

Repression of Dissent in Sri Lanka

January 2024



Vavuniya Association of Relatives of the Enforced Disappeared S. Jenita gets arrested by police over protesting President Wickramasinghe's visit.
Photo Courtesy: Tamil Guardian.

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Repression of Dissent in Sri Lanka in 2024.

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INFORM was established in 1990 to monitor and document the 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 levels. INFORM also focused on working with other communities whose rights were frequently and systematically violated. Presently, INFORM is focusing on election monitoring, freedom of 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: “Black January” commemorations were held in Jaffna and Colombo urging President Wickremesinghe to bring justice to previous crimes committed against journalists. This year’s theme, particularly focussed on the adverse effects of the Online Safety Bill, while also shedding light on the enforced disappearance of Journalist Prageeth Ekneligoda and the assassination of journalist Lasantha Wickrematunga.

UN experts voiced concern over Sri Lanka's highly controversial drug response enabled by police. They demanded that the government immediately halt and reassess “*Yukthiya Meheyuma*” (Operation Justice).

Former Minister of State for Water Supply Sanath Nishantha passed away in a traffic accident and this untimely death caused a social media frenzy where a wave of humorous and ridiculing social media content surfaced alluding to Nishanth’s past questionable conduct and so on. In this context, some of the political colleagues of Nishantha of the same political party tried to frame this social media trend as hate speech and even went to great lengths to justify the newly enacted Online Safety Bill citing this particular social media phenomenon.

Confidence in Democratic Governance Index report of Centre for Policy Alternatives reveals that a majority of Sri Lankans expressed that they are ignorant about proposed legislation; Anti-Terrorism Act and Online Safety Bill.

In a letter to the Minister of Public Security Tiran Alles, the Asia Internet Coalition has stated its major concerns over the recently enacted Online Safety Bill, along with its recommendations.

Journalists, civil society and trade unions together with a number of other stakeholders issued a joint statement to oppose the Online Security Bill.

In a letter to the President, the Sri Lankan Human Rights Commission shared its thoughts and suggestions regarding the “Commission for Truth, Unity, and Reconciliation in Sri Lanka” bill.

Case updates: Transparency International Sri Lanka (TISL) filed a petition with the Supreme Court on January 22, contesting the “Microfinance and Credit Regulatory Authority Bill”, arguing that it does not adequately provide a workable plan to allow for the regulation.

The Supreme Court rendered a unanimous decision, for the first time in the history, invalidating former President Gotabaya Rajapaksa’s decision to pardon former MP Duminda Silva.

SJB Deputy General Secretary Mujibur Rahman petitioned the Supreme Court on behalf of fundamental rights, seeking an injunction against President Ranil Wickremesinghe's appointment of Deshabandu Tennekoon as Inspector General of Police.

The case regarding the MiG deal was called before the court through a motion and it was revealed that the agreement between the Government of Sri Lanka and Ukraine supposedly signed during the MiG deal has gone missing.

Fort Magistrate Thilina Gamage has ordered the reopening of the investigation in the case against Namal Rajapaksa MP since there was an irregularity of 70 million rupees in the construction of a building belonging to Krish Group in Fort Colombo.

Repression of Media and Journalists: Journalists Punniyamoorthy Sasikaran and Valasingham Krishnakumar were summoned before the Eravur Magistrate Court for further questioning, over their coverage of a protest held in Batticaloa in October.

Repression of Freedom of Assembly: As per a request made by the Welikada police station Officer-in-Charge, the Colombo magistrate court issued an order restraining a protest organised by the national organiser of the Socialist Youth Association, Eranga Gunasekara and a group of other protestors.

A silent protest held at the Liberty roundabout against the enactment of the Online Safety Bill was disrupted by allegedly pro-government goons.

The police arrested the president of the Vavuniya Association of Relatives of the Enforced Disappeared (ARED) Sivananthan Jenita and Meera Jasmine Charlestine in Vavuniya when they protested during President Ranil Wickremesinghe's visit.

The Ceylon Electricity Board (CEB) suspended 15 of its secretarial employees for taking part in labour union activities.

Repression of Activists and Whistle-blowers: Police said that Piyath Nikeshala, a well-known social media activist, has been taken into custody by the Criminal Investigation Department.

It was reported that human rights advocate for the rights of the Malayaga Tamil community Jeewaratnam Suresh has received a threatening phone call from an unidentified number warning him to stop his advocacy or face dire consequences.

Civil society leader Kurusumuthu V. Lavakumar was interrogation by Sri Lanka's Terrorism Investigation Department (TID) for five hours for participating in a Tamil Genocide Day memorial in 2021.

Repressive Policy and Legal Actions: Despite the opposition's harsh criticism and concerns raised by civil society and the international community, the controversial Online Safety Bill was passed in parliament with majority votes.

President Ranil Wickremesinghe issued an order directing all members of the Armed Forces to maintain public order in the specified areas. Getting the Armed Forces involved in civilian affairs is deemed to be a strategy to repress dissenting voices.

Other: A truck driver lost his life when a police officer in civvies "accidentally" discharged his firearm during a vehicle inspection. Roshan Kumarathilake, age 41, was identified as the individual in question and he was a carpenter by profession.

