

Repression of Dissent in Sri Lanka

September 2023



A Tamil Woman in Jaffna lighting a lamp at the commemorative event remembering the 32nd Death Anniversary of Tamil rebel Thileepan, who died during a hunger strike in September 1987. Thileepan commemorations were subjected to attacks and threats by Sinhala nationalists, while Sri Lankan Police sought multiple court orders to prohibit the events. Courtesy: Tamil Guardian

INFORM

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Repression of Dissent in Sri Lanka in September 2023.

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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: Continuing medical drug shortage and quality concerns of the imported drugs leading to two deaths of patients, showed persistent issues in the Sri Lankan health sector in the context of economic crisis. A no confidence motion brought against the Health Minister was defeated at the parliament. The President appointed a committee to inquire into the 'allegations' made by the Documentary "Dispatches: Sri Lanka's Easter Bombings" broadcasted by Channel Four which exposed new evidence on alleged links of Sri Lankan politicians to the Easter bombings, leading to much controversy. The OHCHR presented a report on the human rights situation in Sri Lanka, at the 54th Session of the Human Rights Council highlighting the continuing accountability deficit including war crime atrocities in the past and more recent human rights violations, corruption and abuse of power. Nine international human rights organisations issued a joint statement expressing reservations about the proposed National Unity and Reconciliation Commission, as many similar institutions and commissions of inquiry appointed in the past have failed to bring justice. A policy report published by UNDP on Impact of Multidimensional Vulnerabilities found that approximately 55.7% of the population are multidimensionally vulnerable. A ransomware attack affected nearly 5,000 email addresses in the government email network.

Case updates: Colombo District Court lifted the enjoining orders obtained by the Sri Lanka Cricket (SLC) against Journalist Fawz Mohammed of the state owned Silumina newspaper and its state-owned press company ANCL, on alleged defamation. After 3 years since his arrest, Social media commentator Ramzy Razeek was finally acquitted and released, as the Colombo magistrate ruled that there was no evidence to support the charges against him. He was arrested in April 2020 and detained for around 5 months under ICCPR Act due to a facebook post he published. The Attorney General requested a period of two months to inform the court whether they are intending to continue the case against Poet Ahnaf Jazeem, as witnesses denied that Jazeem taught or promoted any extremist ideas in the school he taught. Jazeem who was arrested in May 2020 under the draconian law Prevention of Terrorism Act (PTA) was detained for 19 months and granted bail in December 2021. After a group of extremist Buddhist monks including Gnanasara Thero of Bodu Bala Sena pleaded guilty for disrupting a press conference held in 2014, organised by Watareka Vijitha Thero, a Buddhist monk advocating for inter-religious harmony, the perpetrators were ordered to pay compensation to Vijitha Thero. Media reported that a British MP has made attempts to get written reassurances from the Sri Lankan government that the British blogger Fraser will be guaranteed safe passage out of the country. Last year, Frazer's passport was seized by the Sri Lankan authorities and subsequently issued a deportation order for publishing photos of anti-government protests in Sri Lanka in social media. A retired Police officer, SDIG Lalith Jayasinghe was sentenced to five years imprisonment over influencing Kahawatte Police station officers to refrain from arresting the key suspect of a murder relating to election violence during Presidential Election in 2015. In March 2022, all the accused including several politicians were acquitted and released from the murder case. The controversial Inland Revenue Bill that sought to utilise superannuation funds in the domestic debt restructuring process was passed by the Sri Lankan parliament. Last month, the supreme court dismissed several Fundamental Rights petitions filed against the Bill. Skeletal remains belonging to a total of 18 persons were found at the Kokkuthoduvai mass grave in Mullaitivu during excavations conducted in September. The excavation process was stopped half way, and it is

expected that the investigation team will submit a report to the court based on the current findings. During the court hearing on the controversial Kurunthumalai archeological site, Mullaitivu magistrate T. Saravanarajah held that the Department of Archeology had failed to adhere to the previous court order that prevented new constructions at the site.

Repression of Media and Journalists: On the third day of excavation in the Kokkuthuduval mass grave, Police obstructed and removed two journalists who were conducting interviews at the site, and ordered all the journalists to stay outside the excavation site while excavation was ongoing, even though the Police allowed several intelligence personnel in civilian attire to take photographs in the site.

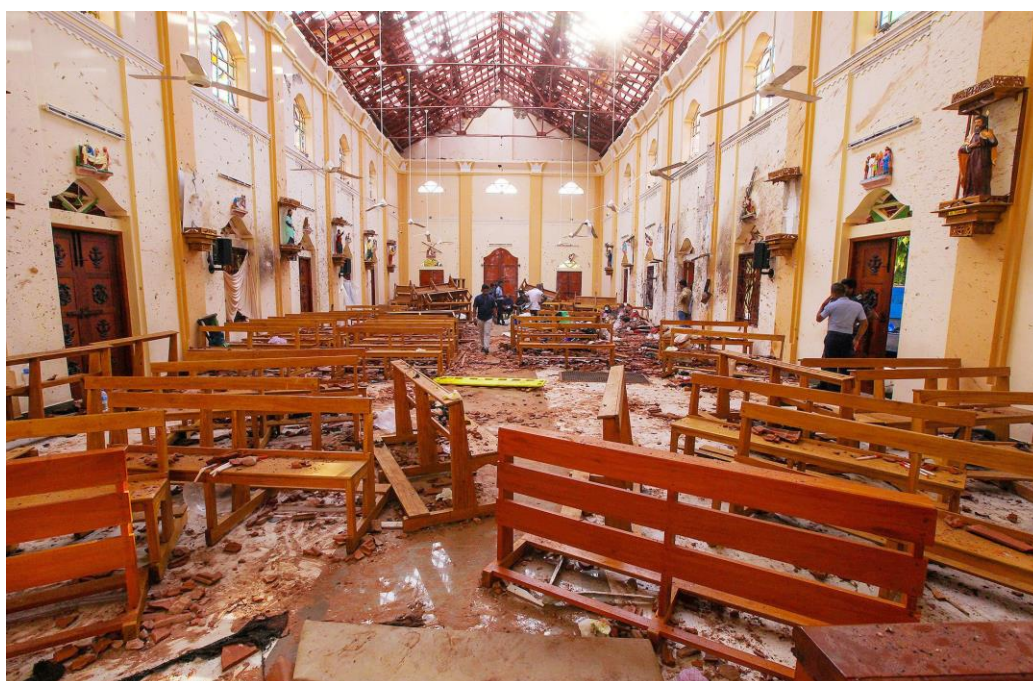
Repression of Freedom of Assembly: A group of Sinhala nationalist mob attacked a memorial float remembering the 32nd death anniversary of the Tamil rebel leader Thileepan, who died during a hunger strike in September 1987. Police arrested 6 persons in relation to the attack. The Court rejected multiple injunction orders sought by the Police against the memorial float travelling across the Northern and Eastern Provinces. Posters inciting hate towards the memorial float were seen in Mannar. While Christian Solidarity Movement attempted to organise a Thileepan memorial event in Colombo, two Injunction orders were issued by two courts prohibiting the Thileepan commemorations in Colombo. Social media posts were forwarded and shared threatening to attack those attending the event. Police dispersed a protest organised by the Students' Union of the Peradeniya University, attacking the protesters with tear gas. Tamil activist Balraj Rajkumar, advocating against state sponsored land grabbing in the eastern province was summoned to the Terrorism Investigation Division of Trincomalee Police and subjected to prolonged questioning.

