‘I LIVE IN FEAR AND GO TO WORK’: ONGOING SURVEILLANCE, HARASSMENT AND INTIMIDATION IN SRI LANKA’S NORTH

February 2018

SRI LANKA CAMPAIGN FOR PEACE & JUSTICE

War-affected individuals and human rights activists from Sri Lanka’s North, in their own words, on the continued use of oppressive state practises under the current regime.

Contents

Executive Summary ____ 3
1. Introduction ____ 4
2. Methodology and Scope ____ 6
2.1 Methodology ____ 6
2.2 Scope ____ 6
3. Surveillance, harassment and intimidation: an overview ____ 9
3.1 Key working methods ____ 9
3.2 Responsible agencies ____ 13
4. The harmful effects of surveillance, harassment and intimidation ____ 16
4.1 Fear and distress ____ 16
4.2 Deterring dissent, limiting movement ____ 16
4.3 Gendered impacts ____ 17
4.4 Effects on family and community ____ 18
5. Preventing lasting peace? Perceptions of change and impacts on reconciliation ____ 20
6. Responding to the threat: counter-measures, official complaints, lasting solutions ____ 23
7. Conclusion ____ 27
8. Recommendations ____ 29

Cover photo credit: Sebastian Brixey-Williams

Executive Summary

Sri Lanka’s recent political transition paved the way for tangible improvements to the freedoms of expression, association and assembly enjoyed by its citizens. Yet despite the gains that have been made since January 2015, and the significant increases in dissenting activity and civil society activism which have accompanied them, the government still has a long way to travel in order to break with the country’s legacy of authoritarianism.

As this report confirms, the benefits of greater openness have not been distributed evenly, with Tamils living in the North and East of the country continuing to bear the brunt of oppressive state practises. These practises, which include excessive surveillance, harassment and intimidation, are carried out by an array of state security agencies and target a broad variety of individuals - ranging from former LTTE (‘Tamil Tiger’) cadres, to human rights activists, war survivors and ordinary citizens engaged in dissent.

Based on interviews with 27 such individuals from the North of Sri Lanka, we highlight some of the key tactics currently being deployed by the state, as well as the specific agencies responsible for their use. We find that not only are such tactics having a deleterious impact on the liberty and welfare of those targeted; they also pose a serious threat to Sri Lanka’s future. Whilst ostensibly used as a means of keeping the peace, our analysis suggests that they in fact threaten it: eroding the kind of trust within minority communities that will be needed to achieve lasting reconciliation, reproducing the grievances at the root of the ethnic conflict, and raising the possibility of future crackdowns against those who have spoken out in recent times.

> *“Sometimes, I fear what they will do to those whom they surveil … They are letting us do all our activities … They claim there are no issues and they allow us to do it. However, they are observing and documenting it. The fear is whether it will backfire in the future.”* Human rights activist, Mannar.

Amid much optimism about the relative increase in space under the current government, it appears that many serious ongoing restrictions faced by those living in the North of the country are being ignored, and that a window of opportunity for reigning in the repressive potential of the state – including, for example, by reforming the security sector and further strengthening the National Human Rights Commission – is being missed. In the context of ongoing impunity for past cyclical mass violence in Sri Lanka, the risks associated with a continuation of the status quo cannot be understated.

Meanwhile, our findings suggest that members of the international community can and should be doing much more: on the one hand, by bringing greater pressure to bear on the government to improve the ground situation in the North and East of the country, including through full implementation of Human Rights Council Resolution 34/1; and on the other, by enhancing their policies and procedures for directly supporting at-risk individuals. Ahead of the 37th session of the Human Rights Council, the aim of this report is to prompt greater discussion of these neglected – and indeed underreported – issues, and to help generate the determined political will that is needed to address them.

1. Introduction

The crushing defeat of the LTTE[1] by the Sri Lankan armed forces in May 2009, while bringing to an end 26 years of civil war in Sri Lanka, ushered in a chilling period of authoritarian rule that few living in war-affected areas would describe as “peace”. Rather than seeking to re-build trust among the island’s minority Tamil population - by investigating allegations of serious war-time rights abuses by all parties, addressing the grievances at the root of ethnic conflict, and reversing the erosion of the rule of law – the government, led by then President Mahinda Rajapaksa, instead embarked upon a policy of pacification and control.

