

Repression of Dissent in Sri Lanka

1st April – 30th June 2019



A protest demanding the release of arrested author Shakhika Sathkumara who has been detained for more than 3 months was held on 17th June in Colombo – Photo courtesy - madyawediya.lk

Repression of Dissent in Sri Lanka 1st April – 31st June 2019

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Colombo, Sri Lanka

Issues covered

- A. Freedom of Assembly and Association**
- B. Freedom of expression**
- C. Repressive Laws**
- D. Other violations**

INFORM was established in 1990 to monitor and document human rights situation in Sri Lanka, especially in the context of the ethnic conflict and war, and to report on the situation through written and oral interventions at the local, national and international level. INFORM also focused on working with other communities whose rights were frequently and systematically violated. Presently, INFORM is focusing on election monitoring, freedom expression and human rights defenders. INFORM is based in Colombo Sri Lanka, and works closely with local activists, groups and networks as well as regional (Asian) and international human rights networks.

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I. Methodology

This report provides some general trends and details some significant incidents related to the repression of dissent in Sri Lanka from 1st April to 30th June 2019. This is mainly based on the information reported in mainstream and social media, however in few cases information was gathered from direct interviews, or discussions INFORM staff had with organizations and survivors. Incidents of repression mentioned in this report include both actual threats such as arrests, investigations of Human rights defenders (HRDs) etc. and potential threats such as new repressive laws which may have a negative impact on freedoms and security of HRDs in the future.

In this report, “dissent” is broadly defined to include acts of protest, resistance, defiance, challenge against, or attempt to record rights violations, social injustice at the hands of state or non-state apparatus, including police, armed forces, religious groups, and politicians among others. “Repression” is defined as any attempt by the above state or non-state actors to suppress the above acts of dissent. Any rhetoric decrying human rights has also been considered as repression of dissent because of its potential to erode rights.

Under the coverage of incidents, a statistical analysis on geographical spread of the incidents, gender of the victims, categories of repression, and victims is provided. The Executive Summary describes the context of these trends and analyses the incidents and some common findings regarding state and other related parties’ conduct. INFORM maintains a running roster of incidents compiled from media reports, social media, incidents reported to INFORM, and the observations and experience of INFORM staff.

II. Coverage of the Incidents

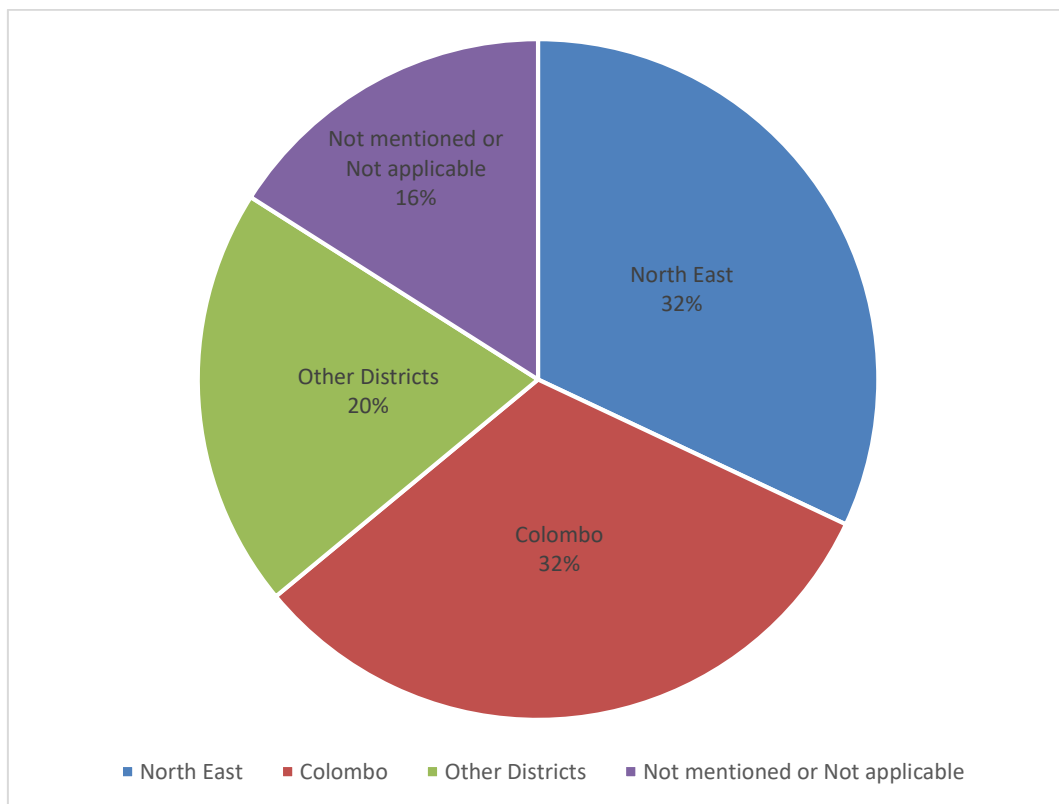


Figure 1 – Geographical coverage of the incidents

When geographical coverage of the incidents included in the report are considered, the highest percentage (32%) of incidents from a single district is reported from the Colombo District. Another 32% of incidents are reported from the North and East. These include 3 incidents from Jaffna, 1 from Mannar, 1 from Vavuniya, 2 from Mullaitivu and 1 from Batticaloa districts. Only 20% of the incidents are reported from other districts. These include 2 incidents from Gampaha district, 1 each from Ratnapura, Anuradhapura and Kurunegala districts. In one incident, we were unable to find the district of the incident. As repressive laws impact could impact nationally, their geographical location was considered not applicable. When compared with previous quarters, significant growth of incidents reported outside North and East could be observed in this quarter.

Out of 25 incidents, only one incident was exclusively related to a female victim. 12 incidents were related to male victims. While in other incidents, gender of the victims was either not mentioned or inapplicable as affected parties were groups, organizations etc.

