

Adayaalam Centre for Policy Research (ACPR)

Situation Brief No. 5

Deteriorating Human Rights Situation in Sri Lanka

March 1, 2021

Since the election of Gotabaya Rajapaksa in November 2019, Sri Lanka has seen an alarming regression in respect of human rights, the rule of law, and democracy. As noted by UN High Commissioner for Human Rights Michelle Bachelet in her report on Sri Lanka's implementation of Resolution 30/1 this month, Sri Lanka is at serious risk of recurrence of violence, particularly directed against sub-national Tamil and Muslim communities.

ACPR is releasing this short report looking at attacks on human rights defenders, civil society organisations, victim-survivor communities and journalists, as well as increased militarisation and the use of the draconian Prevention of Terrorism Act (PTA), over the last year. We believe these underline the deterioration of human rights on the island over the past year, and also importantly should raise red flags with respect to the risk of recurrence. As we find in a [report](#) we released last year with the US Holocaust Memorialisation Museum, the repression of dissent greatly limits the ability of civil society and civilians in being able to prevent and mitigate atrocities in the Sri Lankan context. As UN Human Rights Council member states negotiate the text of a new resolution on Sri Lanka, we hope they pay heed to this report and others like it that signal that Sri Lanka is on the verge of yet more violence, and there is no hope for a domestic process to tackle accountability or the root causes of the conflict.

1. Attacks on Human Rights Defenders and Civil Society Organisations

Attacks on human rights defenders (HRDs) and civil society organisations (CSOs) have increased significantly in 2020. Since the Rajapaksas came back to power in November 2019, even the little space available for freedom of speech has essentially disappeared. While surveillance, harassment and intimidation continued to take place under the Sirisena government, intelligence officers took a friendlier approach and the actions were more spread out, in a way making the harassment appear invisible (presenting its own challenges). However, since the Rajapaksas have returned to power, surveillance,

intimidation and harassment of those critical of the State has become much more aggressive and rigorous.¹

a. Investigations into CSOs and the NGO Secretariat

Several CSOs, primarily in the North-East and/or working on conflict-related justice, have had repeat unannounced visits from officers from the Criminal Investigation Department (CID) and the Terrorism Investigation Department (TID). On June 2, 2020, the Director General of the NGO Secretariat, Raja Gunaratne, confirmed that the Secretariat had “initiated investigations into NGOs with questionable funding sources and projects.”² A month later, now Prime Minister Mahinda Rajapaksa stated during an election rally that “under a future government led by him, a special investigation will be conducted on all non-governmental organisations functioning in the country.”³

CSOs have been pressured by these intelligence officers to provide details of their activities, staffing and funding (particularly from overseas). ACPR has been subjected to a significant number of visits from intelligence officers since May 2020 and have also been informed that the TID sought a report on ACPR’s activities from local government officials. The visits from intelligence officers to ACPR’s office in Jaffna were generally unannounced and continued even after ACPR provided requested registration documents. ACPR continues to be the subject of a TID inquiry.

Banks have been given a form that requires companies holding accounts with them to name any ‘politically exposed persons’ (PEP). The definition of PEP is overly broad, and based on ACPR’s own interactions with banks, leaves open another route to target human rights organisations despite its stated aims being to tackle corruption. This is especially true as intelligence officers have pursued investigating funding sources of CSOs actively.

Several CSOs, including ACPR have also been asked to register under the NGO Secretariat, despite being registered as limited companies. While this may seem like a benign request, it is a long-standing tactic of the Rajapaksas to repress civil society by extending control over organisational operations. One of Gotabaya Rajapaksa’s first moves as president was to bring the NGO Secretariat under the purview of the

¹ Derived from ACPR field research including: Interview with a mother of the disappeared, 11th of January 2021; Interview with an activist, 28th of December 2010.

