



OLD GHOSTS IN NEW GARB:

SRI LANKA'S RETURN TO FEAR

AMNESTY
INTERNATIONAL



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First published in 2021 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK



Cover: Illustration by Colin Foo

Index: ASA 37/3659/2021

Original language: English

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I. EXECUTIVE SUMMARY

“The message that’s been given to the people is that working on human rights is somehow anti-state. These ideologies are what we as human rights defenders and victims have to confront all the time in this atmosphere. When we work with other ethnicities, they label us traitors, sometimes call us terrorists.”¹

The Sri Lankan government has launched a renewed crackdown on dissent. Civil society organizations and human rights defenders are under renewed attack by the Government and face numerous challenges to operate freely and safely. In only a year after a new government came into power in 2019, the authorities have escalated this into a full assault on dissent where a climate of fear and censorship has quickly expanded around the country, targeting key voices critical of the government and human rights defenders.

In this report, Amnesty International highlights the breadth of the repression of dissent as documented between November 2019 and January 2021. The report is based on multiple interviews carried out with human rights defenders, lawyers and journalists, as well as media reports and case files that the organization had access to.

The report exposes the ongoing assault on the rights to freedom of expression, peaceful assembly, association, personal security and freedom from arbitrary detention, and the way in which the space for civil society has alarmingly shrunk over this period. The risks for human rights defenders are compounded by the lack of credible mechanisms for redress domestically and by the government tactics to further undermine independent mechanisms such as the National Human Rights Institution.

Many of the patterns documented by Amnesty International in this report are dangerously similar to what the organization had raised as concerns in the years following the end of the internal armed conflict. The severe crackdown seen in the aftermath of the armed conflict present a dire image of what could come next under the new administration. Since the end of the war, consecutive UN reports laid bare allegations of gross violations of international human rights and humanitarian law committed by both parties to the conflict. These allegations, if proven, could amount to war crimes and crimes against humanity. Keen to maintain a clean image, the Mahinda Rajapaksa government issued blanket denials on alleged international crimes, and began silencing critics, particularly anyone who dared to expose war-related abuses or bribery and corruption allegations.

In 2015, a coalition of political opponents came into power defeating the Mahinda Rajapaksa government. To address continuing grievances of war affected communities and to signal a change in policy towards the international community, the government led by President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe co-sponsored in 2015 a consensual resolution at the Human Rights Council that proposed the establishment of mechanisms to ensure truth, justice, reparations and guarantees of non-recurrence. As a part of this transitional justice package, the government set up

¹ Amnesty International interview with Sandya Eknaligoda, 7 September 2020

**THE COI ON “POLITICAL VICTIMIZATION”
APPOINTED BY PRESIDENT GOTABAYA RAJAPAKSA
IN JANUARY 2020, INTENDED TO WHITEWASH
CRIMINALS AND LABEL THEM INSTEAD AS**



VICTIMS OF POLITICAL PERSECUTION.

an Office on Missing Persons, an office for Reparations and released military-held civilian land back to owners. Domestic inquiries into crimes under international law picked up pace after years of total inaction, although the government failed to install a truth commission and a hybrid court that it had previously pledged at the UN Human Rights Council (UNHRC).

As cracks in the coalition government began to emerge in 2018, victims of human rights violations feared the return of those who led the previous administration. It also set the stage for renewed attacks on civic space. The coalition government arbitrarily detained social media users, arrested members of the Muslim community using the Prevention of Terrorism Act which it had pledged to repeal, attempted to pass amendments to laws regulating non-governmental organizations (NGOs) and issued emergency regulations that contravened human rights.