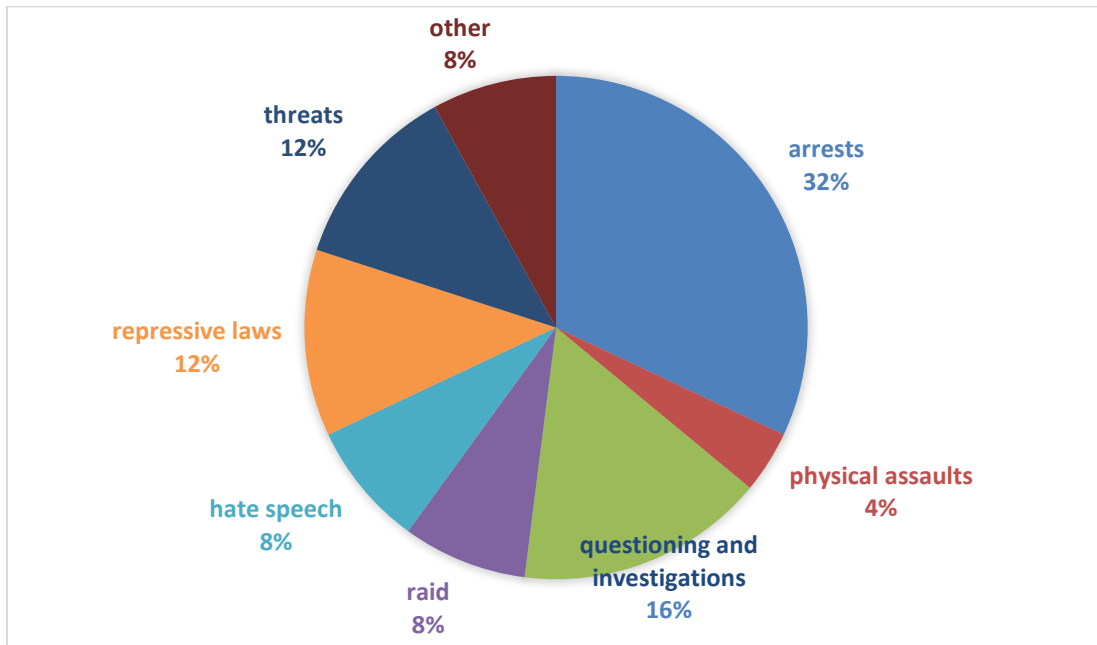


Figure 2 – Categories of repression

The majority of the incidents- 32% are arrests of dissenters. 16% are related to ongoing investigations and questioning of dissenters by security forces and Police. 12% were verbal threats. 8% were related to raids and searches of human rights organizations. Another 8% of incidents were related to hate speech. 12% of incidents were related to repressive laws. There was one incident (4%) relating to a physical assault.

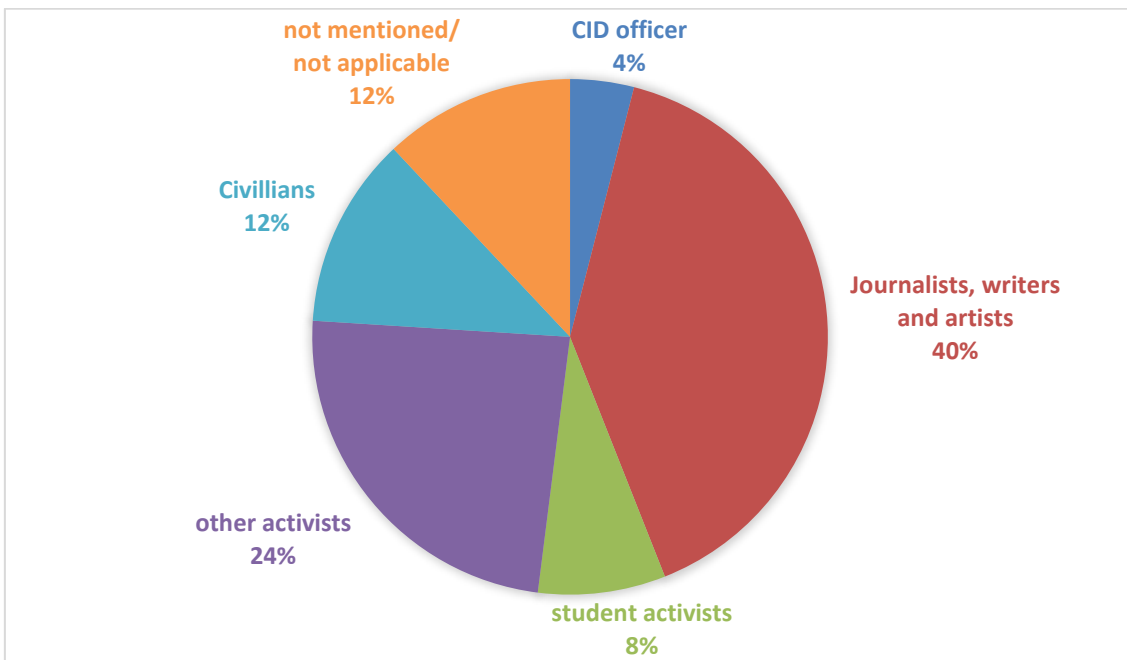


Figure 3- Category of the victims

The majority of incidents – 40% were related to the repression of journalists, writers and artists. 8% of incidents were related to repression of student activists. 1 incident was related to a threat made against a Police officer. 24% of incidents were related to other activists and 12% were related repression of rights and freedoms of other civilians. Other civilians meant protestors against a mining company, three youth arrested for photographing Vesak celebrations, and civilians who were banned of hoisting black flags.

III. Executive Summary

On 21st April 2019 a series of bomb attacks targeted 3 churches in Colombo and Batticaloa, and 3 major tourist hotels in Colombo, by an Islamic terrorist group. According to the government reports, 253 persons were killed by the bomb attacks. Following this incident, countrywide emergency regulations were declared. In this context, islamophobic and ethnonationalist groups received much popularity and acceptance journalists and artists who talked about reprisals faced by Muslims in aftermath of Easter Sunday bombings, were systematically targeted by hate speech in social media. At least 3 journalists were reported to have been arrested on suspicion of terrorism related offences while doing their job and while they are at their homes, and later released on bail.

Also the repression of writers who dissented against Buddhist nationalism – a trend which could be observed since several years - was intensified during these 3 months. A Sinhalese writer was arrested for writing a short-story critical of Buddhism, a journalist was about to be arrested after writing an article about 'Sinhala-Buddhist violence' following Easter-Sunday attacks. Also legal action was taken against an owner of Media Company for allegedly "insulting Buddhism and spreading hatred", after conducting a speech at book launch event. Also a complaint was made against a human rights defender who requested the Police to conduct an investigation into hate speech comments made by another senior Buddhist monk at a public event. Most of these incidents were related to complaints made by the Buddhist Information centre – a radical group of Buddhist monks who were publicly known since they disrupted a meeting of families of disappeared in 2013.

The repression of dissent in the North-East was observed during this period, as well as a continuous pattern for several years. Tamil students organizing memorial events for end of the war were threatened. It was reported that a journalist who went to report on the implementation of a court order issued regarding a controversial Buddhist temple had been assaulted by a Police officer. Another journalist exposing intimidation by intelligence agents during a protest by families of the disappeared was also arrested. Further the office of a civil society organization in the North and East was raided by the military. Though nothing suspicious has been found, military had verbally abused the staff of the organization. A Tamil anti-disappearance activist who was very involved in a long term protest by families of disappeared was interrogated. Those protesting against land acquisition by a factory were also arrested and an anti- disappearance activist was subjected to interrogation.

Even simple forms of expression, such as dress, photography in [public places led to arrest while police tried to stop raising of black flags to express those killed in Easter Sunday bombings.

Further discriminated and vulnerable communities especially LGBTIQ community, refugees and asylum seekers, and Muslim women became further targets of discrimination and

harassment. The annual pride event by a LGBTIQ organization faced difficulties. Aftermath of Easter-Sunday bomb attacks, refugees were forced to leave their shelters, and some of them were threatened and attacked by the mobs. The organizations working with refugees also faced increased surveillance, and searches by the military and police while a human rights defender supporting and protecting refugees faced assault and threats of assault. After a face cover ban (including ban of burqa and niqab) was imposed under emergency laws, Muslim women including those who do not wear banned clothes were harassed at public places, emergency laws were discriminatively used. Sri Lanka human rights commission made number of interventions into this¹. In another case a Police officer related CID was threatened at a magistrate court by a Buddhist monk - a Member of Parliament for not supporting an act of ethnic profiling against a Muslim medical doctor. In this case the Muslim medical doctor was arrested after a nationalist newspaper published an article accusing him of sterilizing Sinhala women without their consent during Cesarean section delivery surgeries he had conducted. Also he was accused of earning assets via illegal or dubious means. After investigations, Criminal Investigation Division (CID) informed the courts that there are no evidence against these allegations².

