

# Repression of Dissent in Sri Lanka

Annual Report 2023



*Military personnel wearing facemasks, carrying wooden poles with iron rings were deployed to disperse the protest organized by IUSF on 7th March. As the Army denied their involvement in controlling the protest, details of these soldiers or their force remains unknown.*

*Photo Courtesy: Shehan Gunasekera*

**INFORM**

**Human Rights Documentation Centre**

[www.inform.lk](http://www.inform.lk)

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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 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 harm freedom of expression, assembly, association and dissent.

*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 level. INFORM also focused on working with other communities whose rights were frequently and systematically violated. Currently, INFORM focuses 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

This annual report is based on the *Repression of Dissent* reports which were monthly published in the year 2023. This annual repression of dissent report primarily provides some general trends and details of significant incidents related to the repression of dissent in Sri Lanka, mainly based on the information reported in mainstream and social media. It also offers a broad overview of Sri Lanka's human rights landscape.

**Methodology:** Incidents of repression mentioned in this annual Repression of Dissent report includes arrests, threats, intimidation, investigations against human rights defenders (HRDs) etc. and potential threats such as new repressive laws, appointments, policy decisions etc., which may hurt freedom of expression, assembly, association and dissent in the future. In this report, “dissent” is broadly defined to include acts of protest, resistance, defiance, challenge against question or attempt to record rights violations, social injustice at the hands of the state or non-state apparatus, including police, armed forces, religious groups, and politicians among others. “Repression” is any attempt by the above state or non-state actors to suppress the acts of dissent. Any rhetoric decrying human rights has also been considered repression of dissent because of its potential to erode rights.

**Case Updates:** Student Activist Wasantha Mudalige was granted bail in early February, after being detained under the Terrorism charges for more than 5 months. Bail conditions imposed on another 21 student activists in relation to a protest held three years ago, were also lifted in February. In August, another two student activists were granted bail after 200 days of detention. In March, an investigative media report found that Sri Lankan police have used tear gas that expired two decades ago, causing serious respiratory problems for those who were exposed to it. In relation to a death of a protester allegedly linked to the use of expired teargas, the magistrate ordered the Police to submit a report on teargas. In April, the Committee on Public Accounts (COPA) of Sri Lanka Parliament instructed the Police to dispose of all the expired tear gas stocks. In May, the Colombo Fort Magistrate Court revoked the travel ban imposed on former Prime Minister Mahinda Rajapaksa and several others. In July, the Supreme Court dismissed two fundamental rights petitions filed against physical attacks and arbitrary arrest of anti-government protesters in Mirihana in March 2022, and for not preventing mob attacks on Galle Face protest site in May 2022. The petitions were not granted leave to proceed considering the initial objections raised by the state counsels. In December, the police and the army expressed their regret for obstructing a group of lawyers involved with the Aragalaya movement. A writ petition filed by several parties, including the ministers and government parliamentarians, against police and military heads for their alleged failure to prevent violence following the attack on Galle Face protesters in May 2022, was withdrawn by the petitioners following an undertaking given by the authorities to have a fresh inquiry. In June, the Supreme Court granted leave to proceed with a Fundamental Rights petition against Senior DIG Deshabandu Tennakoon and other Police officers in relation to a case of arbitrary arrests of protesters during a peaceful protest held in Colombo in 2020. A report published by the HRCSL on the police shooting at protestors in Rambukkana in April 2022 found that the police had used excessive force causing a protester's death and the injury of eighteen more. The Welisara magistrate court concluded the magistrate inquest into the killing of 11 prisoners in Mahara Prison and ordered the CID to arrest the prison officials who were involved in the shooting, which was not implemented.

**Legal changes:** The controversial Bureau of Rehabilitation bill that was criticized for possible torture and ill-treatment was passed. Two proposed repressive laws, the Anti-Terrorism Act (ATA) and the Online Safety Bill, were gazetted in mid-September. A total of 46 special determination petitions were filed at the Supreme Court challenging the Online Safety Bill. The Supreme Court determined the bill can be passed in parliament by a simple majority, subject to amendments made to 31 of its provisions. The ATA was not presented before Parliament due to strong opposition from various actors. An initial draft of the proposed Broadcasting Regulatory Commission Act (BRCA) was widely criticized by journalists and media rights advocates as an attempt to control the media through a politically appointed body. The Ministry of Health held a meeting with trade unions to discuss the recent circular that prohibits health workers from making statements to the media. The controversial Inland Revenue Bill, which seeks to utilize superannuation funds in the domestic debt restructuring process, was passed by the Sri Lankan parliament. The Supreme Court declared certain regulations gazetted under the Prevention of Terrorism Act (PTA) two years ago as null and void as they violated fundamental rights. The Anti-Corruption Act was unanimously passed, along with 196 proposed amendments.

**Election:** The Ministry of Finance informed the court that they were unable to release funds for the election due to the financial crisis in the country during a writ petition hearing that was filed by a former military officer against holding local government elections. The election was not held despite the Supreme Court issuing an interim order preventing the Ministry from withholding the funds and the Election Commission announcing April 25 as the new date for the local government elections. The Attorney General informed the court that the proposed private member bill to reconvene local government bodies without holding elections is unconstitutional.

**Accountability:** The Supreme Court ruled that the former President and other top officials in the government failed to prevent Easter bomb attacks in 2019, despite prior information, and therefore violated the fundamental rights of the victims. It asked them to pay 310 million Sri Lankan rupees as compensation. Former President Sirisena and others paid less than 9% of the total compensation to the victims of the Easter Sunday bomb attack in 2018 by the end of the six-month deadline in July. Alleged claims made by UK-based TV channel Channel 4 of the involvement of Sri Lankan politicians and the military in the Easter attacks were denied and denounced by the Ministry of Defence. Charges against former Finance Minister Ravi Karunayake in relation to the central bank bond scam were quashed by the Court of Appeal. MP Namal Rajapaksha and four other suspects also requested the court acquit them of the money laundering case against them. The Colombo Fort magistrate court temporarily lifted the travel ban imposed on a key suspect in the controversial MiG deal case. Exposing the MiG deal was believed to be the closest reason that led to the assassination of journalist Lasantha Wickramatunge in 2009. The Supreme Court delivered another landmark judgment that public trust and equality before the law were violated by several leading politicians and several top state officials of the former government by leading the country's economy to a crisis due to mismanagement. Senior Police Officer Deshabandu Tennakoon, who had been subjected to many allegations of human rights violations, was appointed as the acting head of the Sri Lanka Police. He and several other police officers were found guilty of torture, arbitrary arrest, and detention of a suspect in relation to a custodial death that occurred in 2010.

**Media and journalists:** There were many cases where the media and journalists faced harassment, mainly at the hands of law enforcement authorities. At least 2 journalists were arrested, and 10 journalists were summoned and questioned without a clear reason, often using powers provided under the repressive anti-terror laws. Local and international groups widely condemned the assault and arbitrary arrest of journalist and media rights activist Tharindu Uduwaragedara. In one of the incidents, the police repeatedly demanded a journalist reveal his sources. There were also incidents in which journalists were obstructed and refused entry to certain areas or premises. Sometimes the police ask journalists to present government-issued media identity cards, which are not available for many web-based journalists.

Parliament passed a resolution against a television program, and a parliamentary select committee was appointed regarding a different television channel for allegedly engaging in a conspiracy against the government. Three journalists were held in detention by a mob led by a Buddhist monk and were forced to delete their footage.

Memorial events were held to remember and demand justice for several journalists who were killed a decade ago. In relation to the case of the disappeared journalist Prageeth Ekneligoda, additional evidence in relation to eight phone numbers was presented to the court. After 15 years of silence, the court started hearing a legal case against former Minister Mervyn Silva for threatening journalists of the state-owned television corporation. The Human Rights Commission of Sri Lanka (HRCSL) concluded that the Department of Government News has violated the rights of a journalist by not registering his news website, on the basis that the Defense Ministry had not provided a clearance.

The Mullaitivu Magistrate Court summoned a naval intelligence officer for threatening a Jaffna-based journalist named Shammugan Thavaseelan in April 2019. Despite an order issued by the Right to Information (RTI) Commission, police failed to provide information on the progress of police investigations into the attack by police on journalist and media rights activist Tharindu Jayawardena last year. A local media rights group handed over a letter to the police requesting an investigation against the officer-in-charge of Bingiriya police station for allegedly assaulting a journalist.

**Freedom of Assembly:** Many people who organized various peaceful gatherings and events continued to face reprisals, including threats, intimidation, arrest, detention, and legal action. At least 16 restraining orders were issued against various protests and demonstrations held by trade unions, student activists, political parties, and others. A monument built to commemorate Tamil Great Heroes Day was demolished by the police based on a court order. Occasionally, the courts rejected the injunction orders sought by the police against memorial events organized by civil society in the North and East. The police dispersed at least 21 protests, attacking them with tear gas and water, 17 out of these 21 were organized by student activists, while others were organized by civil society activists, trade unions, and political parties. Around 10 other protests or events were obstructed by the police, while a few were also obstructed by Sinhala Buddhist nationalist groups.

Police dispersed a protest organized by cattle farmers by physically assaulting them. 28 were injured and 1 person died during a protest organized by a political party when the police attempted to disperse it. A security officer named Priyantha Wanninayake, employed at the University of Colombo, died after being exposed to teargas.

Protesters were arrested, tear gassed during demonstrations and protests that were held throughout the year. Over 100 protesters were arrested during various demonstrations that took place in the Northern province throughout the year. Arrested people included at least 30

people from Northern and Eastern Provinces, activists, and 8 others. Around 10 activists were summoned and questioned by the police over their participation in peaceful events.

**Repression of Activists and Whistleblowers:** Several human rights defenders were subjected to arbitrary arrest, detention, and other reprisals due to their activism. An activist linked to the people's protest movement 2022 and two farmers' leaders were physically assaulted, while a staff member in a civil society organization in Batticaloa was arrested for remembering *Tamil Genocide Day*. A human rights lawyer was threatened with death. Posters slandering an anti-disappearance activist were displayed around Batticaloa town.

**Repressive Legal and Policy Actions:** Three draft laws—the Anti-Terrorism Act (ATA), the Online Safety Bill (OSB), and the Contempt of a Court, Tribunal, or Institution Act—that have serious implications for freedom of expression and other rights—were gazetted in September and June. The OSB contained vague and overbroad wording designated as punishable offences and unnecessary and disproportionate punitive sanctions implemented through an institution appointed by the Executive President without proper checks and balances. The ATA included vague, overbroad terminology, authorizing prolonged detention without charges, including extended remand periods, excessive powers granted to the Executive President, and the expansion of police powers. The government also proposed the Broadcasting Regulatory Commission Act (BRCA), which would have a serious negative impact on freedom of expression. While the Online Safety Bill was brought to the parliament, the other two laws were not progressed amidst strong opposition from civil society. In this context, monthly gazettes were issued throughout the year granting special powers to the military, indicating continuing trends of militarization, and declaring certain services as essential services as a tactic of discouraging and preventing trade union actions. The government restricted any protest from happening in the Galleface Green public park, where the occupied people's protests took place in 2022, claiming that the Ports Authority has undertaken the ground as a social responsibility project. In February, a circular was issued by the Ministry of Health prohibiting the display of black flags at hospitals and health institutions, claiming that such actions would negatively impact the mental health of patients. Another circular was issued by the Ministry of Health banning its employees from expressing opinions to the media without the approval of their department head, also referring to the Supreme Court judgement last year that upheld the interdiction of a medical doctor for revealing alarming rates of child malnutrition. The Parliamentary Sectoral Oversight Committee on National Security submitted a letter to the State Minister of Defense condemning the Human Rights Commission of Sri Lanka for recommending legal action against police officers who shot at the protesters in Rambukkana in April 2022, during people's protests. The National Peace Council issued a statement concerning the new Office for National Unity and Reconciliation Act, expressing concerns about the powers given to the ONUR to oversee and facilitate peace and reconciliation programs conducted by local civil society organizations.

