

HUMAN RIGHTS REPORT

SRI LANKA



**Centre For Democracy,
Pluralism And Human Rights**

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About CDPHR



Introduction

Centre for Democracy, Pluralism and Human Rights (CDPHR) is a public charitable trust registered in 2020. Our motto is- equality, dignity and justice for every individual on this planet. We are committed to uphold values of democracy, pluralism and human rights. We endeavour to voice out human rights violations of individuals, groups or community. We dream of a world that accepts pluralistic ways of life, faith and worship through democratic means and practices.

Vision

CDPHR envisions an equitable and inclusive society based on dignity, justice, liberty, freedom, trust, hope, peace, prosperity and adherence to law of land. We believe that multiple sections of societies are deprived of basic human rights and violation of their social, political, economic, religious and developmental rights is a sad reality. We consider that advocacy, education and intervention are required from multiple fronts to ensure an all-inclusive and just society.



Our mission is to promote and aid in establishing democratic and pluralistic structures and realisation of human rights.

To achieve this, broadly the following specific objectives have been set:

- a) To espouse all adoptable frameworks of advocacy, education and policy intervention to realise the stated mission.
- b) To promote and advocate human rights and fundamental freedoms for all without any discrimination of race, religion, caste, gender, colour, and language.
- c) To keep a watch on issues of human rights violations globally and present their authentic analytical documentation.
- d) To use conferences, seminars, meetings, discussions, debates, study courses, collection of statistics, exhibitions, shows, tour trips, publications etc. for ensuring education, advocacy and outreach.
- e) To engage actively with governments, international organisations and human rights organisations to promote national integration, communal harmony, universal fellowship and global peace.
- f) To develop and mobilise community and natural resources so as to be harnessed for sustainable overall development of the marginalised and economically weaker sections of the society.
- g) To promote a culture of democratic values and pluralism in the face of particularistic tensions related to religion, caste, gender, class.
- h) To study the effects of draconian laws and unlawful use of state's machinery and force by the enforcement agencies and prepare reports for submission to appropriate authorities.
- l) To support democratic and economic reforms through the UN framework in countries coming out of totalitarian control.



CDPHR trustees and the team members consist of academics, lawyers, judges, rapporteurs, social activists, journalists and independent researchers who have an established reputation in their respective areas of expertise. Essentially, we are a team of socially sensitive intellectuals who wish to bring about a positive change in the lives of people deprived of minimum dignity and equality. Some of the team members have rich experience in researching and writing on issues of contemporary social interest. A few others have had long social commitments. In addition to the core organisational team, CDPHR plans to expand further and add to the human resources pool.

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ABBREVIATIONS

- SL: Sri Lanka
- TUF: Tamil United Federation
- TULF: Tamil United Liberation Front
- UNHRC: United Nations Human Rights Council
- CID: Criminal Investigation Division
- UNWGR: UN Working Group Report
- OMP: Office of the Missing Persons
- AGO: Attorney General's Office
- ICRC: International Committee of the Red Cross
- CHRD: Committee for the Human Rights Development
- PTA: Prevention of Terrorism Act
- HRCSL: Human Rights Council of Sri Lanka
- UNWGR: United Nations Working Group Report
- CoP: Commissioner of Prisoners
- BoVP: Board of Prison Visitors
- UNHCR: United Nations High Commissioner for Refugees
- LTTE: Liberation Tigers of the Tamil Eelam
- LLRC: Lessons Learnt and Reconciliation Commission
- DIG: Deputy Inspector General
- AGD: Attorney General's Department

EXECUTIVE SUMMARY

Sri Lanka (SL) is a country of paradoxes and contradictions. It is regarded as one of the most ancient civilisations in the world because of its multi-ethnic and multi-religious character. The island of Sri Lanka (known as Ceylon until 1972) is famous for a variety of reasons. Various scholars described it in diverse ways. According to Marco Polo, “Ceylon is undoubtedly the finest island of its size in the world”. Some others described it as “the pearl of the Orient”, “the pendant on the chain of India”, “this other Eden, and this demi-paradise”, “the land without sorrow”.¹ Sri Lanka is a country with two distinct-ethno-national formations with different languages, cultures, traditions, territories and histories.

ETHNIC COMPOSITION IN SRI LANKA

The largest ethnic group in Sri Lanka is the Sinhalese who account for 74.9% percent of the total population. The second largest are the Sri Lankan Tamils constituting 11.1% percent of the total population.² The up-country Tamils are the other group of Tamils who are mainly from the plantation sector, also called as Indian Tamils account to less than 6 percent of the total population.³ Another important ethnic group are the Muslims, both Malays and the Moors, who form only 7 percent of the country's total population.⁴

Religions in Sri Lanka

Sri Lanka is a country of variety of religions. The largest religious community is the Buddhists. Almost 70 per cent of the country's population follows Buddhism. The second largest religious community is the Hindus, who mainly are Tamils. The third group is the Muslims, constituting 7.6 per cent of the population. The fourth largest group is the Christians, with 7.5 per cent of the population, out of which 90 percent of them are Roman Catholics, the rest are Anglicans, Calvinists, Methodists and Baptists.⁵

Regional Distribution of Population in Sri Lanka

The population of Sri Lanka is divided on the basis of ethnic, linguistic, religious, and caste cleavages. Demographically the ethnic communities living in Sri Lanka have been concentrated in various parts of the country and there has been a certain amount of intermingling.

1. Satchi Ponnambalam, *Sri Lanka: The National Question and Tamil Liberation Struggle* (London: Zed Books Ltd., 1983) p.1

2. Census population and Housing of Sri Lanka, 2012 available on www.statistics.gov.lk/PopHouSat/CPH2011/Pages/Activities/Reports/Final_Report/Population/Table%20A3.pdf

3. Ibid

4. Amita Shastri, “Government Policy and the Ethnic Crisis in Sri Lanka” in Michael E. Brown and Sumit Ganguly (eds.), *Government Policies and Ethnic Relations in Asia and the Pacific* (Cambridge: The MIT Press, 1997), p.131

5. C.R. De Silva, n.2, p.7

The Sinhalese form the largest ethnic and linguistic community migrated from North India some 2,500 years ago. They are divided into low country and Kandyan. The low-country Sinhalese, comprising three-fifths of the community, are concentrated in the densely populated western and southern coastal plains, whereas the Kandyan Sinhalese reside in the interior hill country and the north central dry zone. The Sinhalese live mainly in the southwest. Due to its long exposure to foreign influences, the Sinhalese in the low-lying plains are likely to be less traditional than those living in the Kandyan region.