2. Context

2.1. Black January - 15 years of impunity for the assassination of Lasantha Wickaramuthunga and 14 years of the disappearance of Prageeth Ekneligoda

"Black January" commemoration was held in Jaffna with the participation of journalists, civil society activists, and Tamil civilians, urging President Ranil Wickremesinghe's government to do justice for past crimes and violence committed against journalists¹² (Lanka Sky News, 2024).

This year's theme was "*Let's resist the repression of ideas.*" This theme was particularly chosen in resistance to the Online Safety Bill and its speculated adverse impact on the freedom of expression and dissent. The Sri Lanka Professional Mass Journalists Association, Jaffna Media Club, and Mullaitivu Media Club have jointly organized this year's "*Black January*" (Lanka Sky News, 2024).

Journalist Prageeth Ekneligoda³, forcibly disappeared 13 years ago, on 24 January 2010 — just three days before the Presidential election in Sri Lanka. Years later, justice is still elusive even though police investigations have identified at least some of the people who followed higher-ups' orders. Although Prageeth's wife Sandya Ekneligoda is still fervently advocating for the cause, no one has been prosecuted for the crimes as of yet. Sandya has faced intimidation, threats, and harassment for her demands for justice and the truth—in person, in courtrooms, and on social media (Amnesty International, 2023).

January 8th is the 15th anniversary of the passing of eminent journalist Lasantha Wickrematunge from Sri Lanka. Wickrematunge, an outspoken critic of the Rajapaksa regime, was brutally murdered in Aththidiya, Rathmalana while he was driving to work, by two assailants. Wickrematunge's murder has not been thoroughly investigated, and his perpetrators remain free (Sri Lanka Mirror, 2024).

2.2. UN experts call on Sri Lanka to suspend the "*Operation Justice*"

UN experts⁴ voiced concern over Sri Lanka's drug response's strong security focus. They demanded that the government immediately halt and reassess "*Yukthiya Meheyuma*" (Operation Justice) and instead concentrate on human rights and health-based programs (Sri Lanka Brief, 2024).

They expressed disapproval over documented instances of enforced imprisonment in military-run rehabilitation facilities for hundreds of drug offenders and the arbitrary arrest of thousands of drug offenders from marginalized socioeconomic groups. Excessive torture and ill-treatment were also reported during the security operation known as 'Yukthiya' (Sri Lanka Brief, 2024).

According to the experts, "the current context of severe repression against suspected drug offenders is deeply worrying." They emphasized that rehabilitation needs to be approached from a harm reduction standpoint, respecting drug users' autonomy and informed consent, including the right to refuse medication (BBC Sinhala News, 2024).

¹ "*Black January*" is held every year to commemorate the journalists who were murdered, kidnapped, disappeared and attacked by the ruling regime in the country.

² A large number of journalists had to pay with their lives during the time of civil war in the North and East. Some even had to leave the country and go abroad.

³ It is believed that Prageeth was persecuted for his work as a journalist and caricaturist as well as for openly criticizing the nation's politicians, whom he believed to be dishonest and corrupt.

⁴ Priya Gopalan (Chair-Rapporteur), Matthew Gillett (Vice-Chair on Communications), Miriam Estrada-Castillo, and Mumba Malila, Working Group on arbitrary detention; Margaret Satterthwaite, Special Rapporteur on the Independence of Judges and Lawyers; Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

“Compulsory rehabilitation centres should be closed immediately and replaced by voluntary, evidence-based, rights-based and community-based social services,” said the experts, who stand ready to provide technical cooperation.

They called on the Sri Lankan government to look into any claims of torture, maltreatment, and denial of due process and fair trial rights in-depth and objectively. Also said, “Irregularities in the judicial process of sending people to rehabilitation centres should also be investigated”. In accordance with international human rights law and norms, they urged the government to reconsider its current drug-related laws and to stop using military forces in drug control and treatment initiatives. In a letter to the government in 2023⁵, these experts expressed concerns about Sri Lanka's laws regarding treating suspected drug offenders.

2.3. Inflation increased 1.6% in December

It was reported that the monthly consumer inflation in Sri Lanka is increasing by almost double the percentage in December 2023 compared to November 2023 (Central Bank of Sri Lanka, 2024). The Department of Census and Statistics published in January 2024 Sri Lanka's National Consumer Price Index and monthly consumer inflation for the month of December 2023. Accordingly, the inflation in this country which was recorded as 2.8% in November 2023 has increased to 4.2% for the month of December 2023. Point inflation in the food category increased to 1.6% in December 2023 from -2.2% in November 2023. Also, point inflation in the non-food category has eased to 6.3% in December from 7.1% in November (Mawbima, 2024).

2.4. Controversial remarks were made in the context of Sanath Nishantha's passing

Former Minister of State for Water Supply⁶ Sanath Nishantha's vehicle was involved in a traffic collision on the Katunayake highway once it collided with the roadside barrier and a moving container struck. It was reported that after attending a wedding in Bandarawatta, Chilaw, he was making his way back to Colombo. Nishantha, who was asleep at the time of the incident, suffered fatal injuries in his head and right leg, leading to his admission to the Colombo North Teaching Hospital in Ragama, where he died. His driver who was hospitalized with serious injuries later revealed to the police that the car was moving at a speed of nearly 160 km/h (99 mph) at the time of the accident, causing him to lose control of the vehicle.