Underpinned by high levels of militarisation, the threat and use of violence, and the proliferation of shadowy official and unofficial structures engaged in widespread intimidation, the period 2009-2015 saw a severe shrinking of the space in which citizens and civil society organisations could live and organise freely, particularly in the Tamil-majority North and East of the country. Those speaking out or claiming their rights risked becoming victims of one the many grave human rights violations perpetrated by the Sri Lankan authorities during that time, including abduction, arbitrary detention, torture, sexual violence, and extra-judicial killing.

The surprise victory of Maithripala Sirisena in the January 2015 Presidential elections brought with it hope of the climate of fear being lifted – and for a time afterwards, there were some significant grounds for optimism. Throughout the first year of the ‘good governance’ regime, grave human rights violations of the kind described above appeared to reduce, albeit in many cases continuing at unacceptable levels; the government pledged action before the international community to address the wounds of the war through a comprehensive ‘transitional justice’ programme,[2] including commitments to de-militarisation and reform of the security sector; and members of civil society, particularly in the South, began to report a less threatening atmosphere in going about their work. In 2016, the government appointed a Consultation Task Force (CTF), mandated to conduct island-wide consultations with a range of stakeholders on the design of the proposed reconciliation mechanisms. Despite multiple reports of interference by state officials, mostly in the North and East, the Task Force was able to generate significant levels of participation, reflecting a degree of freedom that did not exist under the former regime.[3]

---

[1] Liberation Tigers of Tamil Eelam – the ‘Tamil Tigers’.

[2] These commitments were contained in Resolution 30/1, which was co-sponsored by the government of Sri Lanka and adopted unanimously by the UN Human Rights Council (HRC) in October 2015. Following limited progress by the government in fulfilling its pledges, the Human Rights Council – again with the co-sponsorship of the government of Sri Lanka – adopted Resolution 34/1 in March 2017. It extends for a further two years the monitoring mandate of the High Commissioner for Human Rights, whose interim and final reports to the HRC will be presented in March 2018 and March 2019 respectively. The Sri Lanka Campaign has been tracking the government of Sri Lanka’s progress towards fulfilling the terms of Resolution 30/1 *cum* 34/1 at: https://goo.gl/1F5PXY

[3] Further information about such incidents can be found in Chapter 1, Section 8 of the Final CTF report, which was released in January 2017: https://goo.gl/VqmHrM. Despite its breadth and historically unprecedented grassroots mandate, the report has not been the catalyst for change that many had hoped for, largely due to neglect on the part of Sri Lanka’s leaders. In the weeks after its publication, several high profile ministers rejected outright its proposal for a ‘hybrid court’ with the participation of international judges. On February 2nd 2017, nearly a month after its release, the President finally acknowledged the existence of the report, but a plan for the adoption and operationalization of its recommendations remains to be seen.

Yet, three years on from the election of President Sirisena, the lack of tangible progress in many areas – and the major slowdown in progress in others - has meant that, for many in Sri Lanka, it is continuity rather than change that has defined the country’s recent political transition. **This report, prompted by repeated concerns raised during conversations with our partners in Sri Lanka, seeks to document and analyse one disturbing aspect of that continuity: namely, the ongoing use of surveillance, harassment and intimidation against war-affected individuals and human rights activists in the North of the country.**

Based on nearly thirty interviews, we look at how the Sri Lankan state is continuing to cultivate a climate of fear among those living in war-affected areas, despite repeated promises by the government to bring this era to an end. Following an outline of the scope and methodology of this report, we begin in Chapter 3 with an overview of the kinds of practises deployed by the Sri Lankan state (based on the interview material received) and the specific security agencies responsible for their use. [4]

In Chapter 4 we consider the immediate harmful effects on individuals, families and communtiies of oppressive practises by the state. In Chapter 5 we then examine perceptions of change in the use of such practises and their implications for Sri Lanka’s prospects of achieving reconciliation and lasting peace.

