

# A PHANTOM THAT IS REAL

PERSISTING CULTURE OF SURVEILLANCE AND  
INTIMIDATION IN THE NORTH - EAST



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Adayaalam Centre  
for Policy Research

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INTIMIDATION IN THE NORTH-EAST

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## LIST OF ABBREVIATIONS

<b>ACPR</b>	ADAYAALAM CENTRE FOR POLICY RESEARCH
<b>IHRL</b>	INTERNATIONAL HUMAN RIGHTS LAW
<b>PTA</b>	PREVENTION OF TERRORISM ACT NO.48 OF 1979
<b>CID</b>	CRIMINAL INVESTIGATION DEPARTMENT
<b>CTID</b>	COUNTER TERRORISM INVESTIGATION DIVISION
<b>TID</b>	TERRORISM INVESTIGATION DEPARTMENT
<b>LTTE</b>	LIBERATION TIGERS OF TAMIL EELAM
<b>FOD</b>	FAMILIES OF THE DISAPPEARED
<b>HRCSL</b>	HUMAN RIGHTS COMMISSION OF SRI LANKA
<b>ICCPR ACT</b>	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS ACT NO.57 OF 2007
<b>TNPF</b>	TAMIL NATIONAL PEOPLE'S FRONT
<b>MP</b>	MEMBER OF PARLIAMENT
<b>OSA</b>	ONLINE SAFETY ACT NO.09 OF 2024
<b>ATB</b>	ANTI-TERRORISM BILL
<b>NGOB</b>	NON-GOVERNMENTAL ORGANISATIONS (REGISTRATION & SUPERVISION) BILL
<b>VSSO</b>	VOLUNTARY SOCIAL SERVICE ORGANISATIONS ACT NO.31 OF 1980
<b>CSO</b>	CIVIL SOCIETY ORGANISATIONS
<b>NGO SECRETARIAT</b>	NATIONAL SECRETARIAT FOR NON-GOVERNMENTAL ORGANISATIONS
<b>NPP</b>	NATIONAL PEOPLE'S POWER
<b>JVP</b>	JANATHA VIMUKTHI PERAMUNA

## INTRODUCTION

A widely held belief among the international and diplomatic community is that normalcy has returned to Sri Lanka following the end of the armed conflict in 2009. Many states have maintained or increased engagement with the Sri Lankan security forces, and only few, if any, sanctions are in place. This narrative of post-war peace and stability is in stark contrast to the true condition of the Northern and Eastern Provinces (North-East). Fifteen years after the end of the armed conflict, the security situation in the North-East is characterised by entrenched militarisation and constant surveillance. Notwithstanding successive regimes in Colombo, politically active individuals and communities in the North-East continue to face risks and reprisals.

Adayaalam Centre for Policy Research (ACPR) has reported on issues of securitisation, surveillance and intimidation of Tamils in the North-East from various perspectives and at various times over the past eight years. This report again considers these issues, mapping current trends of surveillance and intimidation in the North-East and considers the weaponisation of the law against communities. The report highlights emblematic incidents over the past year which demonstrate these trends.

The report is based on security incidents recorded by ACPR throughout the year from online and print media, as well as interviews<sup>1</sup> conducted with activists, HRDs, and community members who reported security incidents to ACPR. Over 20 key interviews were also done throughout the year for this report.

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<sup>1</sup> Interviews are all anonymized and the names are left out to ensure the safety of the interviewees.

## **PART I: SURVEILLANCE AND INTIMIDATION IN THE NORTH-EAST AND THE PREVAILING CONDITIONS**

The first part of this report discusses current patterns of surveillance and intimidation and their impact on the civic space in the North-East.

### **A. Targeted surveillance and harassment of artists, activists and community leaders, and the Use/Abuse of the Prevention of Terrorism Act**

Surveillance and investigations by police, particularly the Criminal Investigation Department (CID), continue to be widespread. The Counter Terrorism Investigation Division, commonly referred to as the CTID, and TID (Terrorism Investigative Department), also continue to systematically and disproportionately target the Tamil community, with a reported increase in investigations since January 2023. Even though victims of surveillance and intimidation often refer to any intelligence body as CID or TID, each of these divisions has its own network and headquarters, but work together. Lack of clarity about which officer belongs to which body causes confusion among victims and hinders accountability.

Tamil-speaking Muslim communities faced increased targeting after the end of the war, which further increased following the Easter Sunday bombing in April 2019.

The TID and CTID are armed with repressive legislation to support their tactics. The draconian Prevention of Terrorism Act No.48 of 1979 (PTA), which does not adhere to International Human Rights standards, continues to be used to suppress activists and dissenting voices. The PTA, since its passage, has been used to systematically target numerically smaller populations, particularly the Tamils and later Muslims largely in the North-East.<sup>2</sup> The PTA allows the detention and interrogation of *anyone* suspected of terrorism for prolonged periods of time without charge.<sup>3</sup> These detentions can last as long as 12 months. Though a fundamental rights petition could be filed to challenge the detention or remand order, it can take months, sometimes years, before a conclusion is reached.<sup>4</sup> Additionally, despite the 2022 amendment allowing bail in limited circumstances, it is still possible for a person to be held for 12 months without bail.<sup>5</sup> The term 'terrorism' has not been defined in the Act and has been used to obtain information, surveil, intimidate, investigate, and detain activists and members of communities protesting and memorialising peacefully and legally. Above all, the PTA allows the admissibility of a confession given to a

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<sup>2</sup> 'End the Use of and Repeal the Draconian PTA' (Amnesty International, February 2022)

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 12 of 2022, ss. 10 & 11

police officer holding the rank of Assistant Superintendent or above,<sup>6</sup> which has led to torture being used to extract confessions.

General trends that have been identified by ACPR over this year are:

1. The CTID arrest and detain with no evidence or reasonable suspicion as to whether the person or entity has committed an offence under the Act, but instead utilise their broad police powers to target any person that they regard as a threat within the activist community and use the legislation to remove those voices from these communities. For example, in December 2023, two men were arrested and detained under the PTA for over two months for 'attempting to prepare claymore mines' with no proper evidence to prove such accusations. Coincidentally, the men arrested, one of them an ex-combatant, organised a memorialisation event to honour fallen LTTE soldiers just weeks prior to their arrest.<sup>7</sup>
2. These surveillance and intimidation tactics have become normalised to the point that civil society members, activists, FOD and community leaders encounter them regularly. Given their normalcy and prevalence, most of the victims of such surveillance and intimidation do not even make a complaint or report to the media, leading to underreporting of the issue. As narrated by several of the FOD activists, the priest in the Eastern Province mentioned in incident 3 below, and several others ACPR interviewed, even when a complaint is made to domestic mechanisms such as the HRCSL, they are disregarded at best or not properly investigated, and the complainant is subjected to further interrogation at worst. Consequently, conveying the graveness of this issue to the stakeholders and international community without any statistics or reports has become challenging for civil society. The gravity of the issue, however, is frequently discussed among the community and significantly impacts the organisation of protests and memorialisation events and working with victims/survivors in general.
3. Overall, the prevalence of surveillance and intimidation establishes a climate of fear where, once you are seen as a target, you will be subjected to constant surveillance, intimidation, and interrogation with little cause or restraint<sup>8</sup>. This poses a high-security risk to many activists as they might face possible detention or arrest for simply voicing dissent, exposing human rights abuses, and participating in any protest against the abuses of the government.