The Ceylon Tamils migrated from South India. They are concentrated on and near the Jaffna Peninsula, at the northern tip of the island and on the east coast. They live mostly in the northeast constituting 86 percent of the population in the Northern Province and about 41 percent of the population in the Eastern province. Many Sri Lankan Tamils migrated to Colombo to work in the state services as administrators and clerks during the colonial period; forming about 25 percent of the city's population.

The Sri Lankan Moors are Muslims residing in the country for a number of centuries claiming Arabic lineage, perhaps descendants from Indian Muslims. The small Indian Moor community is comprised of Muslims recently migrated from India, many of who are into trade and commerce.

The upcountry Tamils live in the hilly centre of the island on the tea estates. A major percentage of the Muslim community lives in the Eastern province. Other segments of the Muslim community live in and around Colombo on the west coast.⁸

These basic facts give us an account of the country's rich cultural and traditional history that is surrounded by various customs, traditions and beliefs brought by different groups into the island as distinct entities. In course of time these led to tension and clashes but sometimes it ensured a rich historical heritage and cultural diversity.

However, the diversity of the country that developed over many years also proved to be a bane as history went unfolding itself on the land. The Sinhalese and the Tamils, the two prominent ethnic groups in the country came to develop rival relationship with the passing years; colonial occupation of Ceylon added fuel to the fire. Such developments finally resulted in 37 years' long ethnic conflict between the two ethnic formations leading to the victory of Sinhalese. Sri Lanka's 37 year long civil war that started in 1983 came to an end in 2009. This bloody conflict has pushed the Sri Lankan society into deteriorating situation in

6. John M. Senaveratna (1997), The story of the Sinhalese from the most ancient times up to the end of "the Mahavansa" or Great dynasty, Asian Educational Services, pp. 7-22

7. Robert N. Kearney, The Politics of Ceylon [Sri Lanka] (London: Cornell University Press, 1973), pp.3-5

8. Amita Shastri, n.3, p.132

terms of erosion of judicial independence, marginalisation of minorities and impunity to the perpetrators of crimes against citizens of the country in the post conflict era. It has further led to human rights abuses of other minorities such as Muslims and Christians and also that of women and children at the hands of governing mechanisms of the land that have been dominated by Sinhalese.

The report is an attempt to investigate into historical reasons for the conflict along with significant human rights abuses in Sri Lanka that include unlawful killings by the government and torture by the government agents. Issues such as sexual abuse of women and children and arbitrary detention by the government entities have gone with impunity. Electronic, print and social media is getting clamped down by the government authorities with political motives. The journalists who dare to write on war crimes and atrocities on non-combatants like women and children are unjustifiably arrested. Some have been killed and some went missing. Even authors and civil society activists stand greatly intimidated at the hands of police, paramilitary special task force and in some cases even military. Interestingly both Sri Lankan police force and military come under the Ministry of Defense. Even speaking against widespread corruption in the country too is dealt with heavy hands. The condition of prisons and detention centres is worrisome as they are overcrowded with prisoners and lack even basic minimum facilities.

As called for in 2015 by the UN Human Rights Council (UNHRC) Resolution 30/1, the government did not implement mechanisms to hold accountable military and security personnel accused of atrocities during the 1983 to 2009 civil war. Even in its resolution of 23 March, 2021, the human rights body has pointed out to the deteriorating human rights situation in Sri Lanka. Systematic discrimination against minorities in Sri Lanka with the help of laws such as Prevention of Terrorism Act (PTA) has led to humanitarian emergency like situation in Sri Lanka. Although reeling under the pressure exerted upon by international human rights agencies and international civil society groups, the government took steps to investigate and prosecute some officials who had allegedly committed human rights abuses, it failed to secure any convictions.

The mechanisms created to address 37 years' protracted ethnic conflict related issues are just eye wash and have not performed even to the minimum expectations of international community. The institutions such as Attorney General's Office (AGO) created to prosecute perpetrators of war of war crimes have remained deeply biased and also ill-informed of the international legal standards in relation to their work. People's declining faith in judiciary, various other institutions responsible for governance e.g., AGO and police etc. has led to a situation that might translate into ethnic violence in future. The successive governments in Sri Lanka have done too little to uphold basic democratic principles of governance thereby assuring people of their well-being.

RECOMMENDATIONS

The international community committed to the promotion and protection of human rights should make the Sri Lankan government:

- To develop comprehensive transnational justice policy to address human rights violations that occurred during 37 years of ethnic conflict.
- To vest the office of high commissioner for human rights with powers to monitor human rights excesses being committed in Sri Lanka. To appoint an executive group that will oversee implementation of recommendations developed by the report.
- To review laws that will strengthen independence of human rights commission and authorise it to refer cases to the judicial bodies vested with doing away with human rights violations in Sri Lanka.
- To take punitive action against security forces who torture, rape, harass sexually and violate other human rights.
- Introduce judicial mechanisms to curb human rights violations and punish guilty.
- To enact legislation to establish an ad-hoc hybrid special courts with international judges, lawyers, investigators that can try war crimes and crimes against humanity. Further equip them with independent investigative powers.
- To monitor human rights development, accountability and reconciliation through the Human Rights Council.
- To give consent to the UN Human Rights Committee.
- To hear individual complaints.
- To make sure that the Sri Lankan Constitutional Council has the power and independence to appoint members to institutions such as the Human Rights Commission of Sri Lanka.
- To recognise and disarm groups associated with political parties that are responsible for human rights violations.
- To make Sri Lankan government allow Office of the High Commissioner for Human Rights (OHCHR) to check and monitor the human rights situation in the country.
- To constitute a machinery to preserve accessible records of human rights violations.
- To create a state mechanism to support and strengthen programmes for victims facing psycho-social problems.

- To make sure that all individuals and persons perceived to be having association with the LTTE to be registered and put in rehabilitation.
- To shut down all detention centres that are unofficial and make public the genuine list of detention centres.
- To analyse and publish genuine information with regard to domestic human rights abuses.
- To assess cases pertaining to detainees who were held under the PTA and make an institutional mechanism for their trial and release.
- To ensure that investigation and prosecution for crimes such as torture, war crimes, and crimes against humanity to be considered as a serious offence against humankind.
- To ensure that the Sri Lankan forces do not create hindrance in the investigations of the UN peacekeeping forces with regard to the human rights violations.
- To develop a procedure and state mechanism for dismissal of officers involved in the worst human rights violations.
- To create a support mechanism for individuals affected during the conflict and post-conflict situations.
- To create an independent institution to look into cases related to disappearance and missing persons.