Also media reported that an investigation was started by the Police against those who organized a labour strike on railways. Under 'emergency regulations', labour strikes were relating to a wide range of services, and industries including tea, coconut, rubber, textile were banned. Another trend is the misuse of No 54 of 2007 – International Covenant on Civil and Political Rights (ICCPR) Act to suppress freedom of expression of the writers, journalists and civilians. Also the Prime Minister several times stated that Counter Terrorism Act which was previously temporarily withdrawn by the government due to the strong opposition from the civil society, opposition political parties, and media organizations will be brought again.

¹ These incidents of discrimination and harassment faced by Muslim Women and other Muslims are not covered in this report). Further details about interventions of HRCSL could be accessed in following links.

- (1) Letter written by HRCSL to Sri Lanka Bar Association on discriminatory practices of lawyers <http://hrctl.lk/english/wp-content/uploads/2019/06/HRCSL-letter-to-Bar-Association-of-Sri-Lanka.pdf>
- (2) HRCSL writes to Ministry of Public Administration on recent circular on dress code <http://hrctl.lk/english/2019/06/04/hrctl-writes-to-ministry-of-public-administration-on-recent-circular-on-dress-code/>
- (3) HRCSL writes to chairman, university grants commission on need to ensure non-discrimination in institutions of higher education <http://hrctl.lk/english/2019/05/25/hrctl-writes-to-chairman-university-grants-commission-on-need-to-ensure-non-discrimination-in-institutions-of-higher-education/>
- (4) HRCSL writes to Chambers of Commerce requesting non-discrimination in enforcing security measures. <http://hrctl.lk/english/2019/05/24/hrctl-writes-to-chambers-of-commerce-requesting-non-discrimination-in-enforcing-security-measures/>
- (5) HRCSL writes to public authorities calling for non-discrimination in enforcing security measures. <http://hrctl.lk/english/2019/05/24/hrctl-writes-to-public-authorities-calling-for-non-discrimination-in-enforcing-security-measures/>

² CID informs Court no evidence found for all allegations against Dr. Shafi Shihabdeen <http://www.ft.lk/front-page/CID-informs-Court-no-evidence-found-for-all-allegations-against-Dr--Shafi-Shihabdeen/44-680838> accessed on 20th August 2019

Following the Easter-Sunday attacks, long term human rights struggles became difficult to sustain and became less visible. . As freedom of assembly could be restricted under emergency regulations, activists and civil society organizations faced difficulties in getting organized and having public support for protests. The importance of security prioritized state was increasingly highlighted by the media and public discourse. Subsequently the focus on human rights became less important. This situation may have a long-term negative impact on the human rights situation in Sri Lanka.

IV. List of Incidents

	Date	Place	Description	Source
(A)	<u>Freedom of assembly and Association</u>			
01	18 th May	Jaffna University	University students threatened for organizing memorialization event by the military.	https://www.tamilguardian.com/content/jaffna-uni-students-defy-threats-mark-may-18
02	17 th June	Colombo	Colombo Pride under surveillance and threats	EQUAL GROUND
03	13 th June	Batticaloa	Four protestors were arrested after they took part at a protest against acquisition of lands for mining of ilmenite.	https://www.tamilguardian.com/content/four-batticaloa-ilmenite-protestors-arrested
04	20 th June	Vavuniya	Terrorist Investigation Division (TID) of the Police had questioned an anti-disappearance activist K. Rajkumar - Secretary of Families of the Disappeared in Vavuniya association.	https://www.tamilguardian.com/content/vavuniya-disappearances-activist-questioned-tid
05	30 th June	Mannar	Mannar Social and Economic Development Organization (MSEDO) - a civil society organization in Mannar had been raided by a group of army personnel led by several senior officers.	https://www.tamilguardian.com/content/mannar-tamil-civil-society-org-raided-and-threatened-sri-lankan-army
06	29 th June	Colombo	Police have initiated an investigation on conducting a labour strike by the railway workers, after a government gazette declared railway service as an essential service under emergency laws, making labour strikes illegal.	http://www.sundaytimes.lk/article/1093303/police-probe-railway-unions-strike
(B)	<u>Freedom of Expression</u>			
07	19 th May	Ratnapura	3 young men were arrested by Ratnapura Police for photographing Vesak celebrations the day after Vesak Poya day	https://www.newsfirst.lk/2019/05/20/three-persons-arrested-for-photographing-vesak-decorations/
08	23 rd April	Jaffna	Hoisting black flags after Easter Sunday attack was banned in Jaffna district, and police forced people to remove the black flags.	https://www.tamilguardian.com/content/sri-lanka-police-ban-anti-government-black-flags-jaffna

09	28th May	Kokkilai, Mullaitivu District	Journalist, K. Kumanan, was assaulted by the police officer in charge of the Kokkilai police station in Mullaitivu district	https://www.tamilguardian.com/content/sri-lankan-police-assault-tamil-journalist-mullaitivu
10	2 nd May	Negambo, Gampaha District	A photo journalist of Reuters who had been covering the situation in Sri Lanka aftermath of Easter Sunday attacks had been arrested	https://colombogazette.com/2019/05/02/reuters-photographer-arrested-in-negambo-and-remanded/
11	20 th April	Mullaitivu	Based on a complaint made by the Sri Lanka Navy, journalist Shanmugam Thawaseelan had been arrested by Police.	https://www.tamilguardian.com/content/tamil-guardian-mullaitivu-correspondent-arrested-and-charged
12	13 th May	Anuradhapura	Journalist Mohommed Rizvi Maharooof was arrested	https://srilankamirror.com/news/14036-a-journalist-arrested-with-cds
13	9 th May	Not mentioned	A journalist of Thinakaran newspaper had been arrested and detained for 3 days for keeping newspaper clippings of news published about to the suicide bomber of Shangri-La hotel,	https://www.tamilguardian.com/content/thinakaran-journalist-arrested-over-newspaper-clippings
14	24 th April	Online	Organized groups carried out a hate speech and racist comments campaign in Social media against BBC journalist Azzam Ameen.	https://www.facebook.com/AzzamAmeenSL/photos/a.1528196514153669/2006966189610030/?type=3&theater
15	2 nd May	Online	Actress and social activist Deepani Silva was targeted by hate speech in Social media	
16	14 th June	Colombo	A lawsuit has been filed against Dilith Jayaweera- the owner of Power House Ltd Media Company regarding a statement he has made at book launching event and author of the book has been questioned.	https://www.colombotelegraph.com/index.php/dilith-speech-incurs-buddhist-monk-wrath/
17	1 st of April	Polgahawela, Kurunegala district	Author Shakthika Sathkumara was arrested and detained for writing a short story alleged to have insulted Buddhism	https://www.amnesty.org/en/documents/asa37/0800/2019/en/
18	14 th June	Colombo	Police started an investigation against the journalist Kusal Perera and the newspaper Daily Mirror for writing and publishing an article criticizing Sinhala-Buddhist violence aftermath of Easter Sunday attacks.	https://www.srilankamirror.com/news/14490-senior-journalist-kusal-perera-under-threat