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<sup>6</sup> Prevention of Terrorism Act No.48 of 1979, s.16

<sup>7</sup> <https://www.tamilguardian.com/content/after-honouring-parents-maaveerar-former-ltte-cadres-arrested>

<sup>8</sup> Interview Conducted by ACPR with Thuraijajah Ravikaran, Mullaithivu District, July 2024

One member of the FOD in Mullaithivu made the following remark concerning these patterns: *‘There seems to be a hidden war – they [the CID] have gathered all this information and are chasing me with this...They do not want me to engage in advocacy here or abroad. I am scared to leave my children.’*<sup>9</sup>

The arrests isolate and add a hefty burden on the person arrested with regard to their community engagement. For instance, Thurairajah Ravikaran, an activist and former member of the Northern Provincial Council, now an elected member of the parliament, has been arrested by the police several times in relation to his participation in protests against the construction of a Buddhist temple in Kurunthoormalai, inaction in mass grave exhumations such as Kokkuthoduvai, and Kokkilaai burial issues.<sup>10</sup> A case has also been brought against him concerning protests in Kurunthoormalai. He says that constant arrests and interrogations are intended to curtail his participation in protests and push him towards isolation. Speaking of court cases and arrests, he says he has been able to handle them with the help of lawyers, but the same cannot be said of people who are not well placed, resulting in decreased participation in protests in recent years.<sup>11</sup>

The following emblematic incidents are illustrative of the patterns of surveillance, harassment, intimidation, and arrests of politically active individuals and communities and the chilling effect they have on life in the North-East.

### **Incident 01: Censorship and Denial of the Freedom of Expression**

There is unwritten censorship in the North-East, particularly regarding what may be discussed in public, which is born out of how the space is monitored. Any writing, public events, forums or memorialisation in relation to the Tamil struggle is heavily monitored, often by the CTID. When individuals try to step outside the bounds of this self-censorship, they are often met with harassment and intimidation.

In April 2024, for instance, a prominent Tamil writer/author in Kilinochchi was interrogated for over two hours by the CTID over having been involved in organising a book launch event for “Neenthikadantha Neruppaaru” (The River of Fire We Swam Across), a fictional book on the Tamil liberation struggle and the plight of the people during the last phase of the war. Although the individual interrogated was not even the author of the book, the CTID deemed the book a “terrorist novel” that promoted the resurgence of the LTTE and, therefore,

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<sup>9</sup> Member of the Association of Relatives of Enforced Disappeared, Mullaithivu District, June 2024

<sup>10</sup> Kokkilaai and Kokkuthoduvai are two mass graves discovered in Mullaithivu District. The delayed and irregularities in exhumation of the graves led to a series of protests by locals, political leaders, and activists, who believed that such delays and irregularities were deliberate, intended to prevent the truth about those mass graves from coming out.

<sup>11</sup> Interview Conducted by ACPR with Thurairajah Ravikaran, Mullaithivu District, July 2024

interrogated him for his connection to the launch event.<sup>12</sup> In June 2024, the same writer was also interrogated by the CTID over the novels that he had written, shedding light on the conditions which prevailed in the state-controlled territories in the North-East during the armed conflict.<sup>13</sup>

The portrayal of even fictional writing about the war as terrorism-related, and the securitisation of individuals who attempt to narrate their accounts of the war, not only contributes to a climate of fear and represses freedom of expression, but also enables a lack of accountability for atrocity crimes committed during the war.

### **Incident 02: Targeted Harassment of Activists**

Civil society organisations, activists and Families of the Disappeared (‘FoD’) advocating for justice and accountability are closely monitored, tracked and harassed with the intention of dissuading them from engaging in advocacy. An illustrative example is the case of one member of the FOD, who has faced repeated instances of targeted surveillance, harassment and intimidation since 2018.

In October 2023, the activist was attacked by the Eravur Police while she was participating in a peaceful demonstration in Mayilathamadu-Mathavanai, leading to hospitalisation. Believing the Human Rights Commission of Sri Lanka (HRCSL) would handle the matter fairly, she made a complaint. The HRCSL – Batticaloa branch, however, directed the Eravur Police, the same body that had attacked the activist, to investigate her complaint.<sup>14</sup> When the activist went to file a complaint about the attack to the Senior Superintendent of Police at the Kattukandor Police Station in Batticaloa, she was interviewed by a police officer who did not know Tamil well. The officer recorded her statement not in Tamil but in Sinhala and asked the activist to sign it. The activist insisted that a translation be provided, which was provided only after much back and forth. When she finally obtained the translation, she found that it said that her husband died during the war and that she was one of the leaders of a terrorist group.<sup>15</sup>

In February 2024, two leaders from the FOD, including the aforementioned activist, travelled to Geneva for advocacy meetings, and faced targeted harassment. While they were away, the CID interrogated their family members, relatives, villagers and other FOD, inquiring about the whereabouts and purpose of their travels. Upon their return, they were interrogated and harassed. The activist mentioned above, in particular, has been summoned by both the CTID and CID several times since then. Critiquing the CID’s and CTID’s actions, the activist

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<sup>12</sup><https://www.tamilguardian.com/content/tid-questions-prominent-eelam-writer-theepachelvan-over-book-launch>

<sup>13</sup> [https://tamilwin.com/article/writer-theepaselvan-investigation-1720689313#google\\_vignette](https://tamilwin.com/article/writer-theepaselvan-investigation-1720689313#google_vignette)

<sup>14</sup> Member of the Association of Relatives of Enforced Disappeared, Batticaloa District, April 2024

<sup>15</sup> Member of the Association of Relatives of Enforced Disappeared, Batticaloa District, April 2024

concerned told the CID, *'[Y]ou are not looking for my husband who has forcibly disappeared but are always looking for me!'*<sup>16</sup>