Introduction

There is a state sanctioned violence against those who were suspected to be supporting Liberation Tigers of Tamil Elam (LTTE) and the perpetrators of the crime are enjoying a sense of impunity in Sri Lanka as of today. The government and LTTE were accused of committing war crimes and escalating violence to innocent civilians at the end of war. There are numerous cases of torture, rapes, forced disappearances and detentions reported from all around the country in the post conflict times.

The Sri Lankan government is also accused of shelling humanitarian interventions. The government even initially refused to cooperate with the UN Commission for Human Rights sponsored investigation into the alleged human rights violations. Blatant violations and injustices present a challenge to Sri Lanka's future. There is an urgent need by international community to pressurise the Sri Lankan government into rectifying cases of blatant injustices thereby carrying out credible investigation into the cases of abuses.

The Sri Lankan government in February 2020 decided to withdraw from co-sponsored UN Human Rights Council resolution on accountability for war crimes. This was after the US government imposed restrictions on Sri Lankan Army Chief, Shavendra Silva and his immediate family members for alleged violations of human rights committed during final phase of civil war in Sri Lanka. The present government is heading towards an authoritarian direction. It has made clear that it will pursue national reconciliation and transitional justice on its own terms.

In recent years anti-Muslim violence in the country has increased which was linked to ultra-nationalist Sinhalese Buddhist groups particularly after 2019 Sri Lanka Easter Bombings. The UN Committee on the Elimination of Discrimination against Women has raised issues that the government has not taken steps to address the institutional barriers and law enforcement prejudices to ensure that women and girls are able to access justice including sexual or domestic violence. Following the political crisis in Sri Lanka, the government needs to expedite the process of implementation of traditional justice commitments in order to ensure truth and justice into the grave violations of human rights that were being committed.

There are four important issues for the Sinhalese and the Tamil conflict: Language and employment, regional autonomy, settlement of Sinhalese on lands claimed to be traditional homelands of the Tamils; and access to higher education.⁹

9. C.R. De Silva, n.5, p.238.

Under the colonial rule, the British established schools and colleges in Tamil areas, thinking that the Tamils were more interested in getting English education than the Sinhalese. The educated Tamils utilised the sources of employment and entered into government administrative services. The Sinhalese, obsessed with their majoritarian status, started following a process of ethnic discrimination against the Tamils. The Sinhalese were largely under the influence of their religious revivalism, as a reaction to the activities of the Christian missionaries. The publication of newspapers in their mother languages made the people aware of their cultural inheritance. In 1931, the Sri Lankan Tamils failed to achieve their objectives as they were disenchanted with the provisions of the Donoughmore Constitution and refrained from contesting the 1931 elections as protest against the British rule.¹⁰

In order to forge unity among the Sinhalese, S.W.R.D. Bandaranaike started the “Sinhala Maha Sabha” in 1937. He explained the rationale behind the formation of the new organisation as follows:

“We (the Sinhala Maha Sabha) saw differences amongst our own people- caste distinction, up-country and low-country distinctions, religious distinctions, and various other distinctions and we therefore felt that we should achieve unity which is the goal of us all. Surely the best method was to start from the lowest rung: firstly, unity among the Sinhalese, and secondly whilst uniting the Sinhalese to work for higher unity of all communities”.¹¹

The continuous discrimination of the Sri Lankan Tamils in education, employment and religious grounds forced them to adopt a new approach by demanding a federal state, which, in course of time, led in to a demand for a separate state. In May 1972, all the Tamil parties came together to form the Tamil United Front (TUF), which later became the Tamil United Liberation Front (TULF). The TUF adopted a six-point programme in its Trincomalee conference.¹² Its main objective was to secure regional autonomy for the Tamil areas. It asked for the following demands:

1. A defined place for Tamil language;
2. Sri Lanka should be a secular State;
3. Fundamental rights of ethnic minorities should be embodied in the constitution and made enforceable by law;
4. Citizenship for all those who applied for it,
5. Decentralisation of the administration; and.

10. G.C.,Mendin, n.8,p.208

11. S.W.R.D.Bandaranaike,Towards a New Era: Selected speeches Made in the legislature of Ceylon,1931-1959,(Colombo:Government Press,1961),pp.50-51

12. S.S. Misra, Ethnic Conflict and Security crisis in Sri Lanka (New Delhi: Kalinga Publications, 1995), p. 53.

6. Abolition of the caste system.

The discriminatory policies of the government, especially in matters related to education and employment, made the Tamil youth suffer immensely, who in due course of time demanded for an independent state, "Eelam".¹³ The conventional method of constitutional understanding did not give them any assurance with regard to better education and employment. This in turn made them furious and they resorted to following violent methods rather the conventional methods. The beginnings of the Tamil separatist movement can be traced to March 1973, when a large number of Tamil youth were arrested for staging black-flag demonstration during the visit of a cabinet minister to Jaffna. The government's policy of arrest and detention of Tamils under the Emergency powers made them to react and confront the government. The leaders of the TUF recast it as the Tamil United Liberation Front (TULF) reiterating its call for the establishment of a secular state of Tamil Eelam on 14th May 1976 when its youth wing pressed to the demand.

In 1956 the Sinhalese first rioted against the Sri Lankan Tamils. Thereafter, such attacks became frequent. The years 1958, 1971, 1977, 1981 and 1983 witnessed intense communal violence,¹⁴ acquiring an international dimension to the conflict. The 1983 riots got internationalised because of intense violence and gross human rights violations.

13. Sudhir Hindwan, "The Sri Lankan Crisis," *Mainstream*, 15th February 1997, p. 29.

14. Dennis Austin, *Democracy and violence in India and Sri Lanka* (London: Pinter Publishers, 1994), p. 63.

OBJECTIVES

The objectives of the study are as follows:

- To assess the ethnic violence, and analyse how it caused suffering to the innocent people,
- To examine the creation of humanitarian emergency situation in the country
- To assess the impact of human rights violations caused to the minority Tamils due to the ethnic strife in the country.

METHODOLOGY

Due to the pandemic COVID -19, there was a colossal problem in getting access to the required material. This report is prepared with limited literature that is available. The study adopted a historical and analytical method. It is based on primary and secondary source materials. The primary source material includes official and legal documents, annual reports and newsletters. The secondary source materials include books, articles, periodicals and newspaper reports.

MAIN REPORT

Being a democratic, constitutional and multi-party republic, Sri Lanka had to suffer immensely due to the 37-year long conflict that ended in 2009 wherein innumerable human rights violations occurred including unlawful killings, torture and arbitrary detention by the government forces.

