



## **Coordination des Associations et des Particuliers pour la Liberté de Conscience**

### **Human Rights Committee - 137th Session - February - March 2023**

#### **Violations of human rights in Sri Lanka**

*CAP Liberté de Conscience* (France) and the Brussels-based NGO *Human Rights Without Frontiers* are deeply concerned about the deterioration of human rights in a wide range of areas in Sri Lanka.

In the last few years, the Supreme Court of Sri Lanka and the Human Rights Commission have received about 15,000 complaints annually regarding the violation of the fundamental rights guaranteed in Chapter III, 10-14 of the 1978 Constitution. All these complaints are against executive and administrative actions of government officials.

According to the annual report of the Sri Lanka Human Rights Commission, the total number of complaints received by the Commission was 8983 in 2019, 6417 in [2020](#), 6222 complaints in 2021 and 6078 till September 2022. (1)

Among these complaints, the largest number is related to violations of personal freedom, including torture, arbitrary arrest and detention. Their number was 1629 in [2019](#), and it increased to 1869 in 2020. (2)

In 2020, 853 complaints out of the 6417 complaints filed by the Human Rights Commission were against the inaction of government officials.

#### **Excessive use of force by the police and the army during the state of emergency**

On 13 July 2022, Sri Lanka declared a [nationwide state of emergency](#) (3) within hours after thousands of protesters stormed the official residence of President Gotabaya

Rajapaksa and other public buildings, including Prime Minister [Ranil Wickremesinghe](#)'s office (4). The president, who ruled the country for most of the past two decades, [fled the country](#) (5) and later resigned from Singapore. Ranil Wickremesinghe, a six-time former prime minister, was elected by the parliament to serve the remainder of Gotabaya Rajapaksa's five-year term until 2024. However, he is unpopular because he is supported by lawmakers who are still backed by the Rajapaksa family. Many accuse Wickremesinghe of protecting the Rajapaksas, who are widely blamed for corruption and misrule that led to the crisis.

As soon as Wickremesinghe was appointed president, his government gave sweeping powers to the relevant authorities to crack down on the protests, arresting scores of activists.

On 26 July, Sri Lanka's parliament extended a state of emergency to mid-August declared by President Ranil Wickremesinghe as his government was cracking down on demonstrators it accused of violence while trying to find a way out of the country's worst economic crisis.

The vote passed by 120 to 63 in the 225-member parliament, while the remaining legislators abstained. The emergency ordinance empowers troops to arrest and detain suspects for long periods.

In the framework of the state of emergency, the police and the army excessively used force to repress public demonstrations while the leaders of the protests were victims of [arbitrary arrests](#). (6)

Within a day of Wickremesinghe's election, the military raided and dismantled camps the protesters had set up for more than 100 days opposite the president's office. On other occasions, security forces used excessive force against [protesters](#) (7), as well as against people queuing to [buy fuel](#) (8). There were numerous injured people and at least [one protester was killed](#) (9)

**Activists Kusal Sandaruwan and Weranga Pushpika** were arrested on unlawful assembly charges.

**Dhaniz Ali**, one of the leaders of the movement leading to the overthrow of President Rajapaksa, was arrested when he boarded a Dubai-bound flight at the country's main airport. Police said there was a warrant for his arrest in connection with a magistrate's court case, but they did not give any further details.

Public anger had been simmering for months in Sri Lanka before the huge demonstration on July 9 that brought an end to President Rajapaksa's rule. He had been blamed for mismanaging the nation's finances and steering the economy into a tailspin after the country ran out of foreign currency needed to import vital goods.

Sri Lanka's 22 million people have been [enduring severe shortages of essentials](#) (10) since 2021 after the country ran out of foreign exchange to finance even the most vital imports. Sri Lanka is effectively bankrupt and has suspended repayment of nearly \$7 billion in foreign debt due this year pending the outcome of talks with the IMF. The country's total foreign debt exceeds [\\$51 billion](#) (11), of which \$28 billion has to be repaid by 2027.

While international law allows governments to impose certain emergency measures in response to significant threats to the life of the nation, derogations – suspensions – of basic rights must be strictly necessary and proportionate to the emergency and be for the shortest duration possible. International human rights law forbids authorities from limiting some specific human rights, including the right to life and the right to be free from torture, including during national emergencies.

**Inter-University Student Council convener Wasantha Mudalige, Hashan Jivantha Gunathilake and Reverend Galvewa Siridhamma Thero** were arrested in August 2022 by the police under the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

The police said that they were arrested for investigation to find out whether they had attempted and incited the common people to commit acts of violence in Colombo and other vulnerable places during the period from 9 May 2022 to now. The police mentioned this at a time when the use of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 to arrest the activists involved in the protests in 2022, including these student activists, had come under severe criticism from local and foreign human rights activists.

However, Hashan Jivantha Gunathilake and Rev. Galvewa Siridhamma Thero were later released on bail. The court ordered that **the convener of the Inter-University Student Council, Wasantha Mudalige, be further detained until 14 January 2023.**

Mudalige has been held in solitary confinement and poor conditions, which can violate the prohibition on torture or other ill-treatment under international human

rights law. Mudalige was also arrested and jailed for more than three months in 2021, after protesting for the right to free education.

