FORMAL SUBMISSION TO THE U.S. DEPARTMENT OF STATE RECOMMENDING SANCTIONS AGAINST

LOHAN RATWATTE

DECEASED AS OF 2025

FOR INVOLVEMENT IN HUMAN RIGHTS ABUSES

THIS SUBMISSION IS MADE UNDER:

§7031(C) OF THE ANNUAL DEPARTMENT OF STATE APPROPRIATIONS ACT

RECOMMENDATION SUBMITTED BY

INTERNATIONAL TRUTH AND JUSTICE PROJECT

DATE OF SUBMISSION

August 2024

INFORMATION ABOUT SUBMITTING ORGANIZATION

The ITJP is an independent, international, non-profit organization working since 2013 to protect and promote justice and accountability in Sri Lanka. The ITJP's team is comprised of international lawyers, expert investigators, historians, journalists, researchers, and trauma experts who collectively document war crimes and ongoing human rights violations.

ITJP's mission is to pursue justice and accountability on behalf of victims, meticulously collecting and safeguarding evidence. Where possible, ITJP strives to find the linkages between human rights violations and financial crimes. The testimony and supporting documents we gather are preserved for future litigation, sanctions, vetting and screening, and UN submissions.

ITJP is collaborating with relevant multilateral institutions, including the United Nations Sri Lanka Accountability Project, as well as several governments and national criminal justice authorities to assist wherever possible, at their request and when it's in alignment with IJTP's mission.

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Section 1. Case Summary

Country: Sri Lanka
Perpetrator: **Lohan Ratwatte**, State Minister of Plantation Industries (Present) and a Member of Parliament from the Kandy District.

Summary:

Lohan Ratwatte is a Sri Lankan politician who has been a member of the Sri Lankan parliament since April 2010, and has held several state minister posts. The allegations against him in this submission relate to his tenure as the Minister of Prison Management and Prisoners Rehabilitation, which he served from December 2020 to September 2021.

On the evening of September 12, 2021, **Lohan Ratwatte** allegedly flew to the Anuradhapura Prison (north of Colombo) by helicopter and landed on prison premises around 6 pm for an unannounced visit while visibly drunk. He ordered prison officials to round up Tamil prisoners held under the Prevention of Terrorism Act (PTA), told the prisoners to kneel in a semi-circle, and began verbally abusing them in Sinhala (and occasionally English) with derogatory terms, even though the prisoners speak Tamil. He then demanded to know from the prisoners what crimes each of them had committed and interrogated them for confessions while brandishing his gun. During this process, he also pointed his pistol on one of the prisoners' forehead, ear, and chin multiple times and threatened to kill him. After 1.5 hours, **Lohan Ratwatte**'s security detail eventually dissuaded him from proceeding further and persuaded him to return to Colombo. To this day, he remains free from any responsibility for his conduct which amounts to psychological torture and/or cruel, inhuman, and degrading treatment.

The proposed visa restriction against **Lohan Ratwatte** will serve two key foreign policy interests of the United States. First, given Sri Lanka's long history of gross human rights violations taking place in prisons, particularly against the Tamil minority, holding senior officials like **Lohan Ratwatte** accountable for such violations constitutes an important step towards truly addressing such serious human rights violations, especially as he committed the violations as the government official in charge of all the prisons across the country and all those in such state custody. The proposed visa restriction could also help promote the democracy, stability, and rule of law in Sri Lanka. Second, known for his "mercurial personality" and history of alleged human rights violations (for which he has enjoyed impunity), **Lohan Ratwatte** is clearly unfit for public office of any kind, and should be removed from all governmental posts. The visa restriction would be one way of holding him responsible for his serious abuse of power and gross violations of human rights, and potentially prompt his removal from public office.

Section 2. Biographical Perpetrator Information

Full Legal Name of Alleged Perpetrator: Lohan Evindra Ratwatte
Country: Sri Lanka
Title or Position: State Minister of Plantation Industries (September 2022 – Present); Minister of Prison Management and Prisoners Rehabilitation (December 2020 – September 2021); State Minister of Gem and Jewelry related Industries (August 2020 – 2022); Member of Parliament – Kandy (Sri Lanka Podujana Peramuna/SLPP) (August 2020 – Present); Member of Parliament – Kandy (United People's Freedom Alliance/UPFA) (September 2015 – March 2020); State Minister of Road Development (November 2019 – 2022); Sri Lanka Freedom Party (SLFP) Chief Organizer of Pathadumbara (April 2012 – April 2017); Member of Parliament – Kandy (UPFA) (April 2010 – June 2015); Member of the Central Provincial Council (2009-2013)
Date of Birth: June 22, 1968
Other Known Personal Identifiers (place of birth, passport number, address, etc):

- Residential address: No. 249/7, Mahaiyawwa, Kandy No. C/6, MPs' Housing Complex, Madiwela, Sri Jayawardenepura, Kotte
- Office address: No. 40, Buthgamuwa Road, Rajagiriya & No. 561/3 Elvitigala Mawatha, Colombo 5

Past Travel to the United States: Unknown. (Might have travelled to the U.S. to attend two of his children's graduation from Central Washington University in Ellensburg, Washington (see Section 3).

Section 3. Known Family, Facilitators, and Assets of Perpetrators

Lohan Ratwatte:

List of Known Family Members:

Name	Bio identifiers	Relationship	Known benefit/Associations
Amanda Dias Ratwatte[1] (*goes by* "Mandy")	Nationality: Sri Lanka DOB: February 19[2] (*year unknown*) POB: Sri Lanka	Wife (might have been divorced[3])	She is the managing director of World Air Pvt Ltd,[4] a travel agency with locations in Colombo, Kandy, and Kurunagala.[5]
Loanna Nelunmalie Ratwatte[6]	Nationality: Sri Lanka DOB: [Unknown] POB: Sri Lanka	Daughter	Graduated from Central Washington University in Ellensburg, Washington, with a BS in Public Health in 2015. She was an environmental scientist/health physicist at Tidewater INC in Sacramento, California after graduation (June 2015 to October 2016). She is currently a sales manager at SpectraFze LLC in Dubai. She worked as a sales

[1] *Mother-daughter presence star attraction at Kandy Cager tourney*, DAILY MIRROR, December 3, 2012, https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20121203/282243777894185.
[2] *See* Amanda Dias Ratwatte's Facebook post on February 19, 2024:
[3] *Ratwatte Starts Another Shootout At W15 Boutique Hotel In Kandy*, COLOMBO TELEGRAPH, January 9, 2021, https://www.colombotelegraph.com/index.php/ratwatte-starts-another-shootout-at-w15-boutique-hotel-in-kandy/ ("…the Prisons Minister joined them with his ex-wife and son").
[4] *See* Amanda Dias Ratwatte's LinkedIn profile: https://www.linkedin.com/in/amanda-ratwatte-933a69148/?original_referer=https%3A%2F%2Fwww%2Egoogle%2Ecom%2F&originalSubdomain=lk.
[5] *See* World Air (Pvt) Ltd's LinkedIn page: https://www.linkedin.com/company/world-air-pvt-ltd/?originalSubdomain=lk.
[6] *See* Obituary of Dais-Phan, SUNDAY OBSERVER, March 1, 2009, https://archives.sundayobserver.lk/2001/pix/PrintPage.asp?REF=/2009/03/01/main_Obituaries.asp ("…darling father of Mandy and Robert, father-in-law of Lohan Ratwatte and Zephanie Reeves, loving grandpa of Loanna, Johann and Yohana…"). Full name from 2015 Central Washington University Commencement, p. 34, https://core.ac.uk/download/215339069.pdf.

			assistant at World Air Pvt Ltd before college.[7]
Johann Ratwatte[8]	Nationality: Sri Lanka DOB: [Unknown] POB: Sri Lanka	Son	Graduated from Central Washington University with a BS in Aviation/Airway Management and Operations. In 2017 He worked at World Air (Pvt) Ltd as a sales executive and later a corporate manager. He is currently an asset manager at Seradian Capital Investments (in charge of the renovation project for Unity Plaza Sri Lanka and the Alternate Non-executive Director of On'ally Holdings PLC.[9]
Yohana Geethanjalee Ratwatte (*first name also spelt* "Yohanna")	Nationality: [Unknown] DOB: likely 1996 POB: Sri Lanka	Daughter	College education in Australia (graduated in 2018 with a BA in Criminology & Human Behavior)[10] and currently working at Amazon (Melbourne, Australia)[11].