² ‘NGOs circumventing due procedures under scrutiny’ (2 June 2020) *Ministry of Defence Sri Lanka*, accessed here: http://www.defence.lk/Article/view_article/1673

³ ‘Operations of NGOs will be probed – PM’ (6 July 2020) *NewsRadioLK*, accessed here: <https://www.newsradio.lk/justin/operations-of-ngos-will-be-probed-pm/>

Ministry of Defence.⁴ The portfolio of Minister of Defence is held by President Gotabaya Rajapaksa, while the title of Secretary of Defence is currently held by Major General Kamal Gunaratne, who was a commander during the final phase of the war and against whom there are serious and credible allegations of war crimes and crimes against humanity.⁵

b. Social Media Monitoring

Concerns exist about the State's monitoring of civil society online activities, prompting a widespread shift to more secure forms of communication such as Signal, and a significant level of self-censorship online, as evident in ACPR's own decision to limit public content since May 2020. This chilling effect has been most prominently felt among Tamil CSOs working in the North-East as well as CSOs working on issues of justice generally.

It has also been noted that the Sri Lankan state has been monitoring activities of human rights organisations working on Sri Lanka overseas keenly. At least one overseas organisation has told ACPR that the Sri Lankan intelligence forces have filed complaints with social media companies related to their accounts.⁶

c. Arrests

In April 2020, Hejaaz Hizbullah, a Muslim human rights lawyer was arrested and has been arbitrarily detained ever since without charge until earlier this month, when the government filed baseless charges against him under the PTA.⁷ Human rights groups believe that he was deliberately targeted due to his work on interfaith relations and reconciliation. Several CSOs and his representatives have also expressed concerns over his health as he contracted COVID-19 and has not been allowed visits from family members or even his lawyers regularly.⁸ Despite concerns about his case being raised at a national level and international level, he continues to remain in detention. Given his status as a high-profile lawyer, his arrest

⁴ 'Sri Lanka's defence ministry takes over NGO, media and tech institutions' (14 December 2019) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/sri-lanka%E2%80%99s-defence-ministry-takes-over-ngo-media-and-tech-institutions>

⁵ International Truth and Justice Project, 'Dossier: Kamal Gunaratne' (10 December 2019), accessed: <https://itjpsl.com/reports/kamal-gunaratne>

⁶ Interview with overseas organisation, January 2021.

⁷ " 'It's one big lie': Hejaaz's lawyer tells court" (22 February 2021) *Daily FT*, accessed here: <http://www.ft.lk/news/it-s-onebig-lie-Hejaaz-s-lawyer-tells-court/56-713604>

⁸ 'Sri Lankan court postpones detained human rights lawyer's trial to February 2021' (28th of October 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/sri-lankan-court-postpones-detained-human-rights-lawyer-s-trial-february-2021>.

raised alarm among many HRDs and CSOs, that anyone could be subjected to a baseless arrest in the government's crackdown.

2. Attacks on Victim-Survivor Communities and Protest

Beginning in 2017, Tamil victim-survivor communities across the North-East have led widespread protests on several pressing human rights issues including disappearances, land occupation and political prisoners. Most of these protests are led by Tamil women who have been subjected to significant harassment, intimidation and surveillance by the State since beginning these protests.⁹ This has however increasingly ramped up since the Rajapaksas returned to power.

a. *Police obtain orders to prevent protest*

Under the guise of Covid-19, in 2020, police began obtaining court orders to stop protests from occurring. The orders are usually sought under section 106 (1) of the Criminal Procedure Code No.15 of 1979, regulating public nuisance. But as ACPR has previously noted in our last situation briefing, public nuisance regulations cannot be used to restrict freedom of speech, expression, and assembly. Further to this, Covid-19, is not a legitimate reason, while the government continues to permit social gatherings in other contexts and where protestors agree to by health guidelines.¹⁰ One woman leader of the families of the disappeared we spoke to said, "COVID health guidelines and isolation are being used as a weapon to suppress anyone who dares to challenge the government and system, rather than a medical procedure."¹¹

When the protests take place defying court orders, the protestors are subjected to harassment on the streets, threats, and inquiries by intelligence forces. For example, during the latter half of 2020, families of the disappeared defied police orders and held several protests across the North-East, but protestors were pushed, pictures and placards from the protestors were taken, and the organisers were subjected

⁹ Adayaalam Centre for Policy Research, 'Surveillance, Harassment and Intimidation of Disappearances' Activists in the North-East' (30 August 2018) accessed here: <http://adayaalam.org/wp-content/uploads/2018/08/ACPR-Situation-Brief-No.-2-Surveillance-Harassment-and-Intimidation-of-Families-of-the-Disappeared-in-the-North-East.pdf>.