Despite the repression, the activist in question organised a FOD protest in June 2024, leading to another set of inquiries by the Police and CTID on the accusations that they were 'terrorists' and associating with and trying to revive the LTTE.<sup>17</sup> The CTID, moreover, had told them that they have a list of more than 80 individuals, including her, whom they are constantly monitoring.<sup>18</sup> The intent behind such harassment, the activist says, is to frighten the FOD seeking truth and accountability into silence. In another interview, the activist said, *"they [the Sri Lankan Government] are trying to create psychological pressure which will affect us. For example, when I am called for an inquiry, this message will reach another four mothers. And those mothers will move away from the protests due to fear. That's their only objective."*<sup>19</sup>

This activist is only one of many who have reported similar surveillance and harassment for participating in protests and commemoration events. Police and intelligence officers often call individuals to intimidate them into not participating in events, and in some instances, follow them while on their way to protest sites and visit them at their houses to intimidate them, telling them they will face severe repercussions if they continue to participate.<sup>20</sup>

Surveillance and intimidation of this nature, ongoing for many years, has had two major effects on individual activists: (1) it puts pressure on the activists to the point that they are physically and psychologically exhausted, pushing them to disengage from activism altogether; and (2) it conveys a message to others that they would also receive similar treatment if they engage in protests or other related activities.

### **Incident 03: Surveillance of Community/Religious Leaders**

Community leaders who lead/organise protests against ongoing human rights violations, organise memorialisation events, and engage with youth and local communities in particular, have to constantly contend with the security apparatus.

An example is the case of a priest based in the Eastern Province who participates in memorialisation events, and organises memorial events for 18 May, Black July, and other massacres committed during the armed conflict. He has been interrogated several times by the CID, and is required to disclose the specifics - 'Are you doing or participating in memorialisation events? What is this for? Why are you doing this?' - of the events/protests

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<sup>16</sup> Member of the Association of Relatives of Enforced Disappeared, Batticaloa District, April 2024

<sup>17</sup> <https://lankafiles.medium.com/grieving-mother-from-batticaloa-branded-as-terrorist-by-sri-lanka-s-terror-police-f24296672132>

<sup>18</sup> Member of the Association of Relatives of Enforced Disappeared, Batticaloa District, August 2024

<sup>19</sup> <https://lankafiles.medium.com/grieving-mother-from-batticaloa-branded-as-terrorist-by-sri-lanka-s-terror-police-f24296672132>

<sup>20</sup> Interview Conducted by ACPR with a Member of Parliament, Jaffna District, July 2024

he participates in and the memorialisation events he organises in his worshipping place. He has received voicemails warning him that he would be beaten up and that he would meet the same treatment faced by a former Vice-Chancellor of the Eastern University – enforced disappearance.<sup>21</sup>

Additionally, this priest is viewed as an influential person for the youth in his district, particularly university students, as he is involved in organising workshops and capacity-building programs targeting the youth. The CTID has been conducting investigations into his association with youths, alleging that he is trying to revive the LTTE by indoctrinating the youth and gathering volunteers, receiving foreign funds to that effect, and engaging in pro-LTTE propaganda. The priest says that the CTID is portraying him as a terrorist with the aim of alienating him from the community.<sup>22</sup> Though the priest had lodged a complaint with the HRCSL, that did not put an end to the surveillance.<sup>23</sup>

This treatment faced by the priest is far from isolated. It is systematic, and as illustrated by the inaction of the HRCSL or any other supportive mechanism, little room is left for the targeted individual to resist the attempt. The alternative is to cave into the pressure and leave the activism space altogether. Those that resist it do so at a tremendous cost to privacy, security and well-being.

## **B. Repression of Memorialisation Events and Restraining Orders**

Repression of memorialisation across the North-East continues to be extensive. For instance, it is common for community leaders and those organising memorialisation/commemoration events or protests to receive calls from vaguely identified intelligence officials interrogating them before such events.<sup>24</sup> A member of the Jaffna University Students' Union remarked, *"[E]ven if we forget a date of memorialisation, they will call us five days before, asking us, 'Are you not doing something this year?' Even if we forget, they will not."*<sup>25</sup>

Two concerning patterns of repression that have arisen in recent times are: (i) attacks by unknown groups and (ii) courts issuing restraining orders to prevent participation in memorialisation/commemoration events or protests.

### (i) Attack by unknown groups

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<sup>21</sup> Interview Conducted by Adayaalam with a Priest, Batticaloa District, May 2024

<sup>22</sup> Interview Conducted by Adayaalam with a Priest, Batticaloa District, May 2024

<sup>23</sup> Interview Conducted by Adayaalam with a Priest, Batticaloa District, May 2024

<sup>24</sup> Ibid. Interview Conducted by ACPR with a Member of Parliament, Jaffna District, July 2024.

<sup>25</sup> Interview Conducted by ACPR with the Representatives of the Jaffna University Students' Union in Jaffna, July 2024

Harassment and, in some instances, attacks by unidentified groups against those involved in memorialisation have increased in the past few years. In September 2023, for instance, the motorcade procession in honour of Thileepan<sup>26</sup> was attacked in Trincomalee.<sup>27</sup> The police stood by while a group attacked those involved in the procession, including Selvarasa Kajenthiran, who was a member of parliament at the time.<sup>28</sup> Although the attackers were arrested, they were released promptly. No further action has been taken against the attackers, but two of those who participated in the procession were interrogated under the PTA, alleging that they were receiving money to revive the LTTE. They were warned not to get involved with former MP Kajenthiran.<sup>29</sup> These attacks and the subsequent interrogation by the security apparatuses appear intended to distance community members from community leaders.<sup>30</sup>

### (ii) Restraining orders to prevent organising of or participating in memorialisation/commemoration events or protests

The Sri Lankan security apparatuses continue to weaponise laws to prevent memorialisation events or protests in the North-East.

The usage of section 106 of the Code of Criminal Procedure Act is a clear example. This law allows Magistrates to issue orders to prohibit anyone from committing certain acts or to take actions if the “...Magistrate considers that such direction is likely to prevent or tends to prevent obstruction, annoyance, or injury, or risk of obstruction, annoyance, or injury to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray”.<sup>31</sup> Despite the provision’s legitimate aim, the police and other security apparatuses have in recent years requested Magistrates across the North-East to prevent memorialisation with varying success. Disturbingly, the weakest reasons are given as to why the orders should be granted. Generally, the orders cite COVID health concerns or resurgence of the LTTE as the purpose for their issuance;<sup>32</sup> However, they omit any specific evidence for these claims and offer no timely way to dispute the order.

The restraining orders obtained from the court often prohibit the person against whom they are made from participating in any memorialisation, protest, or other activist events/gatherings. They are frequently brought against prominent community members

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<sup>26</sup> An LTTE member who fasted to death demanding among other things: release of all PTA prisoners; demilitarization, and decolonisation of the North-East.