[7] *See* Loanna Ratwatte's LinkedIn profile: https://www.linkedin.com/in/loanna-ratwatte-636a1210b/?original_referer=https%3A%2F%2Fwww%2Egoogle%2Ecom%2F&originalSubdomain=ae.
[8] *See* Obituary of Dais-Phan, SUNDAY OBSERVER, March 1, 2009, https://archives.sundayobserver.lk/2001/pix/PrintPage.asp?REF=/2009/03/01/main_Obituaries.asp ("…darling father of Mandy and Robert, father-in-law of Lohan Ratwatte and Zephanie Reeves, loving grandpa of Loanna, Johann and Yohana…"), and *Ratwatte Starts Another Shootout At W15 Boutique Hotel In Kandy*, COLOMBO TELEGRAPH, January 9, 2021, https://www.colombotelegraph.com/index.php/ratwatte-starts-another-shootout-at-w15-boutique-hotel-in-kandy/ ("…the Prisons Minister joined them with his ex-wife and son"). *See also* Johann Ratwatte's LinkedIn profile: https://lk.linkedin.com/in/johann-ratwatte-6619aa12a.
[9] Johann Ratwatte's LinkedIn profile: https://lk.linkedin.com/in/johann-ratwatte-6619aa12a.
[10] Facebook post by Lohan Ratwatte on December 12, 2018: https://www.facebook.com/LohanSL/photos/a.329263060565588/1174077139417505/?type=3.
[11] Yohanna Ratwatte's LinkedIn Profile: https://www.linkedin.com/in/yohannar/.

			She was fined for speeding and disobeying police orders in January 2017.[12] She participated in the Harvard University Leadership Summit in 2013.[13]
Mahendra Ratwatte	Nationality: Sri Lanka DOB: [Unknown] POB: Sri Lanka	Brother	Former Mayor of Kandy (2011-2015)
Chanuka Ratwatte	Nationality: Sri Lanka DOB: [Unknown] POB: Sri Lanka	Brother	Redacted details
Anuruddha Leuke Ratwatte (deceased)	Nationality: Sri Lanka DOB: July 14, 1938 POB: Sri Lanka	Father	General and Former Deputy Minister of Defence
Carmen Ratwatte	Nationality: Sri Lanka DOB: [Unknown] POB: Sri Lanka	Mother	[Unknown]

List of Facilitators:
None known.

List of Assets:
None known.

[12] *MP's daughter fined for speeding*, DAILY MIRROR, January 2, 2017, https://www.dailymirror.lk/print/breaking-news/MP-s-daughter-fined-for-speeding/108-121544.
[13] *Lankan student leaders to attend Leadership Summits in USA*, DAILY NEWS, April 29, 2013, https://archives.dailynews.lk/2001/pix/PrintPage.asp?REF=/2013/04/29/bus10.asp and Future World Leaders Summit, Class of 2013, https://futureworldleader.org/class-of-2013/.

Section 4. Allegations against Lohan Ratwatte regarding Torture, and Cruel, Inhuman, or Degrading Treatment

Lohan Ratwatte is a Sri Lankan politician who has been a member of parliament since April 2010.[14] During this time, he has also held several state minister posts.[15] The allegations against him laid out in this submission relate to his tenure as the Minister of Prison Management and Prisoners Rehabilitation, which he served from December 2020 to September 2021.

1. The Anuradhapura Prison Incident

On the evening of September 12, 2021, **Lohan Ratwatte** allegedly flew to the Anuradhapura Prison (north of Colombo) by helicopter and landed on prison premises around 6 pm.[16] He entered the prison while under the influence of alcohol[17] and announced to the prison officials that he had come on a sudden visit to meet Tamil prisoners held under the Prevention of Terrorism Act (PTA).[18] He also allegedly brought his inebriated friends along to the prison.[19]

News articles reported that ten Tamil prisoners were brought before **Lohan Ratwatte**, who began addressing them in Sinhala.[20] According to news reporting as well as a subsequent fundamental rights (FR) petition filed by eight of the prisoners, they were brought out to the courtyard of the prison complex where **Lohan Ratwatte** told them to stand in a semi-circle and

[14] *See* Verité Research, Lohan Ratwatte, https://manthri.lk/en/politicians/lohan-ratwatte, and *Three new UPFA MPs from Kandy*, DAILY NEWS, April 22, 2010, https://archives.dailynews.lk/2010/04/22/pol06.asp. He was appointed the Chief of SLFP Organizer in April 2012 and removed from this position in 2017: *Lohan Ratwatte appointed Chief SLFP Organizer for Pathadumbara*, ADA DERANA, April 19, 2012, https://www.adaderana.lk/news.php?nid=17799, and *May day; stirring dismay!*, DAILY NEWS, April 27, 2017, https://archives1.dailynews.lk/2017/04/27/features/114271/may-day-stirring-dismay.

[15] *New State & Deputy ministers sworn-in*, ADA DERANA, November 27, 2019, https://www.adaderana.lk/news_intensedebate.php?nid=59294; *New Cabinet sworn in*, NEWS.LK, August 12, 2020, https://www.news.lk/news/political-current-affairs/item/30550-new-cabinet-sworn-in; Ministry of Mass Media, 37 State Ministers appointed, September 8, 2022, https://media.gov.lk/media-gallery/latest-news/3050-37-state-ministers-appointed.

[16] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[17] Dinitha Rathnayake, *Lohan Ratwatte allegedly breaks into Anuradhapura Prison*, THE MORNING, September 15, 2021, https://www.themorning.lk/articles/161375.

[18] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[19] *Drunk Sri Lankan minister forces Tamil prisoners to kneel at gunpoint*, TAMIL GUARDIAN, September 15, 2021, https://www.tamilguardian.com/content/drunk-sri-lankan-minister-forces-tamil-prisoners-kneel-gunpoint.

[20] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/ and *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

kneel.[21] In Sinhala, **Lohan Ratwatte** stated that the president had given him all the powers in relation to PTA detainees and that he could either release them or shoot them dead.[22] He had a pistol in his hand and appeared drunk, demanding to know what crimes each of the prisoners had committed.[23] The FR petition, as well as other news reporting, also stated that one of the prisoners, Mathiyarasan Sulakshan, protested that they did not understand Sinhala, to which **Lohan Ratwatte** responded in anger and began berating the prisoners for not knowing Sinhala despite living in "a Sinhala country".[24] He verbally abused them, using the derogatory term "Para Demala"[25] and told them to go to India if they could not understand Sinhala.[26] Prison officials fluent in Sinhala and Tamil were summoned to function as interpreters, and **Lohan Ratwatte** went on addressing the prisoners in Sinhala (and sometimes in English).[27] He warned the prisoners not to "betray the country to the UN or NGOs or the Tamil diaspora", and became increasingly more aggressive, scolding the prisoners harshly with abusive language.[28] They were also interrogated ferociously by **Lohan Ratwatte**,[29] who was allegedly trying to extract confessions of "their complicity in the LTTE crimes"[30].

[21] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/, and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[22] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[23] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[24] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/, and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[25] The Sinhalese term is understood to mean "low-grade aliens/foreigners". See *"Para Demala"*, TAMILNET, August 6, 2007, https://www.tamilnet.com/art.html?artid=22921&catid=79, and *'Para Demala': a reader's response*, TAMILNET, August 12, 2007, https://www.tamilnet.com/art.html?catid=79&artid=22982.

[26] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[27] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[28] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[29] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[30] Ranga Jayasuriya, *Lohan Ratwatte's escapade and Sri Lanka's skewed rule of law*, DAILY MIRROR, September 21, 2021, https://www.dailymirror.lk/print/opinion/Lohan-Ratwattes-escapade-and-Sri-Lankas-skewed-rule-of-law/172-220772.

According to the FR petition and other news reporting, the prisoner who initially protested that they did not know Sinhala, Mathiyarasan Sulakshan, was singled out by **Lohan Ratwatte**.[31] Sulakshan was indicted in July 2013 (over eight years before the incident) for allegedly killing eighteen Navy and eight Army personnel held hostage by the LTTE in the final phase of the war.[32] **Lohan Ratwatte** demanded to know exactly how many security persons Sulakshan killed, pointing his pistol on Sulakshan's forehead, ear, and chin multiple times during the interrogation and threatening to kill him.[33]

These facts are further corroborated by a separate criminal complaint filed against **Lohan Ratwatte** by one of the prisoners before the Mannar High Court.[34] It stated that **Lohan Ratwatte** stormed into the Anuradhapura Prison under the influence of alcohol, forced Tamil prisoners to kneel before him at gunpoint and asked each person whether they killed any soldiers.[35] The criminal case complaint also stated that **Lohan Ratwatte** pointed his gun at a prisoner and said, "you sent complaints to the United Nations and Geneva, but nothing will happen, and we will never let anything happen," adding, "when the president gave me the minister position, he told me to do whatever I wanted to the Tamil political prisoners [...] I can release you, or I can kill you."[36]

Lohan Ratwatte's security detail eventually dissuaded him from proceeding further and persuaded him to return to Colombo after "much coaxing and cajoling".[37] He left the Anuradhapura prison around 7.30 pm;[38] the whole incident lasted for 1.5 hours.

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[31] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/, and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[32] Two other individuals were also indicted for these killings. *See* D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[33] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/, and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[34] *Tamil political prisoner files case against Lohan Ratwatte*, TAMIL GUARDIAN, October 15, 2021, https://www.tamilguardian.com/content/tamil-political-prisoner-files-case-against-lohan-ratwatte.