¹⁰ 'Vavuniya court bans families of the disappeared protest for alleged plans to commemorate Black Tigers Day', (5 July 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/vavuniya-court-bans-families-disappeared-protest-alleged-plans-commemorate-black-tigers-day>, 'Sri Lankan police block Tamil families of disappeared protest in Batticaloa', (29th of July 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/sri-lankan-police-block-tamil-families-disappeared-protest-batticaloa>, 'Police obtain 14-day court order banning all protests, hartals', (29th of September 2020) *Tamil Guardian*, accessed here: <https://www.dailynews.lk/2020/09/29/law-order/230062/police-obtain-14-day-court-order-banning-all-protests-hartals>.

¹¹ Interview with a wife of a disappeared, 11 January 2021

to inquiry and threatened with arrest if they continue to protest.¹² The choice to carry forward protests despite the court orders are acts of civil disobedience, required in the face of a repressive State. Many of the women leaders of these protests have developed creative methods to avoid being served with orders, and are challenging those orders legally, but are then facing weak magistrates, being subjected to pressure themselves from the security forces.

b. Harassment of Individual Tamil women leaders of victim-survivor communities

In addition to attempts by the State to block protests by Tamil victim-survivor communities, security forces have also ramped up harassment and intimidation of individual women leaders of those communities. These attacks on Tamil women leaders of victim communities must also be read through a gendered lens to understand the gravity of the consequences they carry for these women.

A Tamil woman land protest organiser in the North who herself was displaced has had 7 different cases filed against her by police. Towards the end of 2019, she and her daughter met with a suspicious road accident and suffered minor injuries. When she filed a case with the police they dragged the case and only acted upon it after the Human Rights Commission intervened. According to her this was a psychological attack on her to stop her from organising and continuing the protest and she feels like they have succeeded as she feels “very tired of it all”.¹³

Many Tamil women leaders of associations of the families of the disappeared across the North-East have reported receiving multiple calls a day from intelligence officers and even visits to their homes attempting to intimidate and threaten them to stop protesting. For example, in Mullaitivu, on September 30, the night before a protest to mark Children’s Day by families of the disappeared, two military officials went to the house of the Head of the Mullaitivu Association of Families of the Disappeared, Mariyasuresh Easwary and demanded information about the protest.¹⁴

The police have also started taking legal action to try and intimidate these women through court orders and interrogations. For example, in Vavuniya, the coordinator of the protests of families of the disappeared, Jeyavanitha Kasippillai, is yet again facing harassment from the TID who are compelling her

¹² Interview with a mother of a disappeared, Eastern Province, 11 January 2021.

¹³ Interview with a land protest organiser, Northern Province, 6 January 2021.

¹⁴ More threats from Sri Lankan army to Tamil families of the disappeared (02th October 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/more-threats-sri-lankan-army-tamil-families-disappeared>

to appear for an investigation under the PTA.¹⁵ Police have also sought court orders against these leaders specifically to block them from attending protests. One Tamil mother from Kilinochchi told us that police had obtained orders against her from Magistrate Courts in four different districts.¹⁶

One Tamil woman organiser of the families of the disappeared explained in detail the layers to the surveillance and harassment she has been subjected to:

I was harassed by intelligence when I was at a press meet in August. They were present at the event, watching me. When I went to the police to get permission for the protest, they said they won't give us permission, unless we get approval from the JMO. When I went to the police again with the permit from JMO, the police still didn't give me permission and said we are free to go ahead with the protest, but they will watch us closely in an unprofessional manner.

Since the day we organised the protest, I got many calls from the intelligence. They pretended to be nicer and kept asking questions about the protests and gradually changing to a threatening tone. They asked about details of the participants and my whereabouts. I believe this is an attempt to threaten me.

The day before the protest, police came to my house unannounced in their vehicle to give me the court order. They tried to take a picture of me, but I stopped them. My children and neighbours got scared and worried of the sudden visit and advised me to stay away from the protests for my safety.

