



October 19, 2020

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Re: Request to address deteriorating human rights situation during Oct. 27 visit with Sri Lanka's President and Prime Minister

Dear Secretary Pompeo:

I am writing on behalf of Amnesty International and our 10 million members, supporters and activists worldwide. Founded in 1961, Amnesty International is a global human rights movement that was awarded the Nobel Peace Prize in 1977 for contributing to “securing the ground for freedom, for justice, and thereby also for peace in the world.”

Amnesty's researchers and campaigners work out of the International Secretariat, which over the last decade, has established regional offices around the world, bringing our staff closer to the ground. The South Asia Regional Office was established in 2017 in Colombo, Sri Lanka to lead Amnesty's human rights work on Afghanistan, Bangladesh, Bhutan, the Maldives, Nepal, Pakistan and Sri Lanka.

Amnesty's South Asia Regional Office has carefully documented the deterioration of the human rights situation in Sri Lanka under the current government. Impunity persists for new and past human rights violations. We ask that during your upcoming visit to Sri Lanka, you call on President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa to reverse some of their recent actions which undermine human rights and take steps to address impunity.

Under the current government, the space for dissent and criticism is rapidly shrinking, as demonstrated by a series of cases, including the harassment of New York Times journalist [Dharisha Bastians](#), the arbitrary detention of blogger [Ramzy Razeek](#) and lawyer [Hejaaz Hizbullah](#), and the ongoing criminal investigation against writer [Shakthika Sathkumara](#). Although Ramzy Razeek was released on bail on September 17, the criminal investigation against him has not been closed. Hejaaz Hizbullah remains in detention without charge or any credible evidence of wrongdoing. During his detention for more than six months under Sri Lanka's draconian Prevention of Terrorism Act (PTA), he has only been granted restricted access to legal counsel or to his family. A third detention order to hold him for another 90 days was issued this month. He must be released without further delay.

Writer Shakthika Sathkumara was arrested on April 1, 2019 after publishing a short fictional story on his Facebook page, in which he hinted at child sexual abuse taking place in a Buddhist monastery. While he was released on bail on August 5, 2019, the criminal

investigation against him has not been closed. If charged and convicted, he could face up to 10 years in prison. The hearings have been repeatedly delayed, with the next hearing not scheduled until early 2021. Amnesty International declared him a Prisoner of Conscience, as he was imprisoned solely for peacefully exercising his right to freedom of expression and called his immediate and unconditional release.

In the cases of both Ramzy Razeek and Shakthika Sathkumara, the police reports cite the domestic International Covenant on Civil and Political Rights (ICCPR) Act as one of the legal bases for the arrest. The ICCPR Act was adopted to implement Sri Lanka's international human rights obligations as a state party to the International Covenant on Civil and Political Rights. Using the ICCPR Act in this manner is a misuse of a law that is supposed to protect, not violate, human rights.

More recently, during the COVID-19 pandemic, the Sri Lankan government appears to have targeted the Muslim community. On March 30, 2020, the first Muslim death due to COVID-19 occurred in Negombo, and despite vehement protests from the victim's family, health officials forcibly cremated his body. This was in spite of health guidelines which, at the time, stated that bodies of COVID-19 victims could be buried or cremated. On the next day following the first Muslim death, these guidelines were revised to order mandatory cremation of any person who has died or is suspected of having died from COVID-19. For members of the Muslim community, burials are considered a required part of the final rites. Amnesty International [called](#) on Sri Lanka to respect the rights of religious minorities to carry out the final rites of their relatives in accordance with their religious beliefs unless they can show that restrictions are needed to prevent the spread of COVID-19. The World Health Organization guidelines allow for either burials or cremations for the safe management of a dead body in the context of COVID-19.

Eleven years after the end of the conflict between government forces and the Liberation Tigers of Tamil Eelam ("LTTE"), Sri Lanka has not yet addressed allegations of grave international humanitarian law and human rights violations documented by several U.N. investigations, and has not held alleged perpetrators of international crimes accountable.

