

Repression of Dissent in Sri Lanka

October 2023



Using disproportionate force, on 8th October, Police dispersed the protest organised by cattle farmers and other activists in Batticaloa. Courtesy: Tamil Guardian

INFORM

Human Rights Documentation Centre

www.inform.lk

Repression of Dissent in Sri Lanka in May 2023.

Published in 2023.

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Colombo, Sri Lanka

<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. Summary and analysis

Context: Staff level agreement on the first review of the IMF support to Sri Lanka which expects to provide USD 330 million credit facility was reached, and will be sent for the approval of IMF Management and Executive Board. As President Wickramasinghe met with the Chinese President Xi Jinping during an official visit to China, Xi Jinping assured that China will assist Sri Lanka to achieve economic stability. Appointing a new Inspector General of Police (IGP) was further delayed and the current IGP who had been scheduled to be retired in last March, was granted repeated service extensions, as all the major candidates for the position are facing accusations in relation to the negligence of their duty in the case of Easter Sunday Bomb Attack in 2019 and other cases. A third service extension to the existing Inspector General of Police (IGP) was granted by the President, while the Parliament Constitutional Council declined to approve the decision. Another custodial death was reported from Avissawella in the Colombo District. No legal action was taken against a Buddhist monk who made hate speech comments advocating for the murder of Tamils in the South of the country. Media reported that the Parliament's Sectoral Oversight Committee on National Security has recommended informing the US Ambassador Julie Chung, to refrain from making statements regarding the internal affairs of Sri Lanka in the future.

Case Updates: Two proposed repressive laws Anti-Terrorism Act (ATA) and Online Safety Bill were gazetted in mid-September.¹ Challenging the constitutionality of the Online Safety Bill, a total of 46 Special Determination petitions by lawyers, political parties, artists, civil society activists and others were filed before the Supreme Court.² Court held that the bill can be passed with a simple majority in the parliament, subject to amendments made to 31 of its provisions. At least two petitions by two opposition political parties were filed against the Anti Terrorism Act (ATA). INFORM also filed a petition against the online safety bill. The Supreme Court decided not to take up the petitions filed on ATA as the Bill has not yet been presented before the Parliament.³ Memorial events were held remembering the 23rd anniversary of the murder of Tamil journalist, Mylvaganam Nimalarajan. Activist Sandya Ekneligoda held a memorial exhibition remembering 5000 days of her struggle seeking justice for her disappeared husband Journalist Prageeth Ekneligoda.⁴ The 36th anniversary of the Kokkuvil Pirambadi massacre that killed over fifty Tamil civilians by Indian Peacekeeping Forces (IPKF) in 1987, was also commemorated in Jaffna. All these cases still remain in impunity. It was also reported that the excavations of Mullaitivu mass grave would not begin soon, due to lack of state funding.⁵ Retired Police officer Shani Abeysekara sent a letter of demand requesting compensation from senior police officers responsible for his wrongful arrest and detention. The Fundamental Rights petition filed by Writer Shakthika Sathkumara who was arrested and detained for 120 days and subsequently faced a legal case has been fixed for arguments on 7th June, next year. The Bribery Commission informed the Colombo Fort Magistrate's Court that it will not take further legal action into the sum of Rs. 17.85 million cash recovered from the President's House during anti-government protests, due to lack of evidence. Colombo Fort

¹ https://www.inform.lk/wp-content/uploads/2023/11/RoD_Sep23.pdf

² https://www.supremecourt.lk/images/documents/dailycourtlist2022/20.10.2023_2.pdf

³ <https://www.adaderana.lk/news/94201/sc-decides-not-to-take-up-petitions-challenging-anti-terrorism-bill>

⁴ <https://english.theleader.lk/news/6141-ekneligoda-s-wife-surpasses-5-000-days-in-her-search-for-justice>

⁵ <https://english.theleader.lk/news/6119-without-funding-excavations-at-kokkutuduvai-gravesite-remain-in-suspense>

Magistrate Thilina Gamage ordered to quash a case that was filed against Former Governor of the Central Bank Ajith Nivard Cabraal, and Former President's Secretary Lalith Weeratunga over misappropriation of US\$ 6.5 million in public funds, on the basis that there is insufficient evidence.⁶ In a divided decision, the Court of Appeal dismissed the case regarding MP, Diana Gamage's citizenship that had been filed alleging that she is not eligible for the member of parliament position due to her alleged dual citizenship.⁷

Repression of Media and Journalists: An international photojournalist was refused entry to the Iranai Theevu Island by the Sri Lankan military. Four journalists including the head of the news section at Neth FM had been summoned and questioned by the Parliamentary Privilege Committee, over a complaint made by a government Minister. Management of the State owned press company Associated Newspapers of Ceylon Limited (ANCL) launched a disciplinary inquiry against an editor of one of its daily newspapers, for quoting a statement made by the Opposition leader criticising the President.⁸ Two Tamil journalists in Batticaloa were questioned by the Police for over 2 hours, in relation to their reporting on Police violence occurred while dispersing protest organised by cattle farmers.