Though there was a government elected for a five years term with Maithripal Sirisena as President and Ranil Wickramasighe as the Prime Minister, the sudden dissolution of the parliament created a sense of chaos among the civilians and the authorities. There were issues related to human rights violations and police continuously harassing innocent civilians

The government was unable to implement any redressal mechanisms to check the grievances of the innocent civilians who were faced with severe impunity. The government had failed to take any action either against government officials or security personnel who were accused of severe crimes during the civil war. There were reports that showed the government officials' involvement in subjective killings of innocent civilians.

According to the Human Rights Report 2018 and 2019 of Sri Lanka:¹⁵

There have been arbitrary deprivation and politically motivated killings of people. There have been so many reported and unreported cases wherein innocent civilians were shot and killed. Though, police investigated these issues, most of the crimes were committed by the police itself.

In 2016, police shot and killed two Jaffna students for not stopping their motorbike. Similarly, a motorcyclist was shot by the police near Katargama in 2017 and in yet another case a motorcyclist was killed in Ariyalai of Jaffa district in 2018. In most of these cases the culprits were the police who committed these atrocities on common civilians from ethnic minorities in Sri Lanka. Many more such incidents serve testimony to the fact that the human rights violations continued unabatedly in the form of shooting or killings.

The Crime Investigation Department (CID) of Sri Lanka arrested the two officers imprisoning them in November 2017, and the hearing was scheduled with regard to the issue. The investigation continued with regard to killing of prominent journalist and chief editor of the newspaper Sunday Leader, Lasantha Wickrematunge. In February 2018 police arrested five high-ranking former security officers including the Deputy Inspector General (DIG), and the officer in charge, from the Mt.Lavinia police station, after charging them with hindrance to the inquiry. The officers were held until July 17, and were freed on bail awaiting the outcome of the investigation. The Attorney General's Department (AGD) appealed for mercy of the five suspected people who were accused of killing former Tamil National Alliance (TNA) parliamentarian Nadarajah Raviraj; the Court of Appeal was scheduled to hear the appeal in January 2019.

15. State.gov/wp-content/uploads/2019/03/SRI-LANKA-2018.pdf

Disappearance

The UN Working Group Report (UNWGR) of 2017 mentioned that there were nearly 5,859 such disappearances. The government appointed seven commissioners to the Office on Missing Persons (OMP) on February 28 who later met the family members of such missing persons in the areas near Mannar, Jaffna, Kilinochchi, Trincomalee, Matara, and Colombo.¹⁶ In August it issued an interim report that included a series of interim relief proposals and justice-related recommendations for families and victims of disappearances. Based on the suggestions of the OMP, the cabinet approved interim financial relief of approximately 5,700 rupees (Rs) (\$33) per month in recognition of the dire economic situation of the families of the missing. By the end of the year the office of OMP nearly finalised a list of an approximate 20,000 missing persons since 1983.

Whereas in some cases such as Prageeth Eknaligoda, a cartoonist and journalist for Lanka e-News who disappeared in 2010, neither the authorities nor the government officials had charged anybody as suspects even by the end of the year. Many such cases were a cause of concern, as human rights abuses were taking place with no end in sight. The court issued a stay order on September 24 upholding a petition filed by the then presidential candidate, Gotabaya Rajapaksa in which he was linked to a habeas corpus investigation into the 2011 disappearances of two human rights activists named Lalith Kumar Weeraraj and Kugan Muruganandan, who went missing during his term as a defense secretary. However, Gotabaya Rajapaksa filed a petition postponing his appearances as a witness in Jaffna Magistrate Court till the presidential election was held in November citing the reasons of threats to his life. Gotabaya Rajapaksa was elected as president of the country on November 16 that gave him impunity from prosecution for any crime while serving presidential tenure. Disappearances during the war and its aftermath continued because of lack of legislative and judicial mechanisms to check the human rights abuses.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Sri Lankan officials and the authorities tortured, punished and gave absolute inhuman treatment to civilians. The country's law has stringent punishment in case of involvement in such practices ranging from seven years to 10 years of imprisonment to the culprits. However, the country's other draconian laws such as the Prevention of Terrorism Act (PTA)¹⁷ give courts a right to take any action against the accused at any time without any exception pertaining to issues related to torture and punishment. Four people were arrested and nearly 70 to 130 individuals remained in detention from previous PTA arrests.¹⁸

Human Rights Commission of Sri Lanka (HRCSL) has reported that the crimes committed by the government officials and police forces continued throughout the country without any end. It acknowledged nearly 193 allegations of physical and mental torture by state actors as of June

16. <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/sri-lanka/>

17. The Prevention of Terrorism Act of 1978 is a law in Sri Lanka that gives arbitrary powers to the police to search, arrest and detain the suspects. It was enacted as a temporary law during the civil war by J.R. Jayawardane, and was made permanent in 1982.

18. Ibid

2017. The report also stated that the police tortured people to wrongly admit in order to keep them as evidence for their detentions. Moreover, many human rights organisations could trace out that the torture by the police was common all over the country. People arrested under the PTA are proofs of the gross human rights violations by the authorities in the name of torture and mistreatment, forced confessions, and denial of basic rights such as access to lawyers or family. Even in rehabilitation centres people faced severe torture, mistreatment, including sexual violence by the state officials during their stay and even after their release. Ruthless use of police force against people and individuals was issue of immense human concern. It is said that there were series of reports of sexual abuse by the security officials over the wives and war widows who came forward seeking information about their missing husbands.¹⁹

Inhuman Conditions of the Prisons and Detention Centres

Prisons were in a dilapidating state because of overcrowding of the prisoners as most of the times juveniles and adults were kept together, moreover detainees and the convicted were kept together. Due to lack of infrastructural facilities in jails, prisoners reportedly slept on the floors. There was scarcity of hygienic facilities. The commissioner of prisons (CoP) mentioned that there were excessively a smaller number of prisons due to which the prison population exceeded the system's capacity by nearly 64 percent. It was also noted by the commissioner of prisons that there were 52 total deaths of prisoners in custody as of July 2017, though later these deaths were projected to be because of natural causes and three were due to suicides.

