

# AHEAD OF SRI LANKA ELECTIONS, LAWYERS, JOURNALISTS AND ACTIVISTS ARRESTED, THREATENED AND HARASSED



In the last few months, human rights lawyers and journalists have faced arrests, threats and harassment. A report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association published in May 2020 shows that civil society faced challenges to register and operate while there have been various barriers to protests. In June 2020, authorities cracked down on a Black Lives Matter solidarity protest.

President Rajapaksa **dissolved parliament** in March 2020 and there have been concerns about the lack of legislative oversight since then. **Elections** are due to be held on 5th August 2020.

Civil society groups have **raised concerns** that the government has established multiple Presidential Task Forces. Decisions have been taken with no oversight by Parliament. The Presidential Task Force to build a “Secure Country, Disciplined, Virtuous and Lawful Society” is fully comprised of security sector personnel and given an ambiguous mandate. The members of the Task Forces are **drawn almost entirely** from the majority Sinhala community.

## Association

### Human rights lawyers face arrests, threats and harassment

Human rights lawyers are being targeted in Sri Lanka. In April 2020, lawyer Hejaaz Hizbullah, a prominent Sri Lankan lawyer, was **arrested** reportedly under the Prevention of Terrorism Act and has since been detained without access to a lawyer. His family believes he has been targeted for his work, including for the rights of Muslim minorities in the country. Three months after his arrest he has **not been formally charged** or presented before a court. Furthermore, his wife's limited visits are always recorded.

According to a report on **Groundviews**, in May 2020, at least three lawyers **faced reprisals** after a court in Jaffna withdrew quarantine orders against organisers planning to hold a war memorial event, based on their appeals. Lawyer Roy Dilaksan's house was reported to have been attacked by unknown persons. Another lawyer who had appeared in the same case, saw a suspicious person hovering around his law office. A third lawyer who had appeared in the case was stopped by the Army while travelling home and subjected to intense questioning and intimidation.

K. Guruparan, a lawyer who represents families of disappeared persons where the Army is implicated has been subjected to surveillance, including visits by intelligence officers. In 2019, he, along with another lawyer and their clients were intimidated by being photographed inside court premises by a person linked with the Attorney General's department

In May 2020, media reported that lawyer Achala Seneviratne had **lodged a complaint** with the Criminal Investigation Department (CID) of the police that her life was being threatened on social media. She is the lawyer representing the families in a case where 11 youth disappeared, and in which high ranking Navy officers are implicated. The police have also failed to investigate previous threats against her.

In June 2020, lawyer Swasthika Arulingam was arrested and detained for several hours in Colombo. Her crime was **attempting to enquire** into the detention of Black Lives Matter protestors.

## **Social media commentator detained for Facebook posts**

Ramzy Razeek, a retired government official and social media commentator, has been detained since 9th April 2020 without charge or proper access to a lawyer. Suffering from several medical complications, his family is worried about his health in the overcrowded and unhygienic prison facilities

Through his social media posts Ramzy has consistently advocated for inter-faith harmony, equality, justice and anti-racism. On 2nd April, **he criticized** on Facebook a new government policy that requires cremation of all victims of COVID-19, contrary to Islamic tradition.

It is believed the above post in particular and other previous posts led to his arrest. Ramzy is reported to have received death threats from several people after his post, in response to which he had made a complaint to the Inspector General of Police on the morning of 9th April 2020.

## **Trade union leader attacked and killed**

In June 2020, Sunil Jayawardena, a trade union leader was **brutally assaulted and killed** by a group of people when he was trying to get a seized three-wheeler belonging to a member of his union released from a leasing company located in Mirihana.

The day before he was killed, Jayawardena, the Chairperson of the Lanka Self-Employed Professionals' National Three-Wheeler Federation had posted a Facebook video urging President Gotabaya Rajapaksa to intervene and solve the problem faced by three-wheeler drivers from leasing operators. The video was reportedly posted from the leasing company premises where he was beaten.

