

Briefing Notes

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Image from the Twitter feed of RoarLK

SRI LANKA: MILITARISATION, SINHALA-BUDDHIST SUPREMACY AND ABSENCE OF RULE OF LAW— A DEADLY COMBINATION



ACKNOWLEDGEMENTS

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ABBREVIATIONS

CID	Criminal Investigation Department
CLA	Commonwealth Lawyers Association
CPA	Centre for Policy Alternatives
DIG	Deputy Inspector General
FUTA	Federation of University Teachers Association
HRCSL	Human Rights Commission of Sri Lanka
ICJ	International Commission of Jurists
IGP	Acting Inspector General of Police
LLRC	Lessons Learnt and Reconciliation Commission
OIC	Officer-in-Charge
PC	President's Counsel
PSO	Public Security Ordinance
PTA	Prevention of Terrorism Act
PTF	Presidential Task Force
TID	Terrorist Investigation Division
TNA	Tamil National Alliance
TRC	Telecommunications Regulatory Commission



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BACKGROUND

Sri Lanka is slowly emerging from the lockdown imposed to contain the COVID-19 outbreak and heading towards the General Elections that is scheduled to be held on the 2nd August. At this moment, three factors dominate Sri Lanka's social and political landscape.

The first is the militarization of government and governance. The second is the Sinhala Buddhist supremacy. The third is the non-complacency with the Constitution and the absence of rule of law. All these three factors are inter-connected and inter-dependent, national security being the underlying theme of all these factors.

Within the first 6 months of his presidency, President Gotabaya Rajapaksa appointed two dozen high-ranking serving and retired military officers to civilian or police positions. He also appointed a military-police Presidential Task Force (PTF) with a broad mandate and nearly unlimited powers.

President Rajapaksa has begun to meet the Buddhist Advisory Council, which consists of leading Buddhist monks, on a monthly basis.

This is the only religious body from which he regularly seeks advice. He has appointed another Presidential Task Force that is entirely made up of Sinhalese Buddhists for archaeological heritage management in the multi-ethnic and multi-religious Eastern Province. Amidst all these changes, hate speech against minorities goes scot-free even in mainstream media.

President Rajapaksa has not appointed a Minister of Defence. Currently, the Ministry is run by the Secretary to the Ministry– Major General (Retd) Kamal Gunaratne. In order to control the COVID-19 pandemic, the President used unconstitutional police curfew for months. More than 60,000 people and 10,000 vehicles were taken into custody for violating the curfew. Dissenting voices and actions were suppressed while pro-Rajapaksa forces were given free reign.

This Briefing Note presents opinions and analysis by prominent Sri Lankans as well as civil society organizations on these recent developments.



Cartoon by
Awantha
Artigala/
Daily Mirror
05/05/2020

MILITARISATION

“Since March, Sri Lanka has been battling COVID-19, and has kept case numbers significantly lower than the regional average. However, as stated by the High Commissioner, extraordinary measures to tackle the pandemic should not be used to roll back human rights. We share the concerns of Sri Lankan human rights organisations over the targeting and marginalisation of minority groups, the pardoning of Sergeant Sunil Ratnayake and promotion of others accused of serious violations during the conflict, and the militarisation of a wide range of civilian functions and public initiatives.

We call on Sri Lanka to ensure that the country’s democratic space remains open and accountable”.



The UK's International Ambassador for Human Rights, Rita French, delivered this statement on behalf of Canada, Germany, North Macedonia, Montenegro and the UK, the Core Group on Sri Lanka.

<https://www.gov.uk/government/speeches/un-human-rights-council-44-statement-on-behalf-of-the-core-group-on-sri-lanka>



Class Basis of Gotabaya Rajapaksa's Authoritarian Style

Dr. Pradeep Peiris, Sakina Moinudeen, and M. Krishnamoorthy

Unlike traditional politicians, both these aspiring military elites and professionals do not have their own constituencies that are built on dynastic and/or patronage politics. In this context, Gotabaya Rajapaksa's vision of authoritarian style democracy would suite these new elites perfectly, as it affords them relatively easy access to the extremely competitive parliamentary politics.

The current impetus for an authoritarian style democracy has its own political economy. There are groups within the new elite circles who are destined to benefit from such a form of government. On the one hand, the emergent military class that enjoys significant wealth and status is a result of the three-decade war. On the other, the neoliberal service based-economy over the past thirty years has produced another new class, a class comprising professionals – doctors, engineers, accountants, managers, etc. – and bureaucrats. They also have emerged as a class that possesses a great deal of wealth and status in the country. Interestingly, both these groups come from a similar social and cultural background – outside of Colombo and are chiefly from the Sinhala-Buddhist community. Therefore, the majority among these new classes sympathises with the ethos of Sinhala-Buddhist nationalism and the values of neoliberalism. Especially since 2010, it has become apparent that these new elites are no longer satisfied with their new found wealth and status, and desire political power. Unlike traditional politicians, both these aspiring military elites and professionals do not have their own constituencies that are built on dynastic and/or patronage politics. In this context, Gotabaya Rajapaksa's vision of authoritarian style democracy would suite these new elites perfectly, as it affords them relatively easy access to the extremely competitive parliamentary politics.

* Dr. Pradeep Peiris is a senior lecturer and a political scientist. Sakina Moinudeen is a researcher based in Sri Lanka.

See the full article: <https://groundviews.org/2020/06/14/authoritarianism-is-no-remedy-to-the-countrys-wounded-democracy/>



Military Task Force Becomes the First Step towards Creation of a Military Dictatorship in this Country

Friday Forum

The President has decided to create a military Task Force in the interests of protecting public security. They are empowered to maintain peace, law and order. This is despite the fact that the President, government ministers, and lawyers challenging the fundamental rights petitions in the Supreme Court, have stated repeatedly that there was no situation of threat to public security, or a need to respond to an emergency or breakdown of law and order.

When we examine the mandate of the Task Force we must reflect on what implications this has for governance. The Task Force has sweeping powers to investigate all matters within their broad mandate. They can issue directions to “social groups,” all public servants, public institutions and public corporations. Failure to follow directives will be reported directly to the President. Independent Commissions like the Elections Commission, the Human Rights Commission, the Right to Information Commission, and the Public Service Commission, state universities and state media, are “public” institutions. It would appear that directives can be given to them too by the Military Task Force, and that these directives must be followed.

Matters such as conducting elections, appointments and transfers of the public service and the Police, and a wide range of development activities can also come within the sweeping powers given to the Task Force. If this Task Force continues to function Sri Lanka would have established a military regime, within what is expected to be a civilian administration and a parliamentary democracy under a written Constitution. The Military Task Force on public security will operate without the checks and balances of the Constitution, and the civilian institutions. It can become the first step to the creation of a military dictatorship in this country.