Though a few bigger jails had their own hospitals, their staff was excessively less in number. The prisoners who required medical care in small prisons were transferred to the nearest local hospitals for treatment. The HRCSL approved of some allegations leveled with regard to the ill-treatment of the inmates, but the Ministry of Prison Reforms (MoPRs) denied it. About 20 of the women prisoners protested against the prevalent poor conditions in the prison and demanded for speedy trials and put an end to the restrictions on food items brought for them by their family members.²⁰

The Board of Prison Visitors (BoPV) established under the Prisons Ordinance functions as an internal organ of the Sri Lankan government and is deposed with the responsibility to carry out independent monitoring to examine the overall conditions of detainees. The International Committee of the Red Cross (ICRC) and the HRCSL also have authorisation to check jail atmosphere. In the year 2018 the HRCSL visited 20 prisons across the country. Though there was slight improvement as the department of prisons tried to solve the issue by shifting them into rural locations, the situation of the prisons in Sri Lanka is still grim.²¹

19. Human Rights Commission of Sri Lanka, Annual Report 2019, can be accessed at <https://www.hrcsl.lk/wp-content/uploads/2020/01/Annual-Report-2019.pdf>

20. Country Reports on Human Rights Practices for 2018 United States Department of State, Bureau of Democracy, Human Rights and Labor

21. Ibid

Police, Security Apparatus and Human Rights Abuse

In general, the police and military are deposed with completely different responsibilities, police is used to maintain internal law and order situation while military is deployed at the borders. But in Sri Lanka the administration has continued to use military to handle internal affairs even after so many years that the civil war in the country has ended. This has developed a nexus between civil and military administration exacerbating the cases of human rights violations. Moreover, the security forces have limited internal mechanism to investigate into human rights violations. The aggrieved individuals have to go to the Supreme Court for the redressal of their complaints making it difficult and costlier for them to seek justice in the cases of abuses. The HRCSL and criminal courts may also investigate such abuses, and the government pursued prosecutions and secured convictions in multiple high-profile cases against members of the security services, though such examples are fewer.

To mention some, on 9 August, 2018, the Jaffna High Court sentenced two senior military intelligence officers to death for killing a Liberation Tigers of Tamil Eelam (LTTE) militant while in detention in 1998. The suspended sentence of imprisonment of former Welikada police chief inspector Kamal Amarasinghe was upheld and reimposed by the Supreme Court on 18 July, 2018. On July 5, the Supreme Court ruled against the police, and ordered him for a payment of compensation to a commercial sex worker holding that her fundamental rights had been violated when she was harassed in 2014. On June 7, two police officers were sentenced to 20 years and six months of sentence in 2003 by the Colombo High Court following their conviction of rape in Bambalapitiya. In October the United Nations sent the commander of the Sri Lankan peacekeeping contingent in Mali back to Sri Lanka after reportedly having discovered information that claimed to link him to a unit implicated in atrocities during Sri Lanka's civil war. But still the Police and officials of Special Task Force in Sri Lanka largely remain indifferent while protecting the human rights of its citizens. As per the accounts of observers and victims, they showed utter negligence in the wake of March, 2018 widespread anti-Muslim violence that erupted in the central Buddhist region of Kandy District, resulting in hundreds of Muslim homes, business, and mosques being destroyed or damaged.²²

Arbitrary Arrest Procedures, Detention, Treatment of Detainees

The Prevention of Terrorism Act (PTA), a draconian law enacted in 1979 is primarily used to illegally arrest and detain Sri Lankan minorities particularly Tamils. The government figures released in July 2017 reveal that 70 persons had been in custody for more than five years and 12 had been in custody with no trial for more than 10 years.²³ As per the evidences produced by a UN special rapporteur on the protection of detainees accused of terrorism, the UN report noted that there were nearly 81 prisoners waiting in pretrial detention centre for their trial, and their police investigation is yet to be done as of July 2017.²⁴

Enacted as a temporary measure during the civil war, the PTA has become permanent despite

22. Country Reports on Human Rights Practices for 2018 United States Department of State, Bureau of Democracy, Human Rights and Labor

23. Sri Lanka: Repeal Draconian Security Law, can be accessed at <https://www.refworld.org/topic,50ffbce582,50ffbce58e,5a8eb0f24,0,HRW,,LKA.html>

24. Country Reports on Human Rights Practices for 2018 United States Department of State, Bureau of Democracy, Human Rights and Labor

of flouting of the fundamental rights provisions mentioned in the Sri Lankan Constitution.²⁵ The PTA gives immense powers to the state apparatus to search, arrest and detain individuals and gives exceptional rights to the officials responsible for such acts in good faith²⁶ It is getting very difficult to challenge the detentions especially for those who were held under the PTA. The law of the HRCSL prohibits any kind of discrimination, arbitrary arrests and detentions but such a law has done too little to improve the situation on ground. The PTA law has been extensively condemned for not complying with the standards of international law because of the tactics followed by the successive governments to threaten freedom of expression of human rights defenders and journalists. However, Sri Lankan government has shown scant interest in respecting the sentiments of international community and various international agencies even in the post-war context.²⁷

The successive governments of Sri Lanka failed to revoke the PTA in spite of its commitment towards the United Nations High Commissioner for Refugees (UNHCR) resolution to replace it with legislation according to the international human rights laws and standards, whereas the drafted Anti-Terrorism Act could not guarantee enough human rights. It is more of a problematic form of rule of law where basic human rights were denied in the form of detaining a detainee up to 72 hours prior to producing the detainee in front of the magistrate.

The HRCSL report to the UN Committee Against Torture held that 111 persons were in remand custody under the PTA, out of which 29 have not been indicted. The longest time period of a person on remand without indictment being filed is for 15 years, whereas a person's longest trial is going on since 2002 i.e., 14 long years. Moreover, 41 persons are appealing their sentences under the PTA where a person has been waiting for a decision for past 14 years.²⁸

On 14th April 2020, a human rights lawyer representing some Hejaaz Hizbullah was arrested and detained under the PTA. He had a very limited access to his family members and lawyers, and is still in arbitrary detention.²⁹ Many such cases show the government's discrimination towards the victims of such abuses.

Violence against Minorities

The Sri Lankan authorities passed the Emergency Regulations (ER) where arbitrary arrests and detention were so common especially targeting the Muslim minorities. The regulations were passed as an act of response to the April 2019 Easter Bombings by the self-proclaimed "Islamic State"³⁰ that targeted churches, and hotels killing more than 250 people injuring hundreds of civilians.³¹

25. Including the right to equality (Article 12(1) and the freedom from arbitrary arrest, detention and punishment (Articles 13(1) and (2)).

26. Section 26 of the PTA states: No suit, prosecution or other proceeding, civil or criminal, shall lie against any officer or person for any act or thing in good faith done or purported to be done in pursuance of any order made or direction given under this Act.

27. The PTA was used in 2014 to arrest human rights defender Balendra Jeyakumari allegedly for aiding and abetting an ex-LTTE cadre. Two human rights activists, Ruki Fernando and Fr. Praveen Mahesan, who were investigating her arrest were subsequently arrested for allegedly attempting to instigate violence among communities.