**Repression of State Officials:** Three commissioners of the HRCSL wrote to the President, accusing the chairperson of the HRCSL of allegedly acting at her discretion against the views of the other members in the case of the summoning of high-profile politicians and state officials for inquiries. Power and Energy Minister Wijesekera said that he sought advice to take legal measures against members of the HRCSL for forcefully taking consent from Ceylon Electricity Board officials in issuing an order to provide uninterrupted electricity power during the Advanced Level examinations. A police officer in civilian clothing (out of duty) who took part

in a protest organized by a leftist political party was suspended from his duty. Parliament passed a motion to remove the Chairman of the Public Utilities Commission of Sri Lanka (PUCSL), Janaka Ratnayake, from his post. Later, he received several calls threatening him with death. Prior to his removal from the position, police also raided his office premises for allegedly conspiring against the government.

A group of Buddhist monks threatened government officials at the Batticaloa District Secretariat, demanding approval for the construction of a new temple. A nationalist parliamentarian called for the transfer of a magistrate for allowing Hindus to conduct religious rituals at the controversial Kurunthamalai archeological site. The Court of Appeal was informed of an alleged conspiracy to murder the former Director of the Criminal Investigation Department (CID), Shani Abeysekera, in a car accident. Abeysekera led many investigations relating to many emblematic cases, including crimes against journalists and HRDs. Senior Superintendent of Police D.S. Wickremasinghe, the Director of the Special Investigation Unit of the Police, has been threatened by SDIG Deshabandu Tennakoon over keeping the money found at the Presidential House during people's protests to hand over to the court without handing it over to a Minister, as instructed by SDIG Tennakoon. The National People's Party (NPP) reported that three retired military officers had been blacklisted by the Sri Lanka Air Force (SLAF), allegedly for engaging in politics with the NPP.

**Local Government Election:** The local government election was postponed without notice as the government refused to release the necessary funds. Three members of the members of the election commission received death threats demanding to step down from their positions. The relevant secretary of the Ministry in charge of provincial councils and local governments issued a letter asking district secretaries to refrain from accepting deposits from election candidates based on a cabinet decision. A writ petition was filed by a former military official, asking to prevent local government elections from happening during the economic crisis in Sri Lanka. Citing the financial crisis, President Wickremesinghe, as the Minister of Finance, issued circulars instructing the government to limit expenditure on a list of essential services, which excluded election-related expenses. Subsequently, the secretary to the Ministry of Finance and Treasury informed the National Election Commission (NEC) about their difficulties in releasing necessary funds for the local government election.

**Other incidents:** State Minister Anuradha Jayaratne stated that some trade unions and student unions could be called terrorists as they are now attempting to destabilize the country's economy. Two trade unionists were arrested for allegedly threatening the members of the Public Utilities Commission of Sri Lanka (PUCSL) after they went to the commission to show their objection to a change of stance by the commission. Youtuber Sepal Amarasinghe was arrested for making allegedly blasphemous remarks about the Temple of Tooth in Kandy. Activist Randimal Gamage was arrested for his forceful entry to the Sri Lanka Broadcasting Corporation (SLRC) during the anti-government protests. Activist Chiranthana Amarasinghe was arrested while handing over an RTI request to the State Intelligence Services (SIS) headquarters and allegedly tortured while being held in detention by the police. It was revealed that the police have used expired **teargas** to control protests, causing serious health issues for those who were exposed to them, which the police denied. A lawyer was assaulted by two men while returning from work. Poet Ahnaf Jazeem, who was unjustly arrested and detained for more than a year for allegedly promoting extremism through his poetry, was again included in the list of designated persons linked to terrorism by the Ministry of Defense. The house of a Tamil parliamentarian who advocated against state-sponsored Buddhist temple



constructions in the North and East was surrounded by a group of Sinhala nationalist politicians and their supporters, while another former MP publicly threatened to cut off the heads of those who harm Buddhist temples in the North and East.

The Minister of Public Security warned that NGOs not registering under the NGO secretariat would be prohibited in the future. Mullaitivu District Judge T. Saravananaraja, who also acted as the Mullaitivu Magistrate, resigned from his position and left the country due to threats to his life. The Vice President of the Crusaders for Democracy party, N. Nagules, was arrested under the Prevention of Terrorism Act (PTA) for providing meals to the families of fallen LTTE cadres. A youth who ran a Facebook page and a group titled *Puss Buddha* (loosely translated as 'Feline Buddha') was arrested for allegedly insulting Buddhism.

## 2. Overview

### **Economic Crisis**

Following Sri Lanka's 2022 foreign debt default, the International Monetary Fund (IMF) provided a US\$3 billion bailout, which was intended to reverse the country's immediate economic catastrophe. According to the World Food Programme, 31% of children under five are malnourished, and over 17% of the population is moderately or severely food insecure and in need of humanitarian assistance as a result of the government and IMF's response to the economic crisis, which seemed to have undermined living standards and human rights.<sup>1</sup>

The country's poverty rate increased to 25% in 2022 as a result of the economic crisis, and it was expected to become much higher. The International Monetary Fund (IMF) authorized a US\$3 billion loan to Sri Lanka on March 20, 2023<sup>2</sup>, in an effort to assist in resolving the country's mounting economic crisis, which started after Sri Lanka defaulted on its debt in April 2022.<sup>3</sup> In March, an IMF loan paved the way for multilateral institutions such as the World Bank and Asian Development Bank to offer new financing. According to Human Rights Watch, the IMF program prioritized increasing government revenue, combating corruption, and enhancing social protection; nevertheless, due to its design, it primarily placed the weight of recovery on low-income individuals, eroding their social and economic rights. For example, the government increased value-added taxes, phased out fuel subsidies, and boosted power tariffs as part of the IMF agreement, all of which contributed to an increase in the cost of living. A "social spending floor" as part of the reform package mandated that 0.6 percent of GDP go toward social protection initiatives, which is less than the 1.6 percent norm for developing nations. Many people who do not have a sufficient standard of life were left out of the government's targeted social security benefit program. Almost a million applications for Aswesuma, the new social protection program, were accepted for assessment by the government despite strong opposition. Critics point to social protection programs like Aswesuma, which target individuals based on their economic situation, as being prone to mistakes, arbitrary cutoffs, corruption, and a lack of societal trust.

After months-long protests forced his predecessor, Gotabaya Rajapaksa, out of government in 2022, President Ranil Wickremesinghe attempted to quell opposition by lifting a ban on the harsh Prevention of Terrorism Act (PTA) application. A new counterterrorism bill that is currently being presented would establish new speech-related charges and grant the president, the military, and the police broad new powers. The freedom of expression on the internet would be further restricted by other proposed laws.

### **War-time Human Rights Violations, Accountability and Justice**

The victims of past human rights atrocities, their families, and activists calling for truth and justice are still subjected to police and intelligence agency surveillance and intimidation in the north and east of Sri Lanka, which was hardest hit by the civil war that raged there from 1983 to 2009.<sup>4</sup> It was reported by Human Rights Watch since the end of the war in 2009, extrajudicial executions and enforced disappearances of former LTTE fighters and Tamil civilians at the hands of state military forces became common. The same source claimed that the government

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<sup>1</sup> <https://www.hrw.org/world-report/2024/country-chapters/sri-lanka>

<sup>2</sup> <https://www.imf.org/en/News/Articles/2023/03/20/pr2379-imf-executive-board-approves-under-the-new-eff-arrangement-for-sri-lanka?cid=em-COM-123-46270>

<sup>3</sup> <https://www.hrw.org/news/2023/03/29/sri-lanka-imf-loan-risks-eroding-rights>

<sup>4</sup> <https://www.hrw.org/news/2023/05/16/still-no-justice-sri-lanka-war-anniversary>

Office on Missing Persons<sup>5</sup>, which was established to track down the disappeared, has made very little progress. In April 2023, a United Nations report noted the establishment and operation of the Office for Reparations<sup>6</sup> and the Office on Missing Persons and particularly highlighted concerns over their lack of progress and inaction in clarification of the whereabouts and fate of persons subjected to enforced disappearances, and most importantly appointments to these entities of persons connected to prior breaches of human rights and intervention in the cases being prosecuted, discouraging victims and their families from pursuing justice.<sup>7</sup> It acknowledges the State party's information that former combatants are covered by social service programs and can receive reparations under the Office for Reparations Act No. 34 of 2018, but it reports that they do not have appropriate access to these resources and other services, such as healthcare.

United Nations International Covenant on Civil and Political Rights report on concluding observations on the sixth periodic report of Sri Lanka says that the prolonged period it is taking to prosecute those who have violated human rights in the past while the conflict was in progress is concerning. It laments the lack of criminalization of war crimes, crimes against humanity, and genocide under domestic law. The same report further revealed that the Court of Inquiry, which the Sri Lankan Army called, concluded that there had been no civilian deaths as a result of army operations between 2006 and 2009, in spite of solid evidence of war crimes, and that accusations of systematic use of torture and sexual violence at Joseph Camp in Vavuniya have not yet been investigated. The Committee conveys its apprehension regarding tidings of political and military personnel meddling in and impeding legal and investigative proceedings. It is especially concerned about the commission of inquiry's recommendations to look into claims of political victimization, which resulted in the dropping of charges in several high-profile cases, such as the 2008 and 2009 kidnapping of 11 Tamil people by Navy officials and the murders of Tamil MPs Nadaraja Raviraj and Joseph Pararajasingham. It is particularly troubled by the fact that military officers who have been charged with war crimes during the conflict have been appointed and promoted repeatedly, creating an environment where impunity prevails.

The government forcibly took away Muslim and Tamil minority populations' properties and places of worship.<sup>8</sup> After ruling against the Department of Archaeology, which had built a Buddhist monument on the site of a Hindu temple, a Mullaitivu district judge resigned and left the country in September.<sup>9</sup> The judge had received death threats as a result of his verdict.

In 2024, the UN Human Rights Council is scheduled to revisit a resolution that was approved in 2021, establishing the Sri Lanka Accountability Project<sup>10</sup> with the goal of collecting evidence of transnational crimes for use in subsequent prosecutions. The office of President Wickremesinghe expressed hope that the proposed truth commission will persuade governments that the council does not need to conduct any additional investigation.

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<sup>5</sup> <http://www.omp.gov.lk/contact/our-offices>

<sup>6</sup> <http://www.reparations.gov.lk/web/index.php?lang=en>

<sup>7</sup> file:///C:/Users/Informa/Downloads/G2306073%20(1).pdf

<sup>8</sup> <https://www.hrw.org/report/2023/09/18/if-we-raise-our-voice-they-arrest-us/sri-lankas-proposed-truth-and-reconciliation>

<sup>9</sup> <https://www.colombotelegraph.com/index.php/mullaitivu-magistrate-district-judge-resigns-after-death-threats/>

<sup>10</sup> <https://www.ohchr.org/en/hr-bodies/hrc/sri-lanka-accountability/index>

## Freedom of Expression and Assembly

The government released an Online Safety Bill in September with the intention of preventing misleading, threatening, scary, or disturbing words from being published online. However, critics said that this measure would further restrict free expression.<sup>11</sup>

According to a UN Human Rights Committee report on Sri Lanka, there are "severe restrictions on freedom of opinion and expression," including the overuse of force by police to disperse peaceful assemblies, the use of counterterrorism laws against demonstrators, and the blocking of social media access for the general public during large-scale protests against government policies. The east and north saw especially harsh restrictions on the right to assemble and express.<sup>12</sup> Human rights defenders were among the activists and civil society organizations that the authorities persisted in targeting.