Tweet by the Photojournalist denied entry to the Iranai Theevu Island in the Northern Province. Photo Courtesy: Elke Scholiers

Repression of Freedom of Assembly: Police officers photographed a protest organised by the lawyers in the Northern Province, demanding an inquiry into alleged threats faced by Mullaitivu District Court Judge T Savaranarajah. Police dispersed a protest by cattle farmers, by physically assaulting them. An injunction order was issued against the group of dairy farmers in Batticaloa who have been protesting for 24 consecutive days against the land encroachments by others into their traditional grazing lands. Trincomalee magistrate court issued an injunction order against eight persons who organised a protest against the construction of the new Buddhist temple in the area. A group of Tamil families from nearby

⁶ <https://www.newsfirst.lk/2023/10/04/cabraal-and-lalith-released-from-zuberi-case/>

⁷ <https://www.dailynews.lk/2023/11/01/admin-catagories/breaking-news/201921/ca-dismisses-diana-gamages-citizenship-case/>

⁸ <https://twitter.com/ndilruksha/status/1710210706224922972/>

District Ampara who were planning to join the protest in solidarity were stopped in Batticaloa and questioned for around 3 hours, in order to prevent them from joining the protest. Police fired tear gas at a protest held in Colombo, by several teachers trade unions, and two other protests organised by university students in Kandy and Colombo.

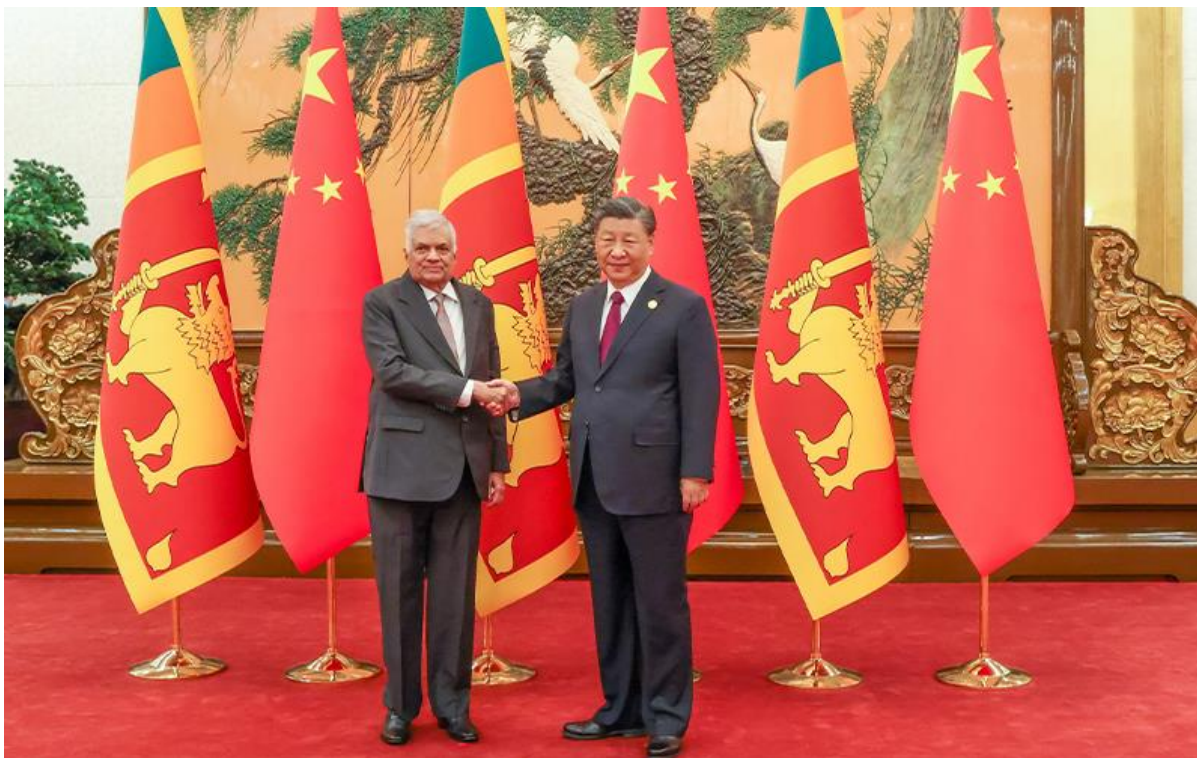


Using disproportionate force, on 8th October, Police dispersed the protest organised by cattle farmers and other activists in Batticaloa. Courtesy: Tamil Guardian

Repressive Legal and Policy Actions: The monthly gazette notification was issued calling for the Armed Forces, by the President, indicating continuing militarization in the country. Another gazette notification was issued declaring supply of petroleum, and electricity as essential services, while such declarations have been often used to prevent trade union actions. The Parliamentary Sectoral Oversight Committee on National Security submitted a letter to the State Minister of Defence and spoke to the media condemning the Human Rights Commission of Sri Lanka for recommending legal actions against Police officers who shot at the protesters in Rambukkana in April 2022, during Sri Lanka's peoples' protests.

Repression of state officials: Former Chairperson of Public Utilities Commission Janaka Ratnayake who was sacked from his position in May 2023, after disagreeing with the government on several issues including refusal to approve increase of public utility bills received a phone call threatening him with death, and demanding extortion.

2. Context



President Wickremesinghe met with President Xi Jinping during an official visit to China. Courtesy: Presidential Media Division of Sri Lanka.