(C) Repressive Laws				
19	N/A	N/A	During this quarter of the year, No 56 of 2007 ICCPR (International Covenant on Civil and Political Rights Act) was heavily misused by the authorities to suppress freedom of expression and freedom of speech in several cases.	http://srilankabrief.org/2019/06/sri-lanka-fmm-condemns-the-attempts-to-suppress-journalists-and-media-using-the-iccpr-act/
20	22 nd April – 22 nd August	N/a	Following Easter Sunday bomb attacks, President immediately enforced emergency regulations throughout the country, and it was then extended for 4 months monthly with parliamentary approval until August 22	Emergency Regulations http://www.documents.gov.lk/files/egz/2019/4/2120-05_E.pdf https://www.newsfirst.lk/2019/08/23/emergency-regulations-would-not-be-extended-secretary-of-defence/
21	28 th April and 8 th May	N/A	Following the Easter Sunday attacks, government insisted that previously brought controversial Counter Terrorism Act (CTA) needs to be brought again. PM issued a special statement on this and requested parliamentary support to pass this act.	http://www.pmooffice.gov.lk/download/press/D0000000080_EN.pdf Hanzard on 8 th May https://www.parliament.lk/uploads/documents/hansard/1557814989037767.pdf
(D) Other Violations				
22	3 rd May	Jaffna	The secretary and president of Student Union of the University of Jaffna were arrested	http://www.dailymirror.lk/front_page/Jaffna-University-Students-Union-President-secretary-arrested-with-Prabha-posters/238-166440
23	27 th June	Colombo	Pakyasothy Saravanamuththu a civil society activist and the Executive Director of Centre for Policy Alternative (CPA) who requested an investigation regarding hate speech comments made by Asgiri Chapter Chief Buddhist prelate faced reprisals from Buddhist monks and ethnonationalist groups.	අත්තලාදී ප්‍රකාශයක්ට එරෙහිව ආකාශයේ නීති සරවනමුත්තුට එරෙහිව ප්‍රමිතීන්... https://youtu.be/AMA1nb_eN68M

24	27 th June	Kurunegala	A Police officer related CID was threatened at a magistrate court by Athuraliye Rathana Thero - a Buddhist monk and a Member of Parliament (MP) for not supporting an act of ethnic profiling against a Muslim medical doctor.	http://www.ft.lk/front-page/CID-informs-Court-no-evidence-found-for-all-allegations-against-Dr--Shafi-Shihabdeen/44-680838
25	Since 23 rd April up to now	Negambo and other areas	Aftermath of Easter Sunday attacks refugees and asylum seekers staying in Sri Lanka were evicted from their shelters, and some had also faced threats and physical violence. HRDs and organizations assisting refugees also faced harassments and intimidation, raids on offices and protests outside offices.	

A. Freedom of assembly and Association

1. Jaffna uni' students threatened for organizing memorialization event on 18th May

Police and Military have threatened the students and several staff of Jaffna University who organized a memorialization event in relation to end of the war on 18th of May 2019 at the Mullavaikkal memorial in the University of Jaffna. Tamil Guardian reports despite the threats, organizers have continued the event. At the time, the university had been closed indefinitely after two student activist were arrested previous week (see incident 19 in the section on other issues)³.



*University students and several staff at the memorial event held at Mullaviakkal memorial in the Univeristy of Jaffna
– Photo courtesy: Tamil Guardian*

2. Colombo Pride under surveillance and threats

EQUAL GROUND along with LGBTIQ community organized annual COLOMBO PRIDE celebrations for the 15th consecutive year during 11th June – 23rd June 2019. Though a pride march was initially planned to be held this year, it was cancelled due to security situation in the country following the Easter Sunday bombings. According to organizers, the “Abhimani film festival” had come under surveillance of state intelligence and Police. Despite the prior approval taken for the film festival from the Public performance board, Police had threatened that they may arrest the participants and organizers of the event. The Police have also demanded to provide them with copies of the films. And EQUAL GROUND staff had been forced to provide a copy of the film screened on 17th June. When Police demanded copies of other films as well, they have contacted Public performance Board who had intervened and

³ Tamil Guardians Jaffna Uni students defy threats to mark May 18 18 May 2019
<https://www.tamilguardian.com/content/jaffna-uni-students-defy-threats-mark-may-18> (last access on 29th June 2019)

told that copies of films should not be submitted third parties without their written approval, and EQUAL GROUND has only given permission to screen them. Further EQUAL GROUND staff were questioned in an inquiry held by the Cinnamon gardens Police station. And the police told that inquiry was based on complaint made by an individual in Dehiwala. According to EQUAL GROUND, the individual has shared malicious content targeting film festival and LGBTIQ community in his facebook profile. Later in a separate event during COLOMBO PRIDE, when organizers checked the identity of the visitors, one suspicious male person was identified, and when questioned he has told that he is a police officer and came to provide the 'protection'. However when Police was contacted they denied that they sent anybody.

3. Four protestors arrested



Protestors waiting next to the factory – photo courtesy Tamil Guardian

On 13th June, four protestors- residents in Batticaloa were reported to have been arrested after they took part at a protest against acquisition of lands for mining of ilmenite. According to Vakarai Police, these arrests were based on the complaints made by the staff of ilmenite factory for damaging the factory's entrance and rioting within its premises. Tamil guardian reports that they were granted bail on the following day⁴.

⁴Tamil Guardian Four Batticaloa ilmenite protestors arrested 16 June 2019 <https://www.tamilguardian.com/content/four-batticaloa-ilmenite-protestors-arrested> (last access on 29th June 2019)

4. Anti-disappearance activist questioned in Vavuniya

Terrorist Investigation Division (TID) of the Police had questioned an anti-disappearance activist in Vavuniya. According to Tamil Guardian, K. Rajkumar - Secretary of Families of the Disappeared in Vavuniya association had been questioned by the TID officials during a protest held on 20th June for over 30 minutes. He had been asked details about anti-disappearance campaigners participating at the UN Human Rights Council sessions in Geneva⁵.

5. Civil Society organization in Mannar raided by the military

On 30th June, Mannar Social and Economic Development Organization (MSEDO) - a civil society organization in Mannar had been raided by a group of army personnel led by several senior officers. Nothing suspicious had been found during the raid. .

MSEDO is an organization which advocated on land rights in the area. Around a dozen of army personnel had participated in this raid. According to Tamil Guardian, though staff of the organization had consented to the search, the senior officer who led the group had threatened and verbally abused the staff, and ordered to shut down the CCTV cameras⁶.

6. Police investigation on the railway strike

As Sunday Times reports on 29th June, Police have initiated an investigation with regards to conducting a labour strike by the railway workers, after a government gazette declared railway service as an essential service under emergency laws, making labour strikes illegal. This investigation is based on a complaint made by Dilantha Fernando - the General Manager of Sri Lanka Railways. Under the emergency laws, any act done to disturb the essential services become a punishable offence. Police has noted that they have been taking statements from the railway trade unions⁷.

⁵ Tamil Guardian. "Vavuniya disappearances activist questioned by TID" published on 29th June 2019.