Repressive Legal and policy actions: Two repressive draft laws Anti-Terrorism Act (ATA) and Online Safety Bill were gazetted in mid-September. ATA which expects to replace draconian Prevention of Terrorism Act (PTA) includes vague, overbroad terminology, authorising prolonged detention without charge including with extended remand periods, excessive powers granted to the Executive President, and expansion of Police powers. The Online Safety Bill also contains the vague and overbroad wording designated as punishable offences and unnecessary and disproportionate punitive sanctions and establishes an Online Safety Commission with broad powers which is exclusively appointed by the Executive President, therefore necessarily having issues about its independent functioning. Both bills were condemned by many civil society groups locally and internationally, calling for their immediate withdrawal. A gazette notification was issued declaring all transport services as essential services, in the context that railway workers have launched a labour strike. The Railway Department also issued a warning to the employees involved in the labour strike saying that they will be suspended from their employment if they fail to report to their jobs. Another Gazette notification declared Electricity, Petroleum and Health services as essential services. Declaration as essential services is a long-known tactic in Sri Lanka to repress the trade union actions including labour strikes. The monthly gazette notification was issued calling out for the Armed Forces same as the previous months, indicating the continuing militarization and shrinking civil space.

Other Incidents: Mullaitivu District Judge T. Saravanaraja, who also acted as the Mullaitivu Magistrate resigned from his position and left the country, due to threats to his life. Last month, a politician made a problematic statement targeting the judge Saravanaraja.

2. Context

Health Sector: The Sri Lankan health sector suffered various difficulties in the context of the economic crisis. In early September, the Ministry of Health reported that 77 drugs are still in shortage, while 400 drugs have been procured under emergency purchasing. While 378 drugs have been obtained under the Indian Credit Line system, the World Bank aid program, and Asian Development Bank have also assisted importing drugs worth 70 million USD in 2022.¹ Meanwhile quality concerns were raised regarding the drugs imported from India as side effects of anaesthetic drugs and eye medication led to 2 deaths and visual impairment in 10 patients.² Though a no confidence motion was brought against the Minister of Health in this context, it was defeated by a majority in the parliament.³



St Sebastian's Church in Negombo, Sri Lanka, following the Easter Sunday bombing. Photo Courtesy: Reuters

Easter Sunday bombings in 2019: British state-owned television Channel Four broadcasted a documentary titled “Dispatches: Sri Lanka’s Easter Bombings” revealing new evidence on alleged links of Sri Lankan politicians to the Easter bombings.⁴ The UK based newspaper The Times also published an article alleging that Rajapakse family members are linked with the attack.⁵ The Channel Four documentary was also screened in Geneva on 21st September, at a side event of the 54th Session of the UNHRC. The key Whistleblower in the documentary Hanzeer Azad Moulana, an asylum seeker who had fled Sri Lanka due to threats has offered

¹ <https://english.newsfirst.lk/2023/9/3/sri-lanka-77-medicines-in-shortage-400-procured-under-emergency-purchase>

² <https://www.thehindu.com/news/international/indian-drugs-under-lens-in-sri-lanka-over-adverse-events/article66982831.ece>

³ <https://www.newsfirst.lk/2023/09/08/keheliya-survives-no-confidence-motion/>

⁴ <https://www.channel4.com/news/sri-lanka-bombings-were-269-people-killed-for-political-power-dispatches-exclusive>

⁵ <https://www.thetimes.co.uk/article/rajapaksa-officials-linked-to-easter-sunday-sri-lanka-bombs-zwx9d9bx6>

to testify before an independent international probe into the Easter Sunday attacks.^{6 7} The President Wickramasinghe appointed a committee chaired by a retired Supreme Court judge to inquire into the 'allegations' made by the Documentary, and promised to appoint a Parliamentary Select Committee to address similar 'allegations' made by the former Attorney General previously.^{8 9} Archbishop of Colombo Malcolm Cardinal Ranjith also called for an independent and impartial investigation, ideally through an international investigation conducted into the incidents, expressing his dissatisfaction towards proposed measures.^{10 11} Numerous Presidential Commissions of Inquiry and other committees appointed to investigate human rights concerns in Sri Lanka in the past, have rarely resulted in justice, and the reports of commissions not being made public in many cases. During a media interview, Former Deputy Inspector General of Police, highlighted six instances where ongoing investigations by the CID were hindered by the government and military intelligence.¹³

OHCHR Report: The OHCHR (Office of High Commissioner for Human Rights) presented a report on the human rights situation in Sri Lanka, at the 54th Session of the Human Rights Council held from 11 September–6 October 2023.¹⁴ The report highlighted the continuing accountability deficit including war crime atrocities in the past and more recent human rights violations, corruption and abuse of power. Fourteen years since the end of the war, victims and their families have not been able to know the truth, and achieve justice.¹⁵ The report made 16 recommendations for Sri Lankan government including ensuring human rights and strengthening social protection during the economic crisis, tackling corruption, enabling environment for transitional justice process, a coherent time-bound plan that connects the elements of truth, accountability, redress, and non-recurrence, other transitional justice measures, comprehensive security sector reforms, increasing women's participation in political life, reviewing and ensuring prevention of terrorism laws, media regulations laws, and other laws that restrict freedom of expression, freedom of peaceful assembly, and freedom of association comply with Sri Lanka's international obligations, accelerating investigations and prosecutions in emblematic cases of human rights violations including the Easter Sunday bombings, free and fair elections, and engagement, and cooperation between Government of Sri Lanka (GoSL) and OHCHR on these matters.

