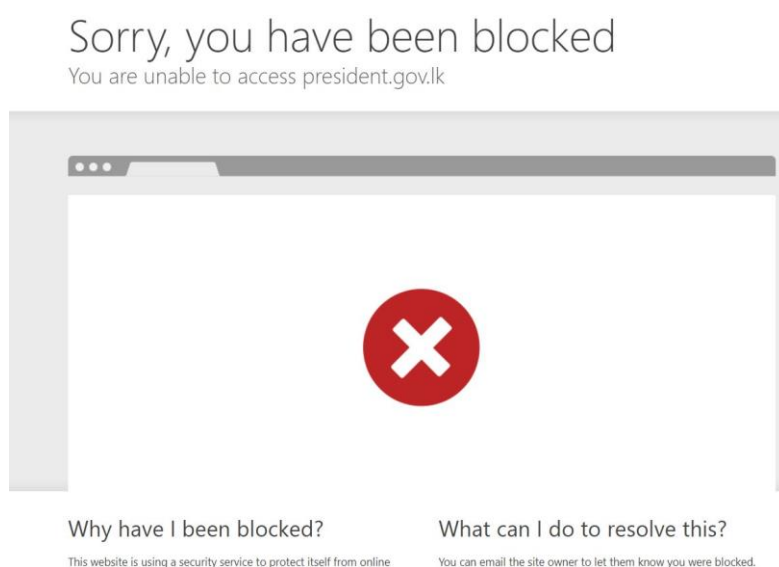
4. Repression of Media and Journalists.

4.1. Police attempts to prevent online journalists from court reporting

A Police officer on duty at the Gampaha Court Complex has attempted to prevent journalists who failed to display government issued media identity cards and/ or journalists working for online platforms from entering court premises and reporting the court proceedings in the case against former CID head Shani Abeysekera. Police Constable named W A S P Kumara (82026) and another officer had told the journalists of MediaLK website that online media platforms including websites and social media platforms, and those who fail to wear their government issued media identity card around their necks are not recognized as journalists. MediaLK has complained to Gampaha Acting Divisional Superintendent of Police Mr. Chinthaka Perera regarding the incident. Subsequently, the Superintendent of Police has given a written notice to the Assistant Superintendent of Police Gampaha to investigate the matter immediately and to provide a report within two weeks.⁵²

4.2. President's website blocks the prominent Journalist

Prominent Journalist Sunanda Deshapriya tweeted that he has been blocked from accessing the President's Website.⁵³ When looked at this incident, it seems that government entities are possibly targeting the IP addresses of its critics, and others, and they may use such information for censorship, and surveillance of targeted individual activists and organisations. Deshapriya currently living abroad is a strong critic of the government and runs the Sri Lanka Brief news website that primarily covers news on the human rights situation in Sri Lanka.⁵⁴



Journalist Deshapriya tweeted a screenshot of his computer screen, when he was blocked from accessing the presidential website. Courtesy: [@sunandadesh](https://twitter.com/sunandadesh)

⁵² <https://srilankabrief.org/sri-lanka-gampaha-court-police-officers-says-online-media-is-not-media/>

⁵³ <https://twitter.com/sunandadesh/status/1689260448778985472/photo/1>

⁵⁴ <https://twitter.com/sunandadesh/status/1689260448778985472/photo/1>

4.3. Three journalists reporting on land issues held in detention and asked to delete their footage by a mob

A mob of people carrying swords led by a Buddhist monk, have detained a group of people belonging to ethnic minorities including several priests, and three journalists for around 5 hours, while they were on a fact finding visit to find out information on alleged state-backed land encroachments into Tamil lands in Mylathamadu area in Batticaloa district. The mob had surrounded the vehicles which the group of people were travelling, and had threatened to burn them. After a while the group had been taken to an open area, and held in captivity for around 5 hours in the presence of the officials from a local development authority.

Three freelance journalists - Selvakumar Nilanthan, Valasingham Krishnakumar, and Antony Christopher Christiraj had been in the group. Since the journalist Nilanthan was quickly identified as a journalist for wearing a press jacket, he had been forced to delete the photos and videos he had recorded, and forced to sign two letters promising not to report on the incident in the press. Though the group informed the Police over their phones, Police had not arrived there until a Tamil MP had spoken on the incident at the Parliament. As the two other journalists who were not previously recognized by the mob had then disclosed their identity to the Police, the mob had requested the Police to order them to delete their footage, though Police had not complied. According to the CPJ, Police had not yet started investigations by 30th of August 2023.^{55 56 57}