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Prof. Savitri Goonesekere & Mr. Chandra Jayaratne (On behalf of: Mr. Priyantha Gamage, Prof. Arjuna Aluwihare, Mr. Faiz-Ur Rahman, Bishop Duleep de Chickera, Rev. Dr. Jayasiri Peiris, Dr. A.C.Visvalingam, Mr. Tissa Jayatilaka, Mr. Pulasthi Hewamanna, Prof. Ranjini Obeyesekere, Prof. Camena Guneratne, Prof. Gameela Samarasinghe, Dr. Radhika Coomaraswamy, Ms Shanthi Dias, Mr. Danesh Casie Chetty, Mr. Sanjayan Rajasingham)

Read the full statement: <https://srilankabrief.org/2020/06/sri-lanka-friday-forum-calls-on-all-democratic-forces-to-urge-the-president-to-withdraw-the-military-task-force/>



The Idea that Military Men will Police our Virtue and Discipline is Very Worrisome

Radhika Coomaraswamy*

It is not for some Task Force to police unless I have broken the law and then the Constitution and statutes have spelt out the due process.

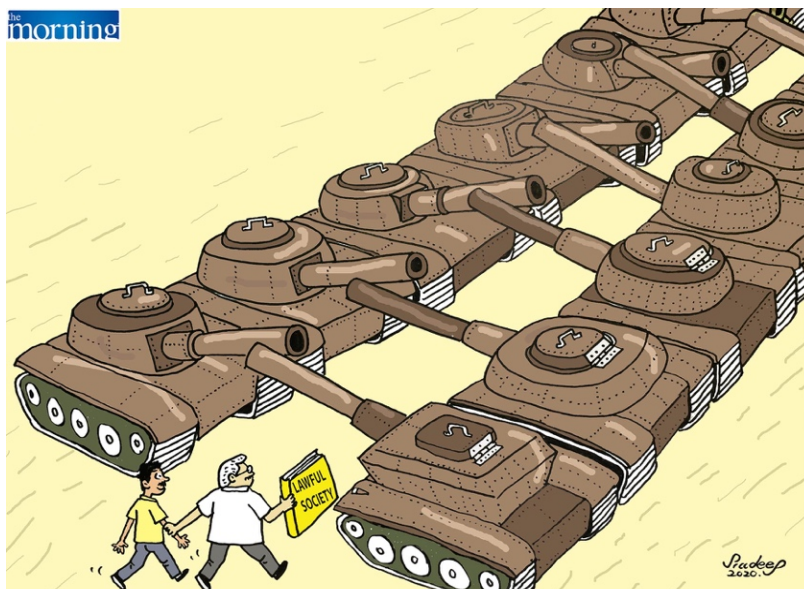
Authoritarian governance made the public believe that being authoritarian made them effective and efficient even though this may not always have been the case. When in power they excelled in the use of the criminal justice system to bring charges against media, intellectuals and political opponents so as to silence them effectively. This combined with impunity for law enforcers, an omnipresent surveillance system and a cowed judiciary ensured that political will would have no resistance.

I am not implying that we will become that extreme but the idea that military men will police our virtue and discipline is very worrisome. It is not for some Task Force to police unless I have broken the law and then the Constitution and statutes have spelt out the due process. These type of Orwellian initiatives are really unnecessary... Today we have the theory of Sinhala Buddhist dominance returning... To get the best out of this country it is everyone's duty to make spaces safe for everyone. Sri Lanka today may be high on security with our omnipresent armed forces but it is not a safe place to speak or work for many. There is a difference between security and safety.

*Radhika Coomaraswamy is the former Under-Secretary-General of the United Nations, Special Representative for Children and Armed Conflict, and former Chairperson of the Sri Lanka Human Rights Commission.

Read the full article titled 'Black Lives Matter':
<http://www.ft.lk/columns/Black-Lives-Matter/4-701437>

Cartoon
published in
*The Sunday
Morning*
04/06/2002





The Steady Drift towards Militarising Civil Functions within Sri Lanka

Joint Civil Society Statement

All the Presidential Task Forces have a compliment of military personnel while the Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society is composed entirely of persons from the armed forces and police.

This further demonstrates the steady drift towards militarizing civil functions within Sri Lanka's health and educational sectors, development, public administration and even judicial processes following the Presidential election of November 2019. This does not bode well for Sri Lanka's long-established parliamentary democracy.

The members of the Task Forces are drawn almost entirely from the Sinhala community. Buddhist monks make up a significant portion of the Task Force for the Eastern Province, ignoring the fact that the Province is also equally populated by Tamils and Muslims. It is likely that the interests of these communities will be neglected by the Task Forces and will reflect the majoritarianism espoused by this government.

Sri Lanka's democratic mechanisms must be made to work efficiently without politicization or resort to militarization. These new Task Forces are structures that are solely accountable to the President and are staffed, not by professional civil service personnel, with the required experience, but by security personnel with no experience in civil functions. Rather than these Task Forces, the Sectoral Oversight Committee system in Parliament established under the 19th Amendment and populated by Members of Parliament from all political parties is a much more independent and efficient oversight mechanism that can respond to the exigencies faced by the country at this time.

See the full statement: <https://srilankabrief.org/2020/06/joint-statement-on-the-presidential-task-forces-the-crisis-is-not-an-excuse-for-militarization/>



The Second Wave of Militarisation Carries a Greater Danger

Thisaranee Gunasekara*

The second wave of militarisation carries a greater danger since it can cause a transformation of the military's perception of itself and its role on the

The military seems to be the mainstay of the power base the President is building for himself. A parallel hierarchy of authority is being created via the inserting of retired and serving military men into key civilian positions.

Sri Lanka experienced its first wave of militarisation under the presidency of Mahinda Rajapaksa. But there is a key difference between that first wave and the ongoing second wave. The first wave enabled the military to encroach into civilian spaces but it did not enable military oversight of key civilian institutions; the military remained subordinate to the ruling family and the ruling party. Generals had to take a backseat to ministers.

The second wave of militarisation carries a greater danger since it can cause a transformation of the military's perception of itself and its role on the national stage. History is replete with incidents where the military decided to change its role from the saviour's enforcer to the saviour.

*Thisaranee Gunasekara is a writer and a political commentator based in Sri Lanka.

Read the full article : <https://srilankabrief.org/2020/05/military-monks-militant-racists-the-new-trinity-tisaranee-gunasekara/>

"Mahinda Rajapaksa removed all fetters on majoritarian supremacism. Gotabaya Rajapaksa has gone one step further, putting it on steroids.

There is no such thing as a little bit of tyranny any more than there can be a little bit of a pandemic. Both are elemental forces which are hard to contain once they are unleashed. A truth we will know fully, starting August 6th, if the Rajapaksas get the two-thirds of their dreams".

Thisaranee Gunasekara

See the full article titled 'Politicising Archaeology, Militarising Virtue, Gaslighting the Electorate': <https://srilankabrief.org/2020/06/politicising-archaeology-militarising-virtue-gaslighting-the-electorate-tisaranee-gunasekara/>



Some of the Members of this Presidential Task Force after all are Alleged to be Responsible for War Crimes!

*Dr. Paikiasothy Saravanamuttu**

President Gotabaya Rajapaksa has appointed two Presidential Task Forces to deal with creating “a virtuous, disciplined and lawful society” and for Archaeological Heritage Management in the Eastern Province, respectively.