While another organiser from another district was on a call with me, police tried to snatch her phone from her hand and made attempts to arrest her. They have made every obstacle they could to stop people from protesting that day. They have announced on loudspeaker that they will arrest me if I don't leave. I feel like the surveillance on me increased after this. I am afraid to go out alone on my own, I don't know who is watching me. I am afraid to organise meetings or go to meetings.

I went to the police a few days ago for a personal reason, I could see that the intelligence there tried to take pictures of me and asked about me. I am not sure if they are from intelligence, but I

¹⁵Gotabaya deploys PTA against protesting families of missing persons (09th January 2020) *TamilNet*, accessed here: <https://www.tamilnet.com/art.html?catid=13&artid=39693>

¹⁶ Phone interview with Tamil mother of the disappeared, Kilinochchi (4 February 2021).

suspect they are. They are also watching who visits my house. My relatives are scared of visiting my home because of this.”¹⁷

The Sri Lankan government led by the Rajapaksas has made clear not only that it has no intention of pursuing justice for conflict-related crimes, but also that it intends to silence by force victim communities who demand such justice.

3. Attacks on Journalists

Sri Lanka has a long history of persecuting journalists as a part of suppressing dissent. During and after the war, journalists were tortured, killed, arrested, and forcefully disappeared, particularly from the Tamil community. Whether in the Tamil polity or in the South, almost no one was held accountable for crimes committed against journalists which not only adds to the culture of impunity but also open the gates for further violations to be committed. According to the World Press Freedom Index compiled by Reporters Without Borders, Sri Lanka ranked 127th out of a total 178 countries in 2020, making it one of the world’s most difficult countries for journalists.¹⁸

Unsurprisingly, attacks on journalists have continued and ramped up under the current government across the country. This has especially been true in the North-East, where over 11 cases were recorded within the year after Gotabaya Rajapaksa became president. A Tamil journalist victim of a recent attack expressed skepticism that journalists could safely operate under Gotabaya.¹⁹

Below are a few examples of attacks on journalists over the last year:

- 2 January 2020 - S. Nilanthan: Police officers in plain clothing entered the house of journalist S. Nilanthan in Batticaloa, and threatened his family telling them to ensure he appeared at Eravur police station the next morning.²⁰
- 23 January 2020 - Batticaloa Press Club: Threatening leaflets were found on the doorsteps of several journalists in Batticaloa who had organised a commemoration for slain journalist Lasantha

¹⁷ Interview with a wife of a disappeared, 20th of September 2020.

¹⁸ Reporters without Borders ‘2020 World Press Freedom Index’, accessed here: <https://rsf.org/en/ranking>

¹⁹ Interview with journalist, 7 January 2021.

²⁰ ‘Sri Lankan police threaten family of Tamil Guardian correspondent with arrest warrant’ (04th January 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/sri-lankan-police-threaten-family-tamil-guardian-correspondent-arrest-warrant>

Wickrematunge. The leaflets included a photo of the memorial event with journalists' faces circled and threats of execution.²¹

- 2 March 2020 - Sakthivelpillai Prakash: The director of Vavuniya-based Thinapuyal newspaper, Sakthivelpillai Prakash, his wife and another editor, were called for interrogation by the TID, in connection with their coverage of the UN Human Rights Council session.²²
- 7 July 2020 - Shanmugam Thavaseelan: Journalist Thavaseelan was summoned by the police for questioning in regards to his coverage of an incident in which Forest Department officials assaulted Tamil men while allegedly intoxicated.²³
- 29 November 2020 - Murugupillai Kokilathan, a 37-year old independent journalist from Valaichenai, Batticaloa, was arrested by the Sri Lankan Terrorism Investigation Division (TID) over allegations that he had published pictures of the LTTE on Facebook. He was initially held at Batticaloa Police Station, and then subsequently it was reported²⁴ he was taken to the fourth floor of CID Headquarters in Colombo, notorious as a torture site. Over two months later, he continues to languish in detention after having made a brief court appearance on December 1.²⁵ It is unclear exactly what charges the police are pursuing him for under the PTA.