Economic Crisis: Staff level agreement on the first review of the IMF support to Sri Lanka was reached in October 2023. Sri Lanka will have access to USD 330 million Extended Fund Facility once the review is approved by IMF Management and IMF Executive Board.⁹ According to the IMF, Sri Lanka has met all quantitative performance criteria except on expenditure arrears, and all indicative targets except on tax revenues, showing tentative signs of stabilization of the economy, while economic recovery is not yet assured.¹⁰ President Wickremesinghe visited China to attend the third Belt and Road Forum for International Cooperation held on 17-18 October,¹¹ and held bilateral talks with the Chinese President Xi Jinping, in which China assured its assistance to Sri Lanka in achieving economic stability.¹² Tiran Alles - Sri Lanka's Minister of Public Security, in charge of Police, and a media tycoon was mentioned in the newly released Pandora Papers as a person who owns two British Virgin Islands companies that hold properties in London.^{13 14 15} Previously in 2021 the Pandora Papers revealed that Nirupama Rajapaksa, a former minister and a relative of the then ruling

⁹ <https://www.imf.org/en/News/Articles/2023/10/19/pr23357-sri-lanka-imf-reaches-sla-on-the-review-of-sri-lanka-extended-fund-facility-arrangement>

¹⁰ <https://www.imf.org/en/News/Articles/2023/10/22/tr102123-transcript-press-briefing-sri-lanka>

¹¹ <https://english.news.cn/20231016/a85dc6de5141489682cd1436fbd32689/c.html>

¹² <https://www.presidentsoffice.gov.lk/index.php/2023/10/20/president-wickremesinghe-meets-chinese-president-xi-jinping/>

¹³ <https://offshoreleaks.icij.org/nodes/240552449>

¹⁴ <https://offshoreleaks.icij.org/nodes/240550426>

¹⁵ <https://www.icij.org/investigations/pandora-papers/sri-lankan-public-security-minister-used-shell-companies-to-own-london-flats/>

Rajapaksa family along with her husband Tiru Nadesan of being involved in financial misappropriation. Other politicians in the ruling government have also been accused of corruption.¹⁶ ¹⁷ Last July, Sri Lanka passed the Anti-Corruption Bill, as a part of the agreements to receive IMF Support.¹⁸ Meanwhile, the International Cricket Council suspended the membership of Sri Lanka Cricket over political interference.¹⁹ The Minister of Justice speaking at the parliament accused that a member of the Bribery Commission (CIABOC) has accepted a bribery without referring to any specific details or any actions he took in his capacity, and also accused the Bribery Commission of threatening the Constitutional Council members, which did not seem to have any factual basis.²⁰

IGP Appointment: Appointing a new Inspector General of Police (IGP) was further delayed and the current IGP who had been scheduled to be retired in last March, was granted repeated service extensions, as all the major candidates for the position are facing accusations and pending legal cases in relation to the negligence of their duty in the case of Easter Sunday Bomb Attack in 2019 and other charges relating to rights violations.²¹ ²² On 13th October, the President granted a third service extension to the IGP C.D. Wickramaratne for another three weeks.²³ ²⁴ ²⁵ Even though the Constitutional Council declined to approve the President's decision citing the Government's policy was not to extend the service of State sector employees over the age of 60, Wickramaratne continued acting as the IGP for the period.²⁶

Custodial deaths: A 21 years old suspect, arrested in relation to a double homicide and possession of drugs was killed by the Police in Avissawella area, when the suspect had allegedly attempted to escape while being taken out for the recovery of some relevant evidence.²⁷ Sri Lanka has witnessed many custodial deaths, which the Police present a similar story in each case to cover up deaths often caused by torture during the custody.

Hate speech against Tamils: While Tamil dairy farmers in Batticaloa held a continuous protest demanding the government to prevent crop farmers from neighbouring districts from encroaching the grazing land of their cattle, a meeting was held between several Tamil politicians and the President to discuss the matter.²⁸ The dairy farmers claim that crop farmers from other districts have occupied the land they have been traditionally using for grazing lands for around 500,000 cattle and buffalo. The ownership of the area falls under the Mahaweli Development Authority.²⁹ In this backdrop, an ultranationalist Buddhist monk in Batticaloa, the Venerable Ampitiye Sumanarathana Thero attempted to take and place a Buddha statue

¹⁶ <https://island.lk/minister-mentioned-in-new-pandora-papers-leak/>

¹⁷ https://www.ft.lk/ft_view_editorial/The-Pandora-cabinet/58-754904

¹⁸ <https://www.aljazeera.com/news/2023/7/20/sri-lanka-passes-anti-corruption-bill-as-part-of-imf-bailout-plan>

¹⁹ <https://www.aljazeera.com/sports/2023/11/11/icc-suspends-sri-lanka-cricket-membership-over-political-interference>

²⁰ <https://www.dailymirror.lk/breaking-news/Bribery-Commission-member-has-accepted-a-bribe-Minister/108-269600>

²¹ <https://www.dailymirror.lk/breaking-news/Wickramaratne-gets-another-extension-as-IGP/108-269171>

²² <https://medialk.com/archives/7002>

²³ http://www.documents.gov.lk/files/eqz/2023/4/2326-42_E.pdf

²⁴ http://documents.gov.lk/files/eqz/2023/7/r2342-49_E.pdf

²⁵ http://www.colombopage.com/archive_23B/Oct14_1697267274CH.php

²⁶ <https://www.ft.lk/news/Constitutional-Council-refuses-to-approve-third-extension-for-IGP/56-754186>