Both are to be chaired by Major General (Retired) Kamal Guneratne, Secretary to the Ministry of Defence. The service and intelligence chiefs, the acting Inspector General of Police and two Deputy Inspector Generals of Police as well as other ex-officers from the services who now hold positions of considerable power and authority in the executive, dominate the first of these two Presidential Task Forces. The second is pan – Sinhalese – the first would have been too if not for the inclusion of Major General Suresh Sally, recently appointed Director of State Intelligence Service- and comprises two Buddhist priests, one of whom is the Chief Priest of the Northern and Eastern Provinces. Neither of the two Task Forces has any women nor even makes a pretense of representing the unique diversity of the Sri Lankan population.

After all, somewhere in the upper echelons of decision making in this country, someone has determined that a military background is a prerequisite for creating a “virtuous, disciplined and lawful society”. One wonders, what the families of the disappeared have to say about this.

Are they needed and if so, why is membership past or present of the forces and Police a sine qua non for membership of either of the Task Forces. After all, somewhere in the upper echelons of decision making in this country, someone has determined that a military background is a prerequisite for creating a “virtuous, disciplined and lawful society”. One wonders, what the families of the disappeared have to say about this. Some of the members of this Presidential Task Force after all are alleged to be responsible for war crimes!

*Dr. Paikiasothy Saravanamuttu is the founder and Executive Director of Centre for Policy Alternatives (CPA)

Read the full article: <https://groundviews.org/2020/06/05/government-without-parliament-and-government-by-the-military/>

The Views of the Chair of this Task Force are Very Well Known

Dr. Lionel Bopage*

One can only reasonably conclude that under a militarised authoritarian regime comprising such individuals, key democratic norms will become the very things that they will try and extinguish in the name of building a 'virtuous disciplined and lawful' society.

The views of the Chair of this Task Force retired Major General Kamal Gunaratne, on democracy, are very well known. It was during a speech in the presence of the current President and his fans, who were openly applauding and laughing he stated that those who want to change the constitution are

traitors and he wants them dead. As if that is not enough, he does not even want to give them a proper burial. He wants Buddhist priests not to attend and give blessings or provide consolation to their grieving families.

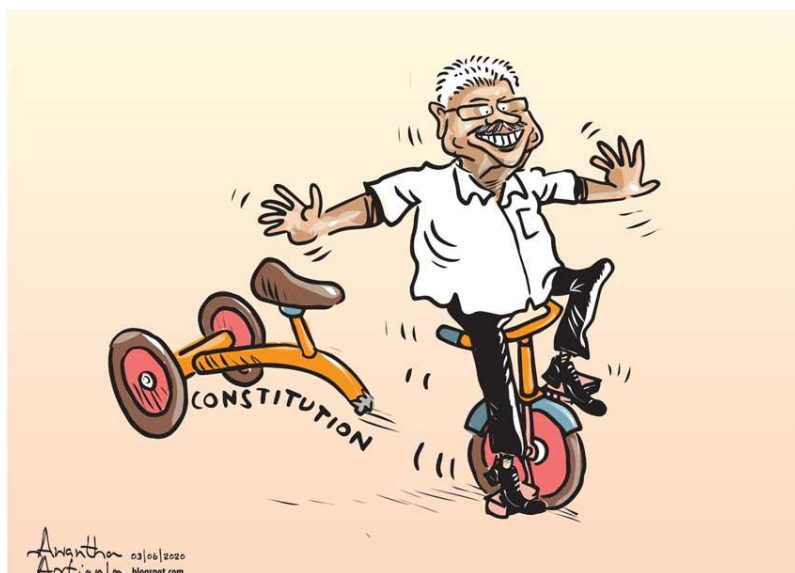
This was when the mask of civility and even paying lip service to the key norms of a civilised democratic society – the right to dissent, political pluralism, accountability, transparency, social justice and communal harmony – dropped. By appointing this Task Force, has the President empowered it to act beyond the Constitution and the law of the country? One can only reasonably conclude that under a militarised authoritarian regime comprising such individuals, key democratic norms will become the

very things that they will try and extinguish in the name of building a 'virtuous disciplined and lawful' society.

*Dr. Lionel Bopage is an author. He is the President at Australian Advocacy for Good Governance in Sri Lanka.

Read the full article: <https://groundviews.org/2020/06/14/the-spectre-of-an-authoritarian-regime-based-on-a-putschist-model/>

Cartoon by
Awantha
Artigala /
Daily Mirror
03/06/2020





Resistance to Militarisation, Should be the Clarion Call

Kishali Pinto Jayawadena*

At the root of all of this is a naked ambition for power, more power and yet more power. But all that is not unique in the trajectory of Sri Lankan politics.

What is however manifested for the very first time since the decades following independence from colonial rule is that, the nation is being precipitated into military rule in all but name, with institutions such as the Parliaments, courts, the public service being rendered subordinate if not creepingly subservient. Ahead of the 2020 Parliament Election, resisting the militarisation of Sri Lanka with all means at our collective command must be our first priority.

This must be the unifying clarion call from the North to the South.

Ahead of the 2020 Parliament Election, resisting the militarisation of Sri Lanka with all means at our collective command must be our first priority.

*Kishali Pinto Jayawadena is a lawyer, legal analyst on civil liberties, author, and a regular columnist.

Read the full article titled 'That iron hand in the demonstrably iron glove': <http://www.sundaytimes.lk/200614/columns/that-iron-hand-in-the-demonstrably-iron-glove-405870.html>

"[...] On the very night of the Supreme Court judgment the President issued an extraordinary Gazette notification of June 2, 2020, setting up a Presidential Task Force on the rationale of ensuring "the security of the country", i.e. to build "a secure country, and a disciplined virtuous and lawful society," also implying an ongoing breakdown of law and order...

This Extraordinary Gazette notice is truly extraordinary for giving authority to the military as a significant agent of civil governance, outside the framework of the law and the Constitution. This Task Force may well fulfill the vision of all those fellow country men and women who think future national development and progress demand dictatorial and authoritarian governance".

Prof. Savitri Goonesekere

See the full article titled 'Extraordinary Gazette Notice s Truly Extraordinary for Giving Authority to the Military as a Significant Agent of Civil Governance':

<https://srilankabrief.org/2020/06/extraordinary-gazette-notice-is-truly-extraordinary-for-giving-authority-to-the-military-as-a-significant-agent-of-civil-governance-prof-savitri-goonesekere/>

SINHALA BUDDHIST SUPREMACY

The political agenda of the supremacists goes far beyond protecting Sri Lanka's unitary state, its sovereignty and constitution. The role of a militant clergy is totally outside the historic mission of bhikkus in this country, who in the past worked with the monarchs to ensure virtuosity in governance, without destroying the plural makeup of Sri Lankan society. These supremacists instead are essentially anti-democratic and anti-pluralist, and aspire to convert Sri Lanka into a homogenised nation with one religion, one culture, one law, and if possible, one race, all woven round their politicised Buddhism.