## Counterterrorism Laws

After internal and international condemnation of abuses under the current PTA, the government promised to pass a counterterrorism law that respects human rights. The European Union, in particular, exerted pressure on Sri Lanka to renew its commitment to act on its 2017 pledge to abolish the PTA. Sri Lanka is granted tariff-free market access under the GSP+ program in exchange for meeting its human rights requirements.

The Anti-Terrorism Bill<sup>13</sup>, the proposed replacement legislation, however, falls well short of Sri Lanka's international commitments and endangers the freedom of assembly and speech of its citizens. The new law was first proposed by the government in March, but it was later withdrawn for "consultations" due to strong opposition that the plan would keep many of the PTA's most misused powers while granting abusive new ones.<sup>14</sup> When the bill was resubmitted in September, not much had changed. The Anti-Terrorism Bill offers certain improvements, but its wording is ambiguous and overbroad, allowing for behaviors that fall outside the acceptable definition of terrorism yet are nonetheless illegal, such as peaceful protest. The bill looked like it was intended to give the president, police, and military enormous authority to arrest people without any proof, criminalize speech that is not clearly defined, and ban events and groups without any real judicial review. After receiving criticism, the bill was taken out of parliament in October, to make more amendments.<sup>15</sup>

## Women's Rights

Women who are in lower-income brackets and precarious employments were severely affected by the economic crisis<sup>16</sup> and also the COVID-19 pandemic which came prior to it. Many elements of the Muslim Marriage and Divorce Act (MMDA)<sup>17</sup>, which regulates marriage in the Muslim community, undermines the rights of women and girls. One such clause allows

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<sup>11</sup> The subsequent developments of this bill are discussed in detail on this report and other reports published by INFORM.

<sup>12</sup> <https://www.hrw.org/news/2023/09/18/sri-lanka-abuses-undercut-proposed-truth-commission>

<sup>13</sup> chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/[http://documents.gov.lk/files/bill/2023/3/304-2023\\_E.pdf](http://documents.gov.lk/files/bill/2023/3/304-2023_E.pdf)

<sup>14</sup> <https://www.hrw.org/news/2023/04/07/sri-lanka-reject-new-counterterrorism-bill>

<sup>15</sup> <https://economynext.com/sri-lankas-anti-terrorism-bill-removed-from-parliaments-order-paper-135764/>

<sup>16</sup> <https://www.thenewhumanitarian.org/photo-feature/2022/09/13/Sri-Lanka-economic-crisis-women-workers-inflation-wages>

<sup>17</sup> chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/[http://www.commonlii.org/lk/legis/consol\\_act/mad134294.pdf](http://www.commonlii.org/lk/legis/consol_act/mad134294.pdf)

child marriage without establishing a minimum age.<sup>18</sup> According to this Act, women are not allowed to be judges of Qazi (family) courts; as a result, men can obtain divorces more easily compared to women; and a woman or girl's consent need not be documented prior to the marriage being registered. In addition, in situations where child marriage is authorized by the MMDA, the penal code allows what would otherwise be considered statutory rape.<sup>19</sup>

Sri Lanka has some of the strictest abortion regulations in the world<sup>20</sup>, with lengthy prison terms for all abortions, except in cases when a woman's life is at risk<sup>21</sup>, as per Section 303 of the Penal Code of 1883.<sup>22</sup>

The UN Human Rights Committee particularly highlighted Sri Lanka's low women's participation in politics.<sup>23</sup>

### **LGBTIQ+ Rights**

Sections 365 and 365A of Sri Lanka's Penal Code (1883) prohibits "carnal intercourse against the order of nature" and "any act of gross indecency", respectively.<sup>24</sup> These provisions are widely considered to be criminalizing consensual same-sex sexual relations between adults<sup>25</sup> despite the fact that Penal Code does not define these terms used in said sections. Furthermore, Section 399 of the Penal Code criminalizes "cheating by impersonation", and is commonly used by police to target transgender individuals. The loitering provisions of the Vagrants Ordinance (1842)<sup>26</sup> have often been deployed to intimidate, detain and interrogate gender non-conforming and LGBTIQ+ individuals in general. To decriminalize same-sex relationships, a private member's bill was introduced in parliament, but it is not up for vote as of yet.

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<sup>18</sup> chrome-extension://efaidnbmnnnibpajpcglclefindmkaj/[https://www.veriteresearch.org/wp-content/uploads/2018/05/Verit%C3%A9-Brief\\_Muslim-Marriage-and-Divorce-Act.pdf](https://www.veriteresearch.org/wp-content/uploads/2018/05/Verit%C3%A9-Brief_Muslim-Marriage-and-Divorce-Act.pdf)

<sup>19</sup>

[https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3\\_isn=74477&cs=12zxqwc8VdNbX599PRUx5uOk1ALxqn9oIBqsdY8Ova9\\_p36Eof01o3DowNQyfGUI3hT2cbjefeczrNs46Vc6ZOA](https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=74477&cs=12zxqwc8VdNbX599PRUx5uOk1ALxqn9oIBqsdY8Ova9_p36Eof01o3DowNQyfGUI3hT2cbjefeczrNs46Vc6ZOA)

<sup>20</sup> <https://www.hrw.org/news/2022/03/10/reform-sri-lankas-draconian-abortion-law>

<sup>21</sup> <https://groundviews.org/2018/09/02/abortion-where-is-sri-lanka-on-the-spectrum/>

<sup>22</sup> chrome-

extension://efaidnbmnnnibpajpcglclefindmkaj/[http://hrlibrary.umn.edu/research/srilanka/statutes/Penal\\_Code.pdf](http://hrlibrary.umn.edu/research/srilanka/statutes/Penal_Code.pdf)

<sup>23</sup> <https://www.hrw.org/news/2023/03/30/un-paints-bleak-picture-rights-sri-lanka>

<sup>24</sup> <https://www.icj.org/sri-lanka-ensuring-equality-and-non-discrimination-for-lesbian-gay-bisexuals-and-transgender-people/>

<sup>25</sup> <https://www.hrw.org/news/2022/03/23/un-body-condemns-sri-lankas-criminalization-same-sex-acts>

<sup>26</sup> chrome-

extension://efaidnbmnnnibpajpcglclefindmkaj/[http://hrlibrary.umn.edu/research/srilanka/statutes/Vagrants\\_Ordinance.pdf](http://hrlibrary.umn.edu/research/srilanka/statutes/Vagrants_Ordinance.pdf)

## 3. Case Updates

### January 2023

The 14th death anniversary of the late Sunday Leader editor, Lasantha Wickrematunge, was held in Colombo and Batticaloa. Parliament passed the controversial Bureau of Rehabilitation Bill with amendments that earlier attracted wide criticism as an attempt to rehabilitate anti-government protesters, now exclusively focusing on drug rehabilitation. However, Amnesty International and other civil society actors pointed out that the bill could facilitate torture and ill-treatment in rehabilitation centres.

The convenor of the Inter-University Student Federation, Wasantha Mudalige, was released from terrorism charges but held in detention further concerning several other cases. The Inter-University Bhikku Federation Convenor, Galwewa Siridhamma Thero, was ordered to appear before the Terrorism Investigation Division.

The Supreme Court ruled that the former President and key officials of defence and police at the time had failed to prevent the Easter Sunday bomb attack, despite having prior information, and therefore violated the fundamental rights of victims. They were ordered to pay 310 million Sri Lankan rupees in total as compensation to the victims. The writ application filed by former President Sirisena seeking dismissal of summons issued by the Fort magistrate regarding the Easter Sunday bomb attack case was fixed for hearing on January 31st.

The Colombo High Court issued a court order summoning former Northern Provincial Councillor M. K. Shivajilingham for remembering a Tamil martyr two and a half years ago.

The Attorney General filed contempt of court charges against State Minister Sanath Nishantha, who criticized the judiciary for granting bail to those who were involved with the anti-government protest movement.

### February 2023

Inter-University Student Federation (IUSF) Convenor, Wasantha Mudalige, who was detained for several months under the Prevention of Terrorism Act (PTA) and released on bail in the month, accused several police officers of having threatened him while he was being detained. On February 6, 2023, Fort Magistrate Prasanna Alwis lifted bail conditions imposed on twenty student activists who were arrested and charged with illegal assembly for taking part in a silent protest held three years ago in March 2020.

The plea made by the attorney of former President Gotabaya Rajapaksa to return the cash that was found and turned over by anti-government protestors when they took over the President's House on July 9, 2022, was rejected by Colombo magistrate Thilina Gamage.

The Colombo chief magistrate ordered the police to submit a progress report on the investigations into a protest march on violence against women organized by the chief opposition party in November 2022, in which police arrested 13 women politicians under the alleged charges of illegal assembly.

As the writ petition by a former military officer against holding local government elections was taken for hearing at the Supreme Court, the finance ministry informed the court that they are unable to release funds for the election as government funding has been limited to essential services. The case was fixed for further support in May 2023.

Another writ petition against holding elections by a political group of Matara Municipal Council was filed as their nominations were rejected and dismissed by the Supreme Court. The Human

Rights Commission of Sri Lanka (HRCSL) concluded that the Department of Government News has violated the rights of a journalist by not registering his news website, on the basis that the Defence Ministry did not provide a clearance.

### **March 2023**

The Election Commission announced April 25 as the new date for holding the postponed local government elections. The Supreme Court issued an interim order preventing the Ministry of Finance from withholding any funds allocated for the local government election in 2023 by the government budget. However, Election Commissioner Nimal Punchihewa said that it is unlikely that Finance would release sufficient funds to conduct the local government election as ordered by the Supreme Court. The government printer, Gangani Liyanage, said that if there is a further delay in processing payments for papers and other materials borrowed for printing ballot papers, the supplier might ask to return the paper and equipment. Some websites predicted this as a possible new tactic for postponing elections further.

An independent investigative report found that Sri Lankan police have used expired tear gas that expired two decades ago, causing serious respiratory problems for those who were exposed to it. The Court of Appeal dismissed the writ petition seeking the arrest of Senior Deputy Inspector General of Police Deshabandu Tennakoon for his failure to prevent attacks on peaceful protesters in Galle Face on May 9, 2022.

The revision application filed by the Attorney General (AG) against the release of Wasantha Mudalige was taken for hearing at the Colombo High Court. The AG argued that the Magistrate's Court has no jurisdiction to release an individual who has been arrested under the Prevention of Terrorism Act.

After hearing the case of the death of a protester, who died after being exposed to teargas, the magistrate ordered the Director of Public Order and Management Division of Sri Lanka Police to submit a report within two weeks on teargas.

The Supreme Court lifted the overseas travel ban previously imposed on former President Mahinda Rajapaksa and others concerning their accountability for the country's economic crisis.

Charges against former Finance Minister Ravi Karunayake in relation to the central bank bond scam were quashed by the Court of Appeal. The case on the citizenship of state minister Diana Gamage and illegally obtaining a Sri Lankan passport by submitting forged documentation was taken for hearing. A lawyer appearing on behalf of the petitioner pointed out that the Criminal Investigation Department (CID) of Police is not arresting the Minister despite ample evidence against her.