²⁷ <https://www.dailymirror.lk/breaking-news/Suspect-dies-in-police-custody/108-269238>

²⁸ <https://www.tamilguardian.com/content/sri-lankan-police-allow-sinhalese-settlers-tamil-farmers-land-batticaloa-despite-president-0>

²⁹ <https://groundviews.org/2023/10/09/batticaloa-dairy-farmers-face-violence-and-threats-over-grazing-land/>

to the disputed land area, which was not allowed by the Police and military. In this context, the monk made hate speech comments, asking the Sinhalese people to kill every single Tamil person in the South, which was published online and went viral. However, the monk enjoyed complete impunity for his hate speech, even though those who criticise Buddhism the major religion in the country, usually get arrested under alleged hate speech charges.³⁰

Other matters: Media reported that the Parliament's Sectoral Oversight Committee on National Security has recommended informing US Ambassador Julie Chung, to refrain from making statements regarding the internal affairs of Sri Lanka in the future, considering the remarks she made in relation to the incidents that occurred on May 9, 2022 during people's protests in Sri Lanka.³¹ A few days later, Chung met the Sri Lankan Defence Secretary General Kamal Gunaratne to discuss defence cooperation and strengthening cooperation between two countries, while some activists and websites criticised the meeting due to war crimes allegations against Gunaratne.³²

³⁰ <https://www.tamilguardian.com/content/every-single-tamil-will-be-cut-pieces-sinhala-buddhist-monk-threatens-massacre>

³¹ <https://www.dailymirror.lk/print/front-page/Parliamentary-committee-recommends-informing-U-S-ambassador-refrain-from-commenting-on-SLs-internal-affairs/238-269814>

³² https://www.defence.lk/Article/view_article/27629

3. Case Updates

3.1. Online Safety Bill and Anti Terrorism Act (ATA)



A protest against the online safety bill was held in Colombo, on 26th September. Courtesy: [Lankanewsweb](#)

A group of 125 civil society leaders and 37 organisations and collectives also issued a statement demanding the government to withdraw both Online Safety Act (OSA) and Anti Terrorism Act (ATA) which seriously curtail and even violate the freedoms of expression, free speech, right to information, assembly and association and threaten democracy and fundamental rights.³³ Centre for policy alternatives released a separate statement on OSA,³⁴ and a commentary on Anti Terrorism Act³⁵ requesting the government to withdraw these proposed repressive legislations. On 13th of October, the Office of the High Commissioner for Human Rights also issued another statement raising serious concerns over the two bills.

Online Safety Act (OSA)

46 special determination petitions³⁶ were filed at the Supreme Court challenging the Online Safety Bill by civil society organisations³⁷ and activists, lawyers' collectives,³⁸ media

³³ <https://www.ft.lk/opinion/Online-Safety-Bill-and-Anti-Terror-Bill-law-making-to-end-democracy-and-fundamental-rights/14-754373>

³⁴ <https://www.cpalanka.org/wp-content/uploads/2023/10/Statement-on-the-Proposed-Online-Safety-Bill.pdf>

³⁵ <https://www.cpalanka.org/wp-content/uploads/2023/10/ATA-Table-Complete-v1.2.pdf>

³⁶ https://www.supremecourt.lk/images/documents/dailycourtlist2022/20.10.2023_2.pdf

³⁷ INFORM, Centre for policy Alternatives, and many other organisations and individual activists

³⁸ Bar Association of Sri Lanka (BASL), Lawyers' Collective, and many individual lawyers

organisations,³⁹ media companies⁴⁰, Trade unions⁴¹, journalists, artists, political parties,⁴² and others.⁴³ The Supreme Court decided the Bill is not inconsistent with the constitution and can be passed in parliament by a simple majority subject to amendments made to 31 of its provisions.⁴⁴ The judgement confidentially passed to the Speaker of the Parliament has not yet been made public. International Federation of Journalists (IFJ)⁴⁵, International Commission of Jurists (ICJ)⁴⁶, The Asia internet Coalition (AIC)⁴⁷ which includes major social media companies and internet giants also issued statements raising serious concerns about the bill.

Anti Terrorism Act (ATA)

On 6th October and 10th of October, National People's Power (NPP) Parliamentarian Vijitha Herath⁴⁸ and Vice Chairman of the Samagi Tharuna Balawegaya Rehan Jayawickrema⁴⁹ filed petitions at the Supreme Court of Sri Lanka challenging the Anti-Terrorism Draft Bill, on the basis that it violates fundamental rights ensured by the constitution. The Anti-Terrorism Bill was published in the Gazette on September 15, 2023 and placed on the Order Paper of Parliament on October 3, 2023. On 19th October, the Supreme Court ordered to conclude the proceedings of all the petitions which were filed challenging the Anti-Terrorism Draft Bill, without taking them up for hearing, as the bill was not yet presented to the Parliament.⁵⁰