Dr. Ameer Ali, lecturer and former President of the Australian Federation of Islamic Councils wrote on 21st January 2020.
<http://www.ft.lk/columns/Saving-Gotabaya/4-693951>



“At 2nd mtng of Buddhist Advisory Council, I appointed a Task Force led by Secy Defense to conduct survey of archaeological sites in the East and to take action to preserve them, due to concerns raised about their destruction. Historical sites are the heritage of all Sri Lankans”, tweeted President Rajapaksa on 23rd May 2020 along with the image.

Task Force is Composed only of Religious Clergy of one Religion

Centre for Policy Alternatives

Considering its purported mandate, it is notable that the Task Force is composed only of religious clergy of one religion.

In yet another development, President has appointed by Gazette No. 2178/17 a Task Force for the Archaeological Heritage Management in the Eastern Province. The Task Force will deal with issues which have been the sources of conflict and contestation for decades. This Task Force comprises two Buddhist priests, a professor of archaeology, a professor from a faculty of medicine, the Director-General of archaeology, defence and law and order officials and a head of a media institution, is a pan –Sinhala Task Force, headed too by the Secretary to the Ministry of Defence. Considering its purported mandate, it is notable that the Task Force is composed only of religious clergy of one religion. At the outset this raises troubling questions as to whether the Task Force is intentionally undermining the multi-ethnic identity in the province with a possible attempt to define a mono ethnic dominant narrative... Compounded by Sri Lanka’s past, the appointment of such a Task Forces raises questions of its need, intent and implications for the future.

See the full article: <https://www.cpalanka.org/the-appointment-of-two-presidential-task-forces/>



The Sri Lankan State is already Functioning as a Sinhala-Buddhist State; Twin Pillars of New Order are Racism and Militarism

Dayan Jayatilke*

President Gotabaya Rajapaksa appointed a Task Force of the heavy mob, which will press its collective knee into the neck of the new, socially legitimate Parliament that will arise thanks to the Supreme Court judgment which cleared the way for the Election Commission to name a date for voting.

Lankans live at the overlap of two hinge-points of contemporary history.

For the first time in our post-independence political history, we have a leader who does not regard it as necessary to appoint a Task Force that reflects to any extent, the composite reality of the area or citizenry concerned. It is a leadership that ignores or is oblivious to any perception that imposing a Sinhala-Buddhist Task Force on a province in which Sinhala-Buddhists are only one third of the populace, is racist.

Only rather less racist is the appointment of a 99.9 % Sinhala Task Force to transform a society which is 75% Sinhala—leaving a quarter of the populace unrepresented.

Ours being a multireligious society, why is it only a Buddhist Advisory Council that the President meets every month instead of a Multi-Religious Advisory Council with suitable Buddhist preponderance? Going by the evidence, racism and militarism are the twin motifs of the new normal; twin pillars of the new order.

For the first time in our post-independence political history, we have a leader who does not regard it as necessary to appoint a Task Force that reflects to any extent, the composite reality of the area or citizenry concerned.

*Dr. Dayan Jayatileka is an author, writer, and political commentator. He was Sri Lanka's Permanent Representative to the United Nations in Geneva and Ambassador to France and Russia.

See the full article: <http://www.ft.lk/columns/A-knee-on-the-neck-of-the-next-Parliament/4-701439>



The Task Force is Meant to Serve the Interests of the Sinhalese and Buddhists Only

R. Sampanthan*

In its composition, the Task Force is Pan Sinhala. The manner of its composition clearly indicates that it is meant to serve the interests of one community – the Sinhalese and one religion – Buddhism who it must be admitted are the majority in the country.

It would be pertinent to raise the question, why other provinces have been left out, why other communities and other religions have been left out.

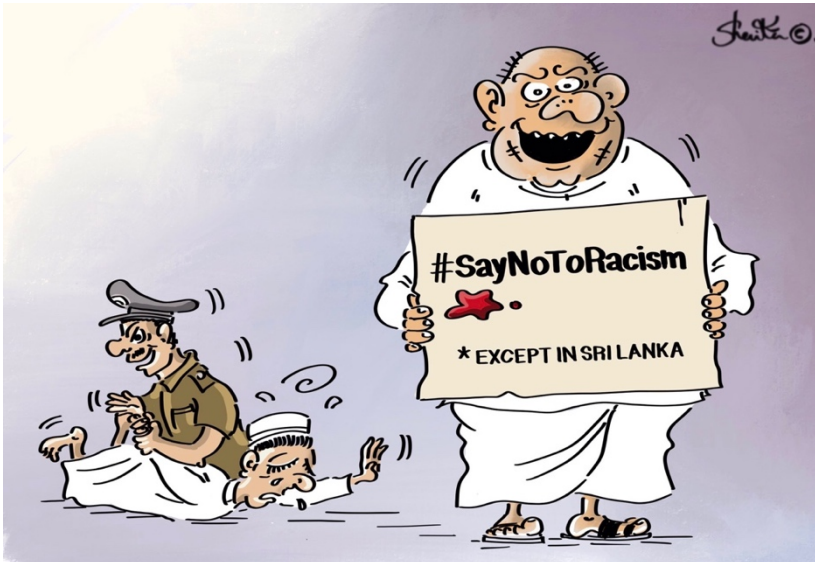
What is sought to be achieved by the above task being entrusted to the Task Force is to consolidate all that has happened thus far, and take further action to settle more Sinhalese at such sites in such identified extents of Land in the guise of protecting, preserving and promoting Buddhism, and thereby convert the Eastern Province and as much as possible of the Northern Province into majority Sinhalese Areas also severing the linguistic contiguity between the Northern and Eastern Provinces. This would be a travesty of justice with dangerous and harmful consequences and should be avoided.

No one objects to the protection, preservation and promotion of Buddhism. If anyone is acting in violation of the Law, relating to any Buddhist site the severest action should be taken, in regard to such conduct. Existing Law enforcement institutions should perform this task. Buddhist Temples and Monuments exist on Lands adequate for that purpose. They have so existed for centuries, for very long. No additional Land is required to fulfill that purpose. Additional Land is required by individuals who want to convert these areas into Sinhala Buddhist areas, populated by Sinhala Buddhist Citizens, violating the occupational and residential current and future needs of Tamil and Tamil speaking people who have lived on these areas from time immemorial, the Tamil Hindu people from long before the advent of Vijaya the precursor of the Sinhala race.

Additional Land is required by individuals who want to convert these areas into Sinhala Buddhist areas, populated by Sinhala Buddhist Citizens, violating the occupational and residential current and future needs of Tamil and Tamil speaking people who have lived on these areas from time immemorial, the Tamil Hindu people from long before the advent of Vijaya the precursor of the Sinhala race.

* R. Sampanthan is a lawyer and a politician who has led the Tamil National Alliance (TNA) since 2001.