[35] *Id.*

[36] *Id.*

[37] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[38] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

To note, it has also been reported that, less than a week before this incident, **Lohan Ratwatte** entered the Welikada Prison by force on the evening of September 6, 2021,[39] and brought a group of his friends to visit and view the prison's gallows.[40] He (as well as his friends) was also drunk during this incident and verbally abused prison officers who tried to stop him.[41] Such behavior is a flagrant abuse of his powers as the Minister of Prison Management and Prisoners Rehabilitation.

2. Initial Responses from Different Parties and **Lohan Ratwatte**'s Resignation

On September 13, 2021, the media spokesperson of the Ministry of Prisons Management and Prisoners Rehabilitation Affairs and the Department of Prisons, Chandana Ekanayaka, denied both incidents.[42] The Commissioner-General of Prisons Thushara Upuldeniya claimed he was unaware of the Anuradhapura Prison incident.[43] **Lohan Ratwatte**'s media secretary also said that there is no need to comment as no incidents occurred.[44]

Contrary to the above claims, on September 14, 2021, Tamil National People's Front (TNPF) MP Gajendrakumar Ponnambalam tweeted through his official Twitter account that his party could confirm that **Lohan Ratwatte** entered the Anuradhapura Prison on the evening of

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[39] Pia Krishnankutty, *Sri Lankan minister accused of breaking into prison in drunken state, abusing prisoners quits*, THE PRINT, September 16, 2021, https://theprint.in/world/sri-lankan-minister-accused-of-breaking-into-prison-in-drunken-state-abusing-prisoners-quits/734473/ and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/. *The Morning*, which exclusively reported the Welikada incident on September 13, 2021, only said the incident happened "last week", but the timeline still matches the previous two news sources. *See* Dinitha Rathnayake, *Lohan Ratwatte allegedly breaks into Anuradhapura Prison*, THE MORNING, September 15, 2021, https://www.themorning.lk/articles/161375.

[40] Dinitha Rathnayake, *Lohan Ratwatte allegedly breaks into Anuradhapura Prison*, THE MORNING, September 15, 2021, https://www.themorning.lk/articles/161375 and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/. *See also* Buddhika Samaraweera, *Lohan Ratwatte prison incidents: Police awaits Cabinet directives to act*, THE MORNING, June 15, 2023, https://www.themorning.lk/articles/9bQatdCQRd7NLL7SXd3j.

[41] Dinitha Rathnayake, *Lohan Ratwatte allegedly breaks into Anuradhapura Prison*, THE MORNING, September 15, 2021, https://www.themorning.lk/articles/161375 and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[42] Ranga Jayasuriya, *Lohan Ratwatte's escapade and Sri Lanka's skewed rule of law*, DAILY MIRROR, September 21, 2021, https://www.dailymirror.lk/print/opinion/Lohan-Ratwattes-escapade-and-Sri-Lankas-skewed-rule-of-law/172-220772. *See also* Dinitha Rathnayake, *Lohan Ratwatte allegedly breaks into Anuradhapura Prison*, THE MORNING, September 15, 2021, https://www.themorning.lk/articles/161375.

[43] Ranga Jayasuriya, *Lohan Ratwatte's escapade and Sri Lanka's skewed rule of law*, DAILY MIRROR, September 21, 2021, https://www.dailymirror.lk/print/opinion/Lohan-Ratwattes-escapade-and-Sri-Lankas-skewed-rule-of-law/172-220772.

[44] Dinitha Rathnayake, *Lohan Ratwatte allegedly breaks into Anuradhapura Prison*, THE MORNING, September 15, 2021, https://www.themorning.lk/articles/161375.

September 12, summoned Tamil political prisoners, and made two of them kneel before him at gunpoint, threatening to kill them on the spot.[45] On behalf of the TNPF, Ponnambalam strongly condemned **Lohan Ratwatte**'s behavior and called for his immediate resignation.[46] The Tamil National Alliance (TNA) also called on the government to immediately remove **Lohan Ratwatte** and to conduct an immediate inquiry of the incident, followed by **Lohan Ratwatte**'s arrest and charges.[47]

Citing the Mandela Rules, then-UN Resident Coordinator in Sri Lanka Hanaa Singer-Hamdy tweeted on September 15, 2021, "In our work on prison reform and drug rehabilitation, UN Sri Lanka works to strengthen capacities to uphold the rights of all those in custody and condemns any ill treatment of prisoners."[48] Non-governmental organizations Amnesty International and Human Rights Watch both issued statements condemning **Lohan Ratwatte**'s conduct and called for accountability and the repeal of the PTA.[49] The U.S. State Department's Sri Lanka 2023 Human Rights Report also noted this incident.[50]

On September 15, 2021, despite the previous denials from the prisons department and his media secretary, **Lohan Ratwatte** resigned as the Minister of Prison Management and Prisoners Rehabilitation, stating in a letter than he was stepping down with the aim of not causing further inconvenience to the Government,[51] without acknowledging his role and accepting any responsibility. However, the Office of the President stated that **Lohan Ratwatte** resigned "acknowledging his responsibility for the incidents that took place at the Welikada and

[45] *See* Gajendrakumar Ponnambalam's twitter thread on September 14, 2021: https://x.com/GGPonnambalam/status/1437795557309825035.
[46] Dinitha Rathnayake, *Lohan Ratwatte allegedly breaks into Anuradhapura Prison*, THE MORNING, September 15, 2021, https://www.themorning.lk/articles/161375.
[47] *See* TNA's Media Office tweet on September 14, 2021, https://x.com/TNAmediaoffice/status/1437814745197862923?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1437814745197862923%7Ctwgr%5Ea32f751110426a2dda5d34f2f689faaa718a39e3%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.tamilguardian.com%2Fcontent%2Fdrunk-sri-lankan-minister-forces-tamil-prisoners-kneel-gunpoint.
[48] *See* Hanaa Singer-Hamdy's tweet on September 15, 2021, https://x.com/singerhanaa/status/1437985285980123141?s=46&t=71x-OFyQ4wZ4MEFkUuvLEA.
[49] Amnesty International, Sri Lanka: Minister accused of holding Tamil prisoners at gunpoint must face investigation, September 15, 2021, https://www.amnesty.org/en/latest/news/2021/09/sri-lanka-minister-accused-of-holding-tamil-prisoners-at-gunpoint-must-face-investigation/ and Meenakshi Ganguly, *Sri Lankan Minister Threatens Prisoners at Gunpoint*, HUMAN RIGHTS WATCH, September 15, 2021, https://www.hrw.org/news/2021/09/15/sri-lankan-minister-threatens-prisoners-gunpoint.
[50] United States Department of State – Bureau of Democracy, Human Rights, and Labor, Sri Lanka 2023 Human Rights Report, April 2024, p. 13, https://www.state.gov/wp-content/uploads/2024/02/528267_SRI-LANKA-2023-HUMAN-RIGHTS-REPORT.pdf.
[51] *State Minister Lohan Ratwatte submits his resignation*, NEWS WIRE, September 15, 2021, https://www.newswire.lk/2021/09/15/breaking-state-minister-lohan-ratwatte-submits-his-resignation/. A copy of the resignation letter (in Sinhala) is shown in the article.

Anuradhapura Prison premises".[52] Despite this, he remained the Minister of Gem and Jewelry related Industries (which he had been simultaneously holding).[53]

3. Governmental Inquiries and Victims Legal Actions

(1) Governmental Inquiries

In the aftermath of the Anuradhapura Prison incident, multiple lines of inquiry were initiated by different governmental bodies. First, in response to a complaint to the Criminal Investigations Department (CID) filed by the Committee for Protecting Rights of Prisoners (CPRP) on September 16, 2021, then-Minister of Public Security Sarath Weerasekara said on September 17 that he ordered the Inspector General of Police (IGP) to conduct a police investigation.[54] Meanwhile, the Commissioner-General of the Prisons claimed that he ordered an internal investigation.[55] The Human Rights Commission of Sri Lanka (HRCSL) also conducted its own inquiry, sending three regional coordinators to the Anuradhapura Prison to record statements from prison officials and the Tamil prisoners.[56] Moreover, under the directions of the Cabinet, then-Minister of Justice and President's Counsel M.U.M. Ali Sabry appointed a one-person committee comprising of former High Court judge Kusala Sarojini Weerawardena to investigate the Anuradhapura Prison incident.[57]

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[52] *State Minister Lohan Ratwatte tenders his resignation*, PRESIDENTIAL SECRETARIAT, September 15, 2021, https://www.presidentsoffice.gov.lk/index.php/2021/09/15/state-minister-lohan-ratwatte-tenders-his-resignation/.