In addition to the examples noted above where there is a clear connection between the State and the documented attacks on journalists, there have also been a number of other attacks on journalists that have raised questions about possible State involvement, that have been perpetrated by masked or unidentified groups of assailants.²⁶

²¹ 'Tamil journalists sent threats of 'death punishment' in Batticaloa' (23th January 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/tamil-journalists-sent-threats-death-punishment-batticaloa>

²² 'Vavuniya newspaper director summoned by Sri Lanka's TID after covering UN Human Rights Council' (03 March 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/vavuniya-newspaper-director-summoned-sri-lankas-tid-after-covering-un-human-rights-council>

²³ 'SriLankan Police summon Tamil Guardian's Mullaitivu correspondent' (08th July 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/sri-lankan-police-summon-tamil-guardians-mullaitivu-correspondent>

²⁴ 'Tamil journalist arrested by Sri Lanka's Terrorism Investigation Division' (29 November 2020), *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/tamil-journalist-arrested-sri-lanka-s-terrorism-investigation-division>

²⁵ International Federation of Journalists, 'Sri Lanka: Tamil journalist arrested for social media posts' (3 December 2020), accessed here: <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-tamil-journalist-arrested-for-social-media-posts.html>

²⁶ See for example: 'Young Tamil journalist attacked by unidentified men in Jaffna' (24 August 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/young-tamil-journalist-attacked-unidentified-men-jaffna>;

Over the past year, journalists have become at increased risk of attacks, harassment, arrest and of self-censorship. This is especially true of journalists working on issues affecting Tamil and Muslim communities and in the North-East, though there have also been significant attacks on certain journalists working in the capital as well.

4. Increasing Militarisation of the State

As ACPR has documented extensively, militarisation of the North-East was unfortunately never addressed, and continued unabated under the Sirisena government. In fact, in 2017 we found that in the district of Mullaitivu, there was one soldier for every two civilians,²⁷ making it one of the most heavily militarised regions in the world. Since Gotabaya's election in November 2019, the extent of that militarisation across the North-East has become even more evident as the military has come out of their barracks to patrol the streets and create new roadblocks and checkpoints.

Further to this, an alarming feature of Gotabaya's presidency has been the increasing militarisation of civilian functions of the State. As documented by ACPR in May 2020, much of this ramped up under the guise of a Covid-19 response.²⁸ One of the two institutions set up by the Sri Lankan government to manage the Covid-19 response, the National Operation Centre, is headed by Lt. General Shavendra Silva, the Commander of the Army and a credibly accused war criminal. The other branch, the Presidential Task Force, is headed by the President's brother Basil Rajapaksa, and nine of its 40 members are from the security sector, with several accused of grave human rights violations.²⁹ Following from this, military personnel were appointed to all 25 districts to manage COVID-19 related activities and development.³⁰ This move undermined the work of civilian public health authorities who are already equipped with skills and systems to deal with the crisis.³¹ Moreover, the new institutions set up to deal

'Another Tamil journalist attacked in Jaffna' (17 November 2020) *Tamil Guardian*, accessed here:

<https://srilankabrief.org/2020/11/another-tamil-journalist-attacked-in-jaffna/>; and 'Tamil journalist attacked in Kilinochchi, despite military enforced curfew' (31 March 2020) *Tamil Guardian*, accessed here:

<https://www.tamilguardian.com/content/tamil-journalist-attacked-kilinochchi-despite-military-enforced-curfew%C2%A0>

²⁷ ACPR, 'Normalising the Abnormal: The Militarisation of Mullaitivu' (October 2017). Available on request.

²⁸ ACPR 'Situation Brief No. 3: Covid-19 – Sri Lanka's militarised response poses grave threats to human rights' (30 April 2020), accessed at: <http://adayaalam.org/situation-brief-no-3-covid-19-sri-lankas-militarised-response-poses-grave-threats-to-human-rights/>

²⁹ *Ibid.*

³⁰ Sri Lankan Army, 'Military personnel were appointed as district Coordinators for COVID-19 Control Work.' (13th of January 2021) Accessed here: <https://www.army.lk/news/district-coordinators-covid-19-control-work-commence-their-work>.

³¹ Centre for Policy Alternatives 'The statement of Centre for policy Alternatives on Sri Lanka's Recent Political Challenges & Prospects for the Future' (March 2020) Accessed here: <https://www.cpalanka.org/wp->

with COVID-19 are structured to be accountable to the President rather than public health authorities, which again undermines what should be a civilian public health response.