<sup>27</sup> <https://www.tamilguardian.com/content/sinhala-mob-attack-memorial-dedicated-lt-col-thileepan>

<sup>28</sup> Ibid.

<sup>29</sup> Interview Conducted by ACPR with S. Kajenthiran. Former Member of Parliament, Jaffna District, July 2024. The said interviewee was an MP at the time of interview but lost his seat at the November 2024 election.

<sup>30</sup> Interview Conducted by ACPR with S. Kajenthiran. Former Member of Parliament, Jaffna District, July 2024.

<sup>31</sup> Code of Criminal Procedure Act No.15 of 1979 (as amended), s.106(1)

<sup>32</sup> <https://www.tamilguardian.com/content/sri-lanka-deploys-stf-court-bans-distribution-kanji>;  
<https://www.slcat.org/women-arrested-for-serving-porridge-defying-court-order>

who attempt to organise memorialization events/protests and tend to be against people in leadership positions or those who create space for communities to assemble.



Police and STF deployed in Ampara where Mullivaikkal kanji was being served (source: a participant present at the spot)

## Tactics Used to Stifle Mullivaikkal Memorialisation in 2024

The week leading up to 18 May is memorialised by the Tamils across the North-East as 'Mullivaaikkal Week', remembering the thousands of lives lost during the Sri Lankan state's ruthless execution of the final phase of the armed conflict. In May 2024, the Muthur (Trincomalee)<sup>33</sup> and Kalmunai (Amparai)<sup>34</sup> Magistrate courts issued orders prohibiting the distribution of Mullivaikkal 'Kanji' (the only food available to those caught in the warzone during the final phase of the armed conflict). The reasons cited were that such distributions posed a risk to public health and safety, amounted to commemoration of LTTE cadres, and could lead to the revival of LTTE.<sup>35</sup>

The Sampur police (Trincomalee), citing the court order, had a group of multiple male officers drag away at late night three women (in their nightgowns) from their homes and a man for serving 'Kanji'. The police, before taking them away, had also allegedly threatened their family members.<sup>36</sup> The manner of the arrests was deliberately designed to violate the dignity of the activists and cause them to be ostracised by their own communities.

Special Task Force units were stationed in Amparai to deter people from attending memorialisation events. Several women who tried to distribute 'Kanji' were surrounded and intimidated.<sup>37</sup> Similarly, a memorialisation event organised by the Eastern University students (Batticaloa) inside the university premises was interrupted abruptly by police officers from Eravur station and the 'Kanji' containers were confiscated. Additionally, the police officers demolished the candles and flowers that were offered in remembrance of individuals who lost their lives in the conflict. Students also received arrest threats.<sup>38</sup>

Using laws to crack down on memorialisation by intimidating and arresting those that engage in it are tactics done with the intention of stigmatising the activists and inducing fear, hence frightening the population into silence.

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<sup>33</sup> <https://www.slcat.org/women-arrested-for-serving-porridge-defying-court-order/>

<sup>34</sup> <https://www.tamilguardian.com/content/sri-lanka-deploys-stf-court-bans-distribution-kanji>

<sup>35</sup> <https://adayaalam.org/joint-civil-society-persisting-denial-of-the-right-to-truth-memory-and-memorialisation-joint-civil-society/>

<sup>36</sup> <https://www.inform.lk/repression-of-dissent-in-sri-lanka-may-2024/>

<sup>37</sup> <https://www.tamilguardian.com/content/sri-lanka-deploys-stf-court-bans-distribution-kanji>

<sup>38</sup> <https://www.inform.lk/repression-of-dissent-in-sri-lanka-may-2024/>



Women in Muttur being arrested by police at night (source: unknown)

These restraining orders also significantly impact the mobilisation of activist groups in their communities. Most importantly, these orders strip community members from participating in their legal right to memorialisation, a cornerstone of transitional justice. Speaking of these patterns, a prominent member of the FOD said, “[a] court restraining order will be issued to me by the Police before each of the main memorialisation events”.<sup>39</sup> Prohibiting her personally sends a message that she is being targeted, and, in turn, sends a warning to others not to associate with her or engage in the same activities that she does.<sup>40</sup>

Similarly, the use of restraining orders can force new and young activists to leave the activist spaces due to the stigma and stress that come with court orders and police involvement. When asked about whether the restraining orders affected him personally, a prominent member of the Eastern activist community replied that to him, it was just another scare tactic, but they completely dissuade newer members from activism because they do not want any trouble.<sup>41</sup>

Finally, these prohibition orders are made public and served to community members by the police in uniform and in person. This sends a message to the community that the police are keeping a close watch on the person being served, instantly creating an atmosphere of fear in associating with that person.<sup>42</sup> These court orders place a “troublemaker” label on the

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<sup>39</sup> Member of the Association of Relatives of Enforced Disappeared, Batticaloa District, August 2024

<sup>40</sup> Member of the Association of Relatives of Enforced Disappeared, Batticaloa District, August 2024

<sup>41</sup> Interview Conducted by ACPR with an Activist from Batticaloa, Batticaloa District, June 2024

<sup>42</sup> ACPR, ‘Deteriorating Security Situation for Families of the Disappeared in the North-East of Sri Lanka’  
<https://adayaalam.org/situation-briefing-no-6-deteriorating-security-situation-for-families-of-the-disappeared-in-the-north-east-of-sri-lanka/>

persons being charged and push the rest of the community to avoid them for fear of becoming the next potential target.

Notwithstanding this, the Tamils in the North-East continue to practice their right to assembly with their memorialisation events and protests, showing resilience amidst suppression and turning memorialisation into a form of civil disobedience and an act of resistance. This is amply illustrated by the large number of memorialisation events in May 2024 and November 2023 and 2024 held across the North-East.<sup>43</sup>

### **C. Denying Freedom of Religion**

The security apparatus has used threats, intimidation and arrests extensively to deny free worship in the North-East to those belonging to numerically smaller religious communities. This takes two forms: i. Denial of entry to religious places in high-security zones; and ii. Identification of non-Buddhist religious places as Buddhist archaeological sites.

In recent years, a number of places of worship in the North-East have been identified with no credible evidence as Buddhist archaeological sites. There have been reliable reports of security forces being used to provide security and manpower to build new Buddhist temples (viharas) on some of those sites.<sup>44</sup> Once identified, the locals are denied entry to the site, and those that do so are threatened and arrested, primarily under the International Covenant on Civil and Political Rights (ICCPR) Act, for causing discord to religious and ethnic harmony. Incidents in Kurunthoormalai, Thennamaravadi and Vedukkunarimalai are illustrative.