28. The HRCSL report to the UN Committee Against Torture is available at: <https://docs.google.com/document/d/1cc31CXzqxkooAb-SpnqkCxb78CDocBWZu7xA3BZQF4/edit./////>

29. <https://www.amnesty.org/en/latest/news/2020/07/sri-lanka-on-hejaaz-hizbullah-and-the-prevention-of-terrorism-act/>

30. A form of government based of Islamic Law

31. Human rights 2019

The Emergency Regulations restricted the rights of freedom of religion, belief and freedom of expression by keeping ban on clothing and targeting women wearing veil. As a result of the Easter bombings of 2019, an anti-Muslim violence broke out and continued for many weeks all over the country even in the towns of the Negombo and Minuwangoda. The security forces were very slow in bringing the law-and-order situation back to normalcy and in most of the cases did nothing to protect the minorities.

Near about 1,600 Muslim and Christian refugees were forced to leave their homes in the wake of retaliatory attacks for the Easter bombings and took shelter in three welfare centres of Negombo and Pasyala. Local community members threatened the Pakistan, Afghan, and Iranian refugees with dire consequences. The government, police, and security forces with the assistance of the UNHCR tried to protect refugees. It is only due the pressure exerted by UNHRC on Sri Lankan government that it relocated the victims and introduced a Bill on Constitution of Hostile Speech³² by amending the Penal and the Criminal Procedure code. In September 2015, the newly elected Maitripala Sirisena government stated that it would pass a new law banning hate speech. The move was welcomed by the UN High Commissioner for Human Rights.

The section 3 and article 20 of the International Covenant on Civil and Political Rights (ICCPR) Act of 2007 prohibits promotion of 'religious hatred that constitutes incitement to discrimination, hostility or violence'. Though the law has been deliberated at procedural level not much has been done to translate the provisions of the act at substantive level.

Political Prisoners and Detainees

The Committee for the Human Rights Development (CHRD) reported that more than 130 prisoners such as the Tamil politicians, local human rights activists, former LTTE combatants accused of violent crimes referred to as "political prisoners",³³ remained in detention. But the government denied it and claimed that the prisoners in question were detained for their violent and criminal acts. The government allowed the HRCSL, magistrates, and the Board of Prison members to get access to the prisoners on a regular basis. It also allowed the ICRC access to monitor prison conditions but the authorities granted irregular access to those providing local legal counseling to the prisoners.

Many Civil society organisations and Tamil political parties for long requested the discharge of detainees under PTA, particularly those who were not charged until then. The former government led by the President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe tried to draft a new counter-terrorism law but the efforts went in vain and the attempts to implement it were unsuccessful.³⁴

33. A person who is imprisoned because that person's actions or beliefs are contrary to those of government

34. <https://www.thehindu.com/news/international/tna-seeks-release-of-political-prisoners-in-sri-lanka/article31576884.ece>

Denial of Fair Public Trial

It is well established that the denial of fair public trial to the detainees is also a violation of basic fundamental human rights. Though Sri Lankan constitution provides for the right to have a free, fair and public trial, the country's judiciary is not empowered with much of mechanisms to exercise its role in this regard independently. As per the established norms of the country the court proceedings and other legislations are required to be held in English, Sinhala, and Tamil.

However, most courts outside the northern and eastern parts of the country conducted their business in Sinhala and English whereas trials and hearings in the North and East were in Tamil and English. Moreover, there were limited interpreters appointed by the court for the benefit of Tamil speaking defendants limiting their right to free interpretation as necessary. In most of the cases, courts tried criminal cases against the Tamils- in Sinhala speaking areas and also in Sinhala language making Tamils not comprehend the proceedings. The Sinhala speaking officers had very limited proficiency in Tamil language that in turn resulted in recording incorrect statements. There was no free and fair trial because it was one-sided supporting the Sinhalese. In Sri Lanka torture and various forms of discrimination and ill-treatment were widespread and "confessions were procured by torturing as evidence"³⁶ especially from suspects detained under PTA.

Various international agencies have directed the Sri Lankan government to provide protection to the witnesses and the victims of human rights violations but it has failed in its commitment towards the promises made at the UN Human Rights Council resolution 30/5 in 2015 that urged to provide impromptu transitional justice to restore faith in the judiciary. The unabated injustice and continued human rights abuses paved a way for a culture of impunity where the perpetrators of the abuses were never held guilty of the atrocities and crimes committed by them during the conflict and the post-conflict times. The successive governments in Sri Lanka can be held accountable for the human rights issues as they failed to take any kind of action against the abusers. Such an apathy or inaction has led to the breakdown of judiciary that failed to ensure faith in the system because of repetitive acts of crimes towards innocent individuals.³⁷

Violence against Women in Sri Lanka

Women were the worst victims of the long civil war in Sri Lanka. Though the country's law prohibits rape and other forms of violence against women, enforcement of the law was incoherent.³⁸ Section 363 of the Penal Code does not clearly criminalise heinous crimes against women such as rape done on women by men. Provisions such the Section 365 B (1), criminalises "grave sexual abuse", considered to be gender neutral thereby creating ambiguity of the criminal law. The prescribed penalties for rape are seven to 20 years' imprisonment and a fine of at least 200,000 Rs (\$1,160). In spite of the law that prohibits such kind of physical and

36. http://www.documents.gov.lk/files/bill/2016/8/119-2016_E.pdf

37. Human Rights Watch on Sri Lanka titled "Sri Lanka: Events of 2020", can be accessed at <https://www.hrw.org/world-report/2021/country-chapters/sri-lanka>

38. International Crisis Group's report on Sri Lankan Women titled, "Sri Lanka's Conflict Affected Women: Dealing with the Legacy of War", can be accessed at <https://www.crisisgroup.org/asia/south-asia/sri-lanka/289-sri-lankas-conflict-affected-women-dealing-legacy-war>

sexual abuses and violence against women, it is reported that many incidents on women continued in the name of searches, detentions and arbitrary arrests.

In February, 2018 two men reportedly raped a nurse at a private hospital in Narahenpita. Though, the Police arrested the suspects after five days after reporting, their trial seems to be going slow. Various Women's organisations were unhappy with the response of the police and judiciary towards the victims of sexual violence, as justice was denied to women stating the case does not have adequate evidence. Sexual harassment of women continues, and is widespread a problem that has become cause of immense concern for people whose spouses or girl children go out for work. Various kinds of violence against women and girls continued because of the lack of the redressal mechanisms. The court of Appeal in October 2018 acquitted four accused soldiers in a gang rape case of Viswamadu in 2010.³⁹

Women have been denied their basic rights, in the name of customary law of each ethnic or religious group, resulting in discrimination and violation of their basic fundamental human right to live with dignity and honour, despite their entitlement to equality under the civil and criminal law along with men.⁴⁰

Child abuse became a common phenomenon. There were increased incidences of violence, including sexual violence, against children. Despite the fact that the law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography continued because authorities failed to implement the law in its letter and spirit. Moreover, the country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction; even then such practices were common in the country.⁴¹

Freedom of Press and Media

The Tamil journalists in the north reported harassment, threats, and intervention from the security forces while covering on issues related to the civil war or its aftermath. The military directly warned the journalists to refrain from reporting on sensitive events, such as Tamil war memorials or land occupation protests. They feared for their lives if they did not cooperate with the military personnel.