The Supreme Court issued a summons against the Inspector General of Police (IGP) for allegedly neglecting an order to prepare a set of guidelines to prevent the deaths of suspects who are under police custody while being taken out for various investigations.

### **April 2023**

The final report by HRCSL on the police shooting at protestors in Rambukkana in April 2022 was published. It found that the police had used excessive force, which had caused a protester's death and the injury of eighteen more. Issuing a press notice, HRCSL stated that the proposed ATA interferes with the fundamental rights of the citizens.

The Court of Appeal (CoA) announced that it would deliver the verdict of the petition seeking an order to disqualify State Minister Diana Gamage from holding a parliamentary seat due to her alleged dual citizenship in June. The CoA also issued an interim order preventing the

summoning of former Attorney General Dappula de Livera to the Terrorism Investigation Division (TID) regarding a statement he made about investigations into the Easter Sunday bombings, based on a petition filed by him. The CoA granted an interim order preventing police from either arresting or naming Senior Deputy Inspector General (SDIG) Deshabandu Tennakoon as a suspect concerning several events connected to anti-government protests in 2022. In response to a court order issued in March 2023 upon hearing a case of extrajudicial killing, the Inspector General of Police (IGP) informed the Supreme Court that the police formulated guidelines to prevent encounter deaths in police custody. The Welisara magistrate court concluded the magistrate inquest into the killing of 11 prisoners in Mahara Prison and ordered the CID to arrest the prison officials who were involved in the shooting. However, no arrests were made, and the prison department said that they were going to appeal against the order.

### **May 2023**

The Mullaitivu Magistrate Court summoned a naval intelligence officer for threatening Tamil Guardian Journalist Shammugan Thavaseelan in April 2019.

The Colombo Fort magistrate's court ordered to revoke the travel ban imposed on former Prime Minister Mahinda Rajapaksa and three others in connection with the magisterial inquiry into the attack on Galleface protesters last year. A writ petition filed by several parties, including the ministers and government parliamentarians, against police and military heads for their alleged failure to prevent violence following the attack on Galle Face protesters on May 9, 2022, was withdrawn by the petitioners following an undertaking given by the authorities to have a fresh inquiry.

Dr Shafi Shihabdeen, who was previously unjustly suspended from his work based on the allegations made by nationalist media for allegedly conducting illegal sterilization surgeries without consent, resumed his work at the same hospital.

The Colombo District Court ordered the extension of an injunction order issued against YouTuber and political vlogger Darshana Handungoda until May 24. The case against former Minister Mervyn Silva, who threatened journalists after forcibly entering state Rpavahini Corporation premises in 2007, began its hearing 15 years after the incident.

### **June 2023**

The Ministry of Labor responded with regard to the removal of the only female member of the National Labour Advisory Council (NLAC). They justified their action, claiming that the removal was done because her appointment did not meet the selection criteria for the NLAC membership that was recently implemented, which limits nominations for council membership only to the most representative trade unions that were selected by the Ministry, and denied any gender-based discrimination in the process.

The proposed Broadcasting Regulatory Commission Act (BRCA) was widely criticized by activists and media rights advocates as an attempt to control the media industry through a politically appointed body. The Justice Minister responded saying that the draft document they shared with the stakeholders was not a draft bill, but a set of proposals, and stated that the draft bill would be made only after having consultations with the heads of media institutions. However, the Broadcaster's Guild of Sri Lanka, writing a letter to the Minister of Media, called on the government to immediately withdraw the proposed draft bill.

The Supreme Court held that more than 25 clauses in the Anti-Corruption Act (ACA) were inconsistent with the Constitution. ACA was presented to the parliament soon after the



government signed a loan agreement of 2.9 billion US dollars with the International Monetary Fund (IMF) which was required to address corruption vulnerabilities in the country.

The Supreme Court granted leave to proceed with a Fundamental Rights petition against Senior DIG Deshabandu Tennakoon and other Police officers in relation to a case of arbitrary arrests of protesters during a peaceful protest held in Colombo in 2020.

### **July 2023**

Former President Sirisena and others paid less than 9% of the total compensation to the victims of the Easter Sunday bomb attack in 2018 by the end of the six-month deadline as the court ordered in January.

In the case of the disappeared journalist Prageeth Ekneligoda in 2010, the attorney general requested the court's permission to present additional evidence in relation to eight phone numbers, which defence attorneys opposed.

Female stand-up comedian Nathasha Edirisooriya was granted bail by the Colombo High Court. The bail order included a much more progressive interpretation of the ICCPR, considering broader aspects of international law. The Colombo High Court dismissed the revision petition filed by journalist Tharindu Jayawardana, seeking to invalidate an order issued by the Colombo magistrate court to conduct an inquiry on alleged contempt of court accusations about the press briefing they held condemning the recent arrest of the female comedian.

A former employee of the Swiss Embassy in Sri Lanka, Garnia Bannister Francis, was sentenced to two years of rigorous imprisonment, suspended for fifteen years, for allegedly making a false statement to the law enforcing authorities claiming that she was assaulted and sexually harassed by five unknown men for being involved with the visa process of an exiled police officer.

Student activist Wasantha Mudalige was arrested and granted bail for not appearing in a court case against him in relation to a protest he took part in three years ago. The magistrate revoked the travel ban imposed on the senior police officer, SDIG Deshabandu Tennakoon, in relation to not preventing the mob attack on Galleface protesters in May 2022.

A date was fixed for hearing the contempt of court case against MP Sanath Nishantha, the State Minister of Water Supply, on September 27th of this year.

The Supreme Court dismissed both fundamental rights petitions on attacks and arrests of participants of the Mirihana protest on March 31, 2022, which later led to the Aragalaya anti-government protest movement, and not taking actions to prevent mob attacks on Galleface protesters in May 2022, refusing to grant leave to proceed considering the initial objections raised by the state counsels. However, after hearing a writ petition on the attack on the Galle face protesters in May 2022, the Court of Appeal ordered the Inspector General of Police to appear before the courts.

The Bribery and Corruption Commission informed the court that it expects to record a statement from former President Gotabaya Rajapaksha in relation to the 17.85 million LKR cash found in the presidential premises by the protesters. MP Namal Rajapaksha and four other suspects requested the court acquit them of the money laundering case against them. The Attorney General informed the court that the proposed private member bill to reconvene local government bodies without holding elections is unconstitutional.

The Anti-Corruption Act was unanimously passed, as all 196 proposed amendments were included in the amended bill.

## **August 2023**

Former Director of the Criminal Investigations Department (CID), Shani Abeysekera, and three others, including exiled Inspector Nishantha De Silva, were acquitted in the case of allegedly fabricating evidence during an investigation process. Shani Abeysekera handled a number of high-profile cases on crimes relating to attacks, murders, and disappearances of human rights activists and journalists.

Two student activists were granted bail after 200 days of detention after being arrested during a protest in January 2023, though they were accused of involvement in ragging later.

The Health Ministry held a meeting with trade unions on the recent circular that prohibits health workers from making statements to the media. Subsequently, a trade union withdrew its plans to conduct a token labor strike after the Ministry assured that the ban would not apply to the unions.

The Supreme Court dismissed the Fundamental Rights petition filed by the Inter-Company Employees Union, challenging the resolution passed by the parliament on the domestic debt restructuring (DDR) process. A different case has been filed on the Inland Revenue Bill Amendment relating to DDR.

The court fixed October 27th for oral submissions regarding the preliminary objections raised by MP Wimal Weerawansa in relation to a case filed by the Bribery Commission.

The Colombo Fort magistrate court temporarily lifted the travel ban imposed on a key suspect in the controversial MiG deal case. Exposing the MiG deal is believed to be the closest reason that led to the murder of journalist Lasantha Wickramatunge in 2009. Beginning excavations of the Kokkuthodavai mass grave in Mullaitivu were postponed to early September due to a delay in allocating funds.

In August, several people were arrested in relation to a protest they had organized last February decrying Sri Lanka's Independence Day celebrations by the government and not ensuring the rights of Tamil communities.

Despite an order issued by the Right to Information (RTI) Commission, police failed to provide information on the progress of police investigations into the attack by police on journalist and media rights activist Tharindu Jayawardena last year.

## **September 2023**

The Colombo District Court lifted the enjoining orders obtained by 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 the 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 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 to disrupting a press conference held in 2014 organized by Watareka Vijitha Thero, a Buddhist monk advocating for inter-religious harmony, the perpetrators were ordered to pay compensation to Vijitha Thero.

The 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, Fraser's passport was seized by the Sri Lankan authorities, who subsequently issued a deportation order for publishing photos of anti-government protests in Sri Lanka on social media.

A retired police officer, SDIG Lalith Jayasinghe, was sentenced to five years imprisonment for influencing Kahawatte Police station officers to refrain from arresting the key suspect in a murder relating to election violence during the 2015 presidential election. In March 2022, all the accused, including several politicians, were acquitted and released from the murder case. The controversial Inland Revenue Bill, which sought to utilize 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 people were found at the Kokkuthoduvai mass grave in Mullaitivu during excavations conducted in September. The excavation process was stopped halfway through, and it was expected that the investigation team would 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 the Department of Archeology accountable as it had failed to adhere to the previous court order that prevented new construction at the site.

### October 2023

Two proposed repressive laws, the Anti-Terrorism Act (ATA) and the Online Safety Bill, were gazetted in mid-September. Challenging the constitutionality of the Online Safety Bill, a total of 46 special determination petitions<sup>27</sup> were filed at the Supreme Court challenging the Online Safety Bill by civil society organisations<sup>28</sup> and activists, lawyers' collectives,<sup>29</sup> media organisations,<sup>30</sup> media companies<sup>31</sup>, trade unions<sup>32</sup>, journalists, artists, political parties,<sup>33</sup> and others.<sup>34</sup> The Supreme Court determined 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.<sup>35</sup> The judgement confidentially passed to the Speaker of the Parliament had not yet been made public. International Federation of Journalists (IFJ)<sup>36</sup>, International Commission of Jurists (ICJ)<sup>37</sup>, The Asia internet Coalition (AIC)<sup>38</sup> which includes major social media companies and internet giants also issued statements raising serious concerns about the bill.

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<sup>27</sup> [https://www.supremecourt.lk/images/documents/dailycourtlist2022/20.10.2023\\_2.pdf](https://www.supremecourt.lk/images/documents/dailycourtlist2022/20.10.2023_2.pdf)

<sup>28</sup> INFORM, Centre for policy Alternatives, and many other organisations and individual activists

<sup>29</sup> Bar Association of Sri Lanka (BASL), Lawyers' Collective, and many individual lawyers

<sup>30</sup> Young Journalists Association of Sri Lanka, Sri Lanka Working Journalists Association, the Media Law Forum and individual journalists

<sup>31</sup> MTV Channel Pvt Ltd

<sup>32</sup> the Ceylon Teachers' Union and other trade unions

<sup>33</sup> National People's Power, FrontLine Socialist Party, Samagi Jana Balawegaya, Freedom People's Congress

<sup>34</sup> Socialist Youth Union, former Commissioner of HRCSL Ambika Satkunanathan, Colombo Archbishop Malcolm Cardinal Ranjith, Star Publications Pvt Ltd, Nagananda Kodituwakku, and many others

<sup>35</sup> <https://economynext.com/sri-lankas-online-safety-bill-can-be-passed-with-simple-majority-subject-to-31-amendments-138573/>

<sup>36</sup> <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-controversial-online-safety-bill-tabled>

<sup>37</sup> <https://www.icj.org/sri-lanka-proposed-online-safety-bill-would-be-an-assault-on-freedom-of-expression-opinion-and-information/>

<sup>38</sup> <https://aicasia.org/download/819/>

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 Parliament.