[53] Ranga Jayasuriya, *Lohan Ratwatte's escapade and Sri Lanka's skewed rule of law*, DAILY MIRROR, September 21, 2021, https://www.dailymirror.lk/print/opinion/Lohan-Ratwattes-escapade-and-Sri-Lankas-skewed-rule-of-law/172-220772 and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[54] *Sarath Weerasekara finally orders probe into prison incidents linked to Lohan Ratwatte*, Lanka Leader, September 17, 2021, https://lankaleader.lk/news/1588-sarath-weerasekara-finally-orders-probe-into-prison-incidents-linked-to-lohan-ratwatte; Shamindra Ferdinando, *'Govt. actions make promises on domestic mechanisms a joke'*, THE ISLAND, September 27, 2021, https://island.lk/ratwattes-prison-raids-probes-a-farce-state-minister-protected-tna-alleges/; and Ranga Jayasuriya, *Lohan Ratwatte's escapade and Sri Lanka's skewed rule of law*, DAILY MIRROR, September 21, 2021, https://www.dailymirror.lk/print/opinion/Lohan-Ratwattes-escapade-and-Sri-Lankas-skewed-rule-of-law/172-220772. *See also* D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[55] Ranga Jayasuriya, *Lohan Ratwatte's escapade and Sri Lanka's skewed rule of law*, DAILY MIRROR, September 21, 2021, https://www.dailymirror.lk/print/opinion/Lohan-Ratwattes-escapade-and-Sri-Lankas-skewed-rule-of-law/172-220772. *See also* D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[56] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[57] Buddhika Samaraweera, *Lohan Ratwatte prison incidents: Police awaits Cabinet directives to act*, THE MORNING, June 15, 2023, https://www.themorning.lk/articles/9bQatdCQRd7NLL7SXd3j.

To note, besides these official inquiries, several members of parliament also visited the Anuradhapura Prison and met the affected prisoners.[58]

The one-person committee headed by Judge Kusala Sarojini Weerawardena found credible evidence that **Lohan Ratwatte** committed eight crimes: (1) the use of a weapon in a prison (Prisons Ordinance); (2) the use of a weapon to commit an offence (Firearms Ordinance); (3) attempting to bring the State into disrepute (Penal Code); (4) causing disaffection against the Government and among its people (Penal Code); (5) attempted murder (Penal Code); (6) criminal intimidation by threatening to cause death (Penal Code); (7) causing hurt (Penal Code); and (8) causing hurt with a dangerous weapon (Penal Code).[59] The committee also found the visits to both the Anuradhapura and Welikada Prisons to be unlawful as they were outside legally stipulated hours, not for legal purposes (not official tasks), and with inappropriate (informal) attire (shorts, t-shirts, jeans, sweaters, slippers).[60] The committee also found him to be in a drunken state at the Anuradhapura Prison and to have brought people not authorized to visit a prison to the Welikada Prison.[61] According to the committee report, it was also found that **Lohan Ratwatte** misled prisoners by saying he had powers he did not have by law ("I can pardon you") and threatened prisoners to confess to crimes.[62]

The committee recommended in its report that the police file a B-report to the Anuradhapura Magistrate and that charges be filed against **Lohan Ratwatte**.[63] It also recommended the President take appropriate action against **Ratwatte** for violating the Prison Ordinance as there are no there are no prescribed punishments.[64]

Despite the committee's recommendations, on June 15, 2023, almost two years after the incident, the police stated that they would not initiate any action against **Lohan Ratwatte** without

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[58] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/, and *TNA MPs visit Anuradhapura prison where Tamil prisoners were held at gunpoint by drunken Sri Lankan minister*, TAMIL GUARDIAN, September 28, 2021, https://www.tamilguardian.com/content/tna-mps-visit-anuradhapura-prison-where-tamil-prisoners-were-held-gunpoint-drunken-sri.

[59] A certified copy of the committee report (in Sinhala) was obtained under the Right to Information Act by The Centre for Society and Religion and published on June 8, 2023, at https://rticsr.info/lohan-rattwatte-report/, and Buddhika Samaraweera, *Lohan Ratwatte prison incidents: Police awaits Cabinet directives to act*, THE MORNING, June 15, 2023, https://www.themorning.lk/articles/9bQatdCQRd7NLL7SXd3j.

[60] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English.

[61] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English.

[62] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English.

[63] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English, and Buddhika Samaraweera, *Lohan Ratwatte prison incidents: Police awaits Cabinet directives to act*, THE MORNING, June 15, 2023, https://www.themorning.lk/articles/9bQatdCQRd7NLL7SXd3j.

[64] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English.

directions from the Cabinet of Ministers.[65] On June 30, 2023, the Ministry of Justice still did not make a decision on the recommendations made by the one-person committee that investigated the prison incidents.[66] However, following the separate CID investigation, **Lohan Ratwatte** was charged with criminal intimidation in September 2023 but was soon granted bail on September 15, with the first hearing scheduled for January 4, 2024.[67]

On January 4, 2024, one of the Tamil prisoners testified in open court that **Lohan Ratwatte** entered the prison on September 12, 2021, made him kneel down, and threatened to kill him at gunpoint, forcing him to "tell the truth".[68] The prisoner/witness was so frightened that he started to cry.[69] Prison officials and other prisoners were also to be called as witnesses in court.[70] No further updates has been found regarding this case. Yet **Lohan Ratwatte** was once again promoted and sworn in as the Minister of State for Plantation Industries and Mahaweli Development on January 29, 2024.[71]

The outcome of the inquiry by the HRCSL and the internal investigation by the Ministry of Prisons remain unknown to the public.[72]

(2) Legal Actions by Victims

Apart from the various governmental inquiries, eight of the prisoners filed a fundamental rights (FR) petition on September 30, 2021, asking the Supreme Court to declare that their fundamental rights under Articles 11 and 12 (rights not to face torture or cruel, inhuman, or degrading treatment or punishment, and to be equal before the law) have been infringed, and requested suitable compensation, including their release.[73] **Lohan Ratwatte** was listed as one of the

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[65] Buddhika Samaraweera, *Lohan Ratwatte prison incidents: Police awaits Cabinet directives to act*, THE MORNING, June 15, 2023, https://www.themorning.lk/articles/9bQatdCQRd7NLL7SXd3j.
[66] Buddhika Samaraweera, *Lohan Ratwatte prison incidents: Justice Min. yet to decide on probe recommendations*, THE MORNING, June 30, 2023, https://www.themorning.lk/articles/cwCzFAolJZeOS34PBg59.
[67] Thisara Samal, *Lohan granted bail*, CEYLON TODAY, September 15, 2023, https://ceylontoday.lk/2023/09/15/lohan-granted-bail/, and Zulfick Farzan, *Date fixed for case against Lohan Ratwatte*, NEWS FIRST, September 14, 2023, https://www.newsfirst.lk/2023/9/14/date-fixed-for-case-against-lohan-ratwatte.
[68] Upali Ananda, *State Minister threatened me with death at pistol point – detainee tells court*, DAILY MIRROR, January 5, 2024, https://www.dailymirror.lk/worldnews/breaking-news/State-Minister-threatened-me-with-death-at-pistol-point-detainee-tells-court/108-274461 (the article seemed to have mistakenly stated that the original incident was in 2019).
[69] *Id.*
[70] *Id.*
[71] *Lohan Ratwatte sworn in as the state minister for plantation*, LANKA SARA, January 29, 2024, https://lankasara.com/news/lohan-ratwattw-sworn-as-state-minister-for-plantation/.
[72] *Will Lohan Ratwatte walk scot-free after terrifying prisoners and causing mayhem in Prisons?*, COUNTERPOINT, June 12, 2023, https://counterpoint.lk/will-lohan-ratwatte-walk-scot-free-terrifying-prisoners-causing-mayhem-prisons/.
[73] Lakmal Sooriyagoda, *Eight prisoners at Anuradhapura prison file FR against Lohan Ratwatte*, DAILY MIRROR, September 30, 2021, https://www.dailymirror.lk/print/latest_news/Eight-prisoners-at-Anuradhapura-prison-file-FR-against-Lohan-Ratwatte/342-221479, and *Court of Appeal to be moved to get the CID cracking into Ratwatte*

respondents to the petition.[74] Besides the factual circumstances of the prison incident already elaborated above in Section 4, the petitioners stated that they were in great shock and fear afterwards despite the prison guards telling them that the minister (**Lohan Ratwatte**) had left and not to be afraid.[75] They went on to state that, at the time of the filing of the petition, they were still deeply traumatized, especially having known of the massacres in Sri Lankan prisons in the past.[76] They added that, although the HRCSL recorded their statements and that they were told other inquiries would also happen, they were apprehensive to speak about the incident in detail for any inquiry to be initiated while still at the Anuradhapura Prison.[77] The petition requested interim orders to release the prisoners on bail or for a transfer to a prison in the northern province.[78]

