

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	644
Land:	Sri Lanka
Kilde:	Amnesty International
Titel:	Sri Lanka 2020
Udgivet:	7. april 2021
Optaget på baggrundsmaterialet:	13. april 2021

Document #2048760

AI – Amnesty International

Sri Lanka 2020

There was continued impunity for violations committed during the internal armed conflict, and the government failed to uphold commitments to the UN Human Rights Council around justice and reconciliation. As such, justice stalled and impunity prevailed, including in cases of killings and other violations allegedly linked to the ruling Rajapaksa family. Human rights defenders, journalists, lawyers and criminal investigators were increasingly intimidated and harassed. There were reports of deaths in custody and extrajudicial executions. Violence against women remained widespread. Minority Malayaha Tamil labourers suffered disproportionately from loss of wages during the COVID-19 pandemic and their efforts to secure better pay were halted.

Background

The election results of 2019 sparked concerns among human rights defenders in light of allegations of gross human rights violations under Mahinda Rajapaksa during his 2005-2015 presidency. His brother, President Gotabaya Rajapaksa, had served as the Secretary to the Minister of Defence during the last phase of the internal armed conflict, which ended in 2009. Both parties to the conflict – the Sri Lankan armed forces and the Liberation Tigers of Tamil Eelam (LTTE) – were accused of war crimes and other serious violations and abuses of international human rights law.

Soon after the elections, the new government announced its intention to withdraw support for UN Human Rights Council resolution 40/1 and all linked resolutions promoting post-war reconciliation, accountability and human rights in Sri Lanka. In October, the Constitution was amended, with serious implications for independent institutions including the national Human Rights Commission and the Police Commission, as well as the independence of the domestic judiciary and the police.

Enforced disappearances

The government announced its intention to review the Act establishing the Office on Missing Persons (OMP), the permanent body established during the previous government in line with commitments to the UN Human Rights Council with a mandate to investigate the fate of “the missing” in the country. In January, the practice of issuing interim relief to families of the disappeared, as recommended by the OMP and carried out during the previous administration, was discontinued, putting these families under further financial strain.

Lawyers involved in cases of enforced disappearance, especially the so-called Navy 11 case and the Navatkuli case, faced intimidation and attacks on social media. In both cases, members of the Sri Lankan armed forces were suspected perpetrators. The cases saw little progress during the year. After months of delays, the court case for the disappearance of journalist Prageeth Eknaligoda began at the Permanent High Court Trial-at-Bar. During the trial, witnesses appeared before the President-appointed Commission of Inquiry on “political victimization”, leading to concerns that the parallel inquiry would interfere with the ongoing court case. In December, the President appointed the Chairman of the Commission as the new Chairperson to the OMP, raising further fears around the future, commitment and independence of domestic mechanisms.

Impunity

Little or no progress was made towards accountability for violations and abuses committed during the armed conflict and in the post-conflict period. Sri Lanka failed to establish a judicial mechanism with special counsel to investigate allegations of violations of human rights and international humanitarian law as promised at the UN Human Rights Council. There was no notable progress in the investigations of the killings of journalist Lasantha Wickrematunge in 2009 and sportsman Wasim Thajudeen in 2012.

In March, President Gotabaya Rajapaksa pardoned Sergeant Sunil Rathnayaka, who was convicted and sentenced to death by a Sri Lankan high court in 2015 for the December 2000 murder of eight Tamil civilians, including three children, in the village of Mirusuvil, Jaffna. The pardon was in line with the President’s campaign pledge to acquit and release those who he called “war heroes” being held on “baseless” charges.

In June, Vinayagamoorthis Muralitharan (known as Karuna), former deputy leader of the LTTE and current supporter of the ruling party, boasted of killing some 2,000 to 3,000 Sri Lankan Army personnel in one night during the armed conflict. Although the police began investigations into the statement, they did not investigate war crimes he allegedly committed. The investigation had not produced an outcome by the end of the year. Vinayagamoorthis Muralitharan was later given a position in Prime Minister Mahinda Rajapaksa's personal staff. Several military officers who, according to the findings of various UN investigations, could be responsible for crimes under international law were also promoted during the year and appointed to powerful positions within the administration.

During the year there was a further crackdown on law enforcement officers pursuing accountability for human rights violations. Immediately after the presidential election, more than 700 criminal investigators were banned from leaving the country. Shani Abeyssekara, former Director of the Criminal Investigations Department (CID), was arrested in July over allegations of concealing evidence. A sub-inspector who made the allegation later confessed to a magistrate that he was pressured into framing Shani Abeyssekara. During his time at the CID, Shani Abeyssekara pursued many criminal cases involving human rights violations, some allegedly linked to the Rajapaksa ruling family. While in custody, Shani Abeyssekara tested positive for COVID-19, but was withheld prompt access to medical care at a hospital for days.