⁶ <https://colombogazette.com/2023/09/22/azad-moulana-offers-to-testify-in-easter-attacks-probe/>

⁷ <https://www.dailymirror.lk/print/opinion/Hanzeer-Azad-Maulana-says-ready-to-testify-at-independent-international-investigation/172-267831>

⁸ <https://www.presidentsoffice.gov.lk/index.php/2023/09/10/president-to-conduct-a-comprehensive-analysis-of-all-open-information-correlated-to-the-easter-attack/>

⁹ <https://www.dailymirror.lk/breaking-news/Prez-to-appoint-committee-to-inquire-UKs-Channel-4-allegations-on-Easter-Sunday-attacks/108-266978>

¹⁰ <https://island.lk/cardinal-calls-for-foreign-team-to-investigate-easter-sunday-attacks/>

¹¹ <https://www.newsfirst.lk/2023/09/06/probe-the-revelations-made-by-channel4-says-cardinal-while-calling-for-independent-international-investigation-team/>

¹² <https://asianmirror.lk/news/item/35604-cardinal-malcolm-ranjith-not-in-favour-of-international-investigation-into-easter-sunday-attacks-says-local-investigation-without-political-interference-sufficient>

¹³ (1) investigations to identify a person named "Abu hind", who communicated with the suicide bombers was hindered by the government forces, (2) inability to obtain information from Suresh Salley, the head of state intelligence service despite of court orders, (3) discontinuing the investigations regarding Sub-Inspector Bandara, who identified with the pseudonym "sonic sonic" considering it a state secret (4) discontinuing investigations into an IMEI number found by a foreign intelligence unit, (5) Military intelligence reaching to the place in Vanathavilluwa where explosives found, before CID reaching there, (6) providing false information by military intelligence regarding the murder of police officers in Vanathavilluwa in Puttalam district. <https://sinhala.srilankabrief.org/?p=44775>

¹⁴ https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session54/advance-versions/A_HRC_54_20_AdvanceUneditedVersion.docx

¹⁵ <https://www.ohchr.org/en/press-releases/2023/09/accountability-central-sri-lankas-future-un-human-rights-report>

Proposed National Unity and Reconciliation Commission (NURC): The Office for National Unity and Reconciliation Bill was gazetted on 22nd September.¹⁶ Nine international human rights organisations issued a joint statement expressing reservations about the proposed National Unity and Reconciliation Commission, as many similar institutions and commissions of inquiry appointed in the past have failed to bring justice, while many of their recommendations have also not been implemented. The statement urged GoSL to fully engage with the victims of human rights violations and their families; deliver a transitional justice process that upholds their rights and abides by Sri Lanka's obligations under international human rights and humanitarian law; demonstrate its commitment to providing truth, justice, reparations and guarantees of non-recurrence by immediately ending human rights violations against victims' families and communities; and prosecute those suspected of criminal responsibility.¹⁷

Proposed Election reforms: Sectoral Oversight Committee on Just and Law-Abiding Society approved the proposed Elections (Special Provisions) Bill, which extends the time given for filing an election petition from 21 days since the date of announcement of the election results, to 42 days and updates election related fines.^{18 19}

Economic crisis: Media reported that the government is planning to introduce two more taxes from next year—the wealth tax and the inheritance tax.²⁰ A policy report published by UNDP on Impact of Multidimensional Vulnerabilities found that approximately 55.7% of the population are multidimensionally vulnerable. 82% of this vulnerable population (equivalent to 10.13 million) live in rural areas. Key contributing indicators in the rural multidimensional vulnerabilities included household debt (17.8%), adaptive capacity to disaster (13.1%), and water source (10.7%).²¹

Other issues: A ransomware attack on the government email network, affecting nearly 5,000 email addresses using the gov.lk email domain was also reported.²² Frontline Socialist Party Politiebureau member Duminda Nagamuwa was summoned by the CID, and by the magistrate court for allegedly making a defamatory statement accusing the Minister of Public Security and the leftist political party Janatha Vimukthi Peramuna, for their alleged joint involvement in money laundering.²³

¹⁶ http://documents.gov.lk/files/bill/2023/9/285-2023_E.pdf

¹⁷ <https://www.hrw.org/news/2023/09/04/joint-statement-sri-lankas-flawed-plans-truth-commission>

¹⁸ <https://www.parliament.lk/en/committee-news/view/3517?category=33>

¹⁹ http://documents.gov.lk/files/bill/2023/8/369-2023_E.pdf

²⁰ <https://www.sundaytimes.lk/230910/news/wealth-tax-and-inheritance-tax-from-next-year-532130.html>

²¹ https://www.undp.org/sites/g/files/zskgke326/files/2023-10/undp_multidimensional_vulnerability_report_sri_lanka.pdf

²² <https://therecord.media/sri-lanka-loses-months-of-government-data-in-ransomware-attack>

²³ <https://www.dailynews.lk/2023/09/13/lawncorder/120312/nagamuwa-appears-at-cid-after-insulting-statement/>

3. Case Updates

3.1. Enjoining Orders against state newspaper lifted

On 6th of September, Colombo District Court lifted the enjoining orders obtained by the President and the Vice President of Sri Lanka Cricket (SLC) against Journalist Fawz Mohammed of the state owned Silumina newspaper and the state owned press company Associated Newspapers of Ceylon Limited (ANCL).^{24 25} In June 2023, the SLC President and its Vice President filed the lawsuits stating that two articles published in the Silumina newspaper on April 23 and June 18, 2023 had defamed them.²⁶ In July 2023, the Colombo District Court issued three enjoining orders, prohibiting the Silumina newspaper, its website www.silumina.lk, and all its associated social media accounts from publishing any content related to Sri Lanka Cricket (SLC) and its officials.²⁷

3.2. Social media commentator Ramzy Razeek is acquitted

After 3 years since his arrest, Ramzy Razeek was finally acquitted and released on 21st September 2023, as the Colombo magistrate ruled that there was no evidence to support the charges against him.²⁸ Ramzy Razeek, a regular commentator on Facebook, who advocates for the rights of ethnic and religious minorities, inter-ethnic and inter-religious harmony, women's rights and democracy, was arrested by Sri Lankan Police in April 2020 and charged under section 3 of the ICCPR Act for allegedly "advocating national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".^{29 30} He was granted bail in September 2020, after 5 months of detention. Section 3 of Sri Lanka's ICCPR act, deriving from Article 20 of the ICCPR, has long been used to repress freedom of expression in Sri Lanka, discriminatively enforcing on people from ethnic and religious minorities.

3.3. Terrorism charges against poet Ahnaf Jazeem

The Attorney General requested a period of two months to inform the court whether they are intending to continue the case against Poet Ahnaf Jazeem. When the case was taken for hearing at the Puttalam High Court on 8th of September 2023, two witnesses who were students at the school where Jazeem was teaching denied that Jazeem taught or promoted any extremist ideas in the school. Defence counsel informed the court that he does not intend to cross-examine the witnesses as they made no accusations against Jazeem. As all the five main witnesses have provided their statements to the court, senior state counsel Udara Karunatilake representing the Attorney General requested a period of two months to inform the court whether they wish to continue the case against the accused.³¹ The next court hearing will be taken on 27th November 2023.

²⁴ ලේක් හවුස් ආයතනයට සහ ජ්‍යෙෂ්ඨ මාධ්‍යවේදී ලවුස් මොහොමඩ්ට එරෙහි ක්‍රිකට් ආයතනයේ වාරණය විසුරුවා හරි!