<https://www.tamilguardian.com/content/vavuniya-disappearances-activist-questioned-tid>

⁶ Tamil GuardiansMannar Tamil civil society org raided and threatened by Sri Lankan army

02 June 2019 <https://www.tamilguardian.com/content/mannar-tamil-civil-society-org-raided-and-threatened-sri-lankan-army> (last accessed on 29th June 2019)

⁷ Sunday Times. Police commence investigations into railway unions strike. Published on 29th June 2019.

<http://www.sundaytimes.lk/article/1093303/police-probe-railway-unions-strike>

B. Freedom of Expression

7. Three youth arrested for photographing Vesak celebrations

Three young men were reported to have been arrested by Ratnapura Police for photographing Vesak celebrations on 19th May – the day after Vesak Poya day. A group led by a Buddhist monk had made a complaint to the Police accusing them of video recording the area using a drone camera to provide footage to the terrorists. Arrestees - Anushka Dilhara – an activist and a student in Sabaragamuwa University along with two of his friends were charged under the Prevention of Terrorism Act (PTA)⁸. There was no restrictions with regards to photographing the area. INFORM believes, since the complaint was made by Buddhist monk against Muslim persons, this arbitrary arrest was based on ethnic profiling. According to Janayugaya newspaper, they have been granted bail on 26th June after being detained more than a month.

8. Black flags banned in Jaffna

Following the Easter Sunday attacks 23rd of April was a day of mourning for all Sri Lankans. It was reported that hoisting black flags on the day was banned in Jaffna district as it seemed as an anti-government protest. Police officers of Nelliadi Police station in Jaffna district have forced the residents to remove the black flags and also encouraged them to use white flags instead to remember the victims⁹.

9. Police assault a Tamil journalist in Mullaitivu

According to Tamil Guardian, journalist, K. Kumanan, was assaulted by the police officer in charge of the Kokkilai police station in Mullaitivu district after he went to report on the lack of progress in fulfilling a court order to remove CCTV cameras at the newly built, controversial Neeraviyadi Pillaiyar Buddhist temple located in the same named Hindu temple land on or around 28th May. It is reported that Police officer has physically assaulted the journalist, verbally abused him and thrown his camera away, and also taken a photograph¹⁰. In April 2018 K.Kumanan has been awarded for using Right to Information for public interest journalism.¹¹.

⁸ News First Three persons arrested for photographing Vesak decorations 20 May, 2019

<https://www.newsfirst.lk/2019/05/20/three-persons-arrested-for-photographing-vesak-decorations/>

⁹ Tamil Guardians Sri Lanka police ban 'anti-government' black flags in Jaffna 25th April 2019

<https://www.tamilguardian.com/content/sri-lanka-police-ban-anti-government-black-flags-jaffna> (last access on 29th June 2019)

¹⁰ Tamil Guardian Sri Lankan police assault Tamil journalist in Mullaitivu 28 May 2019

<https://www.tamilguardian.com/content/sri-lankan-police-assault-tamil-journalist-mullaitivu> (last access on 29th June 2019)

¹¹ Daily FT. "Sri Lanka's Northern Province journalists win awards for using RTI for reporting" published on 11th April 2019

<http://www.ft.lk/news/Sri-Lanka-s-Northern-Province-journalists-win-awards-for-using-RTI-for-reporting/56-676314>



Police officer assaulted and then photographed the journalist Kumanan. Photo courtesy: Tamil Guardian

10. Pulitzer Award winning Reuters Journalist remanded

A photo journalist of Reuters who had been covering the situation in Sri Lanka aftermath of Easter Sunday attacks had been arrested on 2nd May 2019, Sri Lanka brief reports. This arrest has occurred nearby the Maris Stella College in Negambo¹², and the arrested journalist – Danish Siddik is a Delhi based photo journalist. Authorities have told the media that the journalist was presented before a local magistrate prior to the remanding. The journalist had come there to find out information regarding a student who had been killed during the bomb attack in Katuwapitiya church¹³. The website further reports that Police had acted based on a complaint made by the school management as journalist had trespassed into the school premises and he was ordered to be remanded from 2nd May to 15th of May. However he has been granted bail the next day. Reuters have declined to comment on the incident.¹⁴Siddhik is a member of the 7 member Reuters’ team who won Pulitzer award for feature photography journalism in 2018 for reporting violence faced by Rohingya community in August 2017.¹⁵

¹² Colombo Gazette “Reuters photographer arrested in Negombo and remanded” published on 2nd May 2019 <https://colombogazette.com/2019/05/02/reuters-photographer-arrested-in-negombo-and-remanded/>

¹³ Ibid

¹⁴ Srilankabrief Sri Lanka Arrests Reuters journalists over ‘trespass’ 03/05/2019 <http://srilankabrief.org/2019/05/sri-lanka-arrests-reuters-journalists-over-trespass/> (last access on 29th June 2019)

¹⁵ Scroll.in “Pulitzer-winning Indian photojournalist arrested in Sri Lanka for trespass gets bail: Reports” published on 3rd May 2019 <https://scroll.in/latest/922176/pulitzer-winning-indian-photojournalist-arrested-in-sri-lanka-for-trespass>

11. Tamil Guardian Journalist arrested

Based on a complaint made by the Sri Lanka Navy, a journalist of Tamil Guardian website had been arrested in the morning of 20th April, Tamil guardian reports. Arrested journalist Shanmugam Thawaseelan is a Mullaitivu based senior journalist. He had been questioned by the Mullaitivu Police before the arrest.

The reason for the arrest is involving a navy intelligence officer who had taken the photographs of the protestors during a protest held on 7th April demanding truth and justice to families of disappeared¹⁶. The journalist Thawaseelan and others have questioned his identity and the incident had led to a dispute and then it had been revealed that the relevant person was a navy officer. Later the navy officer has made a complaint to the Mullaitivu Police that he had assaulted and wounded the journalist. The lawyers of the journalist say the charges are fabricated in order to intimidate the journalist. Thawaseelan says this complaint was made as a reprisal. He had been granted bail on 30th April, and next hearing would be held on 10th September¹⁷.

The journalist had been facing other threats and harassments in the recent years. Last year, when he was reporting about a military acquisition of a burial ground of LTTE rebels in Alampil, he was temporally detained, and threatened by the military officers, as he denied to hand over his camera to the military¹⁸. National Human Rights Commission of Sri Lanka has conducted investigations into both of these incidents, Sri Lanka Navy have promised that they would not intervene with protests against disappearances in the future¹⁹.

12. Journalist Mohommed Rizvi Maharooft arrested

Journalist Mohommed Rizvi Maharooft was arrested during the search operations conducted by Sri Lanka Police, aftermath of April 21 Easter Sunday bomb attacks. Free Media Movement issued a statement condemning this arrest.