Social media was particularly abuzz with the news of the untimely death of Sanath Nishantha. Then it became known that a barrage of insulting posts had begun to surface on social media in response to the minister's passing. In this context, Agriculture Minister Mahinda Amaraweera said a probe has been launched to identify those posting so-called offensive content on social media related to the demise of Nishantha. When asked about this situation on social media (Newswire, 2024), Speaker Mahinda Yapa Abeywardena said that it is inhumane to insult someone upon their demise. He further added that a new Act has been passed by parliament, and necessary legal action needs to be taken according to this new law. Commenting on the same situation, MP Tissa Kuttiarachchi said it was unbelievable how the youth of the country seemed to be celebrating the untimely death of a politician and speculated that it was doubtful whether this death was orchestrated. He further threatened those who were seemingly insulting Sanath Nishantha's passing on social media, saying that “we are also not so good people. So better leave us alone” (Hiru News, 2024). Many commentators linked the social media frenzy over Sanath Nishantha's death to his extremely problematic past conduct as a politician. Particularly in 2022, when protests

⁵ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27870>

⁶ Served in the position at the time of his demise.

erupted against the Gotabaya Rajapaksa-led regime that was in power then, in response to the government-enabled economic crisis that resulted in hyperinflation, frequent fuel shortages, and shortages of essential goods. In this context, Nishantha took a critical stance against protestors and vehemently disregarded the difficulties faced by citizens. Moreover, he called protestors 'drug addicts', implying that they should have been subjected to the same anti-government repression techniques used in the Janatha Vimukthi Peramuna-led uprisings in 1971 and 1987–1989 (News First, 2022). Sanath Nishantha (along with Milan Jayatillake) was also arrested and placed under custody in relation to the attack on the Kollupitiya and Galle Face demonstrators on May 9 (Daily Mirror, 2022). Subsequently, Nishantha held a press conference at the Sri Lanka Podujana Peramuna Party headquarters. During the conference, he made accusations that certain magistrates were giving activists who had participated in the protests special treatment, including granting them bail (Ada Derana, 2022). Following that, civil society organizations filed three petitions accusing Nishantha of contempt of court. These groups contended that the "honor and image of the judiciary" had been negatively harmed by his statements made during the press conference and his alleged attacks on demonstrators (Ada Derana, 2022).

2.5. Research shows that 71% of Sri Lankans unaware of the Online Safety Bill

Centre for Policy Alternatives' Confidence in Democratic Governance Index report⁷ reveals that "responding to the Wickremesinghe government's proposed legislation; Anti-Terrorism Act and Online Safety Bill, a majority of Sri Lankans expressed that they are ignorant about both these proposed legislation" (The Island Online, 2024).

According to the report, 61.5% of people did not know about the ATA. Among the cognizant population, forty per cent of people in every age group showed awareness of the ATA, compared to the lowest proportion (20–30 per cent) that showed awareness of the OSB (The Island Online, 2024).

Of the 38.5 per cent of participants who were aware of the ATA, 72.6% expressed disapproval towards the Act, primarily due to concerns that powerful individuals may abuse it for their own gain and that it will have a detrimental effect on human rights. According to the report, 71.1 per cent of the 28.4 per cent of people who are unaware of the planned OSB disapprove of the Bill, claiming that it will be abused by powerful people for their own gain and that current laws are sufficient, "eliminating the need for new legislation at this moment" (The Island Online, 2024).

2.6. Asia Internet Coalition raises its concerns over the OSB

In a letter to the Minister of Public Security Tiran Alles, the Asia Internet Coalition⁸ has stated its major concerns over the recently enacted Online Safety Bill, along with its recommendations. The coalition further acknowledged that the legislative process is intricate and deliberations are ongoing. This coalition said it is important to ensure that the Bill is not only effective but also equitable, reasonable, and workable in terms of its reach and methodology is imperative. Further notified that the proposed legislation, in its current state, presents serious obstacles that, if ignored, could impede Sri Lanka's digital economy's ability to expand (The Morning, 2024).

The coalition also emphasized the necessity of a collaborative approach to guarantee that the Online Safety Bill creates an atmosphere that is both user-safe and supportive of digital innovation and that they were dedicated to collaborating with the Sri Lankan government to draft an Online Safety Bill that is more practical, efficient, and compliant with international standards (Newswire, 2024). It also demonstrated its dedication to collaborating with the Sri Lankan government to draft

⁷ The survey sample captured both men and women living in urban as well as rural localities in all 25 districts of Sri Lanka in November 2023, and was released in December.