Finally, in Chapter 6 we consider how interviewees have been able (and unable) to respond to these challenges, including through the adoption of counter-measures, recourse to official complaints mechanisms, and through the support offered by international actors.

For many ordinary citizens and human rights activists living and working in the North of Sri Lanka, the stories and accounts re-told in this report are likely to be very familiar. Yet the unfortunate truth is that they are increasingly ignored in international narratives of Sri Lanka’s ‘post-war recovery’, nor in the responses and policies of key UN member states ostensibly engaged in supporting human rights and reconciliation in Sri Lanka. This report aims to help close that gap, to highlight the serious risks associated with the use of oppressive practises against Sri Lankan citizens, and to bring pressure to bear to put a stop to them.

[4] We use the term ‘security agencies’ to refer to a broad range of actors, including the regular police, specialised investigative units, military intelligence and the various civil-security bodies. This is distinguished from ‘security forces,’ a term generally used solely in relation to the armed forces. For more, see *Infographic 2.*

2. Methodology and Scope

2.1 METHODOLOGY

The findings in this report are based on the oral statements of 27 individuals gathered during individual and group interviews held at various locations in the North of Sri Lanka between August-November 2017. All of those interviewed were Tamils who had reported experiencing surveillance, harassment and intimidation after January 2015, and were selected for interview by the research team on that basis.

Interviews were held with individuals from all five districts in the Northern Province – Jaffna, Kilinochchi, Mannar, Mullaitivu, and Vavuniya. Owing to practical constraints, as well as a number of security issues that arose during the course of the research, individuals from Mannar were slightly overrepresented within the sample. Interviewees included a mix of human rights activists, former LTTE cadres,[5] former PTA detainees, as well as relatives of victims (either disappeared, killed, or arbitrarily detained) who made up nearly half of the sample. 18 of the interviewees were female and 9 were male (a ratio of 2:1).

Interviews were conducted in Tamil by experienced human rights researchers who need to remain anonymous for security reasons. Facilitators took audio recordings of the interviews, conducted as semi-structured discussions, which were later translated and transcribed into English. Transcripts were then processed by the Sri Lanka Campaign into this public report. All interviewees were informed of, and consented to, the handling and use of their oral statements in this way. For safety reasons, the names of individuals and other details that could lead to their identification have been omitted.

All of the incidents described in this report, except where explicitly stated otherwise, took place between January 2015-November 2017.

We take this opportunity to thank the facilitators and interviewees who took part in this research, many of whom did so despite the risks to their own safety and well-being.

2.2 SCOPE

The use of surveillance, harassment and intimidation by the state has been widespread throughout Sri Lanka in recent decades, targeting a broad spectrum of individuals – from human rights activists, journalists, and former combatants, to ordinary citizens engaged in critical dissent and political mobilization. Yet it is in the North and East of the country where this activity has been most intense since the end of the war, particularly against members of the Tamil community, and where it has been most persistent despite the change in government. It is for this reason, that the material gathered for this report is restricted to the experiences of those living and working in the North of Sri Lanka since January 2015.[6]

Thematically, this report touches on a broad range of issues concerning the way in which state force has been used in war-affected areas in the post-war period, including through strategies of militarisation and securitisation.[7] While a number of recent reports have recorded and analysed these broader

[5] All of whom had undergone government ‘rehabilitation’ prior to being released.

[6] Due to resource constraints, we were unfortunately not able to conduct interviews in the East.

[7] ‘Securitisation’ refers to the process whereby certain communities and identities are presented as posing existential threats to “legitimise and justify extraordinary measures taken by the state that restrict rights.”

processes, as well as some of the very grave rights violations that have accompanied them,[8] the focus of this paper is quite specific: it documents those practises by the security agencies falling under the banner of surveillance, harassment and intimidation, and examines the wider implications of their continued use.