On 13th May, he was arrested on the accusations that CDs, and videos which included lectures, speeches and promotional material of Tawheed Jamat²⁰ were found at a building belonging to him²¹. Then he was presented before a court, and had been further remanded. After around a week, the Police has informed the court that CDs found at the building do not include any speech or promotional material related to Tawheed Jamat, thus they do not wish to file charges against him under Prevention of Terrorism Act. Subsequently Maharooft has been released on bail. For decades, Maharooft works as a Television journalist based in Anuradhapura. Strongly

¹⁶ <https://www.tamilguardian.com/content/mullaitivu-families-urge-international-community-deliver-justice>

¹⁷ <https://www.tamilguardian.com/content/court-postpones-case-against-tamil-journalist>

¹⁸ Tamil guardian Tamil Guardian Mullaitivu correspondent arrested and charged 20 April 2019 <https://www.tamilguardian.com/content/tamil-guardian-mullaitivu-correspondent-arrested-and-charged> (last access on 29th June 2019)

¹⁹ <https://www.tamilguardian.com/content/human-rights-commission-investigates-navy-and-police-harassment-mullaitivu-journalist>

²⁰ The terrorist organization carried out the Easter Sunday attack

²¹ Sri Lankan Mirror. "A journalist arrested with CDs" published on 13th May 2019 <https://sri.lankamirror.com/news/14036-a-journalist-arrested-with-cds>

condemning this incident, Free Media Movement stated that state authorities must be concerned of Freedom of Expression, media freedom and fundamental rights when taking actions related national security²².



Journalist Rizvi MaharooF. Photo courtesy: Srilankabrief website

13. Thinkaran Newspaper journalist arrested

A journalist of Thinakaran newspaper had been arrested and detained for 3 days for keeping newspaper clippings of news published about Zahran Hashim- the suicide bomber of Shangri-La hotel, Tamil Guardian reports. He had been released on 12th May²³. They have not reported of the area where incident was reported. The arrest has occurred when journalist's bag was searched by the security forces.

14. BBC journalist Azzam Ameen targeted by hate speech in Social media

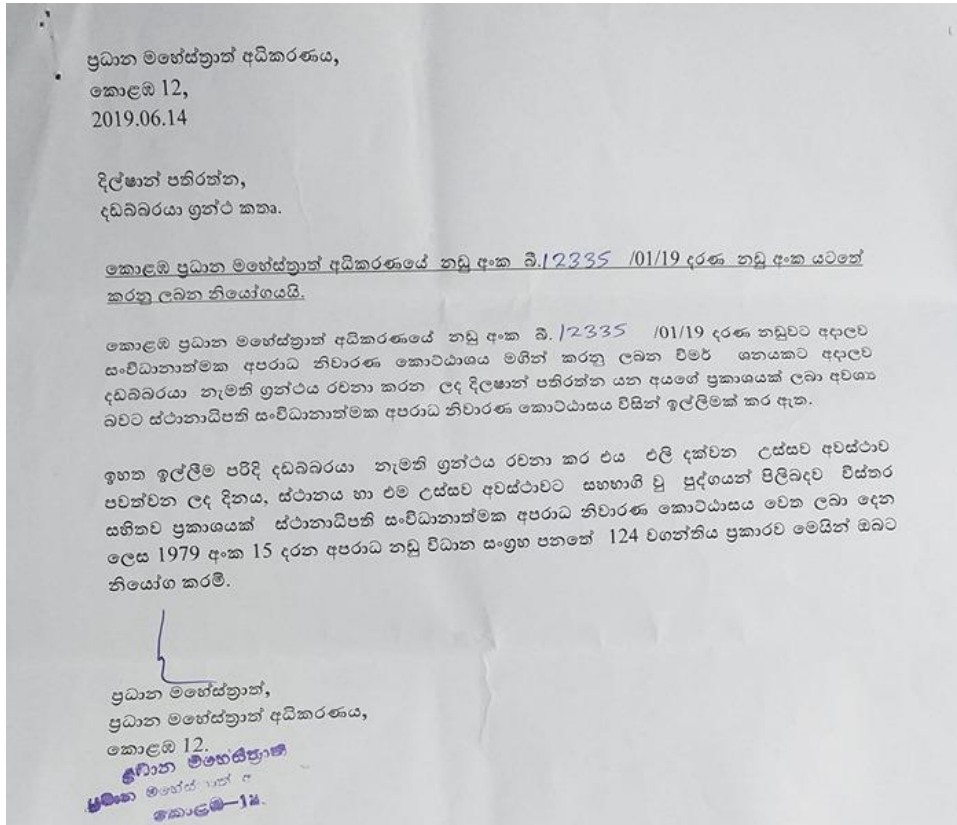
Following April 21 attack, organized groups carried out a hate speech and racist comments campaign in Social media against BBC journalist Azzam Ameen. This was based on the false accusations made by the Sinhala Buddhist ethnonationalist groups that Azzam Ameen and BBC engaged in ethnically biased media reporting with an anti-sinhala Buddhist attitude. Numerous hate speech comments were published targeting Azzam Ameen's ethnicity. Ameen published a clarification on 24th April stating that news reported by him are based on the facts

²² Srilankabrief. "FMM condemns taking journalist Mohammed Rizvi MaharooF into custody on baseless charges" published on 31st May 2019 <http://srilankabrief.org/2019/05/fmm-condemns-taking-journalist-mohammed-rizvi-maharooF-into-custody-on-baseless-charges/>

²³ Thinakaran journalist arrested over newspaper clippings <https://www.tamilguardian.com/content/thinakaran-journalist-arrested-over-newspaper-clippings>

The organized groups and individuals misinterpreted her statement saying that she is a terrorist sympathizer who attempts to justify the Easter Sunday bomb attack. Subsequently she was targeted by number of hate speech comments and statements in social media by ethno-nationalist groups.

16. Investigation against a media owner for insulting religion, and an author questioned



The order given by the Colombo Chief magistrate asking author Dilshan Pathirathna to provide a statement to the Colombo Organized Crime Division of Police regarding the case.

Based on a complaint made by Angulugalle Jinannada Thero- Executive Director of Buddhist information Centre in Colombo, a lawsuit has been filed by the Police - Organized Crime Investigation Division in Colombo against Dilith Jayaweera- the owner of Power House Ltd Media Company (popularly known for Derana TV television channel) regarding a statement he has made at book launching event. Reportedly the case B12335/01/19 had been taken at the Colombo’s main magistrate court²⁶. In addition a statement has been recorded from the author

²⁶Facebook Dilshan Pathirana 19th June 2019
<https://www.facebook.com/photo.php?fbid=872733926452714&set=a.160823580977089&type=3&theater>

of the book: Dilshan Pathirathna²⁷. According Colombo Telegraph website, this case is also filed under the No 56 of 2007 ICCPR (International Covenant on Civil and Political Rights) Act²⁸.

17. Arrest of Author Shakthika Sathkumara

Award winning author Shakthika Sathkumara was arrested by Polgahawela Police and presented before Polgahawela magistrate on 1st of April. He had been detained in the remand prison from 1st of April to 5th August 2019 for more than 4 months.

Two complaints were lodged against author Shakthika Sathkumara for insulting Buddhism and ‘advocating for racial or religious hatred’ by two groups of Buddhist monks. The first complaint was made to the Inspector General of Police (IGP) by Angulgalle Jinananda Thero – the executive Director of Buddhist information Centre on 25th of February. The second complaint was made by another group of Buddhist monks to the Polgahwela Police station in early March. Shakthika was charged under “advocating national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” under No 56 of 2007 - ICCPR (International Covenant on Civil and Political Rights) Act. Writers, artists, media and civil rights organizations and public locally and internationally have condemned this arrest. On 30th July, he was named as a ‘prisoner of conscience’ by the Amnesty International and urged the Government of Sri Lanka to effect his immediate release²⁹.