Memorial events were held to remember 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. The 36th anniversary of the Kokkuvil Pirambadi massacre, which killed over fifty Tamil civilians by Indian Peacekeeping Forces (IPKF) in 1987, was also commemorated in Jaffna. All these cases still remain unresolved. It was also reported that the excavations at Mullaitivu mass grave would not begin soon due to a lack of state funding.

Retired police officer Shani Abeysekera 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, was fixed for arguments on June 7th, next year.

The Bribery and Corruption Commission informed the Colombo Fort Magistrate's Court that it would not take further legal action against the sum of Rs. 17.85 million in cash recovered from the President's House during anti-government protests due to a lack of evidence. Colombo Fort Magistrate Thilina Gamage was 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 the misappropriation of US\$6.5 million in public funds on the basis that there was insufficient evidence. In a divided decision, the Court of Appeal dismissed the case regarding MP Diana Gamage's citizenship that had been filed, saying that she was not eligible for the member of parliament position due to her alleged dual citizenship.

### **November 2023**

The Supreme Court declared certain regulations gazetted under the Prevention of Terrorism Act (PTA) two years ago as null and void as they violated the Fundamental Rights. These regulations expanded the powers of the controversial PTA, which has been historically used for the arbitrary arrest and detention of human rights defenders, ethnic minorities, and others. The Supreme Court gave another landmark judgement that public trust and equality before the law had been violated by several leading politicians and several top state officials involved with the former government by leading the country's economy to a crisis due to mismanagement.

The Supreme Court ruled that the government requires a special majority to pass the Online Safety Bill in its current form, and it can be passed by a simple majority subjected to 31 amendments.

The Supreme Court decided that political commentator Mohammad Ramzy Razeek's arrest and subsequent incarceration in April 2020 under Section 3 of the International Covenant on Civil and Political Rights (ICCPR) Act violated his fundamental rights. The Colombo Magistrate Court ordered the police to report to the court the progress of the investigation into the alleged incident in which a group, including a former minister, Marvin Silva, broke into the state-owned television corporation and assaulted a group of employees there 16 years ago.

Alleged claims made by UK-based TV channel, Channel 4 of the involvement of Sri Lankan politicians and the military in Easter Attacks were denied and denounced by the Ministry of Defence. In September, the UK-based television channel Channel 4 aired a documentary that

included claims by a former government aide, that a top intelligence official met with members of the terrorist group that carried out the bomb attacks as part of an alleged plot to help former Sri Lankan President Gotabaya Rajapaksa win the election by creating a national security crisis in the country.

The former head of the investigation into the Easter Sunday attacks has spoken out for the first time, claiming that political intervention hampered the police inquiry. Former Deputy Inspector General of Police Ravi Seneviratne claimed his team was removed from the case when Rajapaksa seized office six months after the attacks. Seneviratne said that his lead investigator was fired without reason "immediately after the new government was elected." The parents of 11 youngsters whom a group of navy personnel allegedly abducted held a demonstration in front of the Supreme Court, demanding justice for their missing children. They stated that the Attorney General's Department's failure to address this matter had impeded justice for more than 15 years. The AG's Department had withdrawn the indictment they filed against a key suspect. The second phase of the excavation of the Kokkuthuduvai mass grave was carried out in late November, and a total of 40 individual human skeletons were found during both phases. The next excavation phase is planned to be held on March 1, 2024.

### **December 2023**

A local media rights group handed over a letter to the Senior Deputy Inspector General of Police in charge of North Western Province requesting that an impartial investigation be conducted against the officer-in-charge of Bingiriya police station who allegedly assaulted Bingiriya *Rupavahini* journalist Dinith Kumara and confiscated the journalist's media equipment while he was covering some news.

Ahnaf Jazeem, a poet and teacher who was held for more than a year and a half under the Prevention of Terrorism Act (PTA), has been exonerated of the charges brought against him. The attorney general informed the court that the police and the army have expressed their regret for obstructing a group of lawyers who engaged in an anti-government protest during the people's struggle in 2022.

Hearing the petitions on the Online Safety Act, the SC held that 33 amendments were required in order to pass it with a simple majority in Parliament.

Fort Magistrate Thilina Gamage ordered that the case filed against *Bodu Bala Sena* Secretary General Pujya Galaoda Atte Gnanasara Thero for submitting false statements to the media in a way that insults the Quran and Islam be called again on March 11 for the advice of the Attorney General.

A fundamental rights (FR) petition filed against Uva Provincial Chief Minister Chamara Sampath Dasanayake for harassing a school principal by kneeling was withdrawn on December 1st.

The petitions requesting a verdict that the basic human rights of the public have been violated by not holding the local government elections scheduled to be held on March 9 had been rehearsed on December 13 before the five-member Supreme Court (SC) bench.

The SC ruled that the now-acting IGP Deshabandu Tennakoon and three other police officers were guilty of torture, arbitrary arrest, and detention of a suspect who was arrested on suspicion of a robbery in 2010, and they were also ordered to pay 2 million LKR as compensation. Several fundamental rights petitions have been filed in the Supreme Court requesting that an order be issued preventing Deshabandu Tennakoon from assuming the position of IGP and also from serving as the acting IGP. Additionally, the Young Journalists

Association of Sri Lanka, a media rights group, requested that the National Police Commission remove him from the acting IGP position.

Hearing a case filed by the Bribery and Corruption Investigation Commission against MP Wimal Weerawansa, the Colombo High Court ordered a notice to MP Weerawansa and his guarantors to appear before the court immediately on the following day.

## 4. Repression of Media and Journalists

### February 2023

The Criminal Investigation Department arrested YouTuber and blogger Darshana Handungoda for a video he shared online regarding the violence on May 9, 2022, the day that pro-government mobs attacked peaceful protestors, eventually leading to a wave of attacks on the property of ruling party politicians.

The Terrorism Investigation Department (TID) sent a summons notice to the chairperson of the International Broadcasting Corporation for Tamil (IBC), Baskaran Kandiah, ordering him to provide a statement.

### March 2023

Parliament passed a resolution to refer the case of an alleged infringement of parliamentary privileges by *Siyatha Telewakiya*, a television political commentary segment run by a local TV channel named *Siyatha TV*, to the Attorney General to take further steps, which probably could include legal action against the media institution. The CID summoned the web journalist G. P. Nissanka Mayadunna, who runs the news website *Ravana Lanka*, and questioned him for over three and a half hours regarding the investigative articles published on the website and demanded to reveal his sources. Lankadeepa regional journalist Nimal Jayarathne in Manampitiya in Polonnaruwa district received a threatening phone call, demanding that he report on a certain incident.

### April 2023

Ramachandran Sanath, an independent journalist and activist, was summoned to the Terrorism Investigation Division of the Sri Lanka Police. In a Facebook post, Ishara Dewendra, a female journalist who worked for the state-owned Independent Television Network (ITN), claimed that she had resigned from her position because of sexual harassment and that no action was taken by the management regarding the complaints she made. The Colombo District Court issued two injunction orders against the SL Deshya Youtube channel and YouTuber Darshana Handungoda on April 26th, effective until May 10th, 2023, as the Attorney General Department filed a petition accusing him of allegedly publishing false information regarding the marine disaster of the MV X-Press Pearl ship explosion. Journalist Zulfick Farzan, working for Newsfirst, was summoned to the TID to record a statement regarding the interview he conducted with former Attorney General Dappula de Livera regarding the Easter Sunday terror attacks in 2019.

### July 2023

The police physically assaulted and arrested journalist and media rights activist Tharindu Uduwaragedara while covering a trade union protest in Colombo. Darshana Handungoda, a YouTuber and journalist, was summoned to the Financial Crime Division in Narahenpita, Colombo, to investigate his links with a YouTube channel on which he used to publish his content. This was the same YouTube channel that was accused of publishing the controversial stand-up comedy performance of Natasha Edirisooriya for allegedly insulting Buddhism. He was also ordered by the magistrate court to hand over his electronic equipment to the CID of Police concerning an ongoing investigation against him. He was investigated concerning a video he had published reportedly accusing a few officials in the AG department of causing a

delay in filing a legal case against the company that owned the X-Press pearl ship that sank in Sri Lankan waters in May 2021.<sup>39</sup> The Colombo Mayor of the Colombo Municipal Council also made a complaint about alleged defamation against the same YouTuber concerning another incident. A regional journalist of the Lankadeepa newspaper was assaulted by two unknown people at his office. A few days before the attack, an unidentified person had broken into his office, about which he had made a police complaint. When the police came to inquire about the complaint, a group of people had come there and video-recorded the event. When the journalist inquired about their identity, they assaulted the journalist.<sup>40</sup>



Media Rights activist and journalist Tharindu Uduwaragedara was assaulted and then arrested by the Police while reporting a protest organised by a collective of trade unions. 28th July 2023, Colombo. Photo Courtesy: [the leader](#)

### August 2023

A police officer on duty at the Gampaha Court Complex attempted to prevent journalists who failed to display government-issued media identity cards and/or worked for online platforms from entering court premises during the case against CID head Shani Abeysekara. Journalist Sunanda Deshapriya tweeted that he had been blocked from accessing the president's website. Three journalists, along with a group of others, were held in detention and forced to delete photos by a mob led by a Buddhist monk. The media reported that the ruling party members of Parliament decided to appoint a Parliamentary Select Committee against the Sirasa TV channel for allegedly engaging in a political conspiracy against the government.

<sup>39</sup> <https://www.youtube.com/watch?v=VgtVo8umlac>

<sup>40</sup> [කුලියාපිටිය ජ්‍යෙෂ්ඨ මාධ්‍යවේදියාට පහරදීම](#)



**September 2023**

On the third day of excavation in the Kokkuthuduval mass grave, police obstructed and removed two journalists who were conducting interviews on-site and ordered all the journalists to stay outside the excavation site while excavations were in progress, even though the police allowed several intelligence personnel in civilian attire to take photographs at the site.

**October 2023**

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 of 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 the editor of one of its daily newspapers for quoting a statement made by the opposition leader criticizing the president. Two Tamil journalists in Batticaloa were questioned by the police for over 2 hours in relation to their reporting on police violence that occurred while dispersing protests organized by cattle farmers.

**November 2023**

The Terrorism Investigation Department has summoned the editorial board member and journalist of the Jaffna-based Uthayan newspaper, Dileep Amuthan, in relation to an article that was published in 2020 on Maaveerar Naal. Kurunegala-based provincial journalist Dineth Kumara, working for the state-operated Rupavahini Corporation, was severely assaulted and arrested by the officers of the Bingiriya police station. A group of local and foreign journalists had been stopped at a checkpoint for over two hours and recorded their details, including their identity cards issued by the government information department, their home addresses, and their workplace addresses.

**December 2023**

A 36-year-old media cameraman named Mahesh Gunasinghe was murdered at a hotel in the Katuwagasgoda area of Veyangoda. Sri Lanka's Terrorism Investigation Division (TID) interrogated Rasarathnam Dharshan, a journalist and the former president of the Jaffna University Arts Students' Union, for more than 3 hours over the choice of songs that were played during a commemoration ceremony that was held at the campus to mark Tamil Genocide Remembrance Day in May 2022. IBC Tamil media journalist Letchumanan Thevaprathheepan, the Batticaloa correspondent, was called to the Valaichchenai police station. It was said that he had reported on a Tamil Martyrs memorial held at a burial ground in the Eastern Province. Thevaprathheepan was asked to bring the registration certificate of the motorbike he had used to come to the police station and was questioned about the Tamil Martyrs Memorial held at the burial ground in Tharawi, Batticaloa, on November 27.