In the face of calls to demilitarise and remove military from civilian sectors last year, Rajapaksa appointed two more Presidential Task Forces composed entirely of individuals from the military, intelligence, and police. In June 2020, Gotabaya established a 13 member "Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society."³² The Task Force is headed by Defence Secretary, Retired Major General Kamal Gunaratne, who is accused of war crimes and crimes against humanity as noted above.³³ Similarly, Rajapaksa established the 'Presidential Task Force for Archaeological Heritage Management in the Eastern Province' in June 2020, also chaired by Gunaratne. The latter Task Force is comprised only of Sinhala members including Buddhist monks and retired military personnel and has been widely criticized as a move to increase Sinhala-Buddhisisation of the Eastern province.³⁴

Parallel to the creation of military-run task forces on civilian matters, Rajapaksa has also brought a significant 35 departments and authorities under the purview of the Ministry of Defence. These include alarmingly the Department of Immigration and Emigration, Secretariat for NGOs, Department of Archeology and Academy of Financial Studies.³⁵

Finally, a worrying indicator of the future is the fact that the Defence budget continues to remain on the increase. The defense allocation for 2020 was 312 billion, and for 2021 it is planned to be 355 billion, an increase of 16% during an economic downturn and global health crisis.³⁶

[content/uploads/2020/03/Commentary-Sri-Lanka%E2%80%99s-Recent-Political-Challenges-Prospects-for-the-Future.pdf](#).

³²'Presidential Task Force appointed to build a secure country and a disciplined, virtuous, and lawful society,' (3rd of June 2020) *News Wire LK*, accessed here: <http://www.newswire.lk/2020/06/03/presidential-task-force-appointed-to-build-a-secure-country-and-a-disciplined-virtuous-and-lawful-society/>.

³³International Commission of Jurists, 'Sri Lanka: Newly constituted Presidential Task Force threatens rule of law.' (5th of June 2020) Accessed here: <https://www.icj.org/sri-lanka-newly-constituted-presidential-task-force-threatens-rule-of-law/>.

³⁴Interview with former MP, Batticaloa, 8th of January 2021.

³⁵Ministry of Defence, 'Thirty-five under purview of Defence Ministry' (11 August 2020) accessed here: http://www.defence.lk/Article/view_article/2158#:~:text=August%2011%2C%202020,Gazette%20Notification%20issued%20this%20week.

³⁶'Defence Expenses Are Going Up Higher And Higher in Budget .' (19th of November 2020) *Colombo Telegraph*, accessed here: <https://www.colombotelegraph.com/index.php/war-is-over-but-our-defence-expenses-are-going-up-higher-and-higher-why.>

As we have recently witnessed in Myanmar, unchecked military control over civilian arms of the state particularly in an ethno-majoritarian and authoritarian state, is a serious red flag for possible recurrence of violence.³⁷

5. Increase use of the draconian PTA

The previous government under Sirisena made promises to repeal PTA on different occasions to international actors including the UN Human Rights Council and even floated a Counter-Terrorism Bill to replace the PTA (though the Bill was heavily criticized).³⁸ Despite the fact that the repeal of the PTA has been a major point of advocacy from civil society in Sri Lanka as well as international actors, there are still many long-term detainees whose cases have not progressed and there is little access to information about who is detained under the PTA. A lawyer who works on PTA cases shared that unless the information comes through court procedures or from the families of the arrested, there is no other credible way to know or to keep tabs on who is being arrested and who is not.³⁹ There are reports of PTA arrests in the media, but sometimes those who are not arrested under the PTA are detained under the PTA after a few days or weeks and sometimes the families or even their lawyers only know the charges they are facing and where they are detained after many months.⁴⁰

Over the past year, a point of concern has been the increased use of the PTA as a weapon to silence writers, lawyers, activists, and journalists, particularly from Tamil and Muslim communities. We have listed some of the significant cases below, but for the reasons we have mentioned a complete picture of arrests under the PTA is still unknown:

- Hejaaz Hizbullah: As mentioned above, Hejaaz is a Muslim human rights lawyer who was arrested under the PTA in April, 2020 and held without charge for 10 months. He was finally charged earlier

³⁷ 'Myanmar and Sri Lanka: Bound by Travails' (27 February 2021) *Thusiyan Nandakumar in the Diplomat*, accessed here: <https://thediplomat.com/2021/02/myanmar-and-sri-lanka-bound-by-travails/>.