In *Kurunthoormalai* in Mullaithivu district, the Department of Archaeology, with the help of the Sri Lankan armed forces, erected a new Buddhist vihara, violating three court orders in the process. While the unlawful construction was ongoing, the Buddhist monks harassed and threatened the worshippers of the local Hindu temple during the annual 'Pongal' festival. The Mullaithivu Magistrate who ruled that the construction was unlawful, allegedly faced threats and had to flee the country.<sup>45</sup> Although the Minister of Public Security at the time announced that the matter would be investigated<sup>46</sup>, no progress was made.

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<sup>43</sup> <https://www.himalmag.com/comment/tamil-nationalism-sri-lanka-state-repression>

<sup>44</sup> <https://www.tamilguardian.com/content/buddhist-ritual-underway-ancient-tamil-temple-site;>  
<https://www.tamilguardian.com/content/sri-lankan-army-buddhist-monks-visit-vedukkunaari-and-send-warning-tamil-diaspora>

<sup>45</sup> <https://www.tamilguardian.com/content/mullaitivu-district-judge-flees-country-amidst-death-threats;>  
<https://island.lk/lawyers-civil-society-support-judge-who-fled-lanka/>

<sup>46</sup> <https://www.tamilguardian.com/content/investigation-ordered-resignation-mullaitivu-judge-t-saravananarajah>

Similarly, in *Thennamaravadi* in the Trincomalee district, the police prevented locals from carrying out their regular 'Pongal' festivals in the Kandasamimalai Murugan temple on the ground that the temple fell inside areas designated as a Buddhist archaeological site.<sup>47</sup>



Police and STF disrupting the pooja and manhandling the devotees (source: a participant present at the pooja)

With regard to Vedukkunarimalai, a Hindu temple atop a hill in Vavuniya District, locals find it difficult to access and worship the temple following its being gazetted as a Buddhist archaeological site in 2018.<sup>48</sup> The Department of Archaeology, assisted by the Nedunkerny Police, prevented temple entry when the annual temple Pongal was about to begin. Temple trustees and the temple priest were arrested.<sup>49</sup> In March 2024, things escalated further in the days leading up to 'Maha Sivarathri' Day, an auspicious day in the Hindu calendar on which the hindu deity Lord Siva is worshipped throughout the night. Arrangements were made with the court's permission to carry out worship at night. The police, however, arrested the temple priest and a temple trustee a day prior to 'Maha Shivarathri'. On 'Maha Sivarathri' day (08 March 2024), the police stopped devotees, civil society activists and members of parliament from entering the temple and prevented water from being supplied to the temple. Contingents of police officers and STF were stationed around the temple.

<sup>47</sup> <https://www.tamilguardian.com/content/sri-lankan-police-prevent-tamils-attending-monthly-festival-trinco-temple>

<sup>48</sup> Adayaalam Centre for Policy Research, *Vedukkunarimalai in Nedunkeni: Timeline (August 2018 – March 2024)* (2024)

<sup>49</sup> <https://www.tamilguardian.com/content/temple-administrators-granted-bail-after-worship-banned-sri-lankan-police>

While the Pooja (religious worship) was being carried out at night, the police and the STF entered the hill, interrupted the Pooja, and manhandled people gathered there, including women and former MP Selvarajah Kajenthiran. Police arrested eight individuals, with six of these arrests being on the grounds that they were trespassing into and causing damage to the forest and archaeological site.<sup>50</sup> One individual arrested lodged a complaint with the HRCSL<sup>51</sup> averring that after being arrested, they were beaten up while in a police vehicle and were asked to remove all their clothes except their under garments.



Police and STF disrupting the pooja and manhandling the devotees (source: a participant present at the pooja)

These incidents not only amount to denial of the right to freedom of religion but also make clear that the security sector is a Sinhala-Buddhist one, and that proponents of Buddhism are considered above the law.

#### **D. Returnees to the East from Mullivaikkal**

During the final phase of the armed conflict, many people who lived in the Eastern province were internally displaced to LTTE-controlled areas. At the end of the war, they attempted to return to their lands in the East, but their return was conditional on expectations of reporting to the State.<sup>52</sup>

Following the war, the State labelled these displaced communities from the East as people who were connected or belonged to the LTTE, again with little proof to establish this – and they are branded as ‘People from Vanni’.<sup>53</sup> The military has files on most of these returnees

<sup>50</sup> Ibid; <https://www.tamilguardian.com/content/sri-lankan-police-unleash-violence-vedukkunaari-during-shivarathri-mp-assaulted-8-tamils>

<sup>51</sup> <https://www.tamilguardian.com/content/complaint-lodged-human-rights-commission-over-vedukkunaari-arrests>

<sup>52</sup> Interview Conducted by ACPR with those that returned to the Eastern Province from Mullivaikkal, in Ayithiyamalai, Batticaloa, July 2024

<sup>53</sup> Interview Conducted by ACPR with those that returned to the Eastern Province from Mullivaikkal, in Ayithiyamalai, Batticaloa, July 2024

from Mullivaikkal, some of them ex-LTTE combatants, and forces these returnees to report to them whenever they intend to leave their local areas, Whenever the local military garrison commander changes, the new commander will review all the files and re-check all the returnees to ensure they remain in their specific areas.<sup>54</sup> The result of this is not only surveillance, but also a stigma within the community. Since these returnees are already regarded as targets by the State, the community frequently uses them as scapegoats when local issues arise. In police reports, returnees from Mullivaikkal are commonly blamed for other people's criminal or poor behaviour as the State already sees them as problematic individuals.<sup>55</sup> These returnees who have already suffered through the final stages of the armed conflict are thus faced with more hindrances preventing them from living a peaceful life.

### **E. Denial of Press/Media Freedom**

In 2024, Reporters Without Borders ranked Sri Lanka 150<sup>th</sup> on a list of 180 countries in terms of press freedom, behind Sudan, the Democratic Republic of Congo and Israel.<sup>56</sup> Journalists belonging to Tamil-speaking communities in Sri Lanka are constantly targeted by the State. A journalist from Mullaithivu district pointed out that the CID, intelligence and the army know and keep tabs on all the journalists at the 'Mullaithivu Press Club', a district-level hub for journalists.<sup>57</sup> When a protest is organised in the district, journalists in Mullaithivu usually receive calls and visits from the CID, commanding them not to go to the protest. The CID and the army assume that journalists play a huge role in organising protests when, in fact, their role is limited to providing media coverage. There are also fears that journalists' phone calls are generally tapped. Commenting on this trend, a journalist from Mullaithivu said, *'They monitor our comings and goings; know all our network; have individual profiles on us; call us and visit our houses to intimidate us; and possibly are tapping our phones. How far do they go? No matter where we go, they are behind us.'*<sup>58</sup>

Beyond this, journalists also face aggressive behaviour from the police and State security forces when posting on their social media or taking videos/pictures.<sup>59</sup> On multiple occasions, police have told journalists wrongly that reporting on and taking photos of protests and memorialisation events, are illegal. Journalists are then told to delete all media and leave the areas that they are reporting on. Despite this, journalists have asserted their rights to be

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<sup>54</sup> Interview Conducted by ACPR with those that returned to the Eastern Province from Mullivaikkal, in Ayithiyamalai, Batticaloa, July 2024

<sup>55</sup> Interview Conducted by ACPR with those that returned to the Eastern Province from Mullivaikkal, in Ayithiyamalai, Batticaloa, July 2024

<sup>56</sup> <https://rsf.org/en/index>

<sup>57</sup> Interview by ACPR with a Journalist, Mullaithivu District, June 2024

<sup>58</sup> Interview by ACPR with a Journalist, Mullaithivu District, June 2024.