[In early January 2023](#) (12), a delegation of the Sri Lanka Human Rights Commission went to the Welikada remand prison and met with Wasantha Mudalige. They inspected his detention conditions and addressed some recommendations to the prison officials to improve them.

The student community, other political groups in Sri Lanka and international human rights NGOs are demanding his immediate.

*Recommendation: CAP/ Liberté de Conscience and Human Rights Without Frontiers urge the Sri Lankan government to immediately put an end to the arbitrary detention of Wasantha Mudalige.*

### **Freedom of the press and journalists**

On the evening of Saturday 9 July 2022, demonstrators broke into Prime Minister Ranil Wickremesinghe's residence in the capital city of Colombo and set it on fire amid protests over the country's economic crisis. Members of the paramilitary police Special Task Force assaulted a reporting team with the privately owned broadcaster *News First* covering the events, according to [a report](#) (13) by *CNN* and [multiple reports](#) (14) by *News First*.

Police used batons to beat anchors Sarasi Peiris and Judin Sinthujan, camera operator Warun Sampath, and digital correspondent Janith Mendis, according to reports by *News First*. Peiris suffered injuries to her head and back, while Sinthujan, Sampath, and Mendis sustained unspecified "serious" injuries, the broadcaster said.

The outlet also reported that police fired tear gas at its employees Kalimuttu Chandran, Imesh Sutherland, Chanuka Weerakoon, and Banidu Lokuruge, and attacked them when they attempted to help their injured colleagues.

According to [a statement of the Human Rights Commission of Sri Lanka](#) (15), the Commandant of the Special Task Force DIG **Waruna Jayasundera** and Director STF, SSP **Romesh Liyanage**, and SSP DS **Wickremasinghe** of the Special Investigation Unit were responsible for the crackdown on media people.

In September 2022, journalists of *MTV Channel Ltd*, Sarasi Peiris, Waruna Sampath, Janith Mendis, T. Sinthujan, Imesh Sutherland, W. Weerakoon, V. Chandran and Lahiru Madhusanka Arachchi have filed a complaint against these officials. The matter will be taken up on 31 January 2023.

“Using paramilitary police to violently prevent journalists from reporting on protests is a crude form of censorship,” said the Executive Director of the *Committee to Protect Journalists* (CPJ), Robert Mahoney. “Sri Lankans have a right to be informed on the political and economic upheaval shaking their country. The security forces must respect that right.”

*Recommendation : CAP/ Liberté de Conscience and Human Rights Without Frontiers consider that Sri Lankan Supreme Court should thoroughly and transparently investigate the recent police attack on journalists covering anti-government protests and hold those responsible to account.*

### **Freedom of religion or belief**

In the aftermath of the protests in 2022, authorities have harassed religious actors associated with the protest movement and intimidated minority religious communities, the US Commission on International Religious Freedom (USCIRF) said in its November 2022 report [“Religious Freedom Conditions in Sri Lanka”](#). (16)

Sri Lanka is both religiously and ethnically diverse. Buddhists [account](#) for about 70 percent of the population, Hindus 12.6 percent, Muslims (mostly Sunni) 9.7 percent, Roman Catholics 6.1 percent, other Christians 1.3 percent.

Most Sri Lankans are Sinhalese, a majority of whom are Buddhist. The second largest ethnic group, Sri Lankan Tamils, are mostly Hindu with a significant Christian minority. Muslims eschew formal ethnic classification.

Under Article 9 of the Sri Lankan constitution, Buddhism enjoys special status, in that the state is directed to “protect and foster” Buddhism which holds the “foremost place” within the country. The constitution also guarantees the freedom of religion or belief in subsequent articles.

In the shadow of the preferential and privileged treatment of Buddhism, it must be said that there has always been discrimination against Muslims as well as other

religious minorities, and that a number of land disputes threaten the properties of religious minorities.

In October 2021, then-President Gotabaya Rajapaksa created a Presidential Task Force on legal reforms based on his popular slogan “One Country, One Law.”

He appointed to head that task force an extremist Buddhist monk Galagoda Aththe Gnanasara Thera, who is the head of the country’s leading anti-Muslim campaign group, Bodu Bala Sena (BBS). This appointment critically undermined the legitimacy of this initiative.

The task force submitted its final report in June 2022 but the government decided not to implement its recommendations, and President Wickremesinghe subsequently indicated that his administration would not continue this initiative.

Religious and ethnic tensions remain persistent and pervasive in Sri Lankan society. In March 2022, a mob of around 600 people broke into the Mercy Gate Chapel in Sri Lanka and demanded all religious activities cease and the church be closed. The mob threatened the pastor with death if the worship did not stop. One of the believers was assaulted and ultimately hospitalized due to his injuries.

Before President Rajapaksa’s resignation, his government’s promotion of Sinhala Buddhist majoritarianism had contributed to an increasingly hostile environment for the country’s religious and ethnic minorities in which religious freedom violations often occurred with impunity. Both before and after his resignation, problems persisted in 2022 through the enforcement of the Prevention of Terrorism Act, discrimination against Muslims and other religious minorities.