Read the full article: <https://srilankabrief.org/2020/06/the-aim-of-pan-sinhala-task-force-is-convert-the-eastern-province-and-as-much-as-possible-of-the-northern-province-into-majority-sinhalese-areas-r-sampanthan/>



Cartoon by
Shanika
Somatilake
04/06/2020

Task Force is having an Exclusivist Viewpoint

Dr. Nirmala Chandrahasan*

The Task Force has the task of surveying and preserving all these sites. At these sites, there would be inscriptions in many languages including Pali, Sinhala and Tamil, and in ancient forms, hence persons qualified in linguistics and with a knowledge of the shared histories of the peoples and the languages should be incorporated into the Task force which, at present, is almost entirely mono ethnic and mono religious in composition and hence having an exclusivist viewpoint. Archaeologists from the Universities in the East at Batticaloa and Oluvil as well as from other Universities in Sri Lanka such as Kelaniya with competent archaeological departments, as well as experts from India should be consulted, and some of them could also be members of the Task force.

Members of the Muslim community, which is a major constituent of the eastern province should also be involved in this project, so that the Task Force is not regarded as inimical to any group and as a cooperative effort of all communities.

*Dr. Nirmala Chandrahasan is a distinguished advocate who has been involved in the peace process in Sri Lanka for several years

Read the full article: <https://srilankabrief.org/2020/06/the-archaeological-sites-in-the-eastern-province-have-a-shared-heritage-of-the-sinhala-and-tamil-speaking-people-dr-nirmala-chandrahasan/>

RULE OF LAW

"While Sri Lanka has made valuable democratic strides in the last five years [2015-2019], a prevailing apprehension exists among civil society, who fear there could be rollbacks on these gains in the future. Sri Lankans fear the dismantling or undermining of fragile yet important institutions that safeguard their democratic rights, and a shift back to media restrictions, governmental opacity and a climate that requires self-censorship. This must not be allowed to happen."



Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, on his country visit to Sri Lanka from 18 to 26 July 2019.

<https://undocs.org/pdf?symbol=en/A/HRC/44/50/ADD.1>



Some Questionable Appointments

Appointment of Lalith Weeratunga

President Rajapakse appointed Lalith Weeratunga the Principle Advisor to the President. Weeratunga was found guilty of misappropriating Rs. 600 Million of funds belonging to the Telecommunications Regulatory Commission (TRC) in the controversial *Sil Redi* (fabrics used by devotees to observe sill) distribution case and was sentenced to three-year rigorous imprisonment by Colombo High Court in September 2017. He was also ordered to pay a fine of two million rupees. He filed appeal petition in the Court of Appeal challenging the judgment of the Colombo High Court and was granted bail in the same month.

Read more: <http://dailynews.lk/2017/09/07/local/127514/lalith-weeratunga-and-anusha-palpita-found-guilty-sil-cloth-distribution> &
http://www.colombopage.com/archive_20A/Jun10_1591763940CH.php

Appointment of SSP A.R. Prasanna J. Alwis

In October 2019, the Criminal Investigation Department (CID) reported to the Mount Lavinia Magistrates Court that in 2010, the then Officer-in-Charge (OIC) of the Terrorist Investigation Division (TID) SSP A.R. Prasanna J. Alwis, had suppressed evidence and shielded suspects in order to screen Lasantha Wickrematunge murderers from punishment. Lasantha Wickrematunge, editor of the Sunday Leader was murdered on 8th January 2009, in Athidiya, Sri Lanka. Acting Inspector General of Police (IGP) C.D. Wickremaratne ordered the CID to arrest SSP A.R. Prasanna J. Alwis and produce him before the Magistrate. Now the same Acting Inspector General of Police (IGP) C.D. Wickremaratne has appointed the same SSP A.R. Prasanna J. Alwis the Director of the CID through the National Police Commission.

Read more: <https://srilankabrief.org/2020/06/sri-lanka-remove-murder-suspect-ssp-a-r-prasanna-j-alwis-from-cid-ahimsa-wickrematunge/>

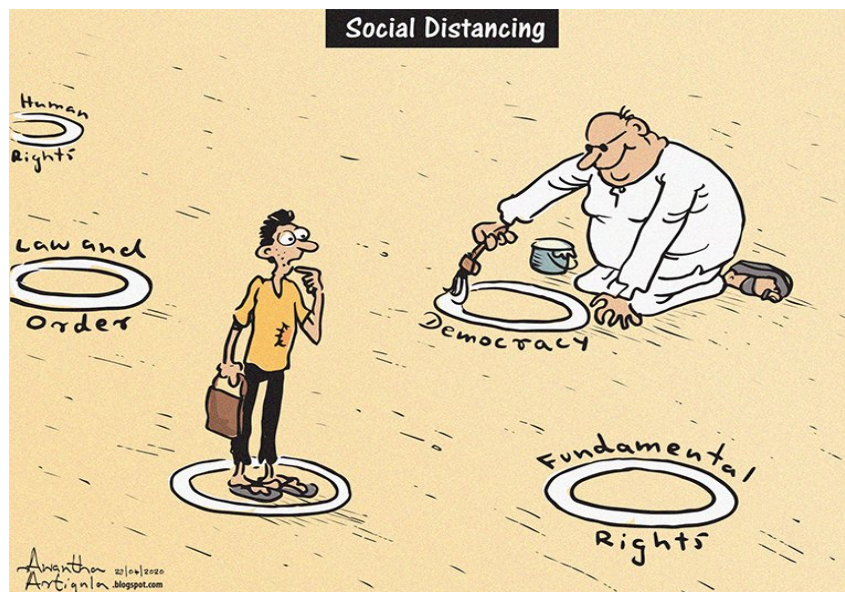
The Promise of Law and Order has become Empty

Federation of University Teachers Association (FUTA)

The fact that the government is intolerant of dissent is further underscored by the fact that quarantine regulations were violated several times earlier by certain influential groups...

More importantly, protest and the expression of dissent is a fundamental right of a democratic society. the Sri Lankan government showed its complete disdain for this fundamental right. Instead, it sent a strong signal accepting and indeed promoting a culture of intolerance and state violence. The fact that the government is intolerant of dissent is further underscored by the fact that quarantine regulations were violated several times earlier by certain influential groups at various events ranging from funerals to political meetings to even concerts. This government came into power on a promise of law and order; on the application of the law equally to all. Tuesday's events showed us clearly, that these are empty promises that have no meaning. As university academics who understand the importance of dissent, of tolerating opposing voices, protest and freedom of speech and association, we are extremely disappointed with the way that the authorities responded to a legitimate protest.

Read the full article: <https://srilankabrief.org/2020/06/govenments-promise-of-law-and-order-has-become-empty-without-any-meaning-futa/>



Cartoon by Awantha Artigala/ Daily Mirror 28/04/2020



No Transparency in the Declaration of Curfew

Human Rights Commission of Sri Lanka (HRCSL)

a) These are recommendations made by the Human Rights Commission of Sri Lanka under powers vested in it by Act No.21 of 1996 for purposes of promoting and protecting fundamental rights.