4.4. Ruling party decides to appoint a parliamentary select committee against Sirasa television channel

Media reported that the ruling party members of Parliament during a ruling party meeting held on 7th August have decided to appoint a Parliamentary Select Committee against the Sirasa TV channel for allegedly engaging in a political conspiracy against the government.^{58 59}

⁵⁵ <https://twitter.com/kumanan93/status/1694295703730770381>

⁵⁶ <https://uthayannews.ca/2023/08/23/buddhist-monk-led-sinhala-mobs-threaten-to-burn-alive-religious-leaders/>

⁵⁷ <https://cpj.org/2023/08/sri-lankan-mob-holds-3-journalists-captive-for-5-hours/>

⁵⁸ <https://srilankamirror.com/news/parliamentary-select-committee-against-sirasa-tv/>

⁵⁹ <https://www.news19.lk/a-selection-committee-against-sirasa/>

5. Repression of Freedom of Assembly

5.1. Two court orders issued against IUSF protest.

The Fort Magistrate Thilina Gamage has issued a restriction order against 10 members of Inter-University Student Federation (IUSF), including its convener Madushan Chandrajith, in relation to a protest they organised on 10th August. The court order prevented the protesters from entering several areas in Colombo, including the Presidential Secretariat, President's House, the Prime Minister's Office, Central Bank, and the Galle Face Green public park where last year's people's protest occurred, from 09.00 am to 06.00 pm on 10th of August. The Maligakanda Magistrate issued a second court order preventing the same protest march. The court order was issued against the IUSF convener and 08 other members of the federation from entering or marching in protest along Deans Road, Kularatna Mawatha, T.B. Jayah Mawatha and Technical Junction and other nearby areas in Colombo. Both court orders said peaceful demonstrations can be carried out without inconveniencing the members of the public and public officers.^{60 61}

5.2. Police disperse the student protest and arrest 22 protesters



Protesters running into nearby Viharamahadevi public park to escape the teargas and water cannon attacks by the Police. Photo Courtesy: [Sunday Times](https://www.adaderana.lk/news.php?nid=92569)

On 10th of August, Police used tear gas and water cannons to disperse the IUSF protesters at two places in Colombo, in Kirulapone and near ViharaMahadevi park and arrested 22 protesters. The IUSF protested on several key demands, including raising objections to recent government approval for granting medical degrees under three private universities, proposed labour law

⁶⁰ <https://www.adaderana.lk/news.php?nid=92569>

⁶¹ <https://www.adaderana.lk/news.php?nid=92562>

amendments, and use of superannuation funds in the domestic debt restructuring process.^{62 63} Protesters arrested near the Viharamahadevi park,⁶⁴ were granted bail on the same day.^{65 66}

5.3. Maligakanda Court issues order against protesters

Maligakanda Magistrate issued an order banning 11 individuals, including MP Sarath Fonseka, Ven. Pagoda Vijithavansa Thero and Journalist Tharindu Uduwaragedra and other protesters from entering and protesting in the Deans road, Maradana Road, T. B. Jaya Mawatha, Technical Junction and other areas in Maradana, while a protest has been planned to be held on 11th of August.⁶⁷ A demonstration was held in front of the Colombo Municipal Council (town hall) area under the theme “unarmed non-partisan Aragalaya– People’s Revolution” with the participation of MP Sarath Fonseka, some Buddhist monks, and disabled military soldiers showing their resistance towards the current and former governments.⁶⁸ While security was tightened in the area deploying many military and police personnel, the protesters were not attacked.⁶⁹

5.4. Court order prevents the protest march by trade unions

On 28th August, Fort magistrate court issued an order preventing protesters from entering several areas in Colombo, in relation to a protest organised by a collective of trade union and civil society organisations. The order was issued against Duminda Nagamuwa, Mujibar Rahuman, Hirunika Premachandra, Joseph Stalin and 24 others banning them from entering the President’s Office, President’s House, Finance Ministry premises, the Central Bank, Police Headquarters, Olcott Mawatha between Fort Railway Station and CTO Junction, Lotus Road from CTO Junction to NSA Roundabout, York Street, Bank Road, Chatham Street and Galle Face Green area and not to block the roads, thereby causing inconvenience to the public and motorists.from 9am to 6pm on the day.^{70 71}

5.5. Police stop the protest march by a trade union

On 28th August, Police stopped the protest march organised by a collective of trade unions, and civil society organisations, against the utilisation of superannuation funds in the domestic debt restructuring process. As protesters started their march after having a short demonstration in front of Fort railway station in Colombo, the Police announced and handed over a court order saying that the protest march cannot be allowed. Police and military personnel were heavily deployed in the area. The protesters complied with the order, and stopped the march.⁷²