<sup>59</sup> Interview by ACPR with a Journalist, Jaffna District, June 2024.

there and have shown their media passes.<sup>60</sup> Usually, these defiant acts are met with aggression and coercion from the State, regardless of the journalists' legal right to be there.<sup>61</sup> While journalists are prepared to assert their rights in this way, many individual citizens are not as aware of their legal rights and face intense intimidation from the State to remove all their personal media.

In multiple incidents, police have stopped citizens, taken phones, and deleted without consent all media associated with activist events.<sup>62</sup> On one occasion, a bus full of people from the East who attended a protest were stopped by the police, their phones taken, and all of their photos and videos from the event were deleted.<sup>63</sup> The intimidation of journalists and deletion of personal media is a breach of several international and domestic human rights protections, and a clear tactic of the State to ensure information about ongoing human rights violations is not disseminated.

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<sup>60</sup> Interview by ACPR with a Journalist, Jaffna District, June 2024.

<sup>61</sup> <https://srilankabrief.org/attempts-to-take-the-media-id-of-journalist-kumanan-kanapathipillai-by-navy-in-threatening-manner-condemned/>

<sup>62</sup> Interview by ACPR with Journalist, Mullaithivu District, June 2024.

<sup>63</sup> Interview by ACPR with a Journalist, Jaffna District, 23 June 2024.

## **PART II: INCREASING REPRESSION VIA THE LAW**

Whilst the current security situation in the North-East has reached a point where surveillance and intimidation have become the norm, the signs for the future are also alarming. The previous government has enacted laws that will have a disproportionately negative impact on the security situation in the North-East. The current government's take on these is yet to be seen. The recent incidents, as illustrated in the last section of the brief shows, the new government has already started utilising the PTA as well as weaponising laws such as the ICCPR, and the introduced bills and enacted laws referred to in this section will only add to its arsenal of repressive tools. They include laws such as the Online Safety Act ("OSA"), and bills such as the Anti-Terrorism Bill ("ATB"), and the Non-Governmental Organizations (Registration And Supervision) Act ("NGOA"). Together they will hinder freedom of expression and assembly and human rights work if they are abused similar to other repressive laws.

### **A. The Online Safety Act**

Certified on 01 February 2024, the Online Safety Act ('OSA') represents a major hindrance to human rights, particularly freedom of speech, in Sri Lanka.<sup>64</sup> This Act has over broad, vague provisions which lends to subjective and arbitrary interpretation.<sup>65</sup>

The Act establishes an Online Safety Commission that is allowed to fine or imprison a person for up to five years for offences such as using online accounts for "prohibited purposes."<sup>66</sup> The Act, however, does not define "prohibited purpose" or mention what people should refrain from posting online to adhere to this new law. Without a detailed definition of these prohibited acts, the State can determine in a subjective manner what they consider online criminal activity and target people for such activity. This lack of clarity promotes uncertainty as to how it will be used. It will likely befall the minority Tamil and Muslim communities in the country as they are already targeted by the state's security apparatuses and are generally apprehensive of law abuse which targets them disproportionately.

Secondly, the ambiguities in this Act will lead to broad interpretations that might be used to censure any online materials in reference to protests, human rights violations, and memorialisations in the North-East. Exposing human rights violations, covering activism, protests and memorialisations and publishing writings, be it fiction or non-fiction, in relation

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<sup>64</sup> <https://www.amnesty.org/en/latest/news/2024/01/sri-lanka-online-safety-act-major-blow-to-freedom-of-expression/>; <https://cpj.org/2023/10/cpj-calls-on-sri-lanka-to-reconsider-bills-likely-to-undermine-press-freedom/>

<sup>65</sup> <https://www.amnesty.org/en/latest/news/2024/01/sri-lanka-online-safety-act-major-blow-to-freedom-of-expression/>

<sup>66</sup> <https://www.parliament.lk/uploads/acts/gbills/english/6311.pdf>

to the war, are already being labelled as ‘terrorist’ activities or activities that hinder religious harmony between communities. In the past, Tamils, particularly journalists, were arrested for sharing or being tagged in posts in relation to ‘Maaveerar’ Day (Heroes Day) commemoration or sharing pictures of the ‘Karthikai’ flower (*Gloriosa superba*) (considered the national flower of the Tamil nation), on the ground of glorifying terrorism and trying to revive LTTE.<sup>67</sup> The same is also true when depiction in art forms of the land area that Tamils consider their homeland are shared online. For instance, on 14 March 2024, in Konavil Tamil College in Kilinochchi district, a structure highlighting the traditional habitats of Tamils in Sri Lanka was erected by one of the houses at the school’s inter-house sports meet. The structure and adornment went viral in social media. Consequently, the CTID visited the school the following week, recording statements from school authorities and several teachers. Since then, two of the students and their parents and several teachers have been summoned by the CTID.<sup>68</sup> The OSA, in such a context, will serve as a legal tool for the Online Safety Commission to label such aforementioned activities as ‘prohibited purposes’, and, in so doing, give the police and security forces legal cover for further arrests and intimidation.

## **B. The Anti-Terrorism Bill**

After much international and domestic criticism of the PTA, the government presented a “replacement” Anti-Terrorism Bill (‘ATB’) that mirrors the original PTA, exceeding it in some instances in terms of authority it gives to the security apparatuses.<sup>69</sup> The ATB’s definition of “terrorism” does not adhere to international human rights standards, is overly broad and restricts the scope of judicial guarantees.<sup>70</sup> The ATB merely represents a regurgitation of the PTA as it still allows the state to arrest individuals without warrant or reason, place them in unjustly long term detentions that could extend as long as 12 months and above all.<sup>71</sup>

If passed, this Bill would allow the state to “systematically violate fundamental human rights”,<sup>72</sup> and is violative of IHRL standards.<sup>73</sup> Since the PTA has historically been used to target mainly the Tamil-speaking communities in the North-East, there is fear amongst them that the use of the proposed anti-terrorism law is unlikely to be different – that it will be used to crack down on protests, memorialisation, and harass activists, journalists, community leaders, and in particular, ex-combatants.