3.2. Shani Abeysekera sends a letter of demand demanding compensation from senior Police officers

Retired SSP Shani Abeysekera has sent a letter of demand for one billion rupees to four senior police officers, including Head of the Police IGP C.D. Wickramaratne, SDIG Deshabandu Tennakoon, IP Jagath Nishantha and ASP Neville Silva with regard to his wrongful arrest and prosecution. Serving as an investigator and as the Director of the Criminal Investigation Department (CID) SSP Abeysekera led investigations into many high profile cases, including serious crimes against HRDs and journalists, and other serious crimes allegedly committed by Police and military personnel.⁵¹

³⁹ Young Journalists Association of Sri Lanka, Sri Lanka Working Journalists Association, the Media Law Forum and individual journalists

⁴⁰ MTV Channel Pvt Ltd

⁴¹ the Ceylon Teachers' Union and other trade unions

⁴² National People's Power, FrontLine Socialist Party, Samagi Jana Balawegaya, Freedom People's Congress

⁴³ Socialist Youth Union, former Commissioner of HRCSL Ambika Satkunanathan, Colombo Archbishop Malcolm Cardinal Ranjith, Star Publications Pvt Ltd, Nagananda Kodituwakku, and many others

⁴⁴ <https://economynext.com/sri-lankas-online-safety-bill-can-be-passed-with-simple-majority-subject-to-31-amendments-138573/>

⁴⁵ <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-controversial-online-safety-bill-tabled>

⁴⁶ <https://www.icj.org/sri-lanka-proposed-online-safety-bill-would-be-an-assault-on-freedom-of-expression-opinion-and-information/>

⁴⁷ <https://aicasia.org/download/819/>

⁴⁸ <https://www.newswire.lk/2023/10/06/npp-files-petition-challenging-anti-terrorism-draft-bill/>

⁴⁹ <https://www.dailymirror.lk/breaking-news/Another-petition-against-Anti-Terrorism-Bill-filed-before-Supreme-Court/108-268941>

⁵⁰ <https://www.adaderana.lk/news.php?nid=94201>

⁵¹ <https://www.newsfirst.lk/2023/10/19/ssp-shani-abeysekera-demands-lkr-1-bil-from-igp-and-senior-officers/>

Abeysekera was arrested and detained from 31 July 2020 to 16 June 2021 under charges of fabricating evidence in the case against former DIG Vaas Gunawardena who was convicted in 2015 for abduction and murder of a businessman in 2013, based on investigations conducted by a Police team led by Abeysekera.⁵² Several months before Abeysekera's arrest, he was removed from position as the Director of CID, and abruptly transferred to a lesser position as a Personal Assistant to the Galle DIG, soon after President Gotabaya Rajapaksa was appointed as the President.⁵³ It is widely believed that his arrest, detention and subsequent legal case was a reprisal for exposing human rights abuses implicating top politicians, and government officials. He was acquitted and released from all charges last August, after 3 years since his arrest.⁵⁴ While he was under arrest and facing legal charges, another investigator who worked with him was forced to seek asylum in another country.⁵⁵

3.3. Fundamental Rights petition filed by writer Shakthika Sathkumara

The Fundamental Rights petition filed by Writer Shakthika Sathkumara was fixed for arguments on 7th June, 2024, when his petition was taken for hearing at the Supreme Court on 25th of October.⁵⁶ He was arrested in April 2019 and then detained for 120 days until August 2019 and then granted bail. He was charged for "advocating national, racial or religious hatred" under Article 3 of Sri Lanka's ICCPR Act, due to a short story he wrote. The case against him was dismissed in February 2021 on the recommendation of the Attorney General, after two years since his arrest.

3.4. Murdered journalist Nimalarajan remembered in North-East



A journalist paying tribute to Nimalarajan, at the commemoration event held at the Jaffna Press Club in Jaffna. 19th October 2023. Courtesy: Tamil Guardian

⁵² <https://www.ft.lk/MAIN-IMAGE/death-sentence-for-vass-son-and-5-others-over-murder-of-businessmen/10492-501711>

⁵³ <https://www.ft.lk/front-page/Ex-CID-Chief-Shani-demands-Rs-1-b-in-damages-from-IGP-and-three-top-cops/44-754291>

⁵⁴ <https://www.newswire.lk/2023/08/25/shani-abeysekera-freed-from-vaas-gunawardena-case/>

⁵⁵ <https://www.aljazeera.com/news/2019/11/26/top-detective-who-investigated-high-profile-cases-flees-sri-lanka>

⁵⁶ <https://www.themorning.lk/articles/hr0H5QbBgEnWg9aEPwa6>

Two events remembering the 23rd death anniversary of Journalist Nimalarajan were held in Jaffna Press Club and Vavuniya Press Club on 19th October 2023. On 19th October 2000, Jaffna based Sri Lankan Journalist Mylvaganam Nimalarajan was killed by unidentified men, who had thrown a grenade into his house. Local sources say that it is widely accepted that his murder took place with the complicity of the Sri Lankan security forces as the murder took place in a high security zone, when a curfew has been declared.^{57 58} Nimalarajan worked for many news organizations, including the BBC's Tamil and Sinhala-language services, the Tamil-language daily Virakesari, and the Sinhala-language weekly Ravaya. His reporting on vote-rigging and intimidation of voters and other issues in war-affected Jaffna during the Parliamentary Election in 2000 are believed as the immediate reasons for his murder. Sri Lankan authorities have failed to apprehend anyone responsible for his murder. On February 22, 2022, the War Crimes Team at the London Metropolitan Police arrested a person in connection with Nimalarajan's murder, who was later released.^{59 60}