In October 2021, reviewing the FR petition, the Supreme Court instructed the IGP to conduct a prompt investigation into the incident involving **Lohan Ratwatte** at the Anuradhapura Prison and to seek the advice of the Attorney General regarding the investigation.[79] The Court also

inquiry, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[74] Lakmal Sooriyagoda, *Eight prisoners at Anuradhapura prison file FR against Lohan Ratwatte*, DAILY MIRROR, September 30, 2021, https://www.dailymirror.lk/print/latest_news/Eight-prisoners-at-Anuradhapura-prison-file-FR-against-Lohan-Ratwatte/342-221479, and *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[75] Lakmal Sooriyagoda, *Eight prisoners at Anuradhapura prison file FR against Lohan Ratwatte*, DAILY MIRROR, September 30, 2021, https://www.dailymirror.lk/print/latest_news/Eight-prisoners-at-Anuradhapura-prison-file-FR-against-Lohan-Ratwatte/342-221479, and *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[76] Lakmal Sooriyagoda, *Eight prisoners at Anuradhapura prison file FR against Lohan Ratwatte*, DAILY MIRROR, September 30, 2021, https://www.dailymirror.lk/print/latest_news/Eight-prisoners-at-Anuradhapura-prison-file-FR-against-Lohan-Ratwatte/342-221479, and *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[77] Lakmal Sooriyagoda, *Eight prisoners at Anuradhapura prison file FR against Lohan Ratwatte*, DAILY MIRROR, September 30, 2021, https://www.dailymirror.lk/print/latest_news/Eight-prisoners-at-Anuradhapura-prison-file-FR-against-Lohan-Ratwatte/342-221479, and *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[78] Lakmal Sooriyagoda, *Eight prisoners at Anuradhapura prison file FR against Lohan Ratwatte*, DAILY MIRROR, September 30, 2021, https://www.dailymirror.lk/print/latest_news/Eight-prisoners-at-Anuradhapura-prison-file-FR-against-Lohan-Ratwatte/342-221479, and *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/. Later, some prisoners decided to stay on at the Anuradhapura Prison (reason unclear). *Ratwatte's alleged threat to kill prisoners: Probe going here and there three months after incident*, THE SUNDAY TIMES, December 12, 2021, https://www.sundaytimes.lk/211212/news/ratwattes-alleged-threat-to-kill-prisoners-probe-going-here-and-there-three-months-after-incident-465161.html.

[79] *SC gives special order on prison incidents involving Lohan Ratwatte*, NEWS WIRE, October 21, 2021, https://www.newswire.lk/2021/10/21/sc-gives-special-order-on-prison-incidents-involving-lohan-ratwatte/, and Asiri Fernando, *AG refuses to appear for Ratwatte in SC case*, THE MORNING, October 21, 2021, https://www.themorning.lk/articles/168976.

ordered the eight petitioners to be transferred to another prison.[80] Notably, the Attorney General refused to represent **Lohan Ratwatte** in this case.[81]

In addition to the FR petition, a separate criminal case against **Lohan Ratwatte** (also mentioned above in Section 4) was filed on behalf of one of the prisoners before the Mannar High Court on October 13, 2021, seeking that he be charged for contempt of court and the commission of a heinous crime under Sri Lankan criminal law.[82] The Mannar court judge requested the prison superintendent to conduct an inquiry into the incident and submit the report by the next hearing on November 30, 2021.[83] No further updates has been found regarding this case.

[80] *SC gives special order on prison incidents involving Lohan Ratwatte*, NEWS WIRE, October 21, 2021, https://www.newswire.lk/2021/10/21/sc-gives-special-order-on-prison-incidents-involving-lohan-ratwatte/, and Asiri Fernando, *AG refuses to appear for Ratwatte in SC case*, THE MORNING, October 21, 2021, https://www.themorning.lk/articles/168976.
[81] Asiri Fernando, *AG refuses to appear for Ratwatte in SC case*, THE MORNING, October 21, 2021, https://www.themorning.lk/articles/168976.
[82] *Tamil political prisoner files case against Lohan Ratwatte*, TAMIL GUARDIAN, October 15, 2021, https://www.tamilguardian.com/content/tamil-political-prisoner-files-case-against-lohan-ratwatte.
[83] *Tamil political prisoner files case against Lohan Ratwatte*, TAMIL GUARDIAN, October 15, 2021, https://www.tamilguardian.com/content/tamil-political-prisoner-files-case-against-lohan-ratwatte.

Section 5. Application of Legal Standards

i. Legal Basis for Sanctions

ITJP submits that **Lohan Ratwatte** is subject to 7031(c) sanctions under Section 7031(c) of the Annual Department of State Appropriations Act for being directly or indirectly involved in multiple gross violations of human rights.

ii. Application of Legal Standards to the Facts of the Case

Section 7031(c) utilizes the "gross violations of internationally recognized human rights" standard defined in the Foreign Assistance Act of 1961 to include "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person."[84] It is clear that the **Lohan Ratwatte**'s conduct at the Anuradhapura Prison on September 12, 2021, meets this standard as it amounts to psychological torture.

On the evening of September 12, 2021, **Lohan Ratwatte** entered the Anuradhapura Prison outside legally stipulated visiting hours, clearly intoxicated, in informal attire, on an unannounced visit that served no official purpose. He demanded that Tamil prisoners held under the PTA be rounded up, made them kneel down before him, and started addressing them in a language they did not understand, in a demeaning and demanding manner and later increasingly aggressive tone using abusive words, all the while brandishing his gun. To the prisoners, who were already traumatized by years of arbitrary detention without trial or conviction, lack of due process, and most likely past torture and/or cruel, inhuman, or degrading treatment or punishment, **Lohan Ratwatte** must have appeared extremely terrifying and dangerous. The late hour and unofficial nature of his visit only adds to the prisoners' fear that unlawful conduct "off the books" (i.e., more torture or cruel, inhuman, or degrading treatment or punishment) would follow. Given the context, the threat of physical harm and even death must have felt imminent to the prisoners. Being so threatened by the Minister of Prisons, who, to the prisoners, held all the power over them and who was supposedly responsible for their welfare in prison, only compounds that fear. In fact, **Lohan Ratwatte** made it abundantly clear to the prisoners of the total power he held over them, to the point of making statements that weren't even legally true, as he told the prisoners that the president had given him all the powers in relation to PTA detainees and that he could either release them or shoot them dead.[85] As mentioned above, one of the prisoners later testified in court that he was so afraid that he cried.[86]

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[84] 22 U.S.C. § 2340(d)(1).

[85] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/, and *Tamil political prisoner files case against Lohan Ratwatte*, TAMIL GUARDIAN, October 15, 2021, https://www.tamilguardian.com/content/tamil-political-prisoner-files-case-against-lohan-ratwatte.

[86] Upali Ananda, *State Minister threatened me with death at pistol point – detainee tells court*, DAILY MIRROR, January 5, 2024, https://www.dailymirror.lk/worldnews/breaking-news/State-Minister-threatened-me-with-death-at-

When one of the prisoners spoke up about being unable to understand Sinhala, he was not only further verbally abused together with the other prisoners and subjected to racial slurs, but also singled out and interrogated while **Lohan Ratwatte** pointed his gun on the prisoner's forehead, ear, and chin multiple times, threatening to kill him.[87] This must have further caused extreme fear, not only to the prisoner who was singled out but also to all those that were watching, who most likely wondered in terror whether they would be next. The verbal assault and abuse lasted for about 1.5 hours, which further illustrates their torment as great fear loomed over them for a protracted period of time.

Moreover, **Lohan Ratwatte** made these threats deliberately for the purpose of obtaining confessions, as he demanded to know what crimes each of the prisoners had committed,[88] and later on, with the singled-out prisoners, exactly how many security personnel the prisoner had killed.[89]

All of the above clearly shows that what the prisoners experienced during that 1.5 hours amount to psychological torture and/or cruel, inhuman, or degrading treatment or punishment. As such, ITJP recommends **Lohan Ratwatte** for inclusion on the 7031(c) sanctions list.

pistol-point-detainee-tells-court/108-274461 (the article seemed to have mistakenly stated that the original incident was in 2019).

[87] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/, and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[88] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/.

[89] *Court of Appeal to be moved to get the CID cracking into Ratwatte inquiry*, COUNTERPOINT, October 17, 2021, https://counterpoint.lk/court-appeal-moved-get-cid-cracking-ratwatte-inquiry/, and D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

Section 6. National Interest Argument & Explanation of Foreseeable Impact

It is in the U.S. government's interest to ensure that torture and other cruel, inhuman, or degrading treatment will not go unnoticed or unpunished. This is particularly important when the act is committed by a government official in charge of all the prisons across a nation and all those held in state custody, as it severely undermines democracy, stability, and rule of law in any country, let alone one with a history of serious human rights violations and abuses in prisons. The gross human rights violation committed by **Lohan Ratwatte** elaborated in this submission is undoubtedly the type of activity the U.S. legislature intended to target in promulgating Section 7031(c).