On 6th July 2020, it was **reported** that eight suspects were arrested in connection with the murder and have been further remanded.

## UN expert report highlights challenges faced by civil society to register and operate

In May 2020, the Special Rapporteur on the rights to freedom of peaceful assembly and of association published his **report** on his country visit to Sri Lanka from 18th to 26th July 2019.

In his report he stated that he had heard concerns from civil society organisations, especially in the north and east of the country, that informal refusals of associations at the district and divisional levels are commonplace for groups working on politically sensitive issues, such as LGBTQI+ rights, disappearances, land rights and transitional justice. These refusals typically come in verbal form, without any documentation, reasons or avenue for appeal. Reports state that local officials may also refuse to accept registration forms from such organisations or refuse to provide registration materials in the first place.

The Special Rapporteur was also seriously concerned about the numerous reports of surveillance that he received from civil society during his visit, including surveillance in online spaces such as social media platforms. While organisations working on various topics undergo differing levels of surveillance, depending on the perceived sensitivity of the topic, it was reported that almost all organisations were subject to low but regular levels of surveillance.

This surveillance included the monitoring of phone calls, visits at home or at work, and photographic surveillance carried out by intelligence services, among others. Protests are also frequently surveilled by security forces and intelligence services, including the Criminal Investigation Department, with participants often being subjected to questioning, threats and intimidation before and after assemblies.

The Special Rapporteur also heard reports of security forces and intelligence officers frequently entering NGO offices, submitting members to questioning and creating an intimidating environment.

## Expression

### Journalist Dharisha Bastians facing harassment from authorities

According to **human rights groups**, journalist and woman human rights defender Dharisha Bastians and her family are being targeted by the Criminal Investigation Department (CID) in its investigation into what the Sri Lankan government maintains is a false claim of **abduction** by an employee of the Swiss Embassy. Swiss officials assert that the incident took place.

Since December 2019 the CID has tried to link Bastians and several others to an inquiry into the alleged false accusation by the Swiss employee, seemingly attempting to prove some form of conspiracy. Pro-government media have conducted a campaign against Bastians and her family, supported by attacks on social media, labelling her a traitor and criminal.

Bastians is the former editor of the Sunday Observer newspaper, a state-owned English language weekly. She is also a contributor to the New York Times. Bastians has written extensively on human rights, militarisation, corruption, religious freedom, democracy and political rights in Sri Lanka. Her writing has consistently highlighted the struggles of people targeted by successive governments, especially religious and ethnic minorities.

The Committee to Protect Journalists, Reporters Without Borders, Amnesty International, Human Rights Watch and Front Line Defenders have **condemned** this assault on human rights and press freedom in Sri Lanka and called on

the police to immediately stop the harassment and ensure Bastians' safety.

After twice attempting to seize her personal laptop computer without a warrant, CID officers entered Bastians' residence in Colombo on 9th June 2020 with a warrant, searched the premises and her personal belongings, and seized the computer. Law enforcement officers have repeatedly targeted her colleagues, associates and family members in Sri Lanka.

## Journalists operating in fear due to intimidation and threats

In a report by the Committee to Protect Journalists (CPJ) on 28th April, the organisation **said** that they had documented cases of journalists being harassed, threatened and intimidated and at least two journalists who have gone into exile since the election. Further, eight journalists in Batticaloa city received death threats in the form of flyers with their pictures circulated.

According to CPJ, reporters said sensitive topics included the army, human rights violations, missing peoples, land-grabbing, political corruption, and the Rajapaksa family. Authorities were also brazenly surveilling journalists, using official vehicles. Reporters covering protests are particularly watched. The Free Media Movement, a local press freedom advocacy group, saw an increase in incidents reported to them immediately after the presidential election.