⁸ <https://aicasia.org/download/876>

an Online Safety Bill that is more practical and compliant with international standards. Furthermore, the AIC has previously worked closely with regional partners in Sri Lanka to create a thorough Sri Lanka Code of Practice for Online Safety and Responsible Content, or "Code". It is advised that pertinent provisions from the code be taken into consideration and possibly incorporated into the current law, drawing on the knowledge and understanding obtained through this cooperative effort. This inclusive and cooperative strategy would increase the Bill's efficacy and provide a comprehensive and internationally informed framework for tackling online safety issues in Sri Lanka (The Island Online, 2024).

2.7. Joint statement issued by media organizations, civil society and trade unions condemns the Online Safety Bill

Journalists, civil society and trade unions together with a number of other stakeholders issued a joint statement⁹ to oppose the Online Security Bill¹⁰ which was recently passed in parliament and the government's attempt to impose repressive laws and usher in authoritarian powers in a confined attempt to stifle free speech in order to secure its popularity in upcoming elections (Ceylon Wire News, 2024)

The statement issued with the signatures of over 50 leading media organizations, trade unions and civil society groups as well as over 50 individual journalists, senior academics and activists said that the upcoming election is crucial for the country as it will be held after a people's struggle. Further illustrated that as citizens, they are deeply concerned about the efforts of the government led by President Ranil Wickremesinghe to lead the country to a dictatorial regime by introducing repressive laws (Ceylon Wire News, 2024).

2.8. President appoints Lohan Ratwatte as State Minister.

Lohan Ratwatte¹², an official who had previously threatened to kill two Tamil political prisoners¹³ at gunpoint, has been nominated as the State Minister for Plantation Industries and Mahaweli Development by President Ranil Wickremasinghe (Tamil Guardian, 2024).

In 2022, the bodyguard of the minister turned his pistol on a barking pet dog that approached the minister in Jaffna, killing the animal¹⁴. He apparently shot into the air in late December 2020, frightening hotel guests in Kandy, allegedly out of rage (Tamil Guardian, 2022).

This particular recent appointment of Ratwatte gained a significant backlash on social media.

⁹ The joint statement was undersigned by Free Media Movement, Sri Lanka Working Journalists' Association, Sri Lanka Young Journalists' Association, Media Law Forum, Law and Social Trust, Health Professionals Association, Sri Lanka Postal and Telecommunication Services Association, All Ceylon Management Service Officers Association, South Asia Free Press Association, Ceylon Teachers Union, Free Media Business Union (FMMTU), Federation of Media Employees Trade Unions (FMETU), Muslim Media Forum and Jaffna Press Club among others have signed this statement.

¹⁰ The Online Security Bill presented by the government was challenged by 45 petitioners in the Supreme Court.

¹¹ At the beginning of the hearing, the Attorney General's Department submitted over 32 amendments to the bill. After that hearing, the Supreme Court decided that 31 articles should be amended.

¹² Ratwatte himself has gained notoriety for killing ten unarmed Muslims during the 2001 general elections for which he was convicted and sentenced by the high court and later exonerated on flimsy grounds.

¹³ Ratwatte forced Tamil political inmates to kneel at gunpoint after breaking into the Anuradhapura jail in September 2021. It was reported that these Tamil political prisoners were questioned about whether they had murdered any government armed force soldiers during the war by the then-prison minister. "Tamil Guardian" further reports that he went on to point his gun at the inmates, accusing them of complaining to the UN, adding that the President, Gotabaya Rajapaksa, had empowered him to release or kill the inmates.

¹⁴ <https://www.tamilguardian.com/content/sri-lanka-s-state-minister-executes-dog>

2.9. HRCSL issues a statement and a letter to the president regarding the Commission of Truth, Unity and Reconciliation Bill.

In a letter to the President¹⁵, the Sri Lankan Human Rights Commission shared its thoughts and suggestions regarding the "Commission for Truth, Unity, and Reconciliation in Sri Lanka" bill, which was released in the Official Gazette on December 29, 2023.

The Commission recognized that one of the major tenets of transitional justice is the right to truth, which is a recognized human right under international law. But it also said that in order for this right to be advanced, the other three pillars of transitional justice—accountability, restitution, and non-recurrence—must also be advanced.

2.10. Extra Judicial Killing

On January 18 night, a truck driver lost his life when a police officer in civvies "accidentally" discharged his firearm during a vehicle inspection. Roshan Kumarathilake, age 41, was identified as the individual in question and he was a carpenter by profession (Ada Derana News, 2024).

This shooting took place when two plainclothes Police officers in Narammala had attempted to pull over a small lorry. It was reported that two officers started following this small lorry when the driver disregarded the signal to pull over. The chase culminated in Dampalassa, where the lorry was finally stopped. The driver who was identified as an Alawwa resident, was fatally injured when the Sub-Inspector's firearm discharged during the vehicle's inspection, according to Police Spokesman SSP and Attorney-at-Law Nihal Thaldewa. Protests outside the Narammala Police Station were sparked by news of the driver's passing and subsequently resulted in the Police Special Task Force being deployed to control the situation (News First, 2024).