Sri Lanka has a long history of gross human rights violations taking place in prisons. In fact, the Welikada Prison (one of the two prisons which **Lohan Ratwatte** visited) is the site of two prison massacres (in 1983 and in 2012, respectively).[90] Moreover, the two incidents implicating **Lohan Ratwatte** happened during the 48th UN Human Rights Council (HRC) session, where the High Commissioner explicitly expressed concern about deaths in custody and continuing reports of torture and ill-treatment by law enforcement officials in Sri Lanka.[91] The fact that the Anuradhapura Prison incident took place after the Welikada Prison incident also shows that the Prisons Department and other relevant government bodies failed to protect those in their custody and failed to take effective measures to prevent further occurrences (and in fact escalations) or to hold **Lohan Ratwatte** accountable. All this further illustrates that, despite the severity of the incidents and the need for strong external actions to prompt real change in Sri Lanka, impunity has become entrenched.

The difficulty for ensuring accountability through domestic measures is compounded by the particular vulnerability of the victims (political prisoners of a minority ethnicity with a long history of being discriminated and dehumanized) and the power of the perpetrator (a state official responsible at the highest level for all government matters relating to prisons). The Tamil prisoners were afraid to speak up, especially against the very official in charge of prisons in respect of a system that facilitates behaviour that allows officials to abuse power.[92] The CPRP Chairman at the time remarked that the prisoners were "brainwashed into not speaking" and were asked to withdraw complaints, and that it took "a mental toll on prisoners and their relatives because of constant safety fears".[93] When the TNA MPs, accompanied by two prison guards throughout the visit, met with eight of the ten prisoners, one of the prisoners told the TNA

[90] Amnesty International, Sri Lanka: Minister accused of holding Tamil prisoners at gunpoint must face investigation, September 15, 2021, https://www.amnesty.org/en/latest/news/2021/09/sri-lanka-minister-accused-of-holding-tamil-prisoners-at-gunpoint-must-face-investigation/.

[91] *See* 48th session of the Human Rights Council, Statement by Michelle Bachelet, UN High Commissioner for Human Rights, September 13, 2021, https://www.ohchr.org/en/2021/09/oral-update-human-rights-situation-sri-lanka?LangID=E&NewsID=27447.

[92] *Ratwatte's alleged threat to kill prisoners: Probe going here and there three months after incident*, THE SUNDAY TIMES, December 12, 2021, https://www.sundaytimes.lk/211212/news/ratwattes-alleged-threat-to-kill-prisoners-probe-going-here-and-there-three-months-after-incident-465161.html.

[93] *Ratwatte's alleged threat to kill prisoners: Probe going here and there three months after incident*, THE SUNDAY TIMES, December 12, 2021, https://www.sundaytimes.lk/211212/news/ratwattes-alleged-threat-to-kill-prisoners-probe-going-here-and-there-three-months-after-incident-465161.html.

delegation that he did not want to cause himself further trouble.[94] Moreover, according to the lawyer of the prisoner who filed the aforementioned criminal case against **Lohan Ratwatte** before the Mannar High Court, the statement of then-Minister of Justice Ali Sabry that the prisoners were not threatened in any way was a "blatant lie", adding that the prisoners signed an affidavit whose content directly contradicted the Minister of Justice's statement.[95] Moreover, it was reported in June 2023 that legal proceedings initiated in the Vavuniya High Court had to be abandoned because the prisoners did not want to give evidence as witnesses, given their fear.[96] Additionally, **Lohan Ratwatte**'s power not only unduly influenced the victims/prisoners, but also other prison officials – it was reported that when the HRCSL went to take statements from the prison officials at Anuradhapura, the officials had adopted an attitude of "saw nothing and heard [*sic*] nothing".[97]

Besides Sri Lanka's history of human rights abuses and failure to ensure effective domestic accountability measures over the years, **Lohan Ratwatte** himself also has a history of alleged human rights violations, for which he has enjoyed total impunity. The alleged torture and cruel, inhuman, or degrading treatment committed by **Lohan Ratwatte** in the Anuradhapura Prison was not the first instance of such allegations. In as early as 2001, it was alleged that **Lohan Ratwatte**, along with **redacted** and his father Anurudda Ratwatte (then deputy defense minister) as well as ten of his father's security guards, were charged for the murder of ten unarmed Muslim youths who were supporters of the Sri Lanka Muslim Congress (SLMC) in the Katugastota district of Sri Lanka during the 2001 general elections.[98] The victims were escorting election officials transporting a ballot box from the Madawala polls to the counting center in Kandy.[99] En route, a "thug squad" allegedly under the control of **Lohan Ratwatte** ran the transporting vehicle off the road, leading to the vehicle crashing into a lamp post.[100] The "thug squad" then approached the vehicle, opened the doors, shot the ten SLMC supporters dead at

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[94] Shamindra Ferdinando, *'Govt. actions make promises on domestic mechanisms a joke'*, THE ISLAND, September 27, 2021, https://island.lk/ratwattes-prison-raids-probes-a-farce-state-minister-protected-tna-alleges/.

[95] *Tamil political prisoner files case against Lohan Ratwatte*, TAMIL GUARDIAN, October 15, 2021, https://www.tamilguardian.com/content/tamil-political-prisoner-files-case-against-lohan-ratwatte.

[96] *Will Lohan Ratwatte walk scot-free after terrifying prisoners and causing mayhem in Prisons?*, COUNTERPOINT, June 12, 2023, https://counterpoint.lk/will-lohan-ratwatte-walk-scot-free-terrifying-prisoners-causing-mayhem-prisons/.

[97] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[98] *Sri Lanka: killing of ten supporters of the Sri Lanka Muslim Congress (SLMC), as a result of parliamentary elections*, WORLD ORGANISATION AGAINST TORTURE, December 17, 2001, https://www.omct.org/en/resources/urgent-interventions/sri-lanka-killing-of-ten-supporters-of-the-sri-lanka-muslim-congress-slmc-as-a-result-of-parliamentary-elections.

[99] *Sri Lanka: killing of ten supporters of the Sri Lanka Muslim Congress (SLMC), as a result of parliamentary elections*, WORLD ORGANISATION AGAINST TORTURE, December 17, 2001, https://www.omct.org/en/resources/urgent-interventions/sri-lanka-killing-of-ten-supporters-of-the-sri-lanka-muslim-congress-slmc-as-a-result-of-parliamentary-elections.

[100] *Sri Lanka: killing of ten supporters of the Sri Lanka Muslim Congress (SLMC), as a result of parliamentary elections*, WORLD ORGANISATION AGAINST TORTURE, December 17, 2001, https://www.omct.org/en/resources/urgent-interventions/sri-lanka-killing-of-ten-supporters-of-the-sri-lanka-muslim-congress-slmc-as-a-result-of-parliamentary-elections.

point blank, and fled the scene.[101] High standing representatives within the SLMC and other civil society organizations publicly alleged that **Lohan Ratwatte** was responsible for the killings.[102] (Before this incident, during the October 2000 general election, he was also accused of similar, mass-scale voter intimidation and ballot rigging.[103]) However, he was acquitted by the Colombo High Court in 2006, while five security forces personnel serving as his father's security detail were convicted and sentenced to death.[104] He and redacted also enjoyed preferential treatment while in custody awaiting trial.[105]

Apart from outright allegations of gross human rights violations, **Lohan Ratwatte** is known for his "mercurial personality" and "fluctuating mood changes", and "well-known for showing off his protruding pistol strapped to his waist".[106] Such volatile and dangerous personality traits manifested on December 29, 2020, when **Lohan Ratwatte** allegedly pulled out his pistol during a dinner at the W15 boutique hotel in Hanthana with SJB[107] parliamentarian S.M. Marikkar and the hotel owner Hisham Jamaldeen, as well as their wives and children.[108] It was reported that **Lohan Ratwatte** drew his gun simply because Marikkar laughed at **Lohan Ratwatte**'s statement that he had released thousands of people from prison and was going to release Duminda Silva (former MP convicted and sentenced to death for killing another politician in

[101] *Sri Lanka: killing of ten supporters of the Sri Lanka Muslim Congress (SLMC), as a result of parliamentary elections*, WORLD ORGANISATION AGAINST TORTURE, December 17, 2001, https://www.omct.org/en/resources/urgent-interventions/sri-lanka-killing-of-ten-supporters-of-the-sri-lanka-muslim-congress-slmc-as-a-result-of-parliamentary-elections.

[102] *Sri Lanka: killing of ten supporters of the Sri Lanka Muslim Congress (SLMC), as a result of parliamentary elections*, WORLD ORGANISATION AGAINST TORTURE, December 17, 2001, https://www.omct.org/en/resources/urgent-interventions/sri-lanka-killing-of-ten-supporters-of-the-sri-lanka-muslim-congress-slmc-as-a-result-of-parliamentary-elections, and *Police detain Gen.Ratwatte's son over shooting*, TAMIL NET, October 13, 2000, https://www.tamilnet.com/art.html?catid=13&artid=5493.