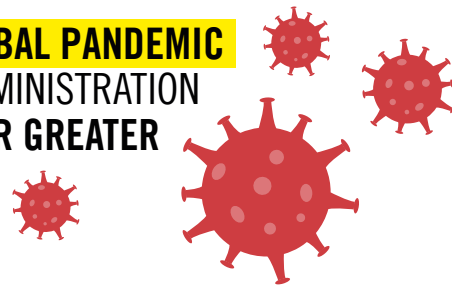
The coalition government lost power in the elections of November 2019, which brought the war-time Secretary of Defence and former President Mahinda Rajapaksa's brother Gotabaya Rajapaksa to power. In a critical incident that sent shockwaves through civil society only days after the change in government, a local staffer at the Swiss embassy in Sri Lanka who had processed a visa for a criminal investigator probing crimes linked to the Rajapaksa family and close associates was detained, sexually abused and interrogated by unknown men. Upon making a formal complaint to the police, she was threatened by law enforcement officials with charges of fabrication and exciting disaffection against the President or the government. A pro-opposition media house was also raided soon after the change in government, providing civil society organizations and human rights defenders pursuing accountability early indicators of what was to come. The early days of the new administration sent a chilling message around the country, pushing many into a state of silence and self-censorship.

By February 2020, the government announced its intention to withdraw support for the UNHRC resolution that pledged to set up transitional justice mechanisms in Sri Lanka and in January 2021 appointed a Commission of Inquiry (COI) to assess the findings of previous commissions, which human rights defenders argue is an attempt to prove to the international community that the mechanisms contained in the UNHRC resolution were no longer necessary. The COI on “political victimization” appointed by President Gotabaya Rajapaksa in January 2020, intended to whitewash criminals and label them instead as victims of political persecution. The COI on “political victimization” interfered in ongoing court cases on human rights violations, including enforced disappearances, in an effort to let military personnel off the hook.

The new Sri Lankan government did not waste any time in introducing new instruments and techniques to muzzle dissent. Members of the military leadership that were in command during the last phase of the war where there were widespread allegations of human rights and humanitarian law violations, were rewarded with promotions and positions of power under the new administration; military officials were also appointed more broadly to civilian positions in institutions such as the Ports Authority and the Civil Aviation Authority among others. For victims of human rights violations committed by the Sri Lankan military, these promotions and appointments further dissuaded them from actively pursuing justice and reparations.

The outbreak of the COVID-19 global pandemic in the early months of the new administration presented an additional cover for greater control and repression. In April 2020, the police announced that legal action would be taken against those criticizing the government's COVID-19 response under the guise of curbing the spread of misinformation. Within a month of going into lockdown, 17 people were arrested allegedly for sharing “fake news”, while 53 others were arrested for taking part in a ‘Black Lives Matter’ public protest after lockdown restrictions were eased. In the war-affected north and the east, families of people who were forcibly disappeared faced obstructions while trying to engage in memorialization activities. Peaceful acts of protest against the government's forced cremation of people suspected of dying of COVID-19, which indirectly discriminated against religious minorities, faced repression from intelligence agencies. Meanwhile, state-sanctioned events and gatherings went ahead unabated while assemblies seen as critical of the government were banned or dispersed.

THE OUTBREAK OF THE **COVID-19 GLOBAL PANDEMIC** IN THE EARLY MONTHS OF THE NEW ADMINISTRATION PRESENTED AN **ADDITIONAL COVER FOR GREATER CONTROL AND REPRESSION.**



The new administration has also relied on existing laws and processes as tools against critical voices, including ironically, the ICCPR Act, being used against social media users simply exercising their right to freedom of expression. For e.g., Ramzy Razeek, a retired government official who often comments publicly on social and political affairs, was arrested, and detained for more than five months without charge and without proper access to a lawyer or medical care despite a deteriorating health condition. This was simply for a Facebook post in which he criticized the forced cremations in the context of COVID-19 and called for an ideological struggle using the pen and keyboard as weapons. Although now released on bail, he lives under fear of charges being filed against him since the case has not yet been closed.