3.5. 5000 days since the disappearance of journalist Prageeth Ekeneligoda

Activist Sandya Ekeneligoda held an exhibition commemorating 5000 days of her struggle seeking justice for her disappeared husband, journalist Prageeth Ekeneligoda. The exhibition was held in early October, at Sandya Ekeneligoda's residence in Colombo.⁶¹



Sandya Ekeneligoda lighting lamps at the launching ceremony of the exhibition. In the context that justice has failed, prayers to the Goddess Kali has been a recurring topic in her many campaigns. Courtesy: [Daily Mirror](https://www.dailymirror.lk)

⁵⁷ <https://www.tamilguardian.com/content/murdered-journalist-nimalarajan-remembered-north-east>

⁵⁸ <https://www.vikalpa.org/article/42859>

⁵⁹ <https://cpj.org/data/people/mylvaganam-nimalarajan/>

⁶⁰ <https://lankanewsweb.net/archives/5311/man-arrested-in-connection-with-the-murder-of-journalist-nimalarajan-in-britain/>

⁶¹ <https://www.vikalpa.org/article/42818>

Prageeth Ekneligoda who was a cartoonist, a political analyst, and a journalist, was reported missing on January 24, 2010, two days before the Presidential polls in Sri Lanka. While there have been no known cases in Sri Lanka where perpetrators have been convicted for serious crimes against journalists, the only continuing case at the prosecution stage is the case of Prageeth Ekneligoda with several army personnel being arrested and indictments being filed against the nine accused.⁶² One of the key investigators of the case has now fled the country, while another was arrested, detained and faced a false legal case from which he was recently acquitted. The witnesses have been intimidated many times. Sandya Ekneligoda continues campaigning for justice for her husband's disappearance amidst many challenges, including threats, intimidation, economic difficulties and responsibilities as a mother. In 2017, Sandya was awarded the International Women of Courage Award by the US State Department.⁶³

3.6. 36th anniversary of Pirambadi massacre

The 36th anniversary of the Kokkuvil Pirambadi massacre that killed 64 Tamil civilians by Indian Peacekeeping Forces (IPKF) in October 1987, was commemorated in Jaffna. The event was attended by the families of the victims, as well as members of the Nallur Divisional Secretariat, political leaders, activists from the Tamil National People's Front, the Tamil National Alliance, and the general public.⁶⁴

3.7. Court of Appeal dismissed the case on the citizenship of MP Diana Gamage

In a divided decision, the Court of Appeal dismissed the case regarding MP Diana Gamage's citizenship that had been filed alleging that she is not eligible to be a member of parliament, due to her alleged dual citizenship.⁶⁵ Even though the 19th and 21st amendments to the Sri Lankan constitution disqualified dual citizens from holding parliamentary membership, media reports say that between 10-15 members in the parliament are dual citizens.⁶⁶

3.8. Insufficient funds for the excavation of Kokkuthuduvai mass grave

Mullaitivu Judicial Medical Officer, K. Vasudeva has told the media that excavation and exhumation of Kokkuthuduvai mass grave may be halted indefinitely due to lack of state funding. Last September, the excavations were temporarily stopped after exhuming 17 skeletal remains, and it was expected to resume the excavations on the instructions of the magistrate court, after reporting the progress.⁶⁷ On 4th October, the Mullaitivu District

⁶² <https://groundviews.org/2023/10/04/sandya-ekneligoda-5000-days-of-struggle-for-truth-and-justice/>

⁶³ <https://lk.usembassy.gov/sandya-ekneligoda-international-woman-courage/>

⁶⁴ <https://www.tamilguardian.com/content/india-s-first-massacre-eelam-tamils-commemorated-jaffna>

⁶⁵ <https://www.dailynews.lk/2023/11/01/admin-catagories/breaking-news/201921/ca-dismisses-diana-gamages-citizenship-case/>

⁶⁶ <https://ceylontoday.lk/2022/11/07/dual-citizens-and-parliamentary-membership/>

⁶⁷ <https://www.tamilguardian.com/content/excavations-kokkuthuduvai-mass-grave-halted-after-exhuming-17-skeletal-remains>

Secretariat finance department informed K. Vasudeva that the allocated funds for the task had been depleted.^{68 69}

3.9. Bribery Commission decided not to continue the case on cash recovered in the president's house

The Bribery Commission informed the Colombo Fort Magistrate's Court that it will not take further legal actions into the sum of Rs. 17.85 million Sri Lankan rupees cash recovered from the President's House during anti-government protests, due to lack of evidence.⁷⁰

3.10. Former Central Bank governor and former President Secretary acquitted from the case of financial misappropriation

Colombo Fort Magistrate Thilina Gamage ordered to quash a case that was filed against Former Governor of the Central Bank Ajith Nivard Cabraal, and Former President's Secretary Lalith Weeratunga over misappropriation of US\$ 6.5 million in public funds, on the basis that there is insufficient evidence.⁷¹

⁶⁸ <https://www.tamilguardian.com/content/uncertainty-surrounds-kokkuthoduvai-mass-grave-excavation>