Freedoms of expression and association

Human rights defenders, journalists, lawyers and criminal investigators came under increased intimidation and harassment during the year. Law enforcement officials paid unannounced visits to human rights organizations and enquired about their work and funders. At least 18 such visits were recorded in the north, east and west of Sri Lanka during the year and 13 incidents of intimidation of journalists. Dharisha Bastians, former editor of a state-owned newspaper and *New York Times* correspondent, was under investigation for reporting on various cases and human rights issues.

In April in the context of the COVID-19 pandemic, the police announced that they would take legal action against those who publish posts on social media criticizing government officials and obstructing their duties. Several social media commentators were arrested following the announcement. Ramzy Razeek was arrested and detained after peacefully expressing himself in a Facebook post. His health deteriorating, he was granted bail five months later. The investigation against him was continuing at the end of the year. The 2019 case against short story writer Shakhthika Sathkumara also remained pending. Hejaaz Hizbullah, a prominent lawyer, was arrested in April on suspicion of offences under Sri Lanka's draconian Prevention of Terrorism Act (PTA). He continued to be arbitrarily detained at the end of the year without any evidence of wrongdoing produced in court. Muslim poet Ahnaf Jazeem was arrested under the PTA for a collection of poems he published. He continued to be held in custody without legal representation at the end of the year. The PTA remained in use despite the previous government's pledges to repeal and replace the law, which was used arbitrarily against the minority Muslim population following bombings on 21 April 2019.

Thousands of people were arrested for violating the COVID-19 curfew, despite it having no legal basis. Police also used excessive force to arrest activists peacefully carrying out a Black Lives Matter solidarity protest in strict observance of COVID-19 guidelines, without first giving the protesters the opportunity to disperse voluntarily.

The pandemic also led to an increase in anti-Muslim rhetoric in social and mainstream media, in some instances by senior government members. The authorities carried out forced cremations (forbidden by the Muslim faith) of Muslims who died from COVID-19, despite domestic directives at the time allowing for burials. WHO guidelines allowed for either burials or cremations for the safe management of a corpse in the context of COVID-19.

Excessive use of force and extrajudicial executions

Incidents of police brutality were recorded in many parts of the country. In one incident in the south, the victim was a Muslim child with disabilities. In the north, Tamil ethnic minorities were targeted.

At least 14 prisoners died and more than 100 were injured when the authorities used lethal force to control protests against the spread of COVID-19 inside several prisons. Detainees in police custody too were shot dead, allegedly while trying to escape. People allegedly involved in drug-related crimes were extrajudicially executed, reportedly during “crossfire” with the police.

Violence against women and children

There was continued impunity for sexual and gender-based violence, despite repeated assurances by consecutive governments to tackle the issue. A total of 142 rapes and 42 cases of “serious sexual abuse” against children were reported to the police in just the first 15 days of the year.

Discrimination

Malayaha Tamil estate labourers and their families continued to suffer marginalization and poverty. They were particularly affected by the lack of income during the COVID-19 pandemic. Many relied on loans or were forced to pawn jewellery to cover basic living expenses. Many young people from the community lost their daily wage jobs in towns and cities. Children in plantation estates were deprived access to online education during the pandemic

because of a lack of computers and internet access in their homes. In spite of record profits for Sri Lanka's tea exporters of LKR353 billion (US\$1.9 billion) in 2019, the call by Tamil labourers for an increase from LKR700 (US\$3.8) to LKR1,000 (US\$5.4) a day was rejected. The tea companies blamed the pandemic for stalling talks with the government over workers' pay, despite President Rajapaksa's promise to secure a wage increase.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people

Sections of the Penal Code that prohibit “carnal intercourse against the order of nature” and “gross indecency between persons” continued to be used to persecute, harass and discriminate against LGBTI people. Rights organizations reported in October that at least seven LGBTI people had been subjected to forced anal and vaginal examinations by the police and Judicial Medical Officers since 2017 in an attempt to prove allegations of same-sex sexual relations.

Death penalty

In 2019, former President Maithripala Sirisena signed death warrants for four death row prisoners who had been convicted of drug-related crimes. The Supreme Court granted a temporary reprieve while cases challenging the order were heard in court. The case was ongoing at the end of 2020 and the stay of executions was extended. Sri Lanka has not carried out any executions since 1976.

© Amnesty International

ecoi.net summary:

Report on the human rights situation covering 2020

Country:

Sri Lanka

Source:

[AI – Amnesty International](#)

Original link:

<https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/>

Document type:

Periodical Report

Language:

English

Published:

7 April 2021

Document ID:

2048760

Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
Imprint & Disclaimer
F.A.Q.
Data Protection Notice

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