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<sup>67</sup> <https://www.ifi.org/media-centre/news/detail/category/press-releases/article/sri-lanka-tamil-journalist-arrested-for-social-media-posts>;

<sup>68</sup> <https://english.ceylonnews.lk/tamil-school-harassed-by-anti-terror-police-for-creative-display-of-north-and-east/>

<sup>69</sup> <https://groundviews.org/2023/03/26/anti-terrorism-bill-the-good-bad-and-the-ugly/>;

<https://www.ohchr.org/en/press-briefing-notes/2024/01/call-sri-lanka-revise-anti-terrorism-bill>

<sup>70</sup> <https://groundviews.org/2023/03/26/anti-terrorism-bill-the-good-bad-and-the-ugly/>;

<https://www.ohchr.org/en/press-briefing-notes/2024/01/call-sri-lanka-revise-anti-terrorism-bill>

<sup>71</sup> <https://www.ohchr.org/en/press-briefing-notes/2024/01/call-sri-lanka-revise-anti-terrorism-bill>

<sup>72</sup> <https://www.hrw.org/news/2023/04/07/sri-lanka-reject-new-counterterrorism-bill>

<sup>73</sup> <https://www.hrw.org/news/2023/04/07/sri-lanka-reject-new-counterterrorism-bill>

## C. Non-Governmental Organisations (Registration and Supervision) Bill

The Non-Governmental Organisations (Registration and Supervisions) Bill ('NGOA') is being planned to replace the highly criticised Voluntary Social Service Organisations Act of 1980 ("VSSO").<sup>74</sup> Though not officially gazetted, a draft is being circulated, reportedly drafted by the government. This draft which was seen by ACPR, circulated in early 2024, has been justifiably questioned for its lack of consultative process, not being presented to the public, only being published in English, and failing to comply with requests to be copied by the HRCSL.<sup>75</sup>

The draft of the Bill is problematic based on its implications for NGOs operating within the country. Firstly, the Bill brings the NGO secretariat under the "Minister of Public Security, instead of the Ministry of Social Services, without any justification, cast[ing] a shadow of security related objectives on the legislative reform process."<sup>76</sup> Additionally, the preamble of the Bill is concerning as it does not prioritise assisting NGOs but rather "efficiently regulate activities of all VSSOs".<sup>77</sup> The Bill also allows for entry and searches of NGO premises without the issue of a warrant, a clear breach of physical liberty and the right to privacy.<sup>78</sup> The civil society organisations in the North-East function in fear of surveillance and raids, which this Bill will only serve to exacerbate. The Bill also contains the same issues in respect of its overbreadth and vagueness, leaving room for biased and manipulative interpretation.<sup>79</sup>

It is feared that the Bill will, if approved, be weaponised against civil society organisations (CSO) and NGOs, particularly those in the North-East who are already under heavy surveillance and are being pressured into reporting their activities to the Ministry of Defence and the Ministry of Public Security. Particularly, for organisations that work on "human rights, political reform, transitional justice and accountability related work."<sup>80</sup> NGOs and CSOs in the North-East already face regular inquiries from CTID and face challenges in receiving foreign funding. The allegations they face are that they are engaged in subversive activities and that the funding is for terrorist activities or reviving terrorism. The Central Bank of Sri Lanka issued a circular directing that banks need to conduct due diligence if the NGO is not registered with the NGO Secretariat under the VSSO. In practice, the banks interpret it to require the organisation to be registered under VSSO instead of simply conducting due diligence, either due to fear of being fined by the Central Bank if anything

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<sup>74</sup> <https://www.themorning.lk/articles/I2HDshbFiFvuVoZGHNy8>

<sup>75</sup> <https://www.hrcsl.lk/press-notice-on-draft-non-governmental-organisations-registration-and-supervision-bill/>

<sup>76</sup> <https://www.themorning.lk/articles/I2DshbFiFvuVoZGHNy8>. Currently, in practice, the NGO secretary is under the Ministry of Public Secretary even though the VSSO does not stipulate it.

<sup>77</sup> Ibid

<sup>78</sup> Ibid

<sup>79</sup> Ibid

<sup>80</sup> Ibid

untoward happens or when they cannot be bothered to conduct due diligence. This Bill will deprive even the constricted space currently available to independent CSOs and NGOs in the North-East by subjecting them to further surveillance, restricting their freedom and denying funding.

In December 2024, the NGO Secretariat announced that all INGOs/NGOs carrying out functions in Sri Lanka must be registered with the NGO Secretariat under the VSSO. This applies to civil society organisations registered under the Companies Act No.07 of 2007. The review process for registration includes clearance from the Ministry of Defence and the Ministry of Foreign Affairs, failing which registration can be denied. The very regulation was adopted hastily, without much public deliberation or transparency.<sup>81</sup>

The regulation is problematic in several aspects. Firstly, it was adopted hastily, without much public deliberation or transparency. Secondly, it legitimises the state's attempt to control the NGOs instead of monitoring/overseeing them as required by the Financial Action Task Force.<sup>82</sup> Thirdly, it is based on the assumption that the work NGOs do are problematic unless justified. This is particularly worrying to the CSO/NGOs in the North-East working on human rights and accountability, as they are already under heavy scrutiny.<sup>83</sup> Fourthly, the regulation does not stipulate under what grounds registration could be denied. It only says if there is a 'problem' in the clearance report sent by the Ministry of Defence, registration can be denied. The word 'problems' is not defined; given their vagueness, they fail the litmus test of certainty and unambiguity that the rule of law requires.<sup>84</sup> In so far as utilizing money laundering and financing terrorism as a pretext to impose blanket control over CSO/NGOs,<sup>85</sup> the trend of curtailing civic space citing the prospect of terrorism continues.

The regulation has already started to have cascading effect in the North-East. Banks are already citing the regulation to withhold the funds for CSOs working on human rights, notwithstanding the six months grace period given for registration, and in regard to one CSO, reverting the amount back to the donors without consultation.<sup>86</sup>

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<sup>81</sup> <https://www.ngosec.gov.lk/news-events/notice>

<sup>82</sup> <https://www.ft.lk/columns/CentralBank-NGO-Secretariat-and-weaponisation-of-Financial-Action-Task-Force/4-770882>

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid; <https://pmd.gov.lk/news/president-leads-discussion-on-sri-lankas-framework-for-combating-money-laundering-and-terrorism-financing/#:~:text=He%20emphasized%20the%20importance%20of,confidence%20in%20the%20country%27s%20economy>

<sup>86</sup> Conversation with a member of a CSO in the Northern Province, January 2025.