⁶⁹ <https://english.theleader.lk/news/6119-without-funding-excavations-at-kokkutuduvai-gravesite-remain-in-suspense>

⁷⁰ <https://www.dailymirror.lk/breaking-news/Bribery-Commission-decides-not-to-take-further-legal-action/108-269512>

⁷¹ <https://www.newsfirst.lk/2023/10/04/cabraal-and-lalith-released-from-zuberi-case/>

4. List of incidents

| 4.1. Repression of Media and Journalists | | | | |
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| No | Date | District | Description | Sources |
| 01 | 1st Oct | Mannar | The Sri Lanka Navy and The Defence Ministry has restricted the photojournalist Elke Scholiers from visiting the Iranai Theevu Island. In April 2008, civilians reclaimed the island then occupied by the military since the end of war. However, lack of basic facilities and infrastructure is a major concern affecting its residents. Similar restrictions on journalists preventing their entry to the island have also been reported in the past. | Sri Lankan military restricts journalist access to Iranaitivu Last access: 18 th Dec 2023 Elke Scholiers Twitter Last access: 18 th Dec 2023 |
| 02 | 3 rd Oct | Colombo | Four Journalists of Neth FM radio channel including the Head of the News Hemantha Kahawala, and other journalists Sachin Raveesha, Sapna Kavindi and Pavithra Madushani were summoned to the Parliamentary Privileges committee over a complaint made by the Minister of Transportation, Mass Media and Highways, Bandula Gunawardena. The minister has filed the complaint accusing that his Parliamentary privileges were violated by a false news report published by the Neth Fm and several other local media channels. Responding to the complaint Neth FM stated, they only published views shared by a trade union leader during a broadcast. | SP questions move to summon journalists to Parliamentary privilege committee Last access: 18 th Dec 2023 |
| 03 | 3 rd Oct | Colombo | "I got the most shocking letter in 28 years of my media career. Now it is time to leave my job" tweeted the editor of government owned newspaper Dinamina after receiving a letter of warning from the management for quoting a statement by the Leader of Opposition in the Parliament criticising the President. Associated Newspapers Ceylon Limited (ANCL), a government entity which owns the newspaper, has | Naleen Diruksha Twitter Last access: 18 th Dec 2023 |

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| | | | issued the letter asking him to provide clarifications on why ANCL management should not take disciplinary action against him for publishing a news with the heading "President makes monthly overseas travels, while the country has bankrupted- Opposition Leader" in a manner that brings inconvenience to the President of the country. The news had been published in the e edition of the newspaper on 30th September. | |
| 04 | 28 th Oct | Batticaloa | For more than 2 hours, Eastern Journalists V. Krishanakumar and Punniyamoorthy Sasikaran were questioned by the police, for reporting on police brutality while dispersing a protest organized by livestock farmers in Batticaloa. | JDS lanka Twitter Last access: 18 th Dec 2023 |
| 4.2. Repression of Freedom of Assembly. | | | | |
| 05 | 1 st Oct | Trincomalee | Trincomalee magistrate court issued an injunction order preventing a protest organised against the construction of a Buddhist Temple in Nilaveli area. The order was issued against 8 Tamil politicians and activists. | බොරඑකන්ද විහාරය ඉදි කිරීමට එරෙහි විරෝධයට වාරණයක් Last access: 18 th Dec 2023 Court bans planned protest against Trinco Buddhist temple Last access: 18 th Dec 2023 |
| 06 | 7 th Oct | Batticaloa | Earavur magistrate court issued an injunction order against the protest held by cattle farmers in Batticaloa, based on a request made by Santhiveli Police station. The farmers were protesting over 3 weeks demanding to stop encroachments by crop farmers from other districts. | https://twitter.com/kuaman93/status/1710605099511193640 Batticaloa Dairy Farmers Face Violence and Threats over Grazing Land Last access: 18 th Dec 2023 |
| 07 | 3 rd Oct | Mullaitivu | Intelligence and Police officers openly took the photographs of the lawyers and others who took part at a protest demanding an investigation into alleged | Lawyers in Mullaitivu continue strike in support of resigned Judge |

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| | | | threats against Mullaitivu District Court Judge T Savaranarajah and to ensure their safety and independence while performing duties. The Judge Savaranarajah resigned from his positions, and left the country last month. Taking photographs of protest participants has been used as a usual tactic of intimidation and surveillance of participants of protests and other events in the North and East. | Last access: 18 th Dec 2023 |
| 10 | 7 th Oct | Batticaloa | Police stopped the family members of disappeared persons in Ampara from joining the protest organised by cattle farmers in Batticaloa. While they were travelling on a bus to join the protest, they were stopped and interrogated by the police for over 3 hours at the Kallady bridge area in Batticaloa, preventing them from joining the protest. | Sri Lankan police block Amparai Tamil families of the disappeared from joining Batticaloa protest Last access: 18 th Dec 2023 |
| 11 | 7 th Oct | Batticaloa | Police dispersed the protest organized by cattle farmers in Batticaloa, by brutally assaulting the protesters, who were conducting the protest for 24 consecutive days demanding a solution. Tamil political party members, and other activists had also joined the protest in solidarity. Media reported that the event was removed as the President was attending an event in the area. | Sri Lankan police crack down on Tamil farmers protesting against land grabs in Batticaloa Last access: 18 th Dec 2023 |
| 08 | 24 th oct | Colombo | Firing tear gas and water, Police dispersed a joint protest organised by a collective of trade unions of school teachers and principals on several demands including increasing salaries, and more financial allocations by the state on education. The protest was held near the Education Ministry in Battaramulla. | Sunanda Deshapriya Twitter Last access: 18 th Dec 2023 Protesting Sri Lankan teachers defy police water cannon and tear gas Last access: 18 th Dec 2023 |
| 09 | 18 th Oct | Kandy | Police fired tear gas and water at a protest conducted by the University of Peradeniya students' union when the protest entered Kandy Peradeniya main road. The protest held on several | Police use tear gas to disperse a group of protesting Peradeniya University students |