²⁵ <https://www.dailynews.lk/2023/09/07/admin-catagories/breaking-news/110936/enjoining-orders-against-ancl-silumina-lifted/>

²⁶ <https://srilankamirror.com/sports/enjoining-order-against-silumina-extended/>

²⁷ <http://archives1.sundayobserver.lk/2023/07/09/news/enjoining-orders-against-silumina>

²⁸ <https://english.theleader.lk/news/6010-accused-under-iccpr-ramzy-razeek-released-after-three-years>

²⁹ https://www.inform.lk/wp-content/uploads/2020/05/ROD_Feb-Apr_2020.pdf

³⁰ <https://freeramzy.wordpress.com>

³¹ <https://medialk.com/archives/7145>



Poet Ahnaf Jazeem while being taken to the court by the Prison officials in 2020. Courtesy: SLCAT

In May 2020, the poet Ahnaf Jazeem, a young Sri Lankan Muslim poet and a teacher, was arrested by the Counter Terrorism and Investigation Department (CTID) of Sri Lanka Police and imprisoned under Prevention of Terrorism Act (PTA) for allegedly promoting Islamic extremism. After 19 months of detention, he was granted bail in December 2021.³² While the Police accused his anthology of poetry named “Navarasam” published in 2017 of promoting extremist ideas, the literary experts and artists held that there is no truth in such accusations. In April 2022, UN the Working Group on Arbitrary Detention of the Human Rights Council found that the Sri Lankan government had violated the human rights of Ahnaf Jazeem, requested to unconditionally release him and provide compensation and other reparations.³³ Despite these, Jazeem was still included in the list of consolidated persons related to Terrorism in June 2023.^{34 35}

3.4. Press conference disrupted by a mob led by extremist monk

In April 2014, a mob led by Gnanasara Thero disrupted the Press conference organised by Watareka Vijitha Thero, a Buddhist monk advocating for inter-religious harmony and rights of ethnic and religious minorities.³⁶ The press conference attempted to launch a new organisation named Jathika Bala Sena expecting to advocate for inter-religious harmony, in a context that some Buddhist monks such as Gnanasara Thero and Buddhist organisations such as Bodu Bala Sena (BBS) engaged in spreading hate towards ethnic and religious minorities. After nine

³² <https://www.wsws.org/en/articles/2022/02/21/slja-f21.html>

³³ <https://www.freedom-now.org/wp-content/uploads/Opinion-2022-22-Ahnaf-Jazeem-Sri-Lanka-FINAL.pdf>

³⁴ http://documents.gov.lk/files/egz/2023/6/2335-16_E.pdf

³⁵ <https://english.theleader.lk/news/5215-muslim-poet-ahnaf-jazeem-further-designated>

³⁶ <https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-april-2014-english.pdf>

years since the incident, Gnanasara Thero, General Secretary of BBS, 5 other monks, and a lay person pleaded guilty for the charges, on 11th of September 2023. Fort Magistrate Thilina Gamage ordered the suspects to pay compensation of Rs.300,000 (around 900 USD) to the complainant and severely warned them not to repeat such offences.³⁷ As reported to INFORM, prior to the judgement, Vijitha Thero agreed to receive compensation and to end the case, as it had been dragging on for a long time, with no sign of justice.

3.5. British Blogger Kayleigh Fraser still trapped in Sri Lanka

UK Media reported that a British MP had a meeting with Foreign Office officials to get written reassurances from the Sri Lankan government that the British blogger Fraser will be guaranteed safe passage out of the country. Around August 2022, Sri Lankan authorities seized the passport of the Scottish Blogger Kayleigh Fraser and issued a deportation order against her for publishing photos and videos of “Aragalaya” anti-government protests in Sri Lanka in her instagram profile.³⁸ Since then she has been trapped in Sri Lanka for around 13 months, in fear of surrendering to the officials due to the threat of being unlawfully detained under the country’s anti-terror laws.^{39 40}

3.6. Former SDIG sentenced to five years in Prison

Retired Police officer, Senior Deputy Inspector General of the Sabaragamuwa Province, Lalith Jayasinghe was sentenced to five years imprisonment over influencing the Officer-in-Charge (OIC) of Kahawatte Police station to refrain from arresting MP Premalal Jayasekera, the key suspect of a murder of an opposition political party supporter during Presidential Election in 2015.^{41 42}

On 05th January 2015, during a clash between opposition political party New Democratic Front (NDF) and ruling party SLPP, an armed group allegedly led by Premalal Jayasekera stormed in eight vehicles and had opened fire at about 200 NDF supporters who were engaged in setting up a stage for an upcoming election rally for the common opposition candidate Maithripala Sirisena. Chairman of Kahawatta Trade Association Shantha Dodamgoda was killed and other sustained injuries as a result. In July 2020, MP Jayasekera, former Sabaragamuwa Provincial Council member Nilantha Jayakody, former Kahawatta Pradeshiya Sabha Chairperson Vajira Darshana were sentenced to death for the murder by the Ratnapura High Court in July 2020, for which they appealed against. Despite being a death row convict he was sworn in as a member of parliament in September 2020. Jayasekera and others were acquitted and released from the case in March 2022.⁴³

³⁷ <https://www.newswire.lk/2023/09/11/verdict-announced-as-gnanasara-thera-pleads-guilty-over-2014-case/>

³⁸ <https://colombogazette.com/2022/08/02/passport-of-foreigner-who-promoted-galle-face-protest-seized/>

³⁹ <https://www.ladbible.com/news/world-news/kayleigh-fraser-trapped-sri-lanka-13-months-167307-20230929>

⁴⁰ <https://www.dailymail.co.uk/news/article-12571487/British-woman-trapped-Sri-Lanka-13-months-says-hope-stays-run-authorities-seized-passport-filmed-civil-protests.html>

⁴¹ <https://www.adaderana.lk/news/93633/ex-sdig-lalith-jayasinghe-sentenced-to-5-years-in-prison->

⁴² <https://www.newswire.lk/2023/09/25/ordering-not-to-arrest-politician-former-senior-dig-sentenced-to-prison/>

⁴³ https://www.inform.lk/wp-content/uploads/2022/05/RoD_March2022.pdf

3.7. Inland Revenue Bill

The controversial Inland Revenue Bill⁴⁴ that sought to utilise superannuation funds in the domestic debt restructuring process was passed by the Sri Lankan parliament,^{45 46} after the Supreme court decided that the bill is not inconsistent with the Sri Lankan constitution.⁴⁷ In the previous month, 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. Subsequently the United Federation of Labour filed a Special Determination Action challenging the constitutionality of the bill.⁴⁸

3.8. Kokkuthuduvai Mass grave

Skeletal remains belonging to a total of 18 persons including 17 females, and 1 male were found at the Kokkuthuduvai mass grave during excavations conducted between 6th - 15th of September. Pieces of uniforms suspected to belong to LTTE, a pistol and parts of five firearms, two vials suspected to be cyanide capsules, two identification number plates (dog tags) and many other items and equipment were also found. The excavations led by the senior archeologist Prof. Raj Somadeva, and a team including the judicial medical officer (JMO) of the District General Hospital in Mullaitivu were halted on 15th September. Even though the JMO said excavations are expected to resume in the mid October,⁴⁹ Prof. Somadeva mentioned that the decision on whether or not to begin excavations again will depend on the decision of the court, based on the investigation report they will submit to the magistrate court during a period of two months.⁵⁰ 5.7 million rupees spent on the excavations was also highlighted in certain media reports indicating that there are concerns about the funds.^{51 52}