³⁸ It would have allowed for 'confessions' given to police officers in custody as evidence as in the PTA, provided for an expansive definition of terrorism and retained significant powers with the executive in relation to arrest and detention. See further: Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, July 2018, https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJuly2018.PDF

³⁹ Interview with a lawyer, 10th of January 2021

⁴⁰ Interview with protesting families of prisoners who were detained under PTA, 4th of January 2021

this month under the PTA and the ICCPR Act, on the evidence of statements by children who his lawyers argue were coerced.⁴¹

- Murugupillai Kokulathasan: As mentioned above, Kokulathasan was arrested in November 2020 by the TID under the PTA for posts on social media. Reporters without Borders has called on the Sri Lankan government to release him and “drop the Kafkaesque terrorism charges brought against him.”⁴²
- Youth in Eravur: On November 26, 2020, it was reported that Eravur police arrested 19 people in the Batticaloa district for allegedly wishing the deceased leader of the LTTE, Velupillai Prabhakaran, happy birthday on social media. They reportedly also identified an additional 55 people for possible arrest following surveillance of social media activities. While most of the individuals were released after a TNA MP visited the station to advocate for their release, four of the individuals continue to be held under the PTA.⁴³
- ‘Kilinochchi Cluster’: In December 2020, four individuals were arrested in Kilinochchi for allegedly being in possession of ammunition and explosives. A few days later, a Tamil family was arrested on a bus to Kandy for alleged possession of a claymore. Unofficial information suggests that there were a few more arrests made in relation to these incidents and the arrested are being held under the PTA.⁴⁴ Because of the lack of transparency and the difficulty in getting any information regarding PTA charges, we are unable to verify this information. Activists call these arrests the “Kilinochchi cluster” and said that in the past year there were several “clusters” of arrests made under PTA but no official information is available.⁴⁵
- Ahnaf Jazeem: 25-year old Muslim poet Ahnaf Jazeem from Mannar was arrested under the PTA in January 2021 due to a book he published in 2017. The CID alleges the poetry book proves his support for terrorism but several academics and human rights activists have denied this claim and confirmed

⁴¹ “‘It’s one big lie’: Hejaaz’s lawyer tells court” (22 February 2021), *Daily FT*, accessed here: <http://www.ft.lk/news/It-s-onebig-lie-Hejaaz-s-lawyer-tells-court/56-713604>

⁴² Reporters without Borders ‘Tamil reporter held on absurd terrorism charge’ (13 January 2021) Available at: https://rsf.org/en/news/sri-lanka-tamil-reporter-held-absurd-terrorism-charge-0?fbclid=IwAR0_fsVTYecfPNhDOPgpX9nvydmQA8XPYflxteStPFK3Q-nwyVaE9jnRDUg

⁴³ Field interviews by ACPR staff, Batticaloa (November 2020).

⁴⁴ ‘Tamil family arrested by Sri Lankan police’ (8th of December 2020) *Tamil Guardian*, accessed here: <https://www.tamilguardian.com/content/tamil-family-arrested-sri-lankan-police>

⁴⁵ Interviews with activists and ex-combatants, Killinochchi, 6th – 13 January 2021

that the book promotes peace and ethnic harmony and is hostile towards the murderous policies of ISIS.⁴⁶

The areas of concern we have outlined in this short report will hopefully provide a useful snapshot of the deteriorating human rights situation in Sri Lanka and the trajectory the country is on. While this report does not delve directly into the complete failure and unwillingness of the Sri Lankan state to pursue accountability for atrocity crimes committed during the war, this underlines the situation facing the island. Without strong and concerted international action by the UN Human Rights Council, the recurrence of violence remains a real risk in Sri Lanka, and victim-survivor communities continue to be denied the justice they are long overdue.

⁴⁶ 'Sri Lankan government detains young Muslim poet on bogus charges' (20 December 2020)
<https://www.wsws.org/en/articles/2020/12/21/ahna-d21.html>