Both the Constitution and international human rights obligations of Sri Lanka stipulate that restrictions to freedom of movement are legitimate only if imposed by law in order to achieve permissible objectives. Preservation of public health and public order are permissible objectives. The central issue addressed by these recommendations is the manner in which the restrictions should be imposed by law.

The Commission is of the view that the imposition of curfew can be regularized in two ways:

(i) By Order made by the President and Gazetted under S.16 of the PSO—this is the most authoritative manner in which curfew could be declared.

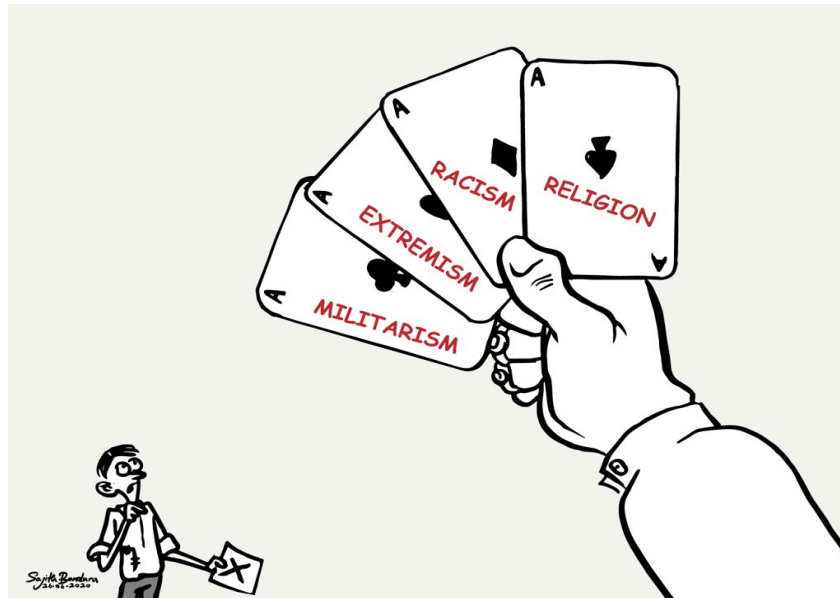
A pandemic calls for decisive action; this option would be the stronger one also taking into account the extent to which rights of the public are affected by continuous restrictions on right to movement. It also must be noted that a declaration of a state of emergency is not required to use powers under S. 16; OR

(ii) By Regulation made by the Minister under S. 2 read together S. 3 (2) of the Quarantine and Prevention of Disease Ordinance. It is the observation of the Commission that the ‘proper authority’ appointed by the Minister has powers to restrict movement only over ‘diseased localities’. Such powers do not confer wide enough authority to impose countrywide curfew as a precautionary measure.

b) It is essential that there is transparency in the declaration of curfew and all other forms of restriction of movement. All declarations of curfew must be formally made and must be available in the public domain. Currently, the Presidential Media Division announces the imposition and withdrawal of curfew. Although we are made to understand that curfew is currently declared by the police purportedly under the Quarantine and Prevention of Disease Ordinance, the declarations are not available in the public domain.

Read the full report: <https://srilankabrief.org/2020/06/sri-lanka-hrc-issues-recommendations-on-regularizing-the-imposition-of-curfew/>

It is essential that there is transparency in the declaration of curfew and all other forms of restriction of movement. All declarations of curfew must be formally made and must be available in the public domain. Currently, the Presidential Media Division announces the imposition and withdrawal of curfew.



Cartoon by Sajith Bandara on 26/06/2020

Violation of Fundamental Rights of Attorney-at-Law Hejaaz Hizbullah

International Commission of Jurists (ICJ)

Sri Lankan Lawyer Hejaaz Hizbullah was arrested by the Criminal Investigation Department of the Police (CID) on April 14, 2020 pursuant to the Prevention of Terrorism Act (PTA) and has since been kept in detention. No reasons were provided at the time of the arrest. During a media briefing, a police spokesperson stated that he was arrested as a result of the evidence

No one questions the government's need and obligation to investigate the horrendous Easter Sunday attacks, but these investigations must be conducted in a way that is consistent with international law and the Sri Lankan Constitution.

found against him during investigations into the 2019 Easter Sunday bombings. The ICJ understands that no remand or detention orders authorising his continued detention have been served even after the lapse of 72 hours as required by Sections 7 and 9 of the PTA. Moreover, Hizbullah was only granted limited access to legal counsel on April 15 and 16, under the supervision of a CID official, who had insisted that the conversation be in Sinhala, in breach of attorney-client privilege. Legal access has been denied at least since April 16, 2020.

No one questions the government's need and obligation to investigate the horrendous Easter Sunday attacks, but these investigations must be



conducted in a way that is consistent with international law and the Sri Lankan Constitution.

See the full statement: <https://www.icj.org/sri-lanka-icj-raises-concerns-about-the-arbitrary-arrest-and-detention-of-lawyer-hejaaz-hizbullah-calls-for-repeal-and-replacement-of-the-prevention-of-terrorism-act/>

Threats to Democracy and the Rule of Law in Sri Lanka

The Commonwealth Lawyers Association

The Commonwealth Lawyers Association (CLA) is concerned by threats to democracy and the rule of law in Sri Lanka as the government of Sri Lanka responds to the Covid-19 crisis. Recent developments could lead to interference in civilian parliamentary governance by the military, and to a disregard for Constitutional rules and the Rule of Law.

Recalling all of these principles and declarations the CLA urges the Government of Sri Lanka, when dealing with the Covid-19 emergency;

- To direct its efforts in a way which targets the current emergency and not for any other collateral or ulterior purposes;
- To ensure that the constitutional rights of persons arrested for any offences are protected;
- To review the role of the military and intelligence services in dealing with the public health crisis;
- To take into account, in all decision making relating to the Covid-19 pandemic, the necessity of abiding by, upholding and respecting the Rule of Law;

Recent developments could lead to interference in civilian parliamentary governance by the military, and to a disregard for Constitutional rules and the Rule of Law.

See the full statement: <https://srilankabrief.org/2020/06/commonwealth-lawyers-association-expresses-its-concerns-on-threats-to-democracy-and-the-rule-of-law-in-sri-lanka/>



If President Sets up Institutions Running Parallel to Constitutional Bodies What is the Need for a Constitution for Sri Lanka?

Kishali Pinto Jayawardene

This query becomes pertinent in regard to the recent appointment of an Ombudsman, a retired Deputy Inspector General (DIG) to boot, tasked with inquiring into public grievances and complaints. That appointment was made despite a constitutional office of the Parliamentary Commissioner for Administration (Ombudsman) being functional for decades, albeit historically critiqued in respect of the limitations of that office.

This is even more an insidious undermining of the constitutional process than the appointment of military-led Task Forces to take over manifold civil and policing functions, ranging from building a lawful, disciplined and virtuous nation to protection of archaeological sites in the East.

We would expect more Task Forces, stuffed with military and police appointees to be on the horizon with all the deadly inevitability of an incoming tidal wave. But even so, to duplicate constitutional institutions is quite another manifestation of the steady creation of an omnipotent centralisation of power in the Presidential Secretariat which has gone largely unremarked.