¹⁵ [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.hrsl.lk/wp-content/uploads/2024/01/HRCSL-Press-Notice-HRCSL-letter-to-President-on-17-Jan-2024.pdf](https://www.hrsl.lk/wp-content/uploads/2024/01/HRCSL-Press-Notice-HRCSL-letter-to-President-on-17-Jan-2024.pdf)

3. Case Updates

3.1. TISL files a petition in the Supreme Court challenging the Microfinance and Credit Regulatory Bill¹⁶

Transparency International Sri Lanka (TISL) filed a petition with the Supreme Court on January 22, contesting the "Microfinance and Credit Regulatory Authority Bill", arguing that it does not adequately address the issue or provide a workable plan to allow for the regulation of the predatory and extortionate practices that microfinance lenders engage in on a local level (Transparency International Sri Lanka, 2024).

In the Petition (SC SD 14/2024), TISL has contended that the Bill violates Article 83 of the Constitution as read with Articles 3 and 4 of the Constitution because it does not adhere to the necessary principles of natural justice, reasonableness, proportionality, separation of powers, and legal certainty (Transparency International Sri Lanka, 2024).

The extortive and predatory practices of microfinance lenders which are particularly harmful towards borrowers include sextortion/soliciting of sexual bribes, physical, mental and emotional harassment and intimidation, and the imposition of extortive interest rates in the granting of loans (Sri Lanka Brief, 2024).

The Bill's exclusion of some key players in the microfinance sector, including registered leasing facilities, licensed finance firms, licensed commercial banks, and licensed specialized banks, is particularly highlighted in the Petition. In the Petition, TISL has further stated that the Bill's provisions give the subject Minister undue discretion by enabling the Minister to designate individuals who are permitted to engage in money lending without a licence from the Microfinance and Credit Authority and to exempt certain types of transactions (Transparency International Sri Lanka, 2024).

It further claims that the Bill's Clause 65 seeks to establish an information-concealing system in direct opposition to Article 14A of the Constitution, which serves as the foundation for the Right to Information Act No. 12 of 2016 (Sri Lanka Brief, 2024).

3.2. SC invalidates the presidential pardon

The Supreme Court of Sri Lanka rendered a unanimous decision, for the first time in the nation's history, invalidating a presidential pardon. The court determined that the decision made by former President Gotabaya Rajapaksa to pardon Duminda Silva was not supported by any legal or factual foundation. The landmark ruling concerns Silva, a former member of parliament, who was found guilty in 2016 by the High Court of killing politician Bharatha Lakshman Premachandra in 2011. Four others who were linked to the same case were found guilty at the same time. The five individuals were sentenced to death, a verdict upheld later by a five-judge bench of the Supreme Court¹⁷ (Mawbima, 2024).

A Presidential Commission was formed by the new administration in 2019 to look into political persecution after President Gotabaya Rajapaksa won the election. Silva's release was suggested by this commission. As a result, in June 2021, Rajapaksa granted Silva a special pardon (Jurist, 2024).

Challenges to the legality of this pardon surfaced through three fundamental rights petitions filed with the Supreme Court. After acknowledging these petitions, Silva was taken into

¹⁶ On January 9, 2024, the Bill was added to Parliament's Order Paper.

¹⁷ Sri Lanka's last capital punishment execution took place in 1976. Although death sentences remain on the books, the government has yet to carry out an execution since 1976 because a moratorium on the death penalty continues to remain in place.

custody by the Criminal Investigation Department (CID) in May 2022, while he was receiving treatment at the Sri Jayawardenapura Hospital. Following the Supreme Court's suspension of the exceptional presidential pardon and permission to move forward with the case against him, this arrest took place (Jurist, 2024).

The Special Presidential Pardon was declared unconstitutional and illegitimate by the Supreme Court, emphasizing that the former President had not followed the correct legal procedures. The court directed the prison administration to take the appropriate measures following its ruling concerning Duminda Silva (Tamil Guardian, 2024).

Parliamentary member M.A. Sumanthiran emphasized the importance of the decision, saying that it is viewed as a positive step forward in light of other ongoing difficulties involving presidential pardons. One of the pardons that is under scrutiny is the one granted to Sunil Ratnayake, the person accountable for the Mirusuvil massacre.¹⁸

3.3. Mujibar Rahuman files FR petition against Deshabandu Thennakoon

On Thursday, SJB Deputy General Secretary Mujibur Rahman petitioned the Supreme Court on behalf of fundamental rights, seeking an injunction against President Ranil Wickremesinghe's appointment of Deshabandu Tennakoon as Inspector General of Police (The Island Online, 2024).

The petitioner emphasized that numerous instances of grave carelessness and lapses were found by the Presidential Commission of Inquiry (PCoI) investigating the Easter Sunday assaults of 2019, implicating several public officials, including Senior DIG Deshabandu Tennakoon of the Sri Lanka Police. He also noted that based on its findings, the commission recommended disciplinary action against Tennakoon and others (Daily Mirror World, 2024).

In addition, the petitioner contended that Tennakoon was physically present at the scene on May 9, 2022, but was unable to stop the mob attack on defenceless civilians at Galle Face Green, even though he had the right to use emergency regulations and a sizable police presence.

According to the petitioner, it would be an outright violation of the Rule of Law to name Acting IGP Tennakoon as the permanent IGP under the current situation. Article 12(1) of the Constitution guarantees equal protection under the law, which the petitioner and Sri Lankan citizens would be deprived of as a result of such an appointment, the petitioner said (The Island Online, 2024).