The government was also prompt in amending laws to make them better suited for repression. The 20th amendment to the constitution, passed by parliament in October 2020, undermines the independence of the judiciary and key independent institutions that have the power to act as safeguards against abuse or as recourse for violations of human rights, by removing important checks and balances afforded to appointments. Under the amendment, appointments to independent commissions like the human rights commission, the senior judiciary, the Attorney General, and the police chief are effectively presidential appointments, undermining their independence. The amendment effectively closed down any credible form of domestic recourse available to victims of serious human rights violations through the human rights commission and the justice process. The government has also announced other law reform initiatives which raise concern, including a bill to regulate online media sites, laws forcing social media platforms to remove defamatory posts and comments, and amendments to the law that regulates NGOs that would hinder the right to association.

Amidst this context, Amnesty International has recorded a number of arbitrary arrests and detentions, threats, attacks, harassment and intimidation of human rights defenders, journalists, lawyers, political opponents, and law enforcement officers investigating past abuses. State officials were behind many of these attacks, but non-state actors have also been pointed at for being behind some of the attacks. Amnesty International's findings reveal a pattern of targeting those who have played an active role in investigating, documenting, litigating, or reporting on human rights violations and abuses, and advocating on behalf of the victims.

Unwarranted visits by the authorities have been another common tactic to harass and intimidate human rights groups. Amnesty International recorded at least 18 visits between November 2019 and November 2020, in which the authorities made enquiries about their registration, as well as private information on staff, donors' bank details, while even visiting staff's private residences. The law enforcement officers belonged to sections of the police, including the Criminal Investigation Department (CID), the Terrorism Investigation Division (TID) also known as the Counter Terrorism and Terrorism Investigation Division (CTID), as well as officials with State Intelligence Services (SIS).

A media house critical of the current government was also raided by the police days after the presidential elections in 2019, allegedly looking for evidence of defamatory content against the new President, while journalists with pro-opposition media houses and former state media workers were summoned for interrogations by criminal investigators. Other journalists have received death threats and were summoned for investigations and interrogations after exposing human rights abuses.

Amnesty International recorded additional incidents where human rights lawyers were harassed and arrested by state officials.

The authorities have also aggressively pursued cases against political opponents. Criminal investigators who pursued justice for crimes under international law have also come under increased scrutiny following the change of government. More than 700 police officers with the CID were placed under a travel ban after a key investigator probing human rights violations fled the country fearing for his life, and the former director of the CID was demoted and later arrested for allegedly fabricating evidence in a case. He remains in custody and believes he is being targeted in reprisal for leading investigations in cases of abuses allegedly committed by the armed forces.

The cases documented in this report paint a grim picture of the once safer space for civil society, now rapidly shrinking. As testimonies in this report corroborate, human rights defenders, journalists, lawyers, and other critical voices have been pushed into a state of self-censorship, silence, and exile in the government's efforts to control a single narrative to remain in power. If the situation is left unaddressed, the deteriorating human rights situation will only worsen to a point similar to what the country experienced in the aftermath of the armed conflict where critical voices were harshly punished and where no domestic recourse for remedies was available.

Amnesty International calls on the government of Sri Lanka to immediately stop targeting human rights defenders, journalists, lawyers, political opponents and law enforcement officers investigating past abuses, and to respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association, including by ensuring a safe and enabling environment for civil society. Without an urgent course correction and remedial action, Sri Lanka risks falling again into a damning spiral of repression and violence.

The international community must not ignore the patterns of ongoing human rights violations emerging out of Sri Lanka and should use the upcoming session of the UNHRC to launch a new process or mechanism to pursue the objectives of the 2015 resolution: to end the cycle of impunity and advance accountability for crimes under international law with a view to deterring future violations, particularly against minority communities and civil society groups. The international community must ensure the continued monitoring and reporting on the situation, and the adequate collection, analysis, and preservation of evidence for future prosecutions. Without such a mechanism, Sri Lanka's victims of human rights violations will be deprived of one of their last hopes left for justice and accountability, and face instead a strengthened regime posed to silence and repress any single form of dissent.