⁶² <https://www.newswire.lk/2023/08/10/court-order-against-iusf-protest/>

⁶³ <https://www.adaderana.lk/news/92576/police-fire-water-cannons-at-iusf-protesters->

⁶⁴ <https://www.ft.lk/news/Police-arrests-22-during-IUSF-protest-in-Colombo/56-751687>

⁶⁵ <https://sri.lankamirror.com/news/20-iusf-undergrads-released-on-bail/>

⁶⁶ <https://www.news19.lk/bail-to-inter-students/>

⁶⁷ <https://www.newswire.lk/2023/08/11/maligakanda-court-issues-order-against-protesters/>

⁶⁸ <https://lankanewsweb.net/archives/39627/peoples-revolution-rally-draws-crowd-to-colombo-municipal-council-sarath-fonseka-joins-protest/>

⁶⁹ කොළඹ ආරක්ෂාව තර කරයි

⁷⁰ <https://www.news19.lk/a-court-order-banning-entry-into-several-areas-of-colombo/>

⁷¹ <https://www.dailymirror.lk/breaking-news/Court-prevents-planned-protest-in-Colombo/108-266166>

⁷² <https://www.news19.lk/the-fort-heats-up-due-to-a-protest-video/>

5.6. Sinhala Nationalists attempt to disrupt the Hindu religious rituals at the controversial archeological site

Kurunthamalai is an archaeological site claimed by both Hindu and Buddhist communities, as archaeological remains belonging to both religions have been found at the site. Buddhist monks had started constructing a Buddhist temple at the site around 2020 with the support of the archaeology department, military and the state. However, the new constructions were suspended by the Mullaitivu magistrate court in July 2022 as Tamil communities in the area opposed these constructions.⁷³ On 15th of August, the Police requested an injunction order against the Tamil worshippers who planned to hold a 'Pongal' worship event on 18th of August, at the Athi Ayyanar Hindu temple located at the Kurunthamalai archeological site. Court denied the request of the Police, and informed that the locals of the area have the right to conduct religious rituals without causing any damage to the archaeological monuments present. However, the Sinhala nationalist groups campaigned, and gathered people in the surrounding Sinhala villages through social media and posters, transported them to the Kurunthamalai site planning to disrupt the Hindu religious event held on 18th of August, at the Athi Ayyanar temple.^{74 75 76} Both communities engaged in religious rituals in different places in the site, paying respect and conducting religious rituals. While Tamil devotees did not disrupt the Buddhist rituals, a Sinhalese group attempted to disrupt the Hindu rituals.⁷⁷



A Buddhist monk trying to disrupt the Hindu religious rituals. Photo courtesy: theleader.lk

⁷³ <https://www.dailymirror.lk/breaking-news/Kurundi-vihara-reconstruction-suspended/108-241291>

⁷⁴ https://www.reddit.com/r/Eelam/comments/15tya0w/posters_have_been_pasted_in_sinhala_villages_in/?rdt=47568

⁷⁵ <https://twitter.com/kumanan93/status/1692454435237118328>

⁷⁶ <https://srilankabrief.org/sri-lanka-brief-update-i-sinhala-buddhist-majoritarianism-in-north-east-of-sri-lanka/>

⁷⁷ <https://english.theleader.lk/news/5604-tamil-mp-complains-against-obstructions-to-hindu-event-at-kurunthur-malai>

6. Repression of Activists

6.1. Farmers' rights activist assaulted



Farmer assaulted while receiving treatment at the hospital. Photo courtesy: MONLAR

On 15th of August, G. Karunathilaka, a farmers' leader in Mayurapura in Hambantota district was assaulted and subsequently hospitalised due to sustained serious injuries to his arms and legs. He was assaulted by unidentified persons near the 29 tank, UD 60 area in Mayurapura around 7pm. On 21st August 2023, Mayurapura Agararian Union held protests in front of Mahaweli Development office, and Harbour Police in the area demanding investigations launched into the attacks on their leaders as this has been the second attack on one of its leaders for the last month. Earlier, another farmers' leader named K.A. Ajith Kumara was assaulted near the Bopale Tank in the same area, at around 6 p.m on 27th July 2023. Though Police have not launched any investigations into the incidents according to the farming groups. The farmers, while speaking to an officer in Mahaweli Development office, expressed their suspicions whether Police or state intelligence had been involved in the attacks, in an attempt to silence the voice of the farmers.

