



AMNESTY INTERNATIONAL'S STATEMENT TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE ON
THE OCCASION OF THE REVIEW OF SRI LANKA, 6 MARCH 2023

Honourable Committee members,

We thank you for this opportunity. Amnesty International would like to highlight three main concerns raised in our written submission to the Committee about Sri Lanka's compliance with the Covenant, namely: the crackdown on protests including the police's use of excessive force in public assemblies, the Prevention of Terrorism Act and the lack of accountability for serious human rights violations and the right to an effective remedy.

First, the crackdown on protests.

Amnesty International is concerned that the authorities' crackdown on protests triggered by Sri Lanka's economic crisis has intensified. Since February 2022, Sri Lankans took to the streets to call for the resignations of the political elite, among other causes. We documented how during protests the authorities responded with a militarized approach and in a number of instances used unnecessary and excessive force against protesters, claiming the lives of at least three protesters, including one just a week ago on 27 February. Sri Lankan authorities are yet to take any serious action against officers responsible for these incidents. In almost all these instances, authorities failed to protect peaceful protesters and facilitate the right to freedom of peaceful assembly.

States of emergency were declared on at least three occasions in 2022, and Emergency Regulations published carried hefty penalties for violations, and gave sweeping powers to the authorities to arrest and detain people without due process or judicial oversight. The Defence Ministry also issued shooting orders in May to the Armed forces to open fire at anyone looting public property or causing harm to others. Protesters were unlawfully deprived of liberty as authorities carried out abduction-style arrests flouting due process safeguards.

In August 2022, the President issued prolonged detention orders under Sri Lanka's draconian anti-terror law against two student leaders who were leading protests. The charges were baseless, and a Sri Lankan court ruled in January that the terror charges under the Prevention of Terrorism Act cannot be maintained against Wasantha Mudalige, the Convener of the Inter University Students' Federation.

We urge the Sri Lankan government to end the clampdown on protests and ensure the facilitation and protection of the rights to freedom of peaceful assembly, freedom of expression and freedom of association and hold to account those responsible for attacks against protesters through an impartial investigation conducted by an independent authority different from the accused authority.

Second, the Prevention of Terrorism Act.

Sri Lanka's problematic counter terror law, the Prevention of Terrorism Act remains in force, despite assurances by consecutive governments to repeal it. In 2022 the Sri Lankan legislature passed amendments which did not address the most pressing issues around the Act, including the overbroad definition of what constitutes an offence of 'terrorism'; permitting confessions as evidence which has often led to torture or other ill-treatment, against which there are insufficient safeguards; and permitting arbitrary arrests and prolonged detention.

The law has been used time and time again against critics (as flagged earlier), journalists and as a tool to target and suppress Muslim and Tamil minorities like Hejaaz Hizbullah, Ahnaf Jazeem, Mohamed Imran and Divaniya Mukunthan.

The government announced that it would replace the PTA with a 'National Security Act'.

We recommend that the Sri Lankan government repeals the PTA immediately and ensure that any new law is compliant with international law and benchmarks laid out by UN experts.

Third, on the lack of accountability for serious human rights violations and the right to an effective remedy.

Any advances seen in court cases of emblematic human rights cases, have either lost steam, stalled or been overturned. This remains true for the Prageeth Eknaligoda case, the 'Navy 11' case, the 'Trinco 5' case, the Joseph Pararajasingham case and the Lasantha Wickremetunge case. A presidential pardon in 2020 for Sunil Rathnayaka, overturned one of the rare instances where military perpetrators of serious human rights violations and crimes under international law were successfully prosecuted in the Mirusuvil case. In our submission we flag concerns regarding mechanisms and tools that seek to entrench impunity, including the Presidential Commissions on "political victimisation" and reprisals against criminal investigators involved in key human rights cases.

Domestic transitional justice bodies like the Office on Missing Persons (OMP) have become largely irrelevant and lost the confidence of victims' families after being undermined by the appointment of Members who are not sufficiently independent. The OMP, whose mandate includes to search for and trace missing persons, has not been successful in doing so in a single case before it, despite being in operation now for five years. In this context, we remain cautious of the government's interest to set up a truth and reconciliation mechanism.

The Sri Lankan government should accede to the Rome Statute and implement it fully into national law and ensure that if the government is considering a new truth mechanism, that it must be set up in line with country-wide consultations on transitional justice mechanisms which made recommendations on the contours of a credible truth mechanism.

Our written submission presents a list of detailed recommendations to the Sri Lankan authorities to address these violations.

I thank you for your attention.