*Recommendation: CAP/ Conscience et Liberté and Human Rights Without Frontiers urge the Sri Lanka authorities to grant equal rights to all faith communities in the constitution and by law, to put an end to the discrimination of non-Buddhist minorities, to prosecute religiously based hate speech and hate crimes, and to promote peaceful relations between religious and ethnic groups.*

## **Conclusions & Prospects**

The change of presidents of Sri Lanka in 2022 did not lead to any improvement in the country’s human rights record.

“President Ranil Wickremesinghe responded to calls for reform and accountability with repression,” said Meenakshi Ganguly, South Asia director at Human Rights Watch, “in their [2023 World Report](#) (17) published on 12 January 2023.

Sri Lanka’s economic crisis deepened when the country defaulted on foreign loans in April 2022. Food price inflation reached 85 percent in October. The U.N. said that 6.3 million people faced food insecurity and that the poverty rate had doubled.

President Wickremesinghe’s government has cracked down on dissent, including by using the notorious Prevention of Terrorism Act (PTA) to arbitrarily detain student activists.

The PTA allows the government to detain anyone for up to a year without charge, without producing any evidence, and without the possibility of bail. The latest amendments are just cosmetic and do not provide meaningful safeguards against torture, instead encouraging it by allowing convictions based on confessions to a police officer. Following the amendments, the law still does not meet any of the five “necessary prerequisites” set out in December 2021 by seven UN human rights experts for meeting Sri Lanka’s international human rights obligations.

Following a special review by the Global Alliance of National Human Rights Institutions (GANHRI), the Human Rights Commission of Sri Lanka (HRCSL) lost its A-status accreditation (18). The High Commissioner hopes that the forthcoming amendments to the Constitution will help to restore HRCSL’s independence and effectiveness in line with the requirements of the Paris Principles (19).

In October 2022, the United Nations Human Rights Council adopted a resolution expressing concern for the human rights situation and mandating enhanced UN monitoring, as well as renewing a mandate for the UN to collect and analyze evidence of past human rights violations, including attacks on Tamil civilians during and since the civil war, which ended in 2009, for use in future prosecutions. (20)

The government has rejected calls for truth telling and accountability, including by the group Mothers of the Disappeared, which passed 2,000 days of continuous activism in August, demanding to know the fate of their missing loved ones.

Meanwhile victims of past human rights violations continue to wait for truth, justice and redress.



*Recommendation: CAP/ Conscience et Liberté and Human Rights Without Frontiers urges the European Union to use its Generalised Scheme of Preferences Plus mechanism (GSP+) in its relations with Sri Lanka to secure concrete progress in terms of democracy and fundamental human rights such as the right to peaceful protest, freedom of expression, freedom from arbitrary arrest and detention, freedom from torture.*

- (1) Human Rights Commission of Sri Lanka, Annual Report 2020, <https://bit.ly/3Wov1Oe>
- (2) Human Rights Commission of Sri Lanka, Annual Report 2019, <https://bit.ly/3ZHRIzY>
- (3) Long history of Sri Lanka's state of emergency, <https://bit.ly/3wd11dG>
- (4) Profile: Ranil Wickremesinghe, Sri Lanka's new president, <https://bit.ly/3kqmnld>
- (5) President flees Sri Lanka amid crisis as ire turns toward PM, <https://bit.ly/3Xmh44H>
- (6) Sri Lanka's new president extends state of emergency amid crackdown, <https://bit.ly/3IX8LYD>
- (7) Sri Lanka, Police fire on protesters, <https://bit.ly/3Hap10x>
- (8) Police open fire as protest over fuel turns to riot, <https://bit.ly/3ZHP111>
- (9) 26-year-old protestor dies, <https://bit.ly/3QQeMs0>
- (10) Buying less, eating less: hunger pains on Sri Lankans as food prices rocket: <https://bit.ly/3ZI16n7>
- (11) Sri Lanka urged to free student activist held over protests, <https://bit.ly/Sri LankaWjRufm>
- (12) The Human Rights Commission goes to Welikada to visit Mudalige, <https://bit.ly/3GOnSB6>
- (13) As Sri Lanka's leader agrees to step down, protesters sing on the street but the future is uncertain, <https://cnn.it/3iLwDUu>
- (14) News First Sri Lanka, [https://www.youtube.com/watch?v=C\\_NBbu9pOeE&t=2s](https://www.youtube.com/watch?v=C_NBbu9pOeE&t=2s)
- (15) Transfer STF's Romesh Liyanage until investigation into attack on News 1<sup>st</sup> reporters is concluded, Human Rights Commission tells IGP, <https://bit.ly/3kqB5bS>
- (16) Religious freedom conditions in Sri Lanka, <https://bit.ly/3QRkfiE>
- (17) HRW World Report 2023, Events of 2022, <https://bit.ly/3HfzGO4>
- (18) GANHRI Report, October 2021, <https://bit.ly/3we5mgY>
- (19) Ibid, pages 31-33



(20) Mob of 600 break into Sri Lankan church, <https://bit.ly/3Xn6YR7>