## 5. Repression of Freedom of Assembly

### January 2023

On 16th January Colombo Fort Magistrate issued a **restraining order** preventing protestors from entering the Galle Face Green in Colombo concerning a protest march organized by the Inter-University Student Federation was **tear gassed** by the police. The Inter-University Student Federation (IUSF) organized a protest demanding the release of its leader, Wasantha Mudalige, the repeal of the Prevention of Terrorism Act (PTA), and a reduction in the prices of electricity, gas, and fuel.<sup>41</sup> President Ranil Wickramasinghe visited Jaffna on January 15, 2023, and participated in Pongal rituals at the Sivan Kovil in Nallur. Meanwhile, the families of the disappeared and the students of the University of Jaffna held a protest march from the University of Jaffna to Nallur, where celebrations were happening. At the same protest, prominent civil society leader Velan Swamigal was **arrested** on January 18 for reportedly 'obstructing the duties of the Police' during the protest. Thambirasa Selvarani, President of the Ampara District Organization of Relatives of the Disappeared, led a protest on January 30, 2023, demanding justice for the disappeared and an international investigation into crimes, while rejecting the government's compensation of Rs. 200,000 (\$550). She was **summoned** to appear before the Pottuvil Magistrates' Court.<sup>42 43 44</sup> Mulliyawalai police summoned six Tamil men who organized the Maaveerar Naal (Great Heroes Day) remembrance event at Mulliyawalai Thuyilum Illam cemetery in November 2022 and **recorded statements** from them. They were **questioned** about an arch-shaped decoration erected at the entrance of the cemetery that allegedly contained imagery relating to the Liberation Tigers of Tamil Eelam (LTTE).<sup>45</sup>

### February 2023

Police **dispersed** a silent protest organized against the state Independence Day celebrations with **water** cannons and **arrested several protesters**. According to the Human Rights Commission which later conducted an investigation and clarified an unidentified group had arrived and created a tense situation, after which police used **teargas and water cannons** to disperse the peaceful demonstrators.<sup>46</sup> Police made several attempts to stop another protest against Independence Day celebrations, while it was moving through the Jaffna town. Two other protests organized by opposition political parties National People's Power (NPP) and Samagi Jana Balawegaya (SJB), mainly demanding not to postpone elections, were attacked with **teargas** and **water** cannons by the Police. 28 were injured and 1 person died during the NPP protest. 17 protesters along with the Tamil National People's Front (TNPF) parliamentarian MP Selvarajah Kajendra and their legal advisor lawyer Kanagaratnam Sugash were arrested over protesting against President Ranil Wickramasinghe's visit to an event in Jaffna. A protest organized by the Inter-University Bhikkhu Federation (IUBF) demanding to resume the work of Buddhist and Pali University which had been closed since December 2022,

<sup>41</sup> <https://www.newsfirst.lk/2023/01/16/iusf-protest-tear-gassed-twice-in-colombo/>

<sup>42</sup> <https://english.theleader.lk/news/3547-ampara-activist-summoned-before-courts>

<sup>43</sup> <https://twitter.com/JDSLanka/status/1620103216825536514>

<sup>44</sup> <https://twitter.com/JDSLanka/status/1620005080056631297>

<sup>45</sup> <https://www.tamilguardian.com/content/sri-lankan-police-summon-maaveerar-naal-organisers-mulliyawalai>

<sup>46</sup> <https://www.newsfirst.lk/2023/02/05/hrcsl-probes-attack-on-peaceful-protestors-in-maradana-on-eve-of-independence-day/>

was dispersed using **teargas** and **water** cannons. A different protest by a group of nationalist monks against the full implementation of the 13th Amendment of the Sri Lankan Constitution was obstructed by the Police. A court order was issued against a protest organized by the employees of banking, health, ports, power and energy sectors demanding the revision of the government's tax policy.

### **March 2023**

Police arrested Dananjaya Rathnayake, an activist at the Kandy #GotaGoGama occupied protest site, on charges of violating the curfew and engaging in unlawful assembly last year. Police arrested the head of the Association of Relatives of the Disappeared, Kasipillai Jayavanitha, for allegedly illegally obtaining electricity for the shed they used as the base for their six-year-long protest. Lawyers representing the opposition political party, National People's Power (NPP), alleged that they have received reliable information that the police have used expired **teargas** canisters and contaminated **water** against protesters, causing three deaths and other health complications during the last week. Submitting an RTI request, they requested a comprehensive report on **teargas**. Fort magistrate court issued an order preventing a protest march organized by the Inter-University Student Federation (IUSF) in Colombo. The police attacked their protest with **teargas** and **water** cannons when it was passing the University of Colombo. Police also forcibly entered the university premises and fired **teargas**, disturbing the academic environment. A security officer named Priyantha Wanninayake, employed at the university died after being exposed to **teargas**. Wooden clubs with iron rings were spotted being carried by the military that had been deployed to disperse a protest that university students had staged in Colombo on March 7. Army Spokesperson Brigadier Ravi Herath told the media that an investigation has been launched into the matter and denied the involvement of the Sri Lanka Army in controlling the protest. While academics and university students demanded legal action against the police for forcibly entering university premises, however, the police justified their actions. The students of the University of Colombo who organized another protest on the following day to condemn the attack on university premises were also attacked with **teargas** and dispersed by the police. University of Kelaniya students who organized a protest near the university premises were also dispersed, firing teargas and **water**, and nine protesters were arrested. On March 31, police disrupted the first anniversary of the *Aragalaya* (People's Struggle 2022) that was planned to be held at the Jubilee Post in the Mirihana area of Nugegoda in the suburbs of Colombo with a protest calling for the abolition of the executive presidency. Around the same time, the State Minister of Tourism, Diana Gamage, stated that people will attack the protesters soon, as the protesters are trying to sabotage the gradually reviving economy.

### **April 2023**

Police attempted to prevent non-Muslims from attending an interfaith iftar ceremony organized in the Galle Face on April 9th, as the day coincided with the annual remembrance of the *Aragalaya*, which was not allowed to be remembered in the Galle Face. A bodyguard of a Buddhist monk has allegedly threatened the farmers who had been protesting against the installation of Buddhist statues on the farming land in the area. A protest organized by Telecom trade unions, a semi-government telecommunications company, against its proposed privatization, was disrupted by the police. A student protest demanding the release of student activists was disrupted by police, who attacked the protest with **teargas** and **water** in front of

the University Grant Commission's office in Colombo. HRCSL said they have launched an inquiry into the incident and asked the IGP of the police to submit a report.

### **May 2023**

The Colombo Fort magistrate court issued a restraining order against an event organized to remember the first anniversary of the May 9, 2022, attack on the peaceful anti-government protesters in Galle Face, Colombo, during the people's protests in 2022. Police arrested Morin Noor, a Muslim female protestor from Aragalaya and a victim of the May 9 attack, who marched demanding justice for the assault and arrest she faced in the previous year. An ultra-nationalist Sinhala Buddhist group led by Buddhist monks disturbed a remembrance event honouring those who lost their lives in the final phase of Sri Lanka's civil war that was taking place in Colombo. Police disrupted protests organized by the medical students of the University of Colombo on May 16th, a protest organized by the students of the University of Kelaniya on May 18th, and a protest organized by the students of the University of Peradeniya on May 23rd by firing **teargas** and **water**. On May 11, police and military personnel were deployed around the University of Colombo premises, as they had allegedly received intelligence information about a student meeting scheduled to be held there.

### **June 2023**

It was reported that the government abandoned its initial plans to investigate the organizers of the Freedom Pride Parade held on June 4 in Colombo. A senior police officer and a politician have allegedly attempted to stop another pride walk that was held on June 18. Amidst these challenges, emerging trends of pinkwashing and attempts to exclude anti-government sentiments from certain pride events were also observed. A court order was issued preventing a protest in front of the National Election Commission organized by the members of the National People's Power (NPP). On June 7, police fired **teargas** and **water** at protesters who took part in a protest march organized by the Inter-University Student's Federation when they were passing Nugegoda City in the Colombo suburbs. A Member of Parliament and the leader of the Tamil National People's Front (TNPf), Gajendrakumar Ponnambalam, was arrested for allegedly obstructing police officers a few days ago when he questioned the state intelligence officers in civil clothing to verify their identities. He was arrested in Colombo after coming to take part in the parliamentary proceedings and taken to Jaffna to record a statement. In two separate instances, police arrested a total of four other members of the TNPf, including three women, in relation to the same incident.

### **July 2023**

A silent protest commemorating the Black July anti-Tamil pogrom in 1983 was disrupted by Sinhala nationalists and the police, while another protest march in Colombo remembering the Black July was also dispersed by the police, who attacked the protesters with **teargas** and **water**. A protest held in Colombo against the proposed labour law reforms and debt restructuring plan, which involved using the superannuation funds, organized by a joint trade union collective, was dispersed by the police, who attacked protesters with **teargas** and **water**. Court orders were issued against three trade union protests, including the one mentioned above. The Supreme Court granted leave to proceed with the fundamental petition filed by

Maurine Noor regarding her arrest by the police in May for holding a one-person protest in commemoration of the first anniversary of the attacks she faced when pro-government mobs attacked the anti-government Aragalaya protest site in May 2022. Several hours following this Supreme Court order, the Cyber Crimes Division of the Criminal Investigation Department of Sri Lanka Police handed over a summons to her to appear at their office on July 25th, in relation to an investigation that they did not mention the details of.

### **August 2023**

Four courts issued orders against protests held in Colombo, mainly against domestic debt restructuring and other issues. On August 10, two court orders were issued against a protest organized by the Inter-University Student Federation (IUSF). Police dispersed the protest, attacking it with **teargas** and **water** and arresting 22 protesters. The next day, another court injunction was obtained against a protest organized by many lawmakers. Another court injunction has been granted against a protest march organized by a group of trade union activists. Even though the police sometimes allowed the demonstrations to be conducted on the roadsides, they prevented the protesters from marching. As the Magistrate refused the request by the police to issue an order banning the Hindu religious ritual ceremony held at the controversial Kurunthamalai archaeological site, a group of Sinhala nationalists attempted to disrupt the event.

### **September 2023**

A group of Sinhala nationalist mobs 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 six people concerning 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 the Christian Solidarity Movement attempted to organize 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 organized by the Students' Union of Peradeniya University, attacking the protesters with **teargas**. Tamil activist Balraj Rajkumar, who was 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.

### **October 2023**

Police officers photographed a protest organized by the lawyers in the Northern Province, demanding an inquiry into the 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 a group of dairy farmers in Batticaloa who had been protesting for 24 consecutive days against the land encroachments by others into their traditional grazing lands. The Trincomalee magistrate court issued an injunction order against eight people who organized a protest against the construction of a new Buddhist temple in the area. A group of Tamil families from the nearby district of Ampara who were planning to join the protest in solidarity were stopped in Batticaloa and questioned for around 3 hours to

prevent them from joining the protest. Police fired **teargas** at a protest held in Colombo by several teachers' trade unions and two other protests organized by university students in Kandy and Colombo.