[103] *Sri Lanka: killing of ten supporters of the Sri Lanka Muslim Congress (SLMC), as a result of parliamentary elections*, WORLD ORGANISATION AGAINST TORTURE, December 17, 2001, https://www.omct.org/en/resources/urgent-interventions/sri-lanka-killing-of-ten-supporters-of-the-sri-lanka-muslim-congress-slmc-as-a-result-of-parliamentary-elections, and *Police detain Gen.Ratwatte's son over shooting*, TAMIL NET, October 13, 2000, https://www.tamilnet.com/art.html?catid=13&artid=5493.

[104] *Sri Lankan ex-minister acquitted*, BBC NEWS, January 20, 2006, http://news.bbc.co.uk/1/hi/world/south_asia/4633246.stm.

[105] *Ratwatte's detained sons lead life of luxury in hospital*, GULF NEWS, March 3, 2002, https://gulfnews.com/uae/ratwattes-detained-sons-lead-life-of-luxury-in-hospital-1.379818.

[106] D.B.S. Jeyaraj, *How Gun-toting State Minister Lohan Ratwatte Terrified and Humiliated Tamil Prisoners at the Anuradhapura Jail*, SRI LANKA BRIEF, September 18, 2021, https://srilankabrief.org/how-gun-toting-state-minister-lohan-ratwatte-terrified-and-humiliated-tamil-prisoners-at-the-anuradhapura-jail-d-b-s-jeyaraj/.

[107] The Samagi Jana Balawegaya (SJB, "United People's Power") party is a political alliance formed in 2020 and led by Leader of the Opposition Sajith Premadasa.

[108] AW Suranimala, *Ratwatte Starts Another Shootout At W15 Boutique Hotel In Kandy*, COLOMBO TELEGRAPH, January 9, 2021, https://www.colombotelegraph.com/index.php/ratwatte-starts-another-shootout-at-w15-boutique-hotel-in-kandy/.

2011)[109] next – Marikkar did not believe Dilith Jayaweera[110] would allow Silva to be released.[111] **Lohan Ratwatte**, who was again drunk at the time, was enraged that Marikkar did not think he could handle Dilith, and screamed at Marikkar, "Dilith is in charge? I'll show you who is in charge."[112] He then started firing into the air in the presence of children and other hotel guests.[113] When Jamaldeen's wife attempted to get away, **Lohan Ratwatte** mocked, "Why are you running? Don't be scared. There's nothing to be scared of."[114] When she pleaded him not to hurt those present, he replied, "I am just showing that piece of shit who is in charge. Come, you can help me."[115] He then forced both Jamaldeen's and Marikkar's wives to hold his pistol in turns, aiming their hands into the sky and firing multiple shots as the women looked away in terror.[116] **Lohan Ratwatte**'s son reportedly tried to calm the other children, explaining that **Ratwatte** always shoots when he was angry, and saying it was like fireworks and no one ever got hurt.[117] Eventually, Jamaldeen managed to calm **Lohan Ratwatte** down by reminding him that they were not alone and tried to prevent the hotel guests and staff from calling the police or publicizing the incident.[118] This appalling incident, together with the alleged torture committed in the Anuradhapura Prison, clearly demonstrates that **Lohan Ratwatte** has a character that is

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[109] "Duminda Silva was found guilty with four others of shooting dead Bharatha Lakshman Premachandra and three of his supporters during local elections in Colombo in 2011. The two men were both members of the then governing party." He was pardoned by Gotabaya Rajapaksa in June 2021 when Gotabaya was the president of Sri Lanka. *See* Anbarasan Ethirajan, *Duminda Silva: Anger as Sri Lanka frees politician sentenced for murder*, BBC NEWS, June 26, 2021, https://www.bbc.co.uk/news/world-asia-57608573.

[110] Dilith Jayaweera is a lawyer and businessman who has played an important role in several media campaigns (such as the "Api Wenuwen Api" campaign created on behalf of the Sri Lanka forces to raise the profile of the army, navy and air force during the latter stages of the Sri Lankan civil war against the LTTE, as well as Gotabaya Rajapaksa's 2019 presidential campaign) – he is the founder and CEO of news outlet Ada Derana. He formally entered into politics in 2023 when he was appointed as the leader of the Mawbima Janatha Party (MJP). *See* MJP leader Dilith Jayaweera on how the "Api Wenuwen Api" campaign was envisioned (English), Ada Derana YouTube Channel, May 17, 2024, https://www.youtube.com/watch?v=QkzGNHTJH4w; *Inside the collapse of the Rajapaksa dynasty in Sri Lanka*, THE WASHINGTON POST, May 22, 2022, https://www.washingtonpost.com/world/2022/05/22/sri-lanka-rajapaksa-mahinda-gotabaya/ ("Dilith Jayaweera, a media magnate who is widely credited with launching Gotabaya's candidacy…"); and *Dilith Jayaweera enters politics*, SUNDAY TIMES, September 11, 2023, https://sundaytimes.lk/online/news-online/Dilith-Jayaweera-enters-politics/2-1143168.

[111] A.W. Suranimala, *Ratwatte Starts Another Shootout At W15 Boutique Hotel In Kandy*, COLOMBO TELEGRAPH, January 9, 2021, https://www.colombotelegraph.com/index.php/ratwatte-starts-another-shootout-at-w15-boutique-hotel-in-kandy/. The news article did not explain the connection between Duminda Silva and Dilith Jayaweera, but the two (and several others) were allegedly responsible for the Sri Lankan stock market collapse in 2011 through shares manipulation and involvement of drug dealers. *See* Asian Human Rights Commission, *SRI LANKA: Bharatha killing, drugs and CSE 'linked'*, October 28, 2011, reproduced at https://www.scoop.co.nz/stories/WO1110/S00826/sri-lanka-bharatha-killing-drugs-and-cse-linked.htm, and *Stock market collapse 'due to deals'*, BBC NEWS, October 26, 2011, https://www.bbc.com/sinhala/news/story/2011/10/111026_share_market.

[112] AW Suranimala, *Ratwatte Starts Another Shootout At W15 Boutique Hotel In Kandy*, COLOMBO TELEGRAPH, January 9, 2021, https://www.colombotelegraph.com/index.php/ratwatte-starts-another-shootout-at-w15-boutique-hotel-in-kandy/.

[113] *Id.*

[114] *Id.*

[115] *Id.*

[116] *Id.*

[117] *Id.*

[118] *Id.*

unfit for holding any kind of public office, let alone one that is allowed to carry a gun. Yet, known as a "Mahinda Rajapakse loyalist",[119] **Lohan Ratwatte** is still a current member of parliament and the Minister of Plantation Industries. It is thus imperative that he is removed from all governmental posts and public offices, and be held responsible for his serious abuse of power and gross violations of human rights.

Therefore, **Lohan Ratwatte** and his immediate family members should qualify for visa restrictions under 7031(c).

[119] *The noose tightens around State Minister for Prison Management Lohan Ratwatte*, COUNTERPOINT, September 19, 2021, https://counterpoint.lk/noose-tightens-around-state-minister-prison-management-lohan-ratwatte/. He is also known to be close to Namal Rajapaksa, one of Mahinda Rajapaksa's sons. *See* Tweet by Dr. Thusiyan Nandakumar on September 16, 2021 (showing Lohan Rawatte's selfies with Namal Rajapaksa), https://x.com/Thusi_Kumar/status/1438492475505750028.

Section 7. Discussion of Contrary Evidence/Arguments

ITJP is aware of refutations made by **Lohan Ratwatte** to the allegations against him. However, having examined these claims, ITJP finds that they lack credibility given the extensive documentation and supporting evidence of such acts by credible sources, as referenced throughout this submission. Still, this section lays out the relevant claims and the reasons why they should not be believed.

1. The Daily Mirror Interview on September 16, 2021

Despite his resignation, **Lohan Ratwatte** told Daily Mirror in an interview on September 16, 2021, that he had in fact visited the Anuradhapura Prison, but only for a routine check, and had not threatened the prisoners, saying, "I never broke in and I never threatened any prisoner. That is not my job. That is not me," and "Nothing like that ever happened. This is absolutely false."[120] He also admitted to having visited the gallows at the Welikada Prison but claimed that was also for a routine inspection, denying allegations that he was intoxicated or with his friends and stating that he was alone.[121] However, this clearly contradicts the claims of the Tamil prisoners in their FR petition and (for one of them) separate criminal complaint, as elaborated and referenced in the previous sections. The prisoners would be held in contempt of court if they knowingly made false accusations in their FR petition and criminal complaint to the court, but **Lohan Ratwatte** would not for false statements made in interviews, thus weakening the credibility of his statements when compared to that of contradicting statements made by the prisoners.

Lohan Ratwatte's statements are also contrary to the findings of the one-person committee, which found credible evidence that **Lohan Ratwatte** committed eight different crimes under the Prisons Ordinance, the Firearms Ordinance, and the Penal Code.[122] The committee also found the visits to both the Anuradhapura and Welikada Prisons unlawful as they were outside legally stipulated hours, not for legal purposes (not official tasks), and with inappropriate (informal) attire (shorts, t-shirts, jeans, sweaters, slippers).[123] The committee also found him to be in a drunken manner at the Anuradhapura Prison and to have been accompanied by people not authorized to visit a prison to the Welikada Prison.[124] According to the committee report, it was

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[120] *Lohan Breaks His Silence: "I stopped the prisons from burning. Am I stupid to threaten the prisoners?"*, DAILY MIRROR, September 17, 2021, https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20210917/281492164448882.