In summary, this story is about a recently disrobed monk while studying at the University. After disrobing, the protagonist: Halwelle Kassapa thero gives up his clergy name and adopts his new name as Kasun Palihawadana. Story revolves around his transition from Buddhist clergy hostel at the University into a friend’s boarding place. On the very first day at the boarding, the friend shares a short story written by him with the protagonist. A paragraph from the friend’s writing is quoted: It says that biological father of Rahuala (son of Buddha during his lay life) is not Siddhartha (lay name of Buddha), but another person. The protagonist fears and responds that it should be burnt. Towards the end of the story, the protagonist dreams of a genital mutilation of the chief monk at his temple. This was widely interpreted as a same-sex sexual relationship by the readers. In addition the short story also critiques the radical groups of Buddhist monks. [See full English translation of the short story at the footnote]³⁰.

²⁷ Lanka Views දිලීන්ගේ ප්‍රකාශය ගැන ‘දඩබිබරයා’ කර්තෘගෙන් කටයුත්තර ගනී 22th June 2019!<https://www.lankaviews.com/%e0%b6%af%e0%b7%92%e0%b6%bd%e0%b7%92%e0%b6%ad%e0%b7%8a%e0%b6%9c%e0%b7%9a-%e0%b6%b4%e0%b7%8a%e2%80%8d%e0%b6%bb%e0%b6%9a%e0%b7%8f%e0%b7%81%e0%b6%ba-%e0%b6%9c%e0%b7%90%e0%b6%b1-%e0%b6%af/> (last accessed on 29th June 2019)

²⁸ Dilith’s Speech Incurs Buddhist Monk Wrath <https://www.colombotelegraph.com/index.php/diliths-speech-incurs-buddhist-monk-wrath/> published on 21st June 2019.

²⁹ <http://www.dailynews.lk/2019/07/31/local/192679/amnesty-international-declares-shakthika-‘prisoner-of-conscience’>

³⁰ Read the English translation of the story here <http://www.jdslanka.org/index.php/analysis-reviews/poetry-a-prose/903-shakthika-sathkumara-shortstory-ardha>

18. An attempt to arrest the journalist Kusal Perera



Journalist Kusal Perera- photo courtesy: Sri Lanka Mirror

Organized Crime Investigation Division of Police has started an investigation against the journalist Kusal Perera and the newspaper Daily Mirror for publishing an article written by him. The article published on 17th May in Daily Mirror focuses on the situation in Sri Lanka aftermath of Easter-Sunday attack was titled as "From Islamic terrorism to marauding Sinhala Buddhist violence". It has been reported that legal actions were taken against him being interpreted that his article has advocated "national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" under No 56 of 2007 ICCPR Act. The Police had also questioned the editorial staff of Daily Mirror newspaper³¹.

Free Media Movement issuing a statement on this said misuse of ICCPR has been a serious threat to freedom of expression and media and motive of using this provision under ICCPR act could be to detain persons for prolonged periods without granting bail. They further said that it could be a bad precedent to take such an action against a newspaper article written by a senior journalist³².

The government withdrew their actions due to strong opposition came from the media and civil society organization. Perera tweeted on 15th June that the President had promised him that he would be arrested at a personal conversation he had with the President.³³ Later Perera filed a Fundamental Right Petition on this³⁴.

³¹ <https://www.srilankamirror.com/news/14490-senior-journalist-kusal-perera-under-threat>

³² <http://srilankabrief.org/2019/06/sri-lanka-fmm-condemns-the-attempts-to-suppress-journalists-and-media-using-the-iccpr-act/>

³³ Kusal Perera Tweet on 15 June 2019 10.29 pm <https://twitter.com/Cokroach/status/1140129143809437697>

³⁴ <http://www.dailynews.lk/2019/07/08/law-order/190543/fr-filed-senior-journalist-kusal-perera-fixed-support>

C. Repressive Laws

19. Misuse of ICCPR Act to suppress freedom of expression

During this quarter of the year, No 56 of 2007 ICCPR (International Covenant on Civil and Political Rights Act) was heavily misused by the authorities to suppress freedom of expression and freedom of speech.

Free Media movement condemned this trend in the statement they issued in relevance to the imminent arrest of journalist Kusal Perera. Also the arrest and prolonged detention of Shakthika Sathkumara was a bad precedent. Further Colombo Telegraph reported that lawsuit against Dilith Jayaweera - owner of Power House Media Company was done under this act.

In another incident a woman named Abdul Raheem Masaheena from Kandy district was arbitrarily arrested and detained for several months under the charges of insulting Buddhism for wearing a garment contained the symbol of ship wheel which resonated the Dhamma Chakra – the Buddhist holy sign³⁵. She has filed a fundamental Rights Petition on this³⁶.

20. Emergency Regulations and limitations of rights

Following 21st of April Easter Sunday bomb attacks, President Maithripala Sirisena immediately enforced emergency regulations throughout the country, and it was then extended for 4 months monthly with parliamentary approval until August 22nd³⁷.

Under the emergency regulations, freedom of expression, freedom of assembly, and freedom to engage in labour actions including labour strikes were heavily restricted. The definition of 'terrorism' under emergency regulations included "causing serious obstruction or damage to essential services or supplies"³⁸. There is a risk of misinterpretation labour rights meetings, and protests as 'terrorism' considering them as "causing serious obstruction to essential services". The essential services include services relating to transport, electricity, fuel, postage and telecommunication, radio and television, all the government services, services related to tea, coconut, and rubber plantations, textiles and other subjects. As per the emergency regulations, any failure or refusal to do any activity required to accomplish essential services or any person who induces actions such as labour strikes which obstruct essential services could be arrested, or dismissed from their employment. Also emergency regulations provide broad powers to ban any publication or any media institution, to restrict and censor any information. Also a persons could be detained up to 30 days without presenting before a magistrate. A person could be detained up to one year under an order of defense secretary. Also punishment could

³⁵ <http://www.dailynews.lk/2019/06/15/law-order/188463/detained-woman-files-fr-plaint>

³⁶ <http://www.sundaytimes.lk/article/1091518/woman-who-was-arrested-for-wearing-a-dress-with-ships-wheel-files-fr-petition>

³⁷ <https://www.newsfirst.lk/2019/08/23/emergency-regulations-would-not-be-extended-secretary-of-defence/>

³⁸ Emergency Regulations http://www.documents.gov.lk/files/egz/2019/4/2120-05_E.pdf

be given based on the confessions given to the Police. In this context, there is a serious concern that suspects may be subjected to torture under emergency regulations.

21. Attempts to bring Counter Terrorism Act again

Following the Easter Sunday attacks, government insisted that previously brought controversial Counter Terrorism Act (CTA) needs to be brought again. On 28th April, issuing a special statement Prime Minister Ranil Wickremasinghe said that CTA currently at the parliamentary committee should be implemented without a delay.³⁹ Also on 8th May, he requested the Parliament to support the CTA to be passed soon. He argued that in order to fight with the new trends of global terrorism, existing laws are inadequate.

In response to his statement, Opposition leader Rajapakse said this is not the appropriate moment to pass such an act. Also JVP leader stated that it is their party's proposition that such an act which could be used to suppress people's struggles should not be brought under whatever circumstances. Also MP Chandima Weerakkody said when questioned before the parliamentary sectoral committee, Police officers, Director of Criminal Investigation Division, Director of Terrorist investigation Division, Secretary of Foreign affairs Ministry, and Attorney General have pointed out that there is no requirement of bringing CTA in order to counter terrorism.