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| | | | demands, including withdrawal of the Online Safety Bill, stopping privatisation of medical education and the increasing student allowance under Mahapola Scholarship scheme. | <p>Last access: 18th Dec 2023</p> <p>මජ්ඣමනික විශ්වවිද්‍යාල මහා ශිෂ්‍ය සංගමයේ පාලමකට පොලිසියෙන් කදුළුගැස් ජරණයක්.</p> <p>Last access: 18th Dec 2023</p> <p>Police use tear gas on Peradeniya University students' protest</p> <p>Last access: 18th Dec 2023</p> |
| 12 | 27 th Oct | Colombo | Police dispersed a protest march organised by the Medical Student Action Committee, when it was leaving from Viharamahadevi park in Colombo. The protesters demanded the government to protect the free education system and healthcare system, and to resolve the issues faced by the Medical students. | <p>Protesting medical students tear-gassed in Colombo</p> <p>Last access: 18th Dec 2023</p> <p>Police fire tear gas to disperse protesting Medical Faculty student activists</p> <p>Last access: 18th Dec 2023</p> |
| 4.3. Legal and Policy Actions | | | | |
| 13 | 16 th Oct | N/A | The President Wickramasinghe appointed a Presidential Commission to propose electoral legal reforms to suit the present needs, which civil society activists, including those involved with election monitoring saw as a possible attempt to postpone the elections further. A collective of high-profile lawyers in Sri Lanka issued a statement calling the President not to use this Commission as a pretext to delay constitutionally mandated electoral processes. | <p>The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY No.2354/06</p> <p>Last access: 18th Dec 2023</p> <p>President Wickremesinghe accused of using electoral reforms to delay elections, raising concerns of a constitutional coup</p> <p>Last access: 18th Dec 2023</p> <p>Sri Lanka lawyers' collective concerned over commission to propose election reforms</p> <p>Last access: 18th Dec 2023</p> |
| 14 | 21 st Oct | N/A | The monthly gazette notification calling for the Armed Forces was issued by the | <p>The Gazette of the Democratic Socialist Republic of Sri Lanka</p> |

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| | | | President under the powers granted to him under Public Security Ordinance. This provides justification for the increased military intervention in civilian affairs, including use of military force to repression of protests etc. | EXTRAORDINARY No. 2354/32 Last access: 18 th Dec 2023 |
| 15 | 17 th Oct | N/A | A special Gazette notification (2332/12) was issued, declaring the supply and distribution of petroleum products and fuel, electricity supply, and all labour related to health services as essential services. Declaration as essential services has been historically used by governments in Sri Lanka to prevent trade union actions. This draconian law allows to impose 2 to 5 years of rigorous imprisonment, forfeiture of property, and removal from professional registration against those who engage in trade union actions, if found guilty for violating the President's order. | The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY No. 2354/08 Last access: 18 th Dec 2023 අන්තර්ගතය සේවා ජර්නාලයට පත් කරමින් ගැසට් නිවේදනයක්. Last access: 18 th Dec 2023 |
| | 23rd /24th Oct | N/A | In a letter addressed to State Minister of Defence, Parliamentary Sectoral Oversight Committee on National Security (SOCNC) has condemned the Human Rights Commission of Sri Lanka (HRCSL) for recommending to take legal action against Police officers who were involved in shooting at protesters in Rambukkana, rather than appreciating them for protecting state property. Addressing the media, Chairman of SOCNC retired Rear Admiral Sarath Weerasekera, MP, also said that the report published by the HRCSL on the Rambukkana incident was biased | රාජ්‍ය ආරක්ෂක ඇමැති මානව හිමිකම් කොමිෂමේ දෙපසින් දැකී - Lankadeepa Online Last access: 18 th Dec 2023 May 09 violence: Explanation sought from State Defense Minister over security lapses Last access: 18 th Dec 2023 |
| 4.4. Repression of state officials | | | | |

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| 16 | | Colombo | <p>Former Public Utilities Commission chairperson Janaka Rathnayaka lodged the complaint at the Kirulapone police station regarding a phone call he had received from an unknown person making death threats and demanding extortion from him and his family. Later 3 individuals were arrested regarding the incident. In May 2023, Janaka Ratnayake was sacked from his position, after disagreeing with the government on several issues including refusal to approve increase of public utility bills,</p> | <p>ජනක රත්නායක සාකච්ඡාවේදී අදාළව කප්පම් ගත් නිලධාරීන් අත්අඩංගුවට Investigations into death threats against ex-PUCSL Chairman handed over to CCD Last access: 18th Dec 2023</p> |
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