[121] *Lohan Breaks His Silence: "I stopped the prisons from burning. Am I stupid to threaten the prisoners?"*, DAILY MIRROR, September 17, 2021, https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20210917/281492164448882.

[122] A certified copy of the committee report (in Sinhala) was obtained under the Right to Information Act by The Centre for Society and Religion and published on June 8, 2023, at https://rticsr.info/lohan-rattwatte-report/, and Buddhika Samaraweera, *Lohan Ratwatte prison incidents: Police awaits Cabinet directives to act*, THE MORNING, June 15, 2023, https://www.themorning.lk/articles/9bQatdCQRd7NLL7SXd3j.

[123] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English.

[124] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English.

also found that **Lohan Ratwatte** misled prisoners by saying he had powers he did not have by law ("I can pardon you") and threatened prisoners to confess to crimes.[125]

Additionally, in the interview, **Lohan Ratwatte** claimed, "As a minister, I can walk into any prison at any time. I do not need anyone's permission. I had 29 prisons and two rehabilitation centers under me and I could walk into them at any time, day or night. I would do this without informing anyone because I really wanted to know what was happening inside."[126] He also said that he took over the prison system at a time when the prisons were burning, adding, "I changed the whole prison system. I stopped all the drug dealings. I stopped all the gang murders that were happening from inside."[127] However, his authority as the Minister of Prisons has legal perimeters; he is only legally authorized to conduct inspections/visits to prisons for legal purposes (official tasks), normally within visiting hours, in formal attire and a sober state of mind. Furthermore, regarding drug dealings in prison, as Ambika Satkunanathan (former Commissioner of the HRCSL) said at the time, citing news reports of narcotics seizures in prisons, "These seizures don't mean smuggling drugs into prison was being curtailed. To the contrary, such seizures have been happening for years and are evidence of continuing smuggling of drugs into prison."[128] As such, **Lohan Ratwatte**'s sweeping claim insinuating unqualified and unchecked authority is more of a display of ego than an accurate and responsible statement of fact, and only further shows that his statements should not be trusted, and that he is unfit for public office of any kind.

2. The News First Interview on September 17, 2021 and the Hiru News Interview on September 18, 2021, regarding CCTV surveillance in prisons

In an interview with News First on September 17, 2021, when asked about allegations that CCTV footage of the Anuradhapura Prison incident had been erased, **Lohan Ratwatte** stated that CCTV footage "could not be deleted just like that",[129] which seemingly confirmed that there was indeed CCTV in the prison.

On September 18, 2021, Hiru News published an audio recording of an interview between **Lohan Ratwatte** and Hiru News.[130] In the recording, **Lohan Ratwatte** again stated that he

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[125] *See* certified copy of the committee report (in Sinhala) published by The Centre for Society and Religion at https://rticsr.info/lohan-rattwatte-report/, and accompanying text in English.
[126] *Lohan Breaks His Silence: "I stopped the prisons from burning. Am I stupid to threaten the prisoners?"*, DAILY MIRROR, September 17, 2021, https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20210917/281492164448882.
[127] *Lohan Breaks His Silence: "I stopped the prisons from burning. Am I stupid to threaten the prisoners?"*, DAILY MIRROR, September 17, 2021, https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20210917/281492164448882.
[128] *Ratwatte incident: former HRCSL Commissioner raises concerns over events that followed*, THE MORNING, September 20, 2021, https://www.themorning.lk/articles/162476.
[129] Exclusive: "Prison CCTV can't be deleted" – Lohan tells News 1st, News First, September 17, 2021, https://www.newsfirst.lk/2021/09/17/exclusive-prison-cctv-cant-be-deleted-lohan-tells-news-1st.
[130] *Lohan Ratwatte denies allegations,* HIRU NEWS, September 18, 2021, https://www.hirunews.lk/english/282592/lohan-ratwatte-denies-allegations-video. The video is in Sinhala, but ITJP

would visit prisons without prior notice because he wanted to know the real situation, and claimed that he went to both the Anuradhapura and Welikada Prisons alone and sober, denying all allegations of threatening prisoners.[131] He also stated that he did not take any weapons or even his mobile phone, and that he visited the Anuradhapura Prison at 8 am in the morning.[132] However, when the interviewer asked him why he did not clear himself by showing CCTV footage inside the prison, he avoided giving a direct answer by saying that he had resigned and that there was an ongoing investigation for that.[133] In fact, when pressed about whether there was CCTV surveillance in the two prisons at all, **Lohan Ratwatte** repeatedly said he could not give an answer, for "the security of the prison".[134] Furthermore, he stated that he resigned only to avoid causing further issues for the government, not because the "inaccurate media statements" were true; when asked why he did not also resign from the other ministerial post, he replied, "Why should I resign from that? There are no investigations regarding me when it comes to the other."[135]

These claims again contradicted the one-person committee's findings and legal claims submitted by the Tamil prisoners. Moreover, regarding CCTV footage, although he refused to confirm or deny whether CCTV footage could clear him in the Hiru News interview, or even whether there was CCTV surveillance in the two prisons at all, in the News First interview just a day before, **Lohan Ratwatte** stated that CCTV footage "could not be deleted just like that",[136] which suggests that there was indeed CCTV in the prison and that if found, it could prove his innocence. The initial response in his interview with News First and his subsequent adamant refusal to answer the questions in the Hiru News interview just a day later reflects an inconsistency in his claims and a suspicious retreat from his previous stance suggesting confidence in his innocence, which undermines the strength and credibility of his statements.

The former Commissioner of HRCSL, Ambika Satkunanathan, also pointed out **Lohan Ratwatte**'s lack of credibility regarding statements related to CCTV surveillance. She stated that, although the Department of Prison said CCTV was not installed at either prison, she and others who visited the Welikda Prison saw at least two CCTV cameras in the external parts of the prison.[137] She also said that the Sri Lankan government "announced in April 2021 that installation of cameras in Colombo prisons, including Welikada, had begun and would be completed by Aug 2021", and asked, "If it had begun, why is there no CCTV at Welikada, i.e. the prison with the largest prisoner population?"[138] The inconsistency in **Lohan Ratwatte**'s and other governmental statements, as well as the observation made by Ambika Satkunanathan when

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obtained a translated English transcript of the audio recording through an independent and NAATI-certified translator. *See* Annex I – English Transcript of Hiru News interview with Lohan Ratwatte.

[131] *Id.*

[132] *Id.*

[133] *Id.*

[134] *Id.*

[135] *Id.*

[136] Exclusive: "Prison CCTV can't be deleted" – Lohan tells News 1st, News First, September 17, 2021, https://www.newsfirst.lk/2021/09/17/exclusive-prison-cctv-cant-be-deleted-lohan-tells-news-1st.

[137] Ambika Satkunanathan's tweet on September 20, 2021, https://x.com/ambikasat/status/1439779032250269696.

[138] Ambika Satkunanathan's tweet on September 20, 2021, https://x.com/ambikasat/status/1439779034708152322?s=46&t=71x-OFyQ4wZ4MEFkUuvLEA.

she physically visited the Welikada Prison, further shows that the government's and **Lohan Ratwatte**'s statements cannot be trusted without substantive supporting evidence.

The fact that he resigned from the Minister of Prisons to avoid further embarrassment to the government but did not seem to think that embarrassment would continue with him remaining the Minister of Gem and Jewelry simply because there was no investigation related to the latter position also indicates that **Lohan Ratwatte** does not understand the importance of governance, or the proper character and conduct of a public official – especially in respecting human rights. Nor does he seem to understand the impact of questionable character, morality, and behavior on one's fitness for public office, regardless of whether there is an investigation regarding the activities directly related to a specific post. The above, taken together with his general dismissive and condescending attitude in the interviews, shows that **Lohan Ratwatte**'s refutations lack credibility.

Finally, in the interview with Hiru News, **Lohan Ratwatte** claimed that the helicopter which took him to the Anuradhapura prison was a private one, not a government helicopter.[139] However, he did not produce any material evidence to support this claim, only lightly stating, "Check it with the civil aviation department."[140] There is also no other source that could corroborate this claim, or explain how a government employee could have enough funds to afford a private helicopter.

Therefore, ITJP submits that no part of **Lohan Ratwatte**'s refutations holds up to scrutiny and that they should be disregarded in totality.

[139] *Lohan Ratwatte denies allegations,* HIRU NEWS, September 18, 2021, https://www.hirunews.lk/english/282592/lohan-ratwatte-denies-allegations-video, and Annex I – English Transcript of Hiru News interview with Lohan Ratwatte.
[140] *Id.*