First gazetted in September 2018 this act came under heavy criticism of social activist, civil society groups, trade unions and political parties. As the government says this act expects to replace currently enforced No 48 of 1979 Prevention of Terrorism Act (PTA) – legislature which was widely criticized for its misuses such as arbitrary arrests, detaining, torture and suppression of journalists, and human rights defenders. However various organizations and collectives such as National collective of lawyers' organizations, Inter University Student Federation (IUSF) and Free Media movement have issued statement saying CTA which provide more powers to authorities could worsen the abuse of power and suppression of civil society.

³⁹ http://www.pmooffice.gov.lk/download/press/D00000000080_EN.pdf

D. Other Violations

22. Jaffna university Student Union's Secretary and President arrested

The secretary and president of Student Union of the University of Jaffna were arrested on 3rd May. It has been reported that Police have conducted a search operation around 4 am in the morning at the university hostel before the arrest; and they have found a pair of binoculars, a pair of boots, and a poster of slain LTTE leader Prabhakaran at the room where the secretary and president of student union stayed.⁴⁰ Subsequently the two students have been arrested. According to Tamil Guardian website, Police has sought the orders from the defense ministry in order to detain and investigate them under the Prevention of terrorism act (PTA)⁴¹.

Few months ago, in March 2019, students of Jaffna university have organized a protest with families of disappeared and they have demanded actions to be taken by the International criminal Court regarding the genocide of Tamil people, and to release the political prisoners⁴². Following the arrest, Families of Disappeared members have told the Tamil Guardian that the arrested students were protesting along with them few months ago demanding the release of political prisoners, and if they are arrested, other activists like them who voiced on similar issues are also under the threat of arrest under emergency laws. Daily News reported that the students have been released on bail on 16th of May.⁴³

23. Civil Society activist faces reprisals after complaining against the chief prelate

Pakyasothy Saravanamuththu a civil society activist and the Executive Director of Centre for Policy Alternative (CPA) who requested an investigation regarding hate speech comments made by Asgiri Chapter Chief Buddhist prelate faced reprisals from Buddhist monks and ethnonationalist groups.

On or around 27th of June Buddhist Information Centre made a complaint to the Police Headquarters in Colombo asking to take legal action against him under ICCPR Act for making 'extremist statements'. The complainant Angulugalle Jinananda Thero speaking to media after making the complaint against Saravanamuththu said "we remind the President and other responsible authorities that these NGO gangs who are trying to destroy this country with

⁴⁰ "Jaffna Uni Students Union President, secretary arrested with Prabha posters" 4th May 2019, Daily Mirror (last accessed on 29th June 2019) http://www.dailymirror.lk/front_page/Jaffna-Uni-Students-Union-President--secretary-arrested-with-Prabha-posters/238-166440

⁴¹ "Sri Lankan police seek PTA powers for arrested students" 4th May 2019, Tamil Guardian. (last accessed on 29th June 2019) <https://www.tamilguardian.com/content/sri-lankan-police-seek-pta-powers-arrested-students>

⁴² "Jaffna uni students demand Sri Lanka be referred to ICC for genocide". 22nd March 2019. Tamil Guardian. <https://www.tamilguardian.com/content/jaffna-uni-students-demand-sri-lanka-be-referred-icc-genocide>

⁴³ "Jaffna University students' union president and secretary released on bail". 16th May 2019, Daily News. (Last accessed on 5th July, 2019) <http://www.dailynews.lk/2019/05/16/law-order/185803/jaffna-university-students'-union-president-and-secretary-released-bail>

foreign money shall be banned, and expelled from Sri Lanka. Also we complained with facts to take legal actions against Pakyasothy Saravanamuththu for his extremist and racist comments under No 56 of 2007 ICCPR Act⁴⁴ Adding to this, the President of Sihala Ravaya – a radical Buddhist group, former MP Akmeemana Dayarathana Thero said that previously nobody has challenged chief prelates of Buddhist chapters in Sri Lanka, and this can be seen as a challenge made by the international community. Further Saravanamuththu was targeted by online hate speech.

These reprisals were related to a complaint made by Pakyasothi Saravanamuththu against Asgiri Chapter chief prelate Most Venerable Warakagoda Sri Gnanarathana who made a public statement advising to Sinhala people to boycott Muslim shops as Sinhala consumers going to such shops could be sterilized. And Thero further said that a Muslim medical doctor who was accused of sterilizing unconsented Sinhalese women should be stoned to death. In the context that authorities took no action against this statement, Saravanamuththu made this complaint.

The comments made by the chief prelate also refers to a case of a Muslim medical doctor named Shafi Shahabdeen employed in Kurunegala government hospital who was arrested under ethnically profiled charges of sterilization of Sinhalese women. In this case the Muslim medical doctor was arrested after a nationalist newspaper published an article accusing him of sterilizing Sinhala women without their consent during Cesarean section delivery surgeries he had conducted. Also he was accused of earning assets via illegal or dubious means. Arrest was based on a newspaper article published in an ethnonationalist newspaper. Later after the investigations, Criminal Investigation Division (CID) informed the courts that there are no evidence against these allegations⁴⁵.

24. Police officer threatened at court by MP monk for not supporting ethnic profiling

A Police officer related CID was threatened at a magistrate court by Athuraliye Rathana Thero - a Buddhist monk and a Member of Parliament (MP) for not supporting an act of ethnic profiling against a Muslim medical doctor. [This incident also refers to the same case mentioned in the last paragraph of the previous incident]. On 27th of June, when CID ASP B.S. Tissera was before the Kurunegala Magistrate making submissions relating to the case of Dr. Shafi shahabdeen, during the break, Parliamentarian Ven. Athureliye Rathana Thera approached ASP Tissera and tapped him on the shoulder. When Tissera greeted the Thera had allegedly pointed his finger at the CID officer threateningly and told: "Let's see. The whole world is watching this." The monk has made this statement in open court on June 27. Other remarks were also made casting aspersions on ASP Tissera outside the courthouse the same day. The CID has obtained a court order to get unedited footage of the monk's

⁴⁴ අන්තවාදී ප්‍රකාශයන්ට එරෙහිව පාකයසෝති සරවනමුත්තුට එරෙහිව පැමිණිලිලක්...

<https://youtu.be/AMA1nbeN68M>

⁴⁵ CID informs Court no evidence found for all allegations against Dr. Shafi Shihabdeen <http://www.ft.lk/front-page/CID-informs-Court-no-evidence-found-for-all-allegations-against-Dr--Shafi-Shihabdeen/44-680838> accessed on 20th August 2019

statements from two television channels. At the next hearing, these facts were reported to the Magistrate⁴⁶.

25. Issues faced by Refugees and HRDs and organizations assisting refugees

In the aftermath of Easter Sunday attacks, more than 1000 refugees and asylum seekers staying in Sri Lanka based on memorandum of understanding between the government and UNHCR, were evicted from their homes and rooms, and some had also faced threats and physical violence. INFORM observed a general trend to paint them as potential terror suspects. In this context, HRDs and organizations who came forward to assist and protect refugees and asylum seekers, faced harassments and intimidation, including assault and threats of assaults, raids on offices and protests outside offices.

⁴⁶ CID under siege <http://www.sundayobserver.lk/2019/08/04/news-features/cid-under-siege>