Reporters Without Borders (RWB) reported that the authorities intimidated the Tamil Guardian journalist, Uthayarasa Shalin in August following his coverage of a festival at a Hindu temple, but there were conflicting views whether Shalin was targeted due to his work as a journalist or for a coverage about the Hindu festival.⁴²

Electronic and print media officials mentioned that they had to censor news that criticised the president and his own family. These journalists said that they received direct calls either from

39. Human Rights report 2019 available at <https://www.state.gov/wp-content/uploads/2020/03/SRI-LANKA-2019-HUMAN-RIGHTS-REPORT.pdf>

40. International Crisis Group report titled "Sri Lanka's Conflict-Affected Women: Dealing with Legacy of War", can be accessed at <https://www.crisisgroup.org/asia/south-asia/sri-lanka/289-sri-lankas-conflict-affected-women-dealing-legacy-war>

41. <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

42. Country Report of Human Rights Practices 2018

private individuals or supporters of the government threatening them not to report anything that can be problematic for the first family.

In October, President Mahinda Rajapaksa was appointed as the prime minister of the country where the move was challenged in court as unconstitutional, but some of Rajapaksa's supporters took control over the state media. The International Federation of Journalists faced severe harassment on the part of loyalists of Rajapaksa who threatened and forced them to leave the premises. To mention one such case, the loyal bodyguard of the ousted Prime Minister Ranil Wickremesinghe opened fire on crowd of protesters outside a state media outlet that resulted in killing of a Rajapaksa supporter.

In yet another case, on June 5, the Telecommunications Regulatory Authority (TRA) closed a private television network Telshan on the pretext of non-payment of license fees. Whereas the network denied the allegations and claimed the closure was a political move. Censorship on media became such that in November, 2017 TRA blocked all access to the London-based website Lanka eNews after it exposed corruption charges leveled against the President Sirisena's office resulting in the blockade of the site till the end of the year.⁴³

Dharisha Bastians, the former editor of the Sunday Observer and also a contributor to the New York Times is hounded and threatened on various occasions for her write-ups on various governmental malpractices and human rights abuses on the part of government authorities.⁴⁴ The Centre for Justice and Accountability (CJA) has condemned President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa in a campaign designed to target journalists critical of the government and its security forces and the subsequent lack of justice and accountability. In its report the CJA has highlighted the attacks against journalists including the murder of Lasantha Wickramatunga, the abduction and beating of Keith Noyahr, the assault on Upali Tennakoon.⁴⁵

Lack of Public Faith in the Government System

People have lost faith in the successive governments because of their failure in investigating, prosecuting and providing justice to those whose basic inalienable human rights were seriously impinged upon at the hands of authorities in the government. The judiciary too has become highly compromised under high level of political pressure while adjudicating the cases with regard to the human rights violations, especially on ethnic lines. The arbitrary dismissal of the former Chief Justice and other senior judges stand testimony to the fact that there is a strong political interference even in judicial matters.⁴⁶

There is void in the judicial system of the country while addressing grave human rights abuses that undermine the International Humanitarian Law (IHL)⁴⁷ against war crimes. Despite being party to four Geneva Conventions, Sri Lanka did not do enough to fill up the vacuum in its legal system with regard to the armed conflict, neither has it cared for international humanitarian law.⁴⁸

43. Sri Lanka: 2019 Human Rights Report, can be accessed at <https://www.state.gov/wpcontent/uploads/2020/03/SRI-LANKA-2019-HUMAN-RIGHTS-REPORT.pdf>

44. Sri Lanka: End Persecution of Journalists, Human Rights Watch, can be accessed at <https://www.hrw.org/news/2020/06/24/sri-lanka-end-persecution-journalist>

45. Report on Attacks against Journalist in Sri Lanka, can be accessed at <https://cja.org/what-we-do/litigation/wickrematunge-v-rajapaksa/advocacy/>

46. <https://www.icj.org/icj-condemns-impeachment-of-sri-lankas-chief-justice>

47. IHL is a set of rules that seeks to limit the effects of armed conflicts, it protects persons who are not, or no longer par of hostilities and restricts the means and methods of warfare.

48. A series of international Treaties that concluded in Geneva between 1864 and 1949 for the purpose of limiting the effects of war on soldiers and civilians.

Moreover, while acting against the perpetrators of the alleged war crimes and human rights abuses during the conflict and post-conflict, the Attorney General's Office (AGO) was deeply biased and insensitive towards Tamil ethnic community. There was a systematic delay in the resolution of pending cases especially those of the conflict.⁴⁹ There is alleged partiality because most of the judges are former prosecutors of the office of the AGO who receive special attention from the courts.

The inaction of the AGO's office against the state security officers having their alleged involvement in the human rights abuses made people lose their faith in the system leading to escalating of the tensions.

According to the article 77 of the Sri Lankan Constitution it is the duty of the Attorney General to examine and advise the government on the proposed and drafted bills. The website of the AGO office says "As a matter of practice, the Legal Draftsman forwards to the Attorney- General a copy of every draft Bill. The Ministry concerned takes steps to have the Bill gazette only after the Attorney-General certifies that its provisions are not inconsistent with the constitution." This practice has made it possible to ensure in the early stages of drafting legislation that proposed laws do not contravene the provisions contained in the constitution, especially those relating to fundamental rights.⁵⁰

The unending partiality and bias prevailed in most of the cases especially those of the PTA cases as most of the magistrates seem serving the AGO's officials seeking their personal favours. The impartiality and independence of the officials has come under questioning as they failed to arbitrate investigations on the alleged violations by the state security officers.

Challenges to Uphold Human Rights Violations

There are numerous challenges in addressing crimes under the international law⁵¹ via domestic legal frameworks. Many human rights violations amounting to crimes under International Law were committed both by the members of the government and security forces, and also by the members of the LTTE that have gone unaccounted for. This is particularly so because there is a contradiction in terms of international humanitarian law and the Sri Lankan law.