See the full article: <https://srilankabrief.org/2020/06/if-president-sets-up-institutions-running-parallel-to-constitutional-bodies-what-is-the-need-for-a-constitution-for-sri-lanka-kishali-pinto-jayawardene/>



CONCLUDING NOTE: THE END OF TRANSITIONAL JUSTICE PROCESS

Prime Minister Mahinda Rajapaksa

Sri Lanka will be voting to elect its 16th Parliament on the 5th August 2020. The political coalition headed by Rajapaksa family is the most likely winner. As described in this issue of Sri Lanka Briefing Note, militarisation, Sinhala Buddhist supremacy, and the absence of rule of law will be the norm in the coming years. Prime Minister Mahinda Rajapaksa in a public address reiterated their intention to do away with the transitional justice process:

“The main pledges given by the Yahapalana conspirators [2015 -2019 government] to their foreign masters were contained in Resolution 30/1 which the Yahapalana government co-sponsored in the UN Human Rights Council in October 2015... The intent behind all this was to demoralise and render ineffective the Armed Forces of Sri Lanka.

In August 2016, the Office of Missing Persons Act was rammed through Parliament without leaving room for any debate. Though it’s described as an ‘Office’, this is actually an inquisitorial body that can issue summons, examine witnesses, and collect evidence... All state bodies including the Intelligence Agencies and the Armed Forces are legally bound to cooperate with the OMP even in contravention of the provisions of the State Secrets Act.

In March 2018, the Yahapalana Government passed Act No: 5 of 2018 in order to make the provisions of the International Convention Against Enforced Disappearances applicable in Sri Lanka. The purpose of this was not to facilitate the location of disappeared persons, but to persecute members of the Armed Forces.

In August 2018 the Yahapalana Government passed an Amendment to the Mutual Assistance in Criminal Matters Act which will enable a foreign country or the International Criminal Court to locate suspects or witnesses in Sri Lanka or to obtain evidence they need from Sri Lanka. The UN Human Rights Commissioner has already requested Western countries to institute legal action in their respective countries against members of the Sri Lankan Armed Forces suspected of war crimes under the concept of universal jurisdiction.

If the Yahapalana cabal had won the 2019 Presidential Election, they would have implemented all this and finished off Sri Lanka. We need a very strong mandate at this election to conclusively defeat these conspiracies”.

Prime Minister Mahinda Rajapaksa made this statement on 28th June 2020.

See the full statement: <http://www.dailynews.lk/2020/06/29/features/221773/defeating-domestic-and-foreign-conspiracies-against-sri-lanka>



ANNEX 01: PRESIDENTIAL DIRECTIVE

PRESIDENTIAL DIRECTIVE

Establishment of a Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society

[...] While emphasizing that it is the most prominent responsibility of the government to give priority to National Security and create a virtuous, disciplined and lawful society which respects the rule of law and justice as it has stated in the policy statement “Vistas of Prosperity and Splendour”,

And, whereas it has been recognized that the security of the country is a key factor in establishing economic strategies aimed at the development of a country, And, emphasizing the equal protection of the law for the well-being of the people and for building a civilized society,

And, considering that it is essential to liberate the entire society from the drug rampant spreading all over the society including the children who are considered as the future of a country is also a major factor in the social decline couple with the economic decline,

Now, therefore, I, Gotabaya Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka, reposing great trust and confidence in your prudence, ability and fidelity, appoint you the said :-

1. Major General (Retired) Kamal Gunaratne Esquire, Secretary to the Ministry of Defence,
2. Lieutenant General Shavendra Silva Esquire, Commander of the Sri Lanka Army,
3. Vice Admiral Piyal de Silva Esquire, Commander of Sri Lanka Navy,
4. Air Marshal Sumangala Dias Esquire, Commander of Sri Lanka Air Force,
5. Mr. C.D. Wickremarathne Esquire, Acting Inspector General of Police,
6. Major General (Retired) Vijitha Ravipriya Esquire, Director General of Customs,
7. Major General (Retired) Jagath Alwis Esquire, Chief of the National Intelligence Service,
8. Major General Suresh Salley Esquire, Director of State Intelligence Service,
9. Major General A. S. Hewavitharana Esquire, Director of Army Intelligence Unit,
10. Captain S.J. Kumara Esquire, Director of Navy Intelligence Unit,
11. Air Commodore M.D.J. Wasage Esquire, Director of Air Force Intelligence Unit,
12. T. C. A. Dhanapala Esquire, Deputy Inspector-General of Police, Special Task Force of Police,
13. Waruna Jayasundara, Deputy Inspector-General of Police

As the members of the Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society and to execute the below-mentioned tasks:

1. Taking necessary immediate steps to curb the illegal activities of social groups which are violating the law which is emerging as harmful to the free and peaceful existence of society at present in some places of the country



2. Take necessary measures for prevention from drug menace, prevent entry of drugs from abroad through ports and airports and to fully eradicate drug trafficking in the country and to prevent other social illnesses caused by drug abuse
3. Take necessary measures to take legal action against persons responsible for the illegal and antisocial activities conducting in Sri Lanka while locating in other countries
4. To investigate and prevent any illegal and antisocial activities in and around prisons

Also, I appoint Secretary to the Ministry of Defence Major General (Retired) Kamal Gunaratne Esquire as the Chairman of the Task Force,

and Senior Assistant Secretary, Ministry of Defence, Mr. D.M.S. Dissanayake as the Secretary of the said Task Force.

I hereby authorize the Presidential Task Force for the Establishment of a Secure Country, Disciplined, Virtuous and Lawful Society to investigate and issue directions as may be necessary in connection with the functions entrusted to it.

Further, as members of the Presidential Task Force for the Establishment of a Secure Country, Disciplined, Virtuous and Lawful Society, I am hereby authorized to submit reports to you from time to time.

Further, the Presidential Task Force for the Establishment of a Secure Country, Disciplined, Virtuous and Lawful Society may issue instructions or request that all Government Officers and other persons requesting assistance in the provision of services comply with such instructions. I hereby instruct all Government Officers and others to provide all possible assistance and provide all information that may be provided.

And, I do hereby direct the said Task Force to report to me, all cases of delay or default on the part of any Public Officer or Officer of any Ministry, Government Department, State Corporation or other similar institution in the discharge of duties and responsibilities assigned to such public officer or such institution.

Given at Colombo under the Seal of the Democratic Socialist Republic of Sri Lanka on the 02nd day of June Two Thousand and Twenty.