3.9. Suspension of new constructions at Kurunthumalai archaeological site

On 31 August 2023, Mullaitivu magistrate held that the Department of Archeology had failed to adhere to the previous court order that prevented new constructions at the Kurunthumalai archaeological site. The court acknowledged that the construction of the stupa at the temple continued with ceremonial additions, including a newly constructed Buddha statue, despite the court orders.^{53 54} Last month, nationalist MP and Chairman of the Parliamentary Sectoral Oversight Committee on National Security, Dr. Sarath Weerasekera made an inflammatory speech at the parliament targeting the Mullaitivu magistrate T. Saravanarajah.⁵⁵

⁴⁴ http://documents.gov.lk/files/bill/2023/8/371-2023_E.pdf

⁴⁵ <https://www.newsfirst.lk/2023/09/07/inland-revenue-amendment-bill-passed-in-parliament-by-majority-vote/>

⁴⁶ <https://www.parliament.lk/uploads/documents/hansard/1694167489029822.pdf>

⁴⁷ <https://economynext.com/sri-lankas-inland-revenue-amendment-bill-can-be-passed-by-simple-majority-sc-130245/>

⁴⁸ <https://www.inform.lk/repression-of-dissent-in-sri-lanka-august-2023/>

⁴⁹ <https://twitter.com/ShanmugamThava2/status/1702624392419967480>

⁵⁰ https://www.facebook.com/100064762506675/videos/837111274802312?locale=ml_IN

⁵¹ <https://www.dailynews.lk/2023/09/18/lawncorder/127354/mullaitivu-mass-grave-excavation-stopped-for-now/>

⁵² <https://island.lk/excavations-at-mullaitivu-mass-grave-report-to-be-presented-to-magistrate/>

⁵³ <https://www.tamilguardian.com/content/contempt-court-kurunthumalai-incident-archaeological-department-official-held-accountable>

⁵⁴ <https://english.theleader.lk/news/5723-new-structures-at-kurundi-temple-are-in-violation-of-previous-order-court>

⁵⁵ <https://www.inform.lk/repression-of-dissent-in-sri-lanka-august-2023/>

4. Repression of Media and Journalists

4.1. Restrictions on journalists reporting on Kokkuthuduval mass grave

Removal of journalists from the excavation site: On 8th September- the third day of excavation, Police obstructed and removed two journalists who were conducting interviews with the students from the Medical Faculty of the University of Jaffna observing the excavation and exhumation process. Subsequently, the Police also ordered all the journalists to stay outside the excavation site.⁵⁶

Preventing journalists from entering the site during work hours: From 11th of September - the fifth day of excavations of the mass grave, the journalists were not allowed to take photographs and videos while excavations were ongoing. However, they were allowed to photograph and video the site before excavation began each day and during the lunch break. Journalists questioned the motives behind these unexpected regulations, whether there is reticence in providing information regarding new discoveries. The excavation process was led by Mullaitivu Magistrate Court Judge T. Pratheepan, Professor Raj Somadeva, and Mullaitivu Judicial Medical Officer (JMO) K. Vasudeva, alongside the police forensics team.⁵⁷ On the final day of excavation, several journalists reported that several military intelligence personnel in civilian attire were allowed to enter the site and to take photographs, even though journalists were not allowed.⁵⁸



Police restricted the access of journalists while excavations were going on at the mass grave site. Photo Courtesy: Tamil Guardian

⁵⁶ <https://www.tamilguardian.com/content/journalists-harassed-during-kokkuthoduvai-mass-grave-excavation>

⁵⁷ <https://www.tamilguardian.com/content/restrictions-placed-journalists-reporting-kokkuthoduvai-mass-grave-excavation-raise-concerns>

⁵⁸ <https://twitter.com/JDSLanka/status/1699696691006275788>

5. Repression of Freedom of Assembly

5.1. Mob attacks the Thileepan memorial float in Trincomalee

A group of Sinhala nationalist mob, consisting of approximately 50 people attacked a memorial float dedicated to rebel leader Lieutenant Colonel Thileepan, who died during a hunger strike in September 1987. On 15th of September 2023, commemorating the 32nd death anniversary of Thileepan, the Tamil National People's Front (TNPF) began the memorial float carrying a large photograph of Thileepan. It commenced from the Pothuvil town in Eastern Province, and proceeded to Batticaloa via Verugal, and Muttur, and was eventually obstructed by a group in Sardapura (also called Kappalthurai), while en route to Trincomalee in Eastern province. The mob attacked the vehicle with stones and batons,⁵⁹ and severely beat TNFP MP Selvarasa Gajendran who was travelling behind the vehicle.^{60 61} Police arrested 6 persons in relation to the attack.⁶²



A woman in the mob assaulting the memorial motorcade and MP Gajendran. Courtesy: Leader.lk

5.2. Police makes multiple requests to ban Thileepan memorial float

Following the attack in Trincomalee, various police stations in the North and East made requests to the magistrate courts to ban the memorial float in their relevant jurisdiction.

Vavuniya: On 18th September, Vavuniya Magistrate rejected an application filed by police requesting to ban the memorial float dedicated to Thileepan from travelling through Vavuniya

⁵⁹ <https://www.tamilguardian.com/content/sinhala-mob-attack-memorial-dedicated-lt-col-thileepan>

⁶⁰ <https://twitter.com/kumanan93/status/1703390656029159816>

⁶¹ <https://twitter.com/kumanan93/status/1703353694878630111>

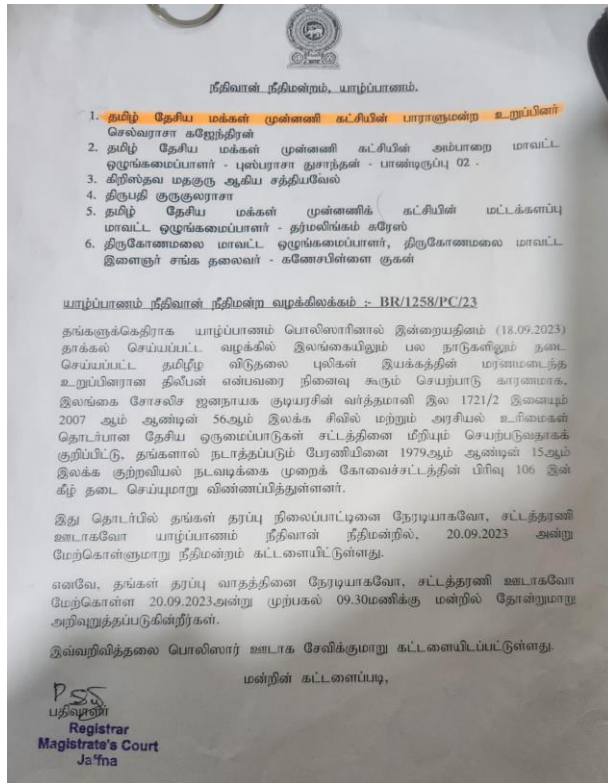
⁶² <https://www.newsfirst.lk/2023/09/18/six-people-arrested-for-assault-on-mp-during-thileepan-memorial/>

in Vavuniya district in the Northern Province, claiming that it may "disrupt racial harmony."⁶³ The court stated that everyone has the right to remember and ordered the police to provide necessary security to the protest.⁶⁴