### **November 2023**

Santhiveil police arrested six students of the University of Jaffna who supported the Mylathamadu livestock farmers protest when they were traveling back to Jaffna once the protest finished. The police obstructed a protest organized by medical students of the University of Sabaragamuwa and arrested 21 of them. The police dispersed a protest in Horagasmulla, Gamapha, against increasing electricity tariffs, and subsequently six protesters were arrested. The Colombo Fort Magistrate issued an injunction preventing a protest organized against the increased electricity tariff from approaching the Presidential Secretariat, the President's House, and the Ministry of Finance premises. Several incidents were reported from the Eastern Province where police obstructed the Maaveerar Naal commemoration. The broken headstones in an LTTE graveyard, which had previously been destroyed by the state following the conclusion of the armed conflict, were smashed into small bits by unknown individuals as local youngsters rearranged the broken parts for a commemorative celebration. Police obstructed and stopped Tamil civilians from attending the Maveerar Commemoration held at the cemetery where the deceased Tamils were buried during the civil war. In another incident, police forcefully entered and removed the decoration of the Batticaloa commemoration of Maaveerar Naal. Valaichenai Police demolished the monument that was set up to commemorate Maaveerar Naal on November 27. The police said they had destroyed it according to a court order. Sambur police stopped a group of Tamil individuals who were on their way to attend the Maaveerar Naal Commemoration at Mutur, near Sambur police station. Valachchenai Police arrested six residents and confiscated their speakers and the generator used for the event.

### **December 2023**

The police dispersed a protest held near the Parliament, firing **teargas** and **water** at the protesters. It was organized by the women's wing of the National People Power (NPP) against the rising cost of living, increasing taxes, and several other issues. Police obstructed a remembrance event to mark the 39th anniversary of the Othiyamalai massacre, in which Sri Lankan armed forces killed 32 Tamil civilians in 1984 in Othiyamalai village in Oddusuddan in Mullaitivu district. The police have ordered the organizers to conclude the event, claiming that they had not obtained the necessary permissions to use loudspeakers. Members of nearly 600 families whose houses were damaged due to the central expressway initiated a *Satyagraha* (peaceful protest) near the Gattuwana entrance in Kurunegala. When protesters attempted to build a tent for them, the police confiscated all the items that were brought to build the tent.

## 6. Repression of Freedom of Expression

### May 2023

Natasha Edirisooriya, one of the few female stand-up comedians in the country, was arrested by the Criminal Investigation Department and charged under the ICCPR Act and other laws for allegedly insulting Buddhism. Bruno Divakara, the owner of the SL Vlog, was arrested related to the same incident. Police spokesman SSP Nihal Thalduwage stated that attendees of the same comedy show would also be questioned, and their statements would be recorded accordingly. The Criminal Investigation Department summoned the Youtuber Dharshana Hadungoda and recorded a statement regarding a video he had published regarding the compensation to the victims of the X-Press Pearl maritime disaster.



Comedian and activist Nathasha Edirisooriya was arrested for allegedly insulting Buddhism. The Police charged her under the ICCPR Act based on multiple complaints lodged by Buddhist monks.

### June 2023

The Special Crime Office of the Deputy Inspector General Office in Kilinochchi summoned and questioned freelance journalists Pradeepan Thambithurai and Dharmalingam for videotaping the events surrounding the alleged threat of state intelligence officers against Gajendrakumar Ponnambalam, the leader of the Tamil National People's Front (TNPf). They were repeatedly questioned about how they obtained the video and how they gathered information for the news. Al Jazeera reporter Minelle Fernandez faced a water cannon attack while live reporting on a student protest held in the Colombo suburbs. Journalist and human rights activist Tharindu Uduwaragedara was summoned and interrogated by the Criminal Investigation Department (CID) of the Police regarding alleged contempt of court charges relating to the press conference they held condemning the arrest of standup comedian Nathasha Edirisooriya. On June 26, the CID arrested an active member of the People's Struggle 2022 and social media activist Piyath Nikeshala for live streaming the protests in front of then Prime Minister Ranil Wickramasinghe's house in July 2022, when it was set on fire by the protesters. Social media journalist Prasad Welikumbura was summoned to the Computer Crimes Division concerning a video he published in February 2023 that allegedly caused disrespect towards the military.

## **7. Repression of Activists and Whistle-blowers**

### **May 2023**

A group led by a local politician attacked Piyath Nikeshala, an ardent participant in the people's protest movement, and he was later taken into custody while he was being treated at the National Hospital. Pathmanathan Sirojan, a staff member of the AHAM Humanitarian Resource Centre in Batticaloa, was arrested by the police during a commemoration event held in Naripulthottam, Batticaloa, for displaying a banner that read the phrase "Tamil Genocide Memorial Day." Human rights lawyer and activist Priyalal Sirisena received death threats from an unknown caller on May 25. A social activist in Colombo, Sujith Annamalei, made a police complaint after a nationalist monk named Balangoda Kasappa Thero made a public statement accusing him of being part of an agenda to destroy Buddhism and culture and demanding the police arrest him.

### **August 2023**

A farmers' leader and activist in Mayurapura in Hambantota district was assaulted and subsequently hospitalized due to sustained serious injuries. A similar incident had occurred in late July, farmer groups protested, urging for immediate investigations into both incidents. Posters displayed insulting Amalanayagi, the coordinator of the Association of Relatives of the Enforced Disappeared, Batticaloa District, were seen around Batticaloa town.

### **November 2023**

The leader of the Democracy Party, N. Nagules, was taken away by the police to be investigated while attending a Maaveerar Naal event.



## 8. Repressive Legal and Policy Actions

### January 2023

President Ranil Wickremesinghe during a meeting with heads of media institutions held at the Presidential Secretariat in January said that a new bill will be introduced to regulate social media and electronic media similar to the Info-communications Media Development Authority (IMDA) Act 2016 of Singapore.<sup>47</sup> Various Human Rights reports indicate that both Protection from Online Falsehoods and Manipulation Act (POFMA) and Info-communications Media Development Authority Act (IMDA) in Singapore have been used to silence dissent and restrict freedom of expression,<sup>48</sup> As the protests against the previous government heightened, and the government collapsed soon, the proposed bill was not introduced then. However, President Wickramasinghe managed to bring in this new bill in 2024. Two gazette notifications were issued in January<sup>49</sup> 2023<sup>50</sup>, declaring the supply of electricity, the supply and distribution of petroleum and fuel and all services of the health sectors as essential services.<sup>51</sup> Declaration as essential services is a well-known historical tactic in Sri Lanka to discourage and prevent trade union actions. The monthly Gazette notification was issued on 20th January calling all the armed forces members to maintain Public Order, which allows the military to be involved in civilian affairs. It was issued by the President under the power granted by the Public Security Ordinance (Chapter 40).<sup>52</sup>

### March 2023

The proposed [Anti-Terrorism Act \(ATA\)](#) which expects to replace the existing draconian legislature [Prevention of Terrorism Act \(PTA\) of 1979](#), was gazetted on 17th March 2023. ATA was subjected to strong criticism by human rights advocates for its potential to be used to crack down on dissent, and restrict freedom of expression, and other human rights. Aruna newspaper published a news article saying that the government has been recently paying attention to establishing a presidential commission to investigate those who funded, assisted, and encouraged Aragalaya, the anti-government protest movement in 2022. Similar to prior months, the president called on the armed forces to maintain public order in a gazette announcement, a blatant sign of ongoing militarization. Two other gazette notifications were issued, declaring postal services, the supply of electricity, and the distribution of fuel and petroleum products as essential services. Historically, repressive administrations in Sri Lanka have utilized these declarations as essential services as a means of preventing trade union actions. This draconian law allows for 2 to 5 years of rigorous imprisonment, forfeiture of property, and removal from professional registration against those who engage in trade union actions. Though this law has not been implemented in the recent past on such a scale, the United National Party (UNP) Chairman, MP Vajira Abeywardena, warned trade unionists not to engage in unreasonable protests and said that their property would be confiscated. The president, speaking at a school event, also said that he would introduce a new law declaring school education an essential service in a bid to control trade union actions by teachers.

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<sup>47</sup> <http://www.adaderana.lk/news/87400/sri-lanka-to-introduce-new-laws-to-regulate-social-media>

<sup>48</sup> <https://monitor.civicus.org/updates/2022/12/20/singapore-authorities-continues-its-use-restrictive-laws-harass-critics-and-activists-and-stifle-protests/>

<sup>49</sup> [http://documents.gov.lk/files/egz/2023/1/2313-25\\_E.pdf](http://documents.gov.lk/files/egz/2023/1/2313-25_E.pdf)

<sup>50</sup> [http://documents.gov.lk/files/egz/2023/1/2315-07\\_E.pdf](http://documents.gov.lk/files/egz/2023/1/2315-07_E.pdf)

<sup>51</sup>

<https://www.newswire.lk/2023/01/03/extraordinary-gazette-issued-declaring-three-sectors-as-essential-services/>

<sup>52</sup> [http://www.documents.gov.lk/files/egz/2023/1/2315-58\\_E.pdf](http://www.documents.gov.lk/files/egz/2023/1/2315-58_E.pdf)

### **April 2023**

Cabinet Spokesperson Minister Bandula Gunawardena said that protests at the Galle Face would not be allowed in the future as the Ports Authority has undertaken the ground as a social responsibility project. There has been a request for the maintenance of public order by the armed forces in a monthly gazette notification, indicating a greater state militarization. The supply of electricity, petroleum and fuel, postal service, and health services were declared essential services. It is a known tactic by the state to discourage trade union actions. A circular has been issued by the Ministry of Health prohibiting the display of black flags at hospitals and health institutions, claiming that such actions would negatively impact the mental health of patients.

### **May 2023**

Opposition political parties criticized the proposed Broadcasting Regulatory Commission Act (BRCA) as an attempt to instigate fear among journalists and media institutions. The proposed BRCA has powers to take legal action against journalists resulting in their imprisonment, impose fines, cancel licences, and take other actions against media institutions and journalists. The supply and distribution of petroleum products and fuel, electricity supply, and health services were declared essential services. The declaration of essential services is a common tactic by the state to discourage trade union actions such as worker strikes. Again, per the public security ordinance, the president called for the military forces in a monthly gazette notification. This provides additional powers to the military to intervene in civilian affairs.

### **June 2023**

The Contempt of a Court, Tribunal, or Institution Act was gazetted on June 27th. The proposed act may have serious implications for freedom of expression and other rights. The Judicial Service Association of Sri Lanka (JSASL) wrote a letter to the President expressing their dissatisfaction regarding two recent judicial appointments that they considered to be contravening the independence of the judiciary and public confidence in the judiciary. The monthly gazette calling for the armed forces to maintain public order was issued, indicating the continuing trends of militarization. Another gazette notification was issued, declaring the supply of electricity, the supply and distribution of fuel, and health-related work as essential services.

### **July 2023**

A circular issued by the Ministry of Health banned its employees from expressing opinions to the media without the approval of their department head. The circular also referred to the recent Supreme Court judgement, which upheld the interdiction of Dr Chamal Sanjeewa for revealing alarming rates of child malnutrition in the country. A gazette notification was issued making several public services essential services. The monthly gazette notification was issued calling for the armed forces by the President justifying and providing powers for increased military intervention in civilian affairs.

### **August 2023**

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

### **September 2023**

Two repressive draft laws, the Anti-Terrorism Act (ATA) and the Online Safety Bill, were gazetted in mid-September. The ATA, which expects to replace the draconian Prevention of Terrorism Act (PTA), includes vague, overbroad terminology, authorizing prolonged detention without charges, including extended remand periods, excessive powers granted to the Executive President, and the expansion of police powers. The Online Safety Bill also contains vague and overbroad wording designated as punishable offences and unnecessary and disproportionate punitive sanctions and establishes an Online Safety Commission with broad powers that is exclusively appointed by the Executive President, therefore necessarily having issues with 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 of the fact that railway workers launched a labour strike. The Railway Department also issued a warning to the employees involved in the labour strike, saying that they would be suspended from their employment if they failed to report to their jobs. Another Gazette notification declared electricity, petroleum, and health services as essential services. The monthly gazette notification was issued, calling out the Armed Forces the same as the previous months, indicating increasing militarization and shrinking civil space.