In addition, the petitioner sought an interim injunction under Article 41 C of the Constitution prohibiting the Constitutional Council from approving the President's appointment of Deshabandu Tennakoon as the Acting IGP.¹⁹

¹⁸ The Mirusuvil massacre, occurring on December 20, 2000, involved the arrest and subsequent murder of eight internally displaced refugees, allegedly by Sri Lankan Army soldiers. Sunil Ratnayake, found guilty of the murders in 2015, was pardoned and released in March 2020 by President Gotabaya Rajapaksa.

¹⁹ A petition citing similar facts was filed also by National People's Power (NPP) lawyer Harshana Nanayakkara on 11 January. At least four petitions against Tennakoon on his appointment as IGP are currently before the Courts. They were filed in December 2023 by Archbishop of Colombo Malcolm Cardinal Ranjith, three victims of the 2019 Easter Attack, a protester from the 'Aragalaya' and the Truth and Justice Lawyers' Association.

3.4. The controversial MiG deal case is brought before the court

The controversial case regarding the MiG deal was called before the court through a motion and it was revealed that as informed by Maithri Gunaratne, PC to the Fort Magistrate's Court the agreement between the Government of Sri Lanka and Ukraine supposedly signed during the MiG deal has gone missing (Anidda, 2024).

Gunaratne told the court that an Air Marshall affiliated with the Sri Lanka Air Force (SLAF) had disclosed to the Criminal Investigation Department (CID) that the agreement had gone "missing" during the CID's probe into the deal. He had stated that the CID had not yet taken any action on the case, even though nearly ten years had gone since the revelation. He had therefore stated that witnesses in the case had been designated as suspects by the CID²⁰ (The Morning, 2024). Subsequent inquiries into the matter demonstrated that, despite the deal's purported government-to-government nature, the Ukrainian government had asserted that Ukrinmash was unrelated to Bellimissa Holdings, suggesting that millions of dollars in public funds had instead gone into private hands (The Morning, 2024).

3.5. Thilina Gamage orders to reopen the money fraud case of Namal Rajapaksa

Fort Magistrate Thilina Gamage has ordered the reopening of the investigation in the case against Namal Rajapaksa MP since there was an irregularity of 70 million rupees in the construction of a building belonging to Krish Group in Fort Colombo. This order was issued in consideration of the facts presented by lawyer Sunil Watagala, who represented the plaintiff, Wasantha Samarasinghe, by filing a motion on January 10 regarding that case (Anidda, 2024). There, lawyer Sunil Watagala, presenting facts before the court, had pointed out that Ravi Vaidyalankara, who was the head of the Police Financial Crimes Unit at that time, had submitted B reports that misled the court, and that he had served as a director of Krish Group in the year 2022. Having acknowledged the severity of the situation, Magistrate Thilina Gamage has ordered the Criminal Investigation Department to investigate the matter regarding Ravi Vaidyalankara (Anidda, 2024).

²⁰ As 'The Morning' reported in January 2006, former SLAF Commander Air Marshal Donald Perera had intended to issue a call for an open tender to acquire MiG 27 aircraft. However, Udayanga Weeratunga had accompanied certain businessmen from Singapore and Ukraine to a meeting with Gotabaya Rajapaksa, the then-secretary of the defence ministry, where it was decided to purchase the aircraft from Ukrinmash, a Ukrainian company. Weeratunga was appointed as the Sri Lankan Ambassador to Russia and Ukraine in June 2006.

4. Repression of Media and Journalists

4.1. Prominent journalist blocked from the president's website for the second time

Senior journalist Sunanda Mahendra claimed that he was once again denied access to the president's official website. Having denied access to the president's official website, Sunanada expressed his strong condemnation on social media.²¹

4.2. Two Tamil journalists were summoned before the courts

Tamil journalists Punniyamoorthy Sasikaran and Valasingham Krishnakumar were summoned before the Eravur Magistrate Court for further questioning, over their coverage of a protest held in Batticaloa in October. Ranil Wickremasinghe, the president of Sri Lanka, visited Batticaloa at the same time as the protest (Tamil Guardian, 2024).



Journalists Punniyamoorthy Sasikaran and Valasingham Krishnakumar. Photo Courtesy: Tamil Guardian.

4.3. Journalist Chamuditha summoned to CID

Hiru TV journalist Chamuditha Samarawickrama was summoned before the Criminal Investigation Department (CID) over some of the comments made by a self-identified Buddhist monk named Vishwa Buddha (The Island Online, 2024). The police stated that this monk had been arrested in Kalagedihena for making a series of controversial statements that were deemed insulting to Buddhism. The person in question was first arrested last December for making derogatory statements regarding Buddhism and subsequently granted bail in early January by the Colombo magistrate. It was observed that since receiving bail, the suspect has appeared on various online platforms to further make more controversial statements (Newswire, 2024).