Mullaitivu: On 19th September, the Mullaitivu Magistrate court rejected a similar submission jointly made by Puthukudiyruppu, Mullaitivu, and Mulliyawalai Police stations in Mullaitivu district in the Northern Province, requesting an injunction order against the memorial float. The court denied the claims made by Police that the float would pose a threat to peace, promote discord amongst ethnicities, and create an atmosphere conducive to LTTE's resuscitation. The court reaffirmed the right of the Tamils to memorialise Thileepan and dismissed the petition.^{65 66}

Jaffna: Jaffna magistrate court also rejected a similar submission made by the Police. On 19th September, Jaffna magistrate court issued summons against organisers of the memorial float namely, TNPf MP Selvaraja Gajendran, TNPf conveners Pushparaja Thushanthan, Dharmalingam Suresh, Ganesapillai Kugan, T Kurukularasa and activist Rev. Sathiyavel to appear in the court on 20th September.⁶⁷ The Police claimed that the memorial float was an

attempt to regroup the LTTE, as it contained red and yellow colours- the official colours of the LTTE. The defence lawyers appeared on behalf of TNPf argued the use of red and yellow colours have not been proscribed under Sri Lankan law.⁶⁸ On 22nd September, the Jaffna Magistrate's Court held that it would not issue an injunction order as requested by the Police. Soon after, the media reported that a special Police team from Colombo had visited Jaffna, to make a second submission on the matter, however we did not find any further information on such an action.⁶⁹



The summon notice Jaffna magistrate court issued against the TNPf members and activists who organised the memorial float. Courtesy: Tamil Guardian

⁶³ <https://www.tamilguardian.com/content/vavuniya-court-rejects-sri-lankan-police-request-ban-lt-col-thileepan-memorial>

⁶⁴ [தினகர் செய்தல் 2009.09.20](https://www.tamilguardian.com/content/vavuniya-court-rejects-sri-lankan-police-request-ban-lt-col-thileepan-memorial)

⁶⁵ <https://english.theleader.lk/news/5944-court-reject-police-request-to-ban-thileepan-motorcade>

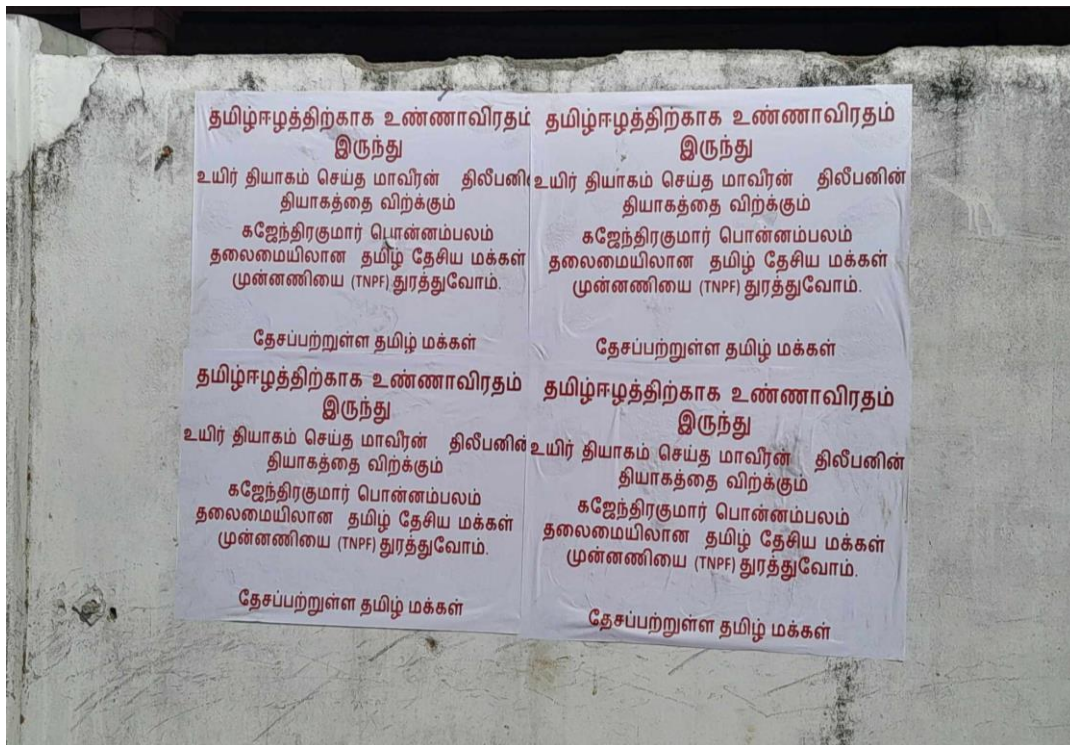
⁶⁶ <https://www.tamilguardian.com/content/sri-lankan-government-continues-attempt-ban-commemoration-events-thileepan>

⁶⁷ [ibid](https://www.tamilguardian.com/content/sri-lankan-government-continues-attempt-ban-commemoration-events-thileepan)

⁶⁸ <https://www.youtube.com/watch?v=DZPJvTMasCU>

⁶⁹ <https://english.theleader.lk/news/5959-police-flying-to-jaffna-fail-to-secure-ban-on-thileepan-memorial>

5.3. Posters in Mannar discrediting the memorial float



Posters discrediting the memorial float. Courtesy: Tamil Guardian

On September 20th, posters inciting hate towards the Thileepan memorial float were seen in Mannar, in Northern Province. The posters by an anonymous group called “Patriotic Tamil People” mentioned “we will chase away the likes of Selvaraja Gajendran of the Tamil National People’s Front, who has commodified the image of Maaveerar Thileepan, who sacrificed his life for Tamil Eelam.” They were seen in many parts of Mannar, including right next to the Mannar Sathosa mass grave. The Tamil Guardian alleged that the posters have been pasted by state intelligence, in an attempt to discredit the memorial float.⁷⁰