The designated crimes as per the international humanitarian law do not have explicit provisions in Sri Lanka's domestic legal framework. For example, offences such as using civilian population as human shields, attacking hospitals, starving innocent civilians, depriving them of clothing and shelter etc. do not find sufficient mention in the Sri Lankan law. Therefore, the magnitude of such crimes needs to be tackled by passing a domestic legislation in tune with international legal standards. National legislations in Sri Lanka at present are not adequate to tackle the continued

49. See the Report of the Human Rights Commission of Sri Lanka to the UN Committee Against Torture, available at https://docs.google.com/document/d/1Cc3lCXqXNkO0Ab_SPnqkCxb78DoCBWZu7Boc7xA3BZQF4/edit.

50. <http://www.attorneygeneral.gov.lk/index.php/about-us>.

51. Crimes under international law include aggression, genocide, slavery, war crimes, crimes against humanity, torture and ill treatment, enforced disappearance, unlawful killings in violation of the right to life. The sources setting the framework for war crimes include the four Geneva Conventions of 1949, Additional Protocol I of 1977 and their grave breaches provisions; the Rome statute for the ICC; and customary international law which indicates that the violations are applicable to non-international armed conflict (see ICRC study on customary IHL, available at

52. <https://www.icrc.org/eng/resources/documents/publication/pcustom.htm>. Human Rights Watch, Sri Lanka: Need for time-bound plan for implementation of commitments to the Human Rights Council, can be accessed at <https://www.hrw.org/news/2019/02/25/sri-lanka-need-time-bound-plan-implementation-commitments-human-rights-council>

53. The Guardian, Sri Lankan Court Tamil Journalist who Criticised War, can be accessed at <https://www.theguardian.com/world/2009/aug/31/tissanayagam-sri-lanka-jailed-tamil>

human rights violations because there are no modes of accountability and responsibility. Moreover, the officers at the AGO are not familiar with the concepts and tenets under the IHL. In addition, they lack understanding about the incorporation of international crimes into the domestic law and as a result of which they have continued to resist incorporation of international provisions in the domestic legal framework. This has led to status quo with respect to prosecution of human rights crimes post-conflict era in the country.

The Human Rights Council (HRC) resolution 30/1 of September 2015 directed Sri Lankan government to abolish the PTA that gives immense arbitrary powers to the authorities to arrest and detain.⁵² But nothing so far has been done in this regard. The PTA was used to crackdown human rights and civil rights movements and to suppress the basic human rights of the people in the country such as the freedom of expression. For example, a journalist named J.S. Tissaayagam was convicted under the PTA and many others are being hounded even in the post-war time.⁵³

The Government of Sri Lanka (GOSL) has taken initiative to draft a counter-terrorism bill and revoke the PTA. However, the proposed counter-terrorism bill is considered to be more challenging and problematic as it makes mandatory provisions such as detaining an accused for more than 72-hours' time. It also denies detainee a minimal human right of giving him an access to a legal counsel.

The Bar Association and the Human Rights Commission of Sri Lanka criticised the proposed amendments in the Criminal Procedure Code⁵⁴ that denies the right of a detainee to contact a lawyer at the time of arrest. Such tactics on the part of Sri Lankan government show its mala fide intents with respect to bringing even more stringent law on the pretext of amending previous draconian law. It further erodes people's faith in the legitimacy of their government.

The Sri Lankan government has taken steps to introduce the bill to ratify the International Convention for the Protection of all Persons from Enforced Disappearance (CED).⁵⁵ The article 6 of the CED mentions that it is important to take required steps against persons, a superior official and other state authorities indulging in crimes and enforced disappearances. But the government has not made any specific provision in the newly framed legislation that treats any particular crime that degrades human values and humanity as an offence.

Though the new government has tried to enact new legislative bills such as the counter-terrorism bill, witness and victim protection law, and even to amend the criminal procedure code, these initiatives fail to guarantee sufficient protection from human rights abuses. In addition, there was no involvement of the human rights activists and other members of various civil societies and voluntary organisations while framing such kind of laws or bills.

54. <http://www.documents.gov.lk/files/bill/2017/3/165-2017-E.pdf>

55. The International Convention for the Protection of All Persons from Enforced Disappearances was ratified by Sri Lanka in 2016, can be visited at http://documents.gov.lk/files/bill/2017/3/175_2017_E.pdf.

Conclusion

Sri Lanka is a democratic and multiparty country facing severe human rights challenges. For the last 30 years the country is suffering because of the two internal conflicts resulting in gross human rights violations committed by both the warring parties and the government authorities.

In the late 1990s, the Janata Vimukti Perumana (JVP), a Sinhalese chauvinist group carried a massive rebellion against the government. However, the government succeeded in suppressing the rebellion. The years during 1983-2009 saw Sri Lanka facing the worst phase with a wrecked combat between the security forces and the LTTE in the northeast of the country.

The war ended in May 2009 with a victory of the government of Mahinda Rajapaksa by reconquering the areas controlled by the LTTE and capturing and killing of the LTTE supremo Velupillai Prabhakaran.

Since 2009, the cases of torture, arbitrary arrests, ill-treatment and enforced disappearances continued and such cases spiked as no one was held responsible for such inhuman activities that violated basic human rights of civilians. Atrocities continued on civil society activists, journalists, and also on human rights activists. Since the early 2006, attacks and unlawful killings of innocent civilians continued. Even journalists too were subjected to gross violence resulting into the death of nearly 14 media persons.

The Office of the UN High Commissioner for Human Rights after investigation reported that both the warring parties committed several war crimes where innocent civilians were the victims. Families of the killed persons are facing immense miseries post-conflict. One such worst crime was committed by the Sri Lankan security forces in Trincomalee by murdering of the five Tamil students in the year of 2006.⁵⁶

Since 2009 the human rights activists, journalists and victims of earlier atrocities are targeted by the pro-government forces that include the police, intelligence agencies, military and other media officials. Practices such as harassment and coercion of the civilians especially in the war affected northeast areas increased particularly during the elections of November 2019.

The situations in the country did not show much improvement even after its commitments to pursue truth, justice and to non-recurrence of the worst human rights violations. Despite Sri Lankan government co-sponsored the UNHRC's resolution of 30/1, the proposed changes in the domestic legislation remained immaterialised. Though the government of Sri Lanka reaffirmed

56. <https://www.hrw.org/news/2019/07/08/sri-lanka-no-justice-trinco-5>

its commitment by adopting a resolution of 40/1 at the UNHRC, so far nothing much has been done on ground.

Injustice and inequalities of various forms in the island country, Sri Lanka pose a serious threat to its future development prospects. The international actors are expected to remain vigilant with regard to the issues of human rights abuses and pressurise the government of Sri Lanka to rectify its laws and practices to create lasting peace and development of the country.



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