²¹ <https://twitter.com/sunandadesh/status/1743255731711717812>

5. Repression of Freedom of Assembly

5.1. Court order against the SYU protest

As per a request made by the Welikada police station Officer-in-Charge, the Colombo magistrate court issued an order restraining a protest organised by the national organiser of the Socialist Youth Association, Eranga Gunasekara and a group of other protestors (Dinamina, 2024).

According to the court order, Gunasekara and the group were not allowed to block any roads, participate in any violent acts that might incite public disturbance, or carry out their protest in a way that would infringe upon public representatives' parliamentary privileges or impede their ability to perform their official duties (News First, 2024).

5.2. The Liberty Roundabout's silent protest against the Online Safety Bill was disrupted

A silent protest held at the Liberty roundabout against the enactment of the Online Safety Bill was disrupted by a bunch of men. Placards and artwork displayed by silent protestors were forcefully snatched by these intruders and disturbed while carrying this silent protest (News 1st: Prime Time Sinhala News, 2024).



A group of masked men disrupts a silent protest held at the Liberty roundabout. Photo courtesy: News First.

5.3. Two activists arrested in Vavuniya

The police arrested the president of the Vavuniya Association of Relatives of the Enforced Disappeared (ARED) Sivananthan Jenita and Meera Jasmine Charlestine in Vavuniya when they protested during President Ranil Wickremesinghe's visit²² (Tamil Guardian, 2024). The arrested activists were protesting with the families of the disappeared when the police arrived and eventually ordered them to leave the venue. It was reported after a verbal dispute between the police and protestors the said activists were arrested (Colombo Gazette, 2024).

²² President Ranil Wickremesinghe was on a visit to the North to meet various groups including the representatives of the political party Illangai Tamil Arasu Katchi.

5.4. Police fired water and tear gas at an SJB protest

The police fired water and tear gas to disperse a protest march organised by the opposition party Samagi Jana Balavega (Mawbima, 2024). This protest march started near the Colombo Municipal Council and it was obstructed by the police in front of the Colombo Public Library. The demonstration was organised to protest the government and raise awareness on several issues. Colombo Magistrate Court no: 4 and Maligaknda Magistrate Court issued an order prohibiting SJB leader Sajith Preamadasa and several others from preventing entry to several roads, including the Finance Ministry, the President's Office, the President's House, and the Central Bank (Sri Lanka Mirror, 2024).



Police disperse the SJB protesters using water and tear gas. Photo courtesy: Newswire

5.5. 15 CEB workers interdict over trade union action

The Ceylon Electricity Board (CEB) suspended 15 of its secretarial employees for taking part in labour union activities (Newswire, 2024). The CEB spokesman went on to say that customers who had come to pay their electricity bills had been inconvenienced by their conduct.²³ The CEB employees have organised trade union action from 1st to 3rd January, to restructure the CEB bill. On January 1st CEB General Manager issued a circular cancelling all the leave of the employees (Daily FT, 2024).

²³ On January 3, 2024, the CEB United Trade Union Alliance went on a two-day strike in protest of the CEB's privatization and restructuring.

6. Repression Activists and Whistle-blowers:

6.1. Social media activist Piyath Nikeshala gets arrested by the CID

Police said that Piyath Nikeshala, a social media activist, has been taken into custody by the Criminal Investigation Department (Ada Derana, 2024). Following his summons before the CID to provide a statement on the publication of a taped phone call between Public Security Minister Tiran Alles and another social media activist on his YouTube channel, he was reportedly arrested²⁴ (Daily Mirror World, 2024).



Piyath Nikeshala at the CID. Photo Courtesy: Ada Derana.II

6.2. HRD Jeevaratnam Suresh receives threats

It was reported that human rights defender and advocate for the rights of the Malayaga Tamil community Jeevaratnam Suresh²⁵²⁶ has received a threatening phone call from an

²⁴ Piyath Nikeshala was also arrested in June of last year for live-streaming President Ranil Wickremesinghe's private mansion fire in Colombo on July 9, 2022, on social media.

²⁵ Front Line Defenders recognizes Jeevaratnam Suresh as a human rights defender based in the Muvankandha plantation, in Mavaththagama, Kurunegala, (North Western Province) Sri Lanka. Jeevaratnam Suresh is a strong advocate for the rights of the Malayaga Tamil community, also referred to as 'upcountry Tamils', a historically persecuted minority community in Sri Lanka. The human rights defender has campaigned for equal rights for Malayaga Tamils, including land and housing rights. Jeevaratnam Suresh has mobilized community campaigns demanding rights and an end to systemic discrimination against the Malayaga community. He has also worked with the human rights organizations, including Jana Avabodha Kendraya and the Center for Policy Alternatives (CPA).

<https://www.frontlinedefenders.org/en/profile/jeevaratnam-suresh>

²⁶ Due to his human rights campaigning on behalf of the Malayaga minority, Jeevaratnam Suresh has faced threats in the past. In November 2023, Jeevaratnam Suresh led a nonviolent demonstration in Kurunegala's Mavathagama Ptiyakanda rubber estate to support the rights to land and decent housing. Following the demonstration, a person posing as an intelligence officer contacted Jeevaratnam Suresh's family member to find out more

unidentified number warning him to stop his advocacy or face dire consequences. It is believed that the threats have something to do with a fundamental rights appeal that the human rights defender submitted in March 2023, asking for changes to the housing rights of the Malayaga Tamil people, who are living under persecution. The human rights defender has been threatened and warned to stop working on this matter since he is advocating for the effective implementation of the court's judgement (Protect Defenders, 2024).