5.4. Two Injunction orders issued prohibiting the Thileepan commemorations in Colombo

Two magistrate courts in Colombo issued two separate court orders banning commemorative events organised in remembrance of Thileepan. Maligawatta magistrate's court close to Maradana area in Colombo issued an injunction order against several persons including Rev. Fr. Satyavel & Christian Solidarity Movement, prohibiting them from holding the Thileepan commemoration event scheduled to be held on 19th September at Centre for Society and Religion (CSR) in Maradana. On the same day, the Fort Magistrate's Court also issued another injunction order prohibiting any 'Thileepan Memorial' being held in Colombo Fort, Slave island, and Colpetty police jurisdictions. Police and military also blocked the entry road of CSR, allowing nobody to participate at the event.^{71 72}

⁷⁰ <https://www.tamilguardian.com/content/sri-lankan-government-continues-attempt-ban-commemoration-events-thileepan>

⁷¹ <https://www.newsfirst.lk/2023/9/19/court-blocks-thileepan-memorials-in-colombo>

⁷² <https://twitter.com/SanjulaPietersz/status/1704165362852589761>



Police officers handing over the injunction order to Fr. Sathivel, one of the organizers of the event. Courtesy: [Sanjula Pietersz](#)

5.5. Social media messages shared inviting people to attack Thileepan memorial event



A social media post threatening to assault participants of Thileepan commemoration. Courtesy: [Ruki Fernando](#)

Social media posts were forwarded and shared threatening to attack those attending the Thileepan memorial event organised by Christian Solidarity Movement (CSM) that had been scheduled to be held in Colombo, at Centre for Society and Religion (CSR) on 19th September 2023. A day before the event, the Sinhala nationalist groups shared online hate messages inviting people to come to the event venue in the Maradana area, and to “beat up the Tigers⁷³” attending the event.⁷⁴ Subsequently the event was cancelled by the organisers.

⁷³ Tiger was the symbol of Liberation Tigers of Tamil Eelam, a Tamil militant rebel group that fought for an independent state for Tamils in Sri Lanka, in the context of historic discrimination and violence they faced.

⁷⁴ <https://twitter.com/ruk tweets/status/1703843644124565965>

5.6. Student protest in Peradeniya attacked with tear gas

Police dispersed a protest organised by the Students' Union of the Peradeniya University in Kandy district in Central Province, attacking the protesters with tear gas. Reportedly the tear gas had been fired when students were marching along the Colombo-Kandy main road. The protest was held against the alleged government plans to 'abolish the University Grants Commission (UGC)' and privatise medical education.⁷⁵

5.7. Activist against land grabbing summoned to the CTID

Tamil activist Balraj Rajkumar, advocating against state sponsored land grabbing in the eastern province was summoned to the Terrorism Investigation Division at Trincomalee Regional Office of Sri Lanka Police on 28th September. He was subjected to prolonged questioning by the Counter-Terrorism and Investigation Department (CTID) in the Eastern Province for his alleged involvement in reviving a banned organisation, which he had denied.⁷⁶

⁷⁵ <https://www.adaderana.lk/news/93193/tear-gas-fired-at-protesting-peradeniya-uni-students->

⁷⁶ <https://www.tamilguardian.com/content/tamil-activist-interrogated-over-landgrab-protests>

6. Repressive Legal and policy actions

6.1. Anti-Terrorism Act (ATA)



North East Women's Collective staged a protest against the Anti-Terrorism Act in last April. The new version of the bill is not much different from the previously proposed bill in March 2023. Courtesy: Sri Lanka Brief

Proposed Anti-Terrorism Act (ATA) was gazetted on the 15th of September 2023.⁷⁷ A previous version of the same Bill was gazetted on the 22nd of March 2023.⁷⁸ Though several revisions have been made in this version such as removal of death penalty, and changes in the provisions dealing with Detention Orders (DO), the proposed Act still includes overbroad framing of the offence of terrorism, authorising prolonged detention without charge including with extended remand periods, excessive powers granted to the Executive President,⁷⁹ and expansion of Police powers. The Act provides powers to the Executive President to issue curfew orders, to declare a public place or any other place as a prohibited place, declare places of detention, conditions and detention, and make regulations as necessary for the implementation of the Bill.

Human Rights Commission of Sri Lanka (HRCSL) issuing a statement on the proposed Act, appreciated several judicial safeguards introduced by the Bill, while pointing out issues with the broad scope of the definition of the offence of Terrorism in the bill that may cause difficulties in distinguishing legitimate acts of dissent such as public protests and demonstrations, labour strikes, trade union actions, and acts of civil disobedience, from actual acts of Terrorism, and others issues including long-term detention without trial, denial of bail and expansion of police

⁷⁷ http://documents.gov.lk/files/bill/2023/9/383-2023_E.pdf

⁷⁸ http://documents.gov.lk/files/bill/2023/3/304-2023_E.pdf

⁷⁹ <https://www.cpalanka.org/wp-content/uploads/2023/09/Anti-Terrorism-Bill-September.pdf>

powers.⁸⁰ Centre for Policy Alternatives, and Bar Association of *Sri Lanka* (BASL),⁸¹ also issued statements demanding immediate withdrawal of the proposed revised bill. The International Commission of *Jurists* (ICJ) in a statement said the Proposed Act fails to sufficiently correct the deficiencies of the earlier draft and, if adopted, would risk serious human rights violations.⁸²

6.2. Online Safety Bill

The proposed Online Safety Bill, another controversial law widely criticised by civil society and others for attempting to restrict freedom of expression was gazetted on 18th of September.⁸³ The bill contains the vague and overbroad wording designated as punishable offences and unnecessary and disproportionate punitive sanctions. It establishes an Online Safety Commission with broad powers that is exclusively appointed by the Executive President, therefore necessarily having issues about its independent functioning. The Commission and the Minister have unrestrained powers including the ability to make rules, and issue directives to internet service providers and internet intermediaries including social media platforms.⁸⁴ The Bar Association of Sri Lanka issued a statement calling for immediate withdrawal of the bill and to have meaningful consultations with all relevant stakeholders prior to gazetting such bills which 'have a serious impact on the community at large'.⁸⁵ The Asia Internet Coalition that includes leading social media and internet companies in Asia and globally stated that it is concerned that the Sri Lanka government did not undertake any stakeholder consultation with their members, and is attempting to introduce a draconian system to stifle dissent and Sri Lankans' rights to expression.⁸⁶ The International Commission of *Jurists* (ICJ) also issued a statement saying that the Proposed Online Safety Bill would be an assault on freedom of expression, opinion, and information.⁸⁷

6.3. Declaration of Railway services as essential services to prevent a labour strike

Declaration as essential services: On 12th of September, a gazette notification was issued declaring all public transport services, provision and maintenance of facilities for transport services by railway lines as essential services⁸⁸, in the context that railway workers had launched a labour strike. Shunting workers at the Colombo railway yards launched a trade union action on 11th of September, while the Locomotive Engineers' Union also launched a trade union action on the following day over several key demands, including amendments to the recruitment process and promotions, which have been delayed for nearly five years despite their constant requests in this regard.⁸⁹

⁸⁰ <https://www.hrcsl.lk/wp-content/uploads/2023/09/Letter-to-President-on-12th-Sep-2023-about-Anti-Terrorism-Bill.pdf>