Investigations on emblematic cases have stalled, remained inconclusive or raised serious issues of potential interference with court processes. For example, in the well-known 2006 [murder case](#) of five students in the town of Trincomalee, 13 members of the security forces accused of the murder were acquitted by the court in July 2019 reportedly due to "a lack of evidence." Recently, Amnesty International also raised concerns that a Presidential Commission of Inquiry on political victimization may interfere with ongoing court proceedings in the case concerning the disappearance of [Prageeth Eknaligoda](#). The cartoonist disappeared on January 24, 2010, shortly before a presidential election in which then President Mahinda Rajapaksa was seeking a second term. In another emblematic case in which a conviction had been obtained, President Gotabaya Rajapaksa pardoned Sergeant Sunil Rathnayaka on March 26 of this year, thus undermining accountability, and the victims' right to justice. Sergeant Rathnayaka had been convicted in the [Mirusuvil massacre](#) case concerning the killing of eight Tamil civilians in 2000.

Among the victims were three children aged 15, 13, and a five-year-old whose body sustained signs of torture.

The root causes of the 26-year internal armed conflict between the government forces and the LTTE armed group are yet to be addressed including through meaningful devolution of power to the provinces. Relatives of those who went missing during the armed conflict or were victims of enforced disappearances are still awaiting answers. Sri Lanka has the second largest number of enforced disappearance cases in the world registered with the UN Working Group on Enforced or Involuntary Disappearances. Sri Lanka has not yet repealed the draconian PTA which facilitates arbitrary detention and removes safeguards against torture of detainees, or returned all of the military-occupied land back to their civilian owners. Since the end of the armed conflict with the LTTE in 2009, ethnic tensions with the Tamil minority have persisted. Since 2013, Sri Lanka has also seen a marked rise in incidents of harassment, threats and attacks on the minority Muslim community. The rise in power of Buddhist groups such as the *Bodu Bala Sena* (“BBS”) coincided with growing anti-Muslim sentiment in the country. This sentiment has led to violent attacks against the Muslim community, as seen in the towns of Aluthgama and Beruwala in 2014, Ampara and Digana in 2018, and, most recently, in Chilaw and several towns in the North Western and Western Provinces in 2019. The attacks targeted Muslim homes, places of religious worship, businesses and property. The violence in Aluthgama and Beruwala left at least four people dead, and several injured, while the violence in 2019 resulted in the death of at least one person in the Puttalam district. Despite investigations, the perpetrators of these violent attacks have not been held accountable.

The harassment and arrest of human rights defenders, the failure to hold human rights violators accountable, and the continued marginalization of minority communities under the present government threatens the prospects for a peaceful, prosperous future for the country.

We ask that you raise the above concerns with President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa and urge that the following actions be taken immediately:

- Prosecute effectively and bring to justice those responsible for the execution of the “Trinco Five” students and the enforced disappearance of Prageeth Eknaligoda as well as other alleged perpetrators of grave violations amounting to domestic or international crimes.
- Revoke the pardon granted to Sergeant Sunil Rathnayaka.
- End the persecution of Dharisha Bastians and other human rights defenders, journalists and lawyers.
- In the absence of any evidence against him, release Hejaaz Hizbullah, who has been detained for more than six months without any charges, and close investigations against Ramzy Razeek and Shakthika Sathkumara, who were imprisoned solely for expressing their peaceful opinions.

- Repeal the Prevention of Terrorism Act and stop the misuse of laws, including the ICCPR Act, to threaten, harass and prosecute dissenters, journalists and activists for peacefully expressing their opinions.
- Take measures to end discrimination and violence against the country's Muslim minority and bring to justice those responsible for attacks against members of the Muslim community.
- Ensure that religious rites and practices are respected as far as possible and in line with international guidelines, and that any changes to guidelines involve prior consultation with the affected community.
- Return all military-occupied land in the former war zone to its civilian owners or promptly pay appropriate compensation.

These are a few steps that the Sri Lankan government can take to bring its actions back in line with its international human rights commitments. Your assistance in bringing them about would further the cause of human rights in Sri Lanka.

Thank you for your attention to this important matter.

Sincerely,



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