## Human rights body says arrests for criticism of pandemic handling unconstitutional

On 3rd June 2020, the UN High Commissioner for Human Rights, Michelle Bachelet expressed alarm at the clampdown on freedom of expression in parts of the Asia-Pacific including Sri Lanka during the COVID-19 pandemic. The commissioner **said** that the Acting Inspector General of Police had threatened to arrest anyone who allegedly criticises officials involved in the coronavirus response.

Human Rights Commission Chairperson Prof Deepika Udagama **said** they had observed an increasing number of such arrests since the issuing of a letter dated 1st April 2020 by the Media Division of the Police Department to heads of media institutions warning of strict legal action against those who publish false and malicious statements over the internet against public authorities who are engaged in containing the spread of the virus.

The Commission said that the arrests are in violation of the Constitution and that any action to limit freedom of expression in a democracy, even during a period of emergency, must be within the framework of the law.

## Author's detention found to be arbitrary by UN working group

On 5th May 2020, the United Nations Working Group on Arbitrary Detention issued an **opinion**, finding the government had **wrongfully detained** Shakthika Sathkumara in violation of his fundamental rights. The UN body said he was detained for peacefully exercising his right to freedom of expression. The award-winning author and poet had spent four months in pre-trial detention.

As previously **documented**, Shakthika Sathkumara was arrested on 1st April 2019 by the Polgahawela Police in response to a complaint alleging that Sathkumara's short story 'Ardha' (Half) was derogatory and defamatory of Buddhism. The story is allegedly about homosexuality and child abuse in a Buddhist temple in Sri Lanka. He was charged under the International Covenant on Civil and Political Rights (ICCPR) Act of 2007 – a law meant to protect human rights actors for the peaceful expression of their views.

After his arrest, Sathkumara was held in pre-trial detention in an overcrowded prison until 8th August 2019 when he was released on bail. The conditions of his bail require him to report to the local police station several times a month.

# Peaceful Assembly

## Authorities crack down on Black Lives Matter solidarity protest

On 9th June 2020, a crowd of protesters **gathered** opposite the United States Embassy in Colombo in solidarity with the Black Lives Matter protests occurring globally. The protesters, who were members of the Front-Line Socialist Party (FSP), held placards bearing slogans like "Racism is a deadly virus," and donned face masks as per the health guidelines issued by the government. Pubudu Jayagoda, Politburo member of the FSP, said that leftist and progressive communities around the world were gathering against racism and police brutality in the United States.

According to **reports**, the police began to arrest protesters even before the protest started, saying that they had a court order against the protest in that place. When the protesters moved to a different location, near the Lipton Circle, police and riot squad personnel disrupted the protest using excessive force. Some female activists and Buddhist monks were allegedly **attacked** and thrown into police vehicles by police.

Around 53 people were arrested including PSP General Secretary Kumar Gunaratnam, propaganda Secretary Duminda Nagamuwa and members of the Central Committee. The arrested protesters were **released on bail** at Fort Magistrate's Court. They have been **reportedly** charged on 10 counts including violating quarantine regulations, violating a court order, obstructing police officers, damaging public property and being a member of an illegal assembly.

## UN experts highlight concerns around holding peaceful protests

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his **report** on his country visit to Sri Lanka, noted a number of concerns related to peaceful assembly.

The Rapporteur heard a number of concerning reports of protests that were met with baton charges, water cannon and tear gas, which seemed disproportionate considering the circumstances, in particular with regard to student protests. He also received information on a number of emblematic cases regarding excessive use of force against protesters.

He also heard concerning accounts of groups that were attempting to assemble peacefully and mobilise around common concerns but that were prevented from doing so, or that were met with physical or verbal violence at the hands of individuals without intervention by authorities, despite police or army presence. On several occasions he received reports of the use of court injunctions to stop protests or to prevent them from taking place

Reports of intimidation and surveillance were also frequently received by the Special Rapporteur in relation to peaceful protests. This was especially prevalent with regard to memorial services commemorating disappeared persons in the north and east.