Movement for Land and Agricultural Reform (MONLAR) in a statement said that farmers

are protesting as the small-scale farmers are provided with insufficient water to continue their farming, while large unauthorised plantations manage to obtain water illegally without any restriction, through political connections and corruption.^{78 79 80 81}

⁷⁸ <https://srilankabrief.org/arrest-organized-groups-that-are-unleashing-violence-on-the-leaders-of-farming-communities-at-mayurapura-walawa-monlar/>

⁷⁹ <https://island.lk/attacks-on-farmer-leaders-monlar-condemns-inaction-of-authorities/>

⁸⁰ http://www.colombopage.com/archive_23B/Aug05_1691258605CH.php

⁸¹

<https://www.facebook.com/monlarsrilanka/posts/pfbid037tida3FbNTVuhDDmBzForW1sDY66vWAxugRq2Q1ts9hfWfmuKeRdyTXPzD6QS757I>

6.2. Pasted posters insulting a WHRD leader campaigning for justice on enforced disappearances



Posters insulting WHRD Amalanayagi, the coordinator of the Association of Relatives of the Enforced Disappeared in Batticaloa District. Photo Courtesy: Kumanan

Posters have been pasted in Batticaloa Town against Amalanayagi, the coordinator of the Association of Relatives of the Enforced Disappeared- Batticaloa District, who led the protest remembering the International Day of the Victims of Enforced Disappearances on 30th August, in Batticaloa town. These posters pasted by unidentified persons said “come and join the rally to get dollars”, trivialising her activism as something done to gain financial benefits from the foreign countries, feeding to Sinhala nationalist discourse also supported by the state.⁸²

6.3. NGOs not registering under NGO Secretariat would be banned, Minister of Public Security

Addressing a press briefing held at the Presidential Media Centre, Minister of Public Security Tiran Alles warned that NGOs not registering under the NGO secretariat would be prohibited,⁸³ in order to ensure transparency and accountability of NGOs.⁸⁴ Under present laws, NGOs can be registered under several government institutions including the Public Trustee Department, Department of the registrar of companies, NGO Secretariat and other government institutions depending on their purpose. Registering under NGO Secretariat is not mandatory under current laws in Sri Lanka. As it has been an institution currently functioning under the Ministry of Public Security, and previously under the Ministry of Defence and its focus on surveillance of NGOs, many human rights NGOs have avoided registering under them, but with other state institutions. Respective governments in the recent past have made several attempts to introduce new laws to regulate NGOs including making it mandatory to register under the NGO Secretariat.⁸⁵

⁸² <https://twitter.com/kumanan93/status/1696796947468706266>

⁸³ <https://www.presidentsoffice.gov.lk/index.php/2023/08/28/police-department-is-working-on-a-non-political-agenda/>

⁸⁴ <https://asianmirror.lk/news/item/35416-ngos-failing-to-register-with-national-secretariat-to-be-banned-public-security-minister>

⁸⁵ <https://www.themorning.lk/articles/155214>

7. Repression of State Officials

7.1. Buddhist monks threaten the government officials demanding approval for construction of a new temple

On 28th August, Buddhist monks forcefully entered the District Secretariat in Batticaloa District and disrupted the district coordination committee meeting, demanding approval to build a new temple in a village in Periyakulam area in Trincomalee district. The construction work of the temple has been previously suspended by an order of the governor, as proper permissions have not been taken. Construction of temples in former war affected Northern and Eastern provinces where predominantly non-Buddhist live, is a sensitive concern due to long standing ethnic tensions between minority Tamils and majority Sinhala Buddhists. The video footage shows a protest held by Buddhist monks in front of the District secretariat office and later a few Buddhist monks entering the District Secretariat office premises, while one monk threatened to strangle the governor's neck, and not to allow him to leave the office premises without granting them the approval. After that, they entered the auditorium where the district coordination committee meeting was being held, and started to protest demanding urgent permission for temple construction. Even though many Police personnel and few military personnel were present at the venue, the Buddhist monks seemingly enjoyed a relative immunity due to their religious positions, even though a civilian would be easily arrested for such a conduct as per the usual practice.⁸⁶

7.2. MP Weerasekara calls for transfer of magistrate for allowing Hindus to conduct religious rituals at controversial religious site