By His Excellency's Command,
P. B. JAYASUNDERA,
Secretary to the President.

http://www.documents.gov.lk/files/egz/2020/6/2178-18_E.pdf



ANNEX 02: PRESIDENTIAL DIRECTIVE

PRESIDENTIAL DIRECTIVE

The Presidential Task Force for Archaeological Heritage Management in the Eastern Province

ESTABLISHMENT of a Presidential Task Force for Archaeological Heritage Management in the Eastern Province in accordance with the powers vested in HIS EXCELLENCY THE PRESIDENT by Article 33 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

[...] While emphasizing that it is the responsibility of the Government to preserve the historical heritage of Sri Lanka and preserve it for future generations, as stated in the policy statement “Vistas of Prosperity and Splendour,

And, considering that Sri Lanka inherits a great and proud history and that a country’s archaeological heritage is the source that builds the uniqueness of such nation and reflects its historical evolution,

And, considering that there is a growing danger that these heritages are becoming degraded with time due to natural and man-made action,

And, considering that Sri Lanka has entered into various conventions, both nationally and internationally to protect such heritages,

Now, therefore, I, Gotabaya Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka, reposing great trust and confidence in your prudence, ability and fidelity, appoint you the said :-

1. Archaeological Chakravarthi Ven. Ellawala Medhananda Thero,
2. The Chief Prelate for the Northern and Eastern two Provinces, Chief Sanganayake of Thamankaduwa Direction, and Chief Incumbent of Arisimalai Aranya Ven. Panamure Thilakawansha Thero,
3. Major General (Retired) Kamal Gunaratne Esquire, Secretary to the Ministry of Defence
4. Dr. Senarath Bandara Dissanayake Esquire, Director-General of Archaeology,
5. Ms. Chandra Herath, Land Commissioner General,
6. Ms. A.L.S.C. Perera, Surveyor General
7. Prof. Raj Kumar Somadeva Esquire, Senior Lecturer, University of Kelaniya,
8. Prof. Kapila Gunawardena Esquire, Medical Faculty, University of Peradeniya,
9. Deshabandu Thennakoon Esquire, Senior DIG, Western Province,
10. H.E.M.W.G. Dissanayake Esquire, Provincial Land Commissioner, Eastern Province,
11. Dilith Jayaweera Esquire, Chairman of Derana Media Network

as the members of the Presidential Task Force for Archaeological Heritage Management in the Eastern Province and to execute the below-mentioned tasks:



1. Identify sites of archaeological importance in the Eastern Province.
2. Identify and implement an appropriate program for the management of archaeological heritage by conserving and restoring such identified sites and antiquities.
3. Identify the extent of land that should be allocated for such archaeological sites and take necessary measures to allocate them properly and legally.
4. Preserve the cultural value of sites of archaeological importance and promote the uniqueness of Sri Lanka, both locally and internationally, and make recommendations for the promotion of such heritages.

Also, I appoint Secretary to the Ministry of Defence Major General (Retired) Kamal Gunaratne Esquire as the Chairman of the Task Force,

and Senior Assistant Secretary to the President Ms. Jeevanthie Senanayake as the Secretary of the said Task Force.

I hereby authorize the Presidential Task Force for Archaeological Heritage Management in the Eastern Province to investigate and issue directions as may be necessary in connection with the functions entrusted to it.

Further, as members of the Presidential Task Force on Archaeological Heritage Management in the Eastern Province, I am hereby authorized to submit reports to you from time to time.

Further, the Presidential Task Force on Archaeological Heritage Management in the Eastern Province may issue instructions or request that all Government Officers and other persons requesting assistance in the provision of services comply with such instructions. I hereby instruct all Government Officers and others to provide all possible assistance and provide all information that may be provided.

And, I do hereby direct the said Task Force to report to me, all cases of delay or default on the part of any Public Officer or Officer of any Ministry, Government Department, State Corporation or other similar institution in the discharge of duties and responsibilities assigned to such public officer or such institution.

Given at Colombo under the Seal of the Democratic Socialist Republic of Sri Lanka on the 01st day of June Two Thousand and Twenty.

By His Excellency's Command,

P. B. JAYASUNDERA,

Secretary to the President

http://documents.gov.lk/files/egz/2020/6/2178-17_E.pdf



ANNEX 03: Military Appointments Made by President Gotabaya Rajapaksa outside the Military Establishments

1. Major General (Rtd) Kamal Gunaratne
 - Secretary of Defence (November 2020)
 - TRCSL- Telecommunications Regulatory Commission of Sri Lanka
 - The Regulator of Telecommunication Industry of Sri Lanka (December 2020)
 - Head, Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society (June 2020)
 - Head, The Presidential Task Force for Archaeological Heritage Management in the Eastern Province(June 2020)
2. Army Commander Lieutenant General Shavendra Silva
 - Head, National Operation Center for Prevention of COVID- 19
3. General (Rtd) R. M. Daya Ratnayake
 - Chairman Sri Lanka Port Authority (December 2019)
4. Major General (Rtd) G.A. Chandrasiri
 - Former Governor Northern Province, Chairman, Civil Aviation Authority of Sri Lanka (CAASL) (December 2020)
5. Major General (Rtd) Sudantha Ranasinghe
 - Director General of the Disaster Management Center (DMC) (January 2020)
6. Major General Vijitha Ravipriya
 - Director General of Sri Lanka Customs (February 2020)
7. Maj. Gen. S.W.L Daulagala(Rtd)
 - Chairman of Ceylon Fisheries Corporation
8. Major General (Rtd) D.M.S. Dissanayaka
 - Chairman, Consumer Affairs Authority
9. Admiral Jayanath Colombage (Rtd)
 - Additional Secretary to the President for foreign relations. (December 2019)
10. Major General Nanda Mallawaarachchi (Rtd)
 - Director-General of the Multi-Purpose Development Task Force (January 2020)
11. Major General Sanjeeva Munasinghe
 - Secretary, Ministry of Health (May 2020)



12. Major General (Rtd) Sumedha Perera
 - Secretary to the Mahaweli Ministry (May 2020)
13. Rear Admiral Ananda Peiris
 - Director General of Civil Defence Force (CDF) (December 2019)
14. Major General K. Jagath Alwis
 - Chief of the Chief of National Intelligence (CNI), Section of the Police (December 2020)
15. Task Force to monitor the progress in the investigation into 2019 Easter Sunday attacks (February 2020).
 - TF includes the Director-State Intelligence Service, Director General-Military Intelligence, Deputy Inspector General-Criminal Investigation Department, Director-Counter Terrorism and Investigation Division and Director Legal-Sri Lanka Police.
16. Brigadier Salley
 - Chief, State Intelligence Service, section of the Police (December 2020)
17. Major General Prasad Samarasinghe (Rtd)
 - Chief Manager, Lotus Tower project, Colombo.
18. Former Air Force Commander Marshal of the Air Force Roshan Gunathilake
 - Governor of the Western Province (May 2020)
 - Head, PTK to ensure the health security at military camps
19. Vice Admiral Mohan Wijewickrama
 - High Commissioner. Pakistan (June 2020)
20. Committee for Prisons Restructuring includes only military and police personnel
 - Major General (Rtd) Kamal Gunaratne, Secretary Defence,
 - Lt. Gen. Shavendra Silva, Defence Staff Chief/Army Commander
 - C.D. Wickremarathne (Acting Inspector General of Police)

Find links to the appointments here: <https://srilankabrief.org/2020/06/sri-lanka-brief-fact-sheet-militarisation-and-securitization-of-government-and-governance-in-sri-lanka/>