6.3. TID questions Tamil civil society activist Kurusumuthu V. Lavakumar

The participation of civil society leader Kurusumuthu V. Lavakumar²⁷²⁸ in a Tamil Genocide Day memorial in 2021 led to a five-hour interrogation by Sri Lanka's Terrorism Investigation Department (TID).

Lavakumar received the summons, which was written in Sinhala, on January 27 after two police constables paid him a visit at his residence. It was reported that Lavakumar tried to explain to the officers that he could not read Sinhala, but the police officers ignored this and stated that he must go to the TID's office in Batticaloa the following day (Tamil Guardian, 2024).

Following being questioned, Lavakumar told the media that the number of death threats he receives has intensified. He added that he is being harassed by a new investigation into an old matter. He revealed that he was arrested with nine others for participating in the Mullivaikkal commemoration. Then they were set free, and the matter was concluded. He says a new investigation is being launched for no apparent cause (Tamil Guardian, 2024).

about his locations and activities. Suresh was instrumental in the Maanbumigu Malaiyaha Makkal in July 2023. This symbolic walk retraced the difficult journey that the first group of Malayaga Tamils, who were brought to Sri Lanka during British Colonial rule from India to work on plantations in the country's hill stations, had to endure. The human rights advocate received multiple phone calls from intelligence personnel during the walk, inquiring about his plans, whereabouts, and the trek's progress.

²⁷ He is a renowned activist from the Eastern Province and was arrested in 2021 under the contentious Prevention of Terrorism Act (PTA) for his involvement in a group that organized a memorial service at a Batticaloa beach to commemorate the 12th Mullivaikkal anniversary.

²⁸ Tamil Guardian reports that Lavakumar has previously been the target of various threats and intimidation. He was threatened with death by a group of masked gunmen last year if he kept disclosing information on a purported covert military-run torture center in the East. According to Lavakumar, the incident happened at his Kiran home when six men on motorbikes approached bearing T-56 and AK-47 firearms. They had threatened to keep him silent about Theevuchchenai. The incident happened as a result of Lavakumar's public criticism of a covert torture facility located in Theevuchchenai, near the Polonnaruwa border. The same publication claims that this camp is allegedly run by Pillaiyan, alias Sivanesathurai Chandrakanthan, a government-linked paramilitary leader.

7. Repressive Legal and Policy Actions

7.1. Online Safety Bill passed

The Online Safety Bill²⁹ was debated in Parliament on January 23 and passed the next day by a majority vote (Parliament of Sri Lanka, 2024).

On the opposition's request, a party leaders' meeting was called on January 23, in the morning to debate the issue. Opposition legislators expressed dissatisfaction that they had not received a copy of the Sectoral Oversight Committee's report on the bill in time for the discussion after parliament was reconvened later in the morning. Then, because of this delay, opposition MPs suggested moving the debate to a later date. The opposition MPs claimed they did not have enough information about the bill's provisions to continue the discussion. The report was received earlier in the morning, according to Speaker Mahinda Yapa Abeywardena. However, government MPs objected to this request, stating that the debate should proceed as planned. Speaker Abeywardena then asked for a vote on whether to continue the debate or not. Just 50 of the 225 lawmakers voted against the Tuesday discussion, while 83 supported it (Economynext, 2024).

Despite the opposition's claims that it contradicts the Supreme Court ruling and international concerns, the controversial Online Safety Bill³⁰ was passed by parliament. Nevertheless, the bill was approved 108–62 by parliament after the second reading. As the Attorney General had authorized the revisions, the Speaker of Sri Lanka said that the bill would move forward despite opposition members pointing out apparent contradictions with the Supreme Court's ruling that some of the articles are unconstitutional (Tamil Guardian, 2024).

7.2. Gazette notification issued on making public service essential

Once again, a gazette notification was issued making public services essential which is a common ploy deployed by the state to curtail trade union actions and resistance (The Gazette of the Democratic Socialist Republic of Sri Lanka, 2024).

7.3. President orders Armed Forces to maintain the public security ordinance

With effect from January 22, 2024, President Ranil Wickremesinghe issues an order directing all members of the Armed Forces to maintain public order in the specified areas. Getting the Armed Forces involved in civilian affairs is deemed to be a strategy to repress dissenting voices (The Gazette of the Democratic Socialist Republic of Sri Lanka, 2024).

²⁹ [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cpalanka.org/wp-content/uploads/2023/12/OSB-FAQ-V7-Final-English.pdf](https://www.cpalanka.org/wp-content/uploads/2023/12/OSB-FAQ-V7-Final-English.pdf)

³⁰ The new bill, which is being promoted as a measure to control internet content, has drawn condemnation from opposition politicians, international organizations such as the UN human rights office, and activists who claim the government is attempting to restrict free expression and crack down on dissent.

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