On 22nd August speaking at the parliament, Member of Parliamentarian Admiral Sarath Weerasekara condemned the order issued by the Mullaitivu Magistrate T. Sarvanaraj to allow Tamil locals in the area to conduct religious rituals at the Athi Ayyanar Hindu Temple located in the Kurunthamalai archaeological site, rejecting the request by Police to issue an injunction order. In his speech, MP Weerasekara also claimed that the magistrate had violated the section 31 (b) of the Antiquities Ordinance⁸⁷ and is receiving treatment for a "mental disability", and therefore unfit for his role as a judge, and called on the Judicial services commission to replace him with another judge.⁸⁸ Last month also he made a similar statement at the Parliament regarding the same judge claiming that the judge does not possess expertise in archaeology in order to allow Tamils to conduct religious rituals there.⁸⁹

⁸⁶ <https://twitter.com/kumanan93/status/1696213391491117480>

⁸⁷ 31 (b) Any person who willfully does in, upon, to, near or in respect of any ancient monument which is held sacred or in veneration by any class of persons, any act which wounds or offends or is likely to wound or offend the religious susceptibilities of the class of persons by whom such ancient monument is held sacred or in veneration, shall be guilty of an offence... <https://www.archaeology.lk/wp-content/uploads/2015/04/Antiquity-Ordinance-No-9-1940-sri-lanka-ceylon.pdf>

⁸⁸ Parliamentary Hanzard. 22 Aug 2023. pp 928-930
<https://www.parliament.lk/uploads/documents/hansard/1693471695089634.pdf>

⁸⁹ Parliamentary Hanzard. 7 July 2023. P. 1962
<https://www.parliament.lk/uploads/documents/hansard/1689760817041718.pdf>

8. Legal and Policy Action

8.1. Gazette notification issued calling for armed forces

On 21st August, a gazette notification was issued calling out the Armed Forces under the powers granted under the Public Security Ordinance (Chapter 40). 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.⁹⁰

8.2. Several services gazetted as essential services

On 17th of August, 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 health as essential services. 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.⁹¹

⁹⁰ http://documents.gov.lk/files/egz/2023/8/2346-03_E.pdf

⁹¹ http://documents.gov.lk/files/egz/2023/8/2345-57_E.pdf

9. Other Incidents

9.1. Sinhala nationalists surround Tamil MP's residence in Colombo



Special Task Force military and Police personnel were heavily deployed in front of Gajendrakumar's residence in Colombo, while the group continued protesting

On 25th and 26th August, a group of Sinhala Buddhist nationalist politicians including Member of Parliament (MP) Gammanpila of Pivithuru Hela Urumaya, Battaramulle Seelarathana Thero of Janasetha Peramuna and their supporters held a protest surrounding the residence of Gajendrakumar Ponnambalam, Jaffna District MP representing the TNPf (Tamil National People's Front). A large number of military personnel had been employed in front of Ponnambalam's residence in Colombo prior to protesters reaching there, apparently as intelligence had received information about the protest.^{92 93} Seelarathana Thero who first arrived there along with two other persons demanded a meeting with the Tamil MP, accusing him of organising Tamil people against Buddhist temples in the North referring to the recent controversy at Kurunthamalai. They also carried handwritten posters which said "let's defeat Gajendrakumar's conspiracy."⁹⁴ After this, hard-line Sinhala nationalist politician Gammanpila had arrived there with a large group of his supporters and had held a protest for two days demanding to arrest Gajendrakumar for allegedly spreading racism among Tamil communities.^{95 96 97 98} The protesters stopped the protest around 5pm on 26th of August.⁹⁹

⁹² <https://www.newscutter.lk/sri-lanka-news/heavy-police-presence-at-mp-gajendrakumar-ponnambalams-colombo-residence-25082023-65472/>

⁹³ <https://twitter.com/Meerasrini/status/1695390978474233973?t=J57VbuTB1PfPtDnxj-wlA&s=08>

⁹⁴ https://www.youtube.com/watch?v=PpfEbY-_V7c

⁹⁵ <https://twitter.com/JDSLanka/status/1695419633250013296>

⁹⁶ <https://counterpoint.lk/gammanpila-says-gajendra-kumar-not-sow-seeds-racism-north/>

⁹⁷ <https://twitter.com/Meerasrini/status/1695434179117470001>

⁹⁸ <https://www.tamilguardian.com/content/racist-mob-targets-tnpf-mps-residence-second-consecutive-day>

⁹⁹ <https://twitter.com/Meerasrini/status/1695403154043769303>

9.2. Former MP Mervin Silva threatened to cut off the heads of those who harm Buddhist Temples in the North East.

On 14th of August, Former Minister representing political party [UPFA](#) speaking at a public rally threatened to cut off the heads and bring them to Colombo, if anyone dares to harm either Buddhist monks or Buddhist temples in the North and East.¹⁰⁰

¹⁰⁰ <https://twitter.com/sunandadesh/status/1690979227317723136>