### **October 2023**

The monthly gazette notification was issued calling for the Armed Forces by the President, further signalling continuing militarization in the country. Another gazette notification was issued, declaring the supply of petroleum and electricity as essential services. The Parliamentary Sectoral Oversight Committee on National Security submitted a letter to the State Minister of Defense and spoke to the media, condemning the Human Rights Commission of Sri Lanka for recommending legal action against police officers who shot at the protesters in Rambukkana in April 2022, during people's protests.

### **November 2023**

In the context of trade union actions being initiated by postal service employees, a Gazette notification was issued declaring postal service an essential service. Essential service declarations are generally used to crack down on and intimidate workers who engage in trade union action. With immediate effect, the postal department cancelled the leave of all the postal employees on November 8, 9, and 10. This action was taken when postal employees initiated a protest against selling the Nuwara Eliya and Kandy postal office buildings. Another gazette was issued, declaring that all the services connected to the supply of electricity and the supply and distribution of petroleum products and fuel are essential. The monthly gazette was issued for all forces to follow the public security ordinance, providing the powers for the armed forces to intervene in civilian affairs. The National Peace Council has issued a statement concerning the new Office for National Unity and Reconciliation Act. They have expressed concerns about the power that has been given to the ONUR to oversee and facilitate peace and reconciliation programs conducted by local organizations, including community-based organizations.

## 9. Repression of State Officials

### April 2023

Former Attorney General Dappula de Livera was summoned to the TID of Police to record a statement over a statement he made in 2022, claiming that there was a grand conspiracy behind the Easter Sunday bomb blast, considering the evidence available to him. Three commissioners of the HRSL wrote a letter requesting a meeting with the President, complaining about the HRCSL chairperson, retired justice Rohini Marasinghe, for allegedly acting at her discretion against the views of the other members. However, their criticisms against the chairperson were mainly regarding the summoning of high-profile politicians and state officials for inquiries, and those seemed pro-government and politically motivated. A police officer who took part in a protest organized by the leftist political party National People's Power (NPP) was suspended from his duty. He had taken leave from his duties to participate in the protest in civilian clothing.

### May 2023

Three unidentified males who were allegedly involved in drug trafficking attacked and threatened to kill a prison officer at the New Magazine jail in Colombo at his Minuwangoda residence. It was reported that he was threatened not to interfere with drug trafficking on the prison premises. On May 24, Parliament passed a motion to remove the Chairman of the Public Utilities Commission of Sri Lanka (PUCSL), Janaka Ratnayake, from his post.

### August 2023

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

### October 2023

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

### December 2023

It was reported that the Court of Appeal was informed of an alleged conspiracy to murder the former Director of the Criminal Investigation Department (CID), Shani Abeysekera, in a car accident. This investigation came about following the writ petition filed by Shani Abeysekera, seeking an order instructing the Inspector General of Police (IGP) and other respondents to provide adequate security for him due to life threats. Five public health inspectors who had inspected the kitchens at the 'Avenra Garden hotel in Negombo that allegedly belonged to a politician were summoned to the police as a reprisal for their act.

## **10. Local Government Election**

### **January 2023**

Three election commission members received death threats demanding to step down from their positions. The Secretary of the Ministry of Public Administration, Home Affairs, Provincial Councils and Local Governments issued a letter asking District Secretaries to refrain from accepting deposits from election candidates based on a cabinet decision. A retired Army Colonel filed a writ petition against holding Local Government Elections during the economic crisis in Sri Lanka. The United National Party office in Wariyapola was attacked with a petrol bomb by their political opponents.

### **February 2023**

Citing the financial crisis, President Ranil Wickremesinghe, as the Minister of Finance, issued circulars instructing the government to limit expenditure on a list of essential services, which excluded election-related expenses. Subsequently, the secretary to the Ministry of Finance and Treasury informed the National Election Commission (NEC) about their difficulties in releasing necessary funds for the local government election. However, the government printer said that the printing of the postal ballot papers had been delayed due to the lack of police protection provided and not receiving the required funds for the purpose. Filing a special motion before the Supreme Court, the NEC informed the court of its inability to hold the local government election in time due to the government's failure to allocate required funds. Subsequently, postal voting was postponed until further notice.

## 11. Other

### January 2023

Power and Energy Minister Kanchana Wijesekera said that he sought advice to take legal measures against members of the Human Rights Commission of Sri Lanka for forcefully taking consent from Ceylon Electricity Board officials in issuing an order to provide uninterrupted electricity power during the Advanced Level examinations.

State Minister Anuradha Jayaratne stated that some trade unions and student unions could be called terrorists as they are now attempting to destabilize the country's economy. Two trade unionists who went to the Public Utilities Commission of Sri Lanka (PUCSL) along with other civil society activists to show their objection to a change of stance by the commission were later arrested for allegedly threatening the members of the PUCSL. Youtuber Sepal Amarasinghe was arrested by the Criminal Investigation Department for making allegedly blasphemous remarks on the Temple of Tooth in Kandy and charged under Section 3 of the International Covenant on Civil and Political Rights (ICCPR) Act.

Activist Randimal Gamage was arrested by Sri Lanka police upon his arrival at Katunayake Airport over his forceful entry to the Sri Lanka Broadcasting Corporation (SLRC) during the anti-government protests. SSP D.S. Wickremasinghe, the Director of the Special Investigation Unit of the Police, informed the Fort magistrate that he was threatened by SDIG Deshabandu Tennakoon, in charge of Western Province, for reporting the facts to the court regarding undue influence made by Tennakoon to hand over the money found inside the President's house to a Minister without keeping him under court custody.



Sepal Amarasinghe while being taken to the magistrate court by Prison officials. Photo Courtesy: Gayan Pushpika via Daily News

### **February 2023**

The police sealed the office of Janaka Rathnayaka, the former head of the Public Utilities Commission (PUCSL), for allegedly carrying out unlawful acts against the government. Two days before their raid, the chairman disagreed with the government's recent increase in electricity tariffs that needed to go through PUCSL's approval process and proposed an alternative system.

Activist Chiranthana Amarasinghe was arrested while handing over an RTI request to the State Intelligence Services (SIS) headquarters and allegedly tortured while being held in detention by the Cinnamon Gardens police.

Two gazette notifications were issued, declaring essential services. The monthly gazette calling for armed forces to maintain public order was issued the same as the previous month. This grants the military excess power to intervene in civilian affairs.

### **March 2023**

National People's Power leader Anura Kumara Dissanayake informed the parliament that three retired military officers, including retired Air Vice-Marshal Sampath Thuyacontha, had been blacklisted by the Sri Lanka Air Force (SLAF), allegedly for engaging in politics with his party. Dissanayake pointed out that blacklisting or restricting privileges available to former military officers based on their political opinion is discriminatory, as there are many other former military officers who have been active in politics and still enjoy the facilities available to retired military personnel.

### **April 2023**

The police explained the use of expired **teargas** to control protests, claiming that expired **teargas** did not cause any serious harm to people exposed to it but might have lost its effectiveness. They denied any link between the recent deaths of protesters and exposure to tear gas.

The minister of Labour and Foreign Employment, MP Manusha Nanayakkara, made racist comments against Batticaloa District parliamentarian Shanikyan Rasamanikkam. The heat situation arose in parliament when MP Rasamaniykkam raised a question about the MP's privilege, and in replying to the matter, MP Manusha Nanayakkara got tempered and shouted at MP Rasamanikyam, calling "*Kotiya*" (There is an unpleasant history that Sinhala-speakers call LTTE, Liberation Tigers of Tamil Eelam, *koti*. Sometimes this term is used to verbally harass ethnic Tamils.).

### **May 2023**

While addressing the media, former Minister Mervin Silva threatened then-exiled religious leader Pastor Jerome Fernando with physical assault and accused him of being a part of a foreign conspiracy. While addressing the media, former Minister Mervin Silva threatened Pastor Jerome Fernando, who was then living abroad, with physical assault and accused him of being a part of a foreign conspiracy. Silva further added that people like Jerome should be expelled from the country for instilling hatred and communal disharmony, and he also noted that some politicians and their relatives were followers of him. Pastor Jerome reportedly made a controversial statement comparing Buddhism and Christianity and stated that Christianity should be given a greater value, as Jesus Christ is the light, while Buddha, the enlightened, was looking for the light as well. This led to many hate speech comments on social media and outside targeting Jerome, and many held that he should be arrested and filed charges under

Section 3 of the ICCPR Act for allegedly “advocating for national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence.” Filing a fundamental rights petition before the court, he sought an order preventing his arrest. On May 24, the Attorney General informed the court that the CID had already initiated an investigation against Pastor Jerome Fernando over ‘his hateful remarks against religious harmony in the country’.

### **June 2023**

Darshana Samarawickrama, the newly appointed chairperson of the Battaramulla Cooperative Insurance Company in Colombo district, was shot by two unidentified men while he was on his way to assume duties. A lawyer who works in Kebithigollewa magistrate court was assaulted by two men while returning from work. Poet Ahnaf Jazeem, who was unjustly arrested and detained for more than a year for allegedly promoting extremism through his poetry, has been again included in the list of designated persons linked to terrorism by the Ministry of Defense.

### **July 2023**

Director of Police Special Investigation Unit Senior Superintendent of Police D.S. Wickramasinghe, who was allegedly threatened by the Western Province DIG for not handing over the cash found at the President's House to the Minister of Public Security in January, has been transferred as the Director of Research and Development Division of the police department with immediate effect. When anti-government protesters took over the official presidential residence in July 2022, they handed over 17.5 million Sri Lankan rupees of cash that they found in the president's premises to the police. Though DIG Deshabandu Tennakoon, a senior police officer who has strong links with the Rajapaksa family, instructed the SIU director to hand over the cash to the Minister of Public Security, Tiran Alles, who is in charge of the police, he instead handed over the cash to the court. Sri Lanka Brief and other websites expressed their doubts about whether the transfer of the SIU director was an act of retribution for not obeying the instructions of the senior police officer.

Minister of Urban Development and Housing, Prasanna Ranathunga, speaking at a SLPP party event, said that anyone who harasses their party supporters would face retribution.

### **August 2023**

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

Minister of Public Security Tiran Alles warned that NGOs not registering under the NGO secretariat would be prohibited in the future.

### **September 2023**

Mullaitivu District Judge T. Saravananaraja, 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 Saravananaraja.



**October 2023**

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

**November 2023**

The Vice President of the Crusaders for Democracy party, N. Nagules, was arrested under the Prevention of Terrorism Act (PTA) for providing meals to the families of fallen LTTE cadres and remanded until December 7th. He was arrested while attending a Maaveerar Naal event in the area.

Speaking about the arrest in Parliament, Tamil National Alliance MP R. Shanakiyan said, "This is a serious, serious problem." If memorialization is not allowed in the North and East, there is no reconciliation. The TRC (Truth and Reconciliation Commission) will not work!"

**December 2023**

Lawyers' trade unions strongly denounced the statement made by Public Security Minister Tiran Alles linking attorneys-at-law to drug traffickers. A youth who ran a Facebook page and a group titled *Puss Buddha* (loosely translated as 'Feline Buddha') and *Followers of Puss Buddha* was arrested on December 21st and remanded until January 4th. It was reported that Valaichenai police had declined to file a complaint after a Tamil livestock farmer claimed that Sinhala settlers in Madhavanai had shot his cow.