### **PART III: TRENDS FOLLOWING THE REGIME CHANGE: PERSISTING FEAR TACTICS & CULTURE OF SURVEILLANCE?**

In September 2024, Anura Kumara Dissanayake of the National People's Power (NPP) was elected as the President, promising to bring a new economic and political culture, including the "[a]bolition of all oppressive acts, including the PTA, and ensuring civil rights of people in all parts of the country".<sup>87</sup> The NPP won a supermajority in the following parliamentary election. Nevertheless, the incidents that followed the presidential elections are concerning:

The government's rhetoric indicates that it is going back on its unequivocal election promise that the PTA would be repealed. In October 2024, the Public Security Minister, Vijitha Herath of the JVP, indicated that the PTA would not be repealed or amended at that point and the question would only be decided after the parliamentary election.<sup>88</sup> In the same vein, Presidential Secretariat Director, J.M. Wijebandara, claimed that the issue was the 'abuse' of PTA, alluding that the PTA in itself is not the issue.<sup>89</sup>

Even the promise not to abuse the PTA has not been followed through. For instance, in between late October and early November, five persons were arrested under the PTA on the grounds of posing security threats to Israeli tourists in Arugam Bay, Eastern Province.<sup>90</sup> In relation to the 27 November memorialisation, three individuals have been arrested for sharing on social media the photos/videos of the former LTTE leader.<sup>91</sup> The latter arrests are particularly worrying as the arrests are based on social media posts.

Gauging from the security apparatuses' reaction to the 27 November memorialisation (Heroes Day), the trend of suppression of memorialisation in the North-East continues. In addition to the arrests, the CTID had visited the home of and summoned an activist over memorialisation<sup>92</sup>, the police disrupted commemoration organising at several cemeteries, intimidating and threatening the organisers. Likewise, 40th year memorialisation of Othiyaamalai massacre in Mullaithivu was conducted amidst surveillance and intimidation this December.<sup>93</sup>

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<sup>87</sup> NPP Presidential Manifesto, *A Thriving Nation, A Beautiful Life* (2024) 129

<sup>88</sup> <https://www.dailymirror.lk/breaking-news/Govt-will-decide-on-PTA-or-new-Anti-Terrorism-Bill-in-its-place-after-new-Parliament-convenes/108-294927>

<sup>89</sup> <https://www.themorning.lk/articles/mzv491v33qmwA3SYHY72>

<sup>90</sup> <https://island.lk/maldivian-among-six-arrested-for-arugam-bay-security-scare/>

<sup>91</sup> <https://www.themorning.lk/articles/gb7iKFch2j1I8p5mIQ5V>

<sup>92</sup> <https://www.tamilguardian.com/content/sri-lankas-terrorism-investigation-division-summons-tamil-woman-activist-trincomalee>

<sup>93</sup> Interview Conducted by ACPR with an activist, Jaffna District, December 2024; Interview Conducted by ACPR with an activist, Batticaloa District, December 2024

Though the new government is still in its early days, the above incidents illustrate the continuation of a repressive political culture regarding security, particularly the patterns of surveillance, intimidation, and arrests in the North-East. The continued use of the PTA despite winning the parliamentary elections implies that it is unlikely to be repealed anytime soon.

## **CONCLUSION**

Although the North-East of Sri Lanka continues to face countless security threats by the state and may encounter a possibly bleaker future with new laws, these communities have not faltered in their pursuit of justice and resilience. Despite extreme surveillance and intimidation becoming the norm in the North-East, the number of people attending protests and memorialisation events in the North-East continues to increase with each year. For instance, this year marked the 15th anniversary of the end of the civil war. To memorialise the lives lost, people gather at Mullivaikkal to commemorate. This year, more people attended the event than any of the years prior, and many protests, such as the ones of FOD, of cattle farmers in Mylathamadu-Mathavanai, of university students, and of local communities in Kurunthoormalai and Veddukunarimalai, are being held across the North-East.

Moreover, the communities in the North-East continue to use their will and devise new strategies to safeguard themselves from the worst of security related challenges. People fight the restraining orders in courts, hire lawyers to fight for their rights, and even sit in front of the police in peaceful protest when they are prevented from protesting or memorialising. These populations have been relentlessly targeted for decades and yet refuse to cave into the intimidation tactics and backdown; they continue to peacefully struggle for their rights that they deserve.

However, all of this comes at a price. For many people, the choice between their safety, sanity, or survival, on the one hand, and the ability to stay and fight for their rights is a difficult one to make, taxing them both physically and psychologically. As Sri Lanka continues to see a shrinking civil space, if the international community fails to act and assist the marginalised voices of the Tamil-speaking population in Sri Lanka that are often silenced due to fear of reprisals, the state will continue their illegal and abhorrent practices and sends a message to the world that their actions face no consequences and that the voices that matter the most will always be allowed to be silenced.

## RECOMMENDATIONS

### A. State Actors

1. Cease immediately all surveillance, harassment, and intimidation of families of the disappeared, former political prisoners, ex-cadres, activists, and participants of protests, memorialisation or political events.
2. Repeal PTA without undue delay. Any enactment intended to replace the PTA should comply with International Human Rights Law (IHRL) standards, and must not either directly or indirectly discriminate against Tamil-speaking communities.
3. Ensure that the complaints made to the Police and Human Rights Commission are investigated promptly, impartially, and effectively, and where violations are found, redress is provided immediately.
4. Ensure the right to memorialisation and freedom of assembly are respected across the country and take particular actions to remove the hindrance to their meaningful realisation in the North-East.
5. Demonstrate commitment to transitional justice by allowing people to remember their loved ones and to freely protest to assert their rights to register their demands without any fear or reprisals.
6. Re-visit the new and proposed repressive laws, such as OSA and NGO bill, and make necessary reforms to ensure that these are compliant with IHRL, non-discriminatory and do not leave room for abuse.

### B. Non-state actors

1. Closely monitor the ground situation by maintaining direct networks with victim/survivor communities to get updates on the security front.
2. Pressurize the Sri Lankan government, particularly during bilateral and multilateral relations, to adhere to IHRL standards when introducing new laws.
3. Ensure that fiscal assistance and relief are provided subject to the state's compliance with international law and its redressal of past wrongdoings.
4. Ensure that the Sri Lankan government is committed to transitional justice endeavours that are genuine, participatory, meaningful to the victims and survivors, sustainable and that give effect to all its pillars.

5. Provide support and assistance to activists, human rights defenders, victims and survivors. This shall include:
  - a. Skills training to document incidents of surveillance, intimidation, and human rights violations
  - b. Knowledge of available complaint mechanisms nationally and internationally and assistance in resourcing them and advocacy training targeting these mechanisms
  - c. Developing community-based resources to support the victims of severe security incidents