⁸¹ <https://www.dailymirror.lk/breaking-news/BASL-urges-government-to-immediately-withdraw-Anti-Terrorism-Bill-and-Online-Safety-Bill/108-267861>

⁸² <https://www.icj.org/sri-lanka-revised-version-of-anti-terror-bill-threatens-human-rights/>

⁸³ http://documents.gov.lk/files/bill/2023/9/284-2023_E.pdf

⁸⁴ https://www.instagram.com/p/CxFtZWkFV/?img_index=1

⁸⁵ <https://basl.lk/anti-terrorism-bill-and-the-online-safety-bill/>

⁸⁶ <https://aicasia.org/download/819/>

⁸⁷ <https://www.icj.org/sri-lanka-proposed-online-safety-bill-would-be-an-assault-on-freedom-of-expression-opinion-and-information/>

⁸⁸ http://documents.gov.lk/files/egz/2023/9/2349-19_E.pdf

⁸⁹ <https://www.adaderana.lk/news/93291/train-services-disrupted-as-shunting-workers-launch-strike->

Minister blames the workers who engaged in the strike for the death of a young man: Only few trains were operated, due to the labour strike. A young man travelling on a train roof as it was overcrowded, died by an accident.⁹⁰ Sri Lanka's Transport Minister and cabinet spokesperson Bandula Gunawardena stated the railway employees who engaged in the labour strike should take the responsibility of the youth's death.^{91 92}



Trains get overcrowded during strikes. A railway station in Colombo in March 2023. Courtesy: Ada Derana

Railway Department issues warning: On 13th of September, the railway department said employees who fail to report for the duty following the declaration of essential services would be suspended from their employment.⁹³ However, the Locomotive Operating Engineers' Association called off the strike following talks with authorities, on the night of the same day.⁹⁴

6.4. Electricity, Petroleum and Health services declared as essential services

On 17th of September, President Ranil Wickramasinghe declared all services related to Electricity, Petroleum and Health services as essential services under the section 2 of the essential public services Act, No. 61 of 1979.⁹⁵ Declaring essential services is a long-known tactic that the government has been using to repress the trade union actions including labour strikes. Recently similar gazettes have been issued each month, since January this year.

⁹⁰ <https://www.newswire.lk/2023/09/12/youth-travelling-on-roof-of-overcrowded-train-falls-to-death/>

⁹¹ <https://www.newswire.lk/2023/09/12/those-engaged-in-strike-responsible-for-death-of-youth-minister/>

⁹² <https://economynext.com/sri-lanka-railway-unions-defy-presidential-decree-continue-train-strike-despite-death-131182/>

⁹³ <https://counterpoint.lk/railway-department-informs-train-drivers-report-duty-immediately/>

⁹⁴ <https://www.newsfirst.lk/2023/09/14/railway-strike-ends-operations-will-return-to-normalcy-soon/>

⁹⁵ http://documents.gov.lk/files/egz/2023/9/2349-44_E.pdf

6.5. Gazette issued calling for Armed Forces

On 20th September, a gazette notification was issued calling out the Armed Forces under the powers granted under the Public Security Ordinance (Chapter 40).⁹⁶ 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.



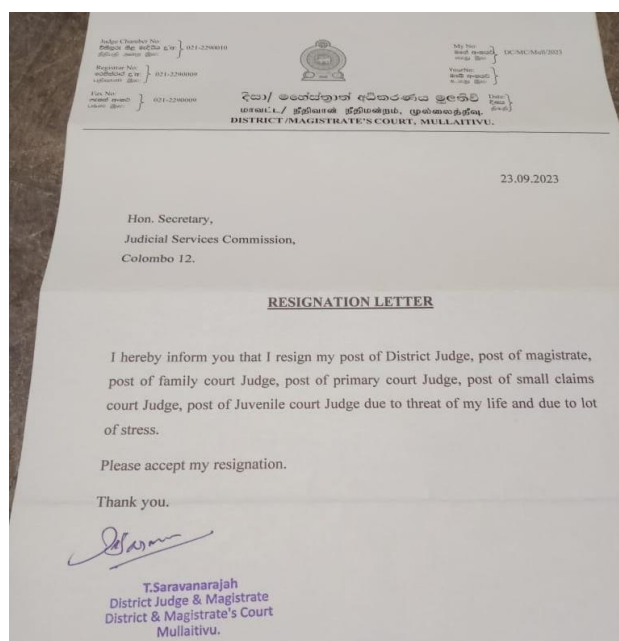
Heavy military presence during a students' protest held in Colombo. April, 2023. Courtesy: Ada Derana

⁹⁶ [2350-39 E.pdf \(documents.gov.lk\)](#)

7. Other Incidents

7.1. Mullaitivu District Judge resigns due to death threats

Mullaitivu District Judge T. Saravanaraja, who also acted as the Mullaitivu Magistrate resigned from his position and left the country, due to threats to his life.⁹⁷ Last month, nationalist MP Sarath Sarath Weerasekara made a problematic statement targeting Saravanaraja, calling for his transfer as he has a mental disability, for allowing Tamil locals in the area to conduct religious rituals at the Kurunthamalai archaeological site claimed by both Hindus and Buddhists.⁹⁸ In September, he also ruled the case in which he rejected issuing an injunction order against the Thileepan memorial float travelling through Mullaitivu as requested by the Police.⁹⁹ ¹⁰⁰ According to Sri Lanka Brief, the Attorney General has compelled him to reverse the orders that he had issued in the Kurunthamalai case, during a meeting held with him two days before his resignation.¹⁰¹



His letter of resignation was sent to the Secretary of Sri Lanka's Judicial Services Commission. Photo Courtesy: Sri Lanka Brief

The Lawyers Collective, Young Lawyers Association of Sri Lanka issued statements requesting a complete and independent investigation into the resignation of the judge, and threats he had faced.¹⁰² ¹⁰³

⁹⁷ <https://www.thehindu.com/news/international/spotlight-on-independence-of-judiciary-in-sri-lanka-after-mullaitivu-judge-resigns/article67361979.ece>

⁹⁸ https://www.inform.lk/wp-content/uploads/2023/10/RoD_Aug23.pdf

⁹⁹ <https://www.thehindu.com/news/international/spotlight-on-independence-of-judiciary-in-sri-lanka-after-mullaitivu-judge-resigns/article67361979.ece>

¹⁰⁰ See the section of Freedom of Assembly

¹⁰¹ <https://srilankabrief.org/mullaitivu-district-judge-t-saravanaraja-resigned-has-left-the-country-due-to-death-threats/>

¹⁰² <https://srilankabrief.org/deeply-concerned-the-lawyers-collective-calls-for-a-complete-investigation-into-the-resignation-of-mullaitivu-magistrate/>

¹⁰³ <https://srilankabrief.org/young-lawyers-association-demands-an-impartial-investigation-in-to-the-resignation-of-the-magistrate-of-mullaitivu/>