It is *not* within the ambit of this report to determine categorically whether, in each particular incident or set of incidents described by interviewees, a human rights violation has occurred. Though in many of the cases presented in this report such violations would appear to be clear-cut,[9] we acknowledge that we generally lack the totality of information needed to make such a determination. This acknowledgement stems from the fact that most of the incidents recorded involve possible violations of the rights to freedom of expression, assembly and association – rights which are non-absolute and may, under certain limited conditions, be lawfully interfered with by the state. [10] In the absence of information about whether those conditions are present, we refrain from drawing firm conclusions about the human rights implications of the cases presented. The interview material is used in a principally illustrative manner: to highlight the experiences of those on the receiving end of a certain set of practises by the security agencies, and to examine the broader implications of their use.

Moreover, we recognise the partly self-selecting nature of the sample and temper our conclusions accordingly. While the material in this report is consistent with the Sri Lanka Campaign’s analysis of the wider behavior of the security agencies, as experienced by a broad cross-section of individuals in the North and East of Sri Lanka, further quantitative analysis (ideally by random sampling) is needed to reliably establish the prevalence and geographic incidence of surveillance, harassment and intimidation by the security agencies. As highlighted in the discussion below, this need is reinforced by what appears to be a very low level of reporting in relation to such incidents.

Finally, we wish to stress that the patterns and incidents outlined in this report are not exhaustive, nor are they representative of the breadth and gravity of ongoing human rights abuses in Sri Lanka’s North. The focus on the interview material so received means that – in addition to allegations of recent torture and sexual violence – we omit a fuller discussion of recent physical attacks on activists and civil society

---

‘Militarisation’ - one of the “primary strategies used to deal with securitised communities and identities” - refers to the the “step-by-step process by which something becomes controlled by, dependent on, or derives its value from the military as an institution or militaristic criteria”. For more on these twin processes in the Sri Lankan context see: A. Satkunanathan (2015), ‘The Executive and the Shadow State in Sri Lanka’, in A. Welikala (ed.), *Reforming Sri Lankan Presidentialism: Provenance, Problems and Prospects* (Centre for Policy Alternatives).

[8] For example, several reports have documented the ongoing use of abduction, illegal detention, torture and sexual violence by the security forces under the new government, including cases as recently as 2017. See: International Truth and Justice Project (2017), *Unstopped: 2016/2017 Torture in Sri Lanka* (https://goo.gl/FFDpXw) and Freedom From Torture, *Submission to the Third Cycle Universal Periodic Review of Sri Lanka* (https://goo.gl/7ZMKDS).

[9] For example, where explicit threats of violence are made against an individual.

[10] These rights are guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and protected under Section 14 Sri Lanka’s constitution. The ICCPR permits restrictions of these rights in narrowly defined circumstances, that is, where they are “provided by law” and “necessary” to protect certain interests, for example, national security or public order. As highlighted by several commentators, Sri Lanka’s constitution permits restrictions on these rights in a broader range of circumstances than under the ICCPR, by omitting the test for “necessity” and introducing several additional grounds for restriction, for example, where in the “interests of racial and religious harmony.” Further limitations on these rights are imposed by the Prevention of Terrorism Act (PTA), which grants the state sweeping powers, and sets out a broad range of vaguely defined offences. For further background see: A. Welikala (2015), ‘Securing the Freedom of Expression in the New Sri Lanka: Essential Institutional Reforms,’ *Groundviews* (https://goo.gl/y7k5WM).

organisations,[11] restrictions and threats against journalists covering human rights issues in the North,[12] recent efforts by the state to suppress memorialisation activity,[13] recent attacks against members of the Muslim community,[14] as well as the specific issues faced by those detained or recently released under the Prevention of Terrorism Act (PTA).[15]

[11] For example, see: the attack on the offices of the Trincomalee District Women’s Network (TDWN), 25 June 2017 (https://goo.gl/R5ofpJ), or the alleged assault against prominent disappearances campaigner Mariyasuresh Easwary, 14 August 2017 (https://goo.gl/j1UDi7).

[12] For example, see: ‘Sri Lankan army detains Tamil journalists documenting Sinhalisation in Mullaitivu,’ *Tamil Guardia*n, 10 December 2017 (https://goo.gl/3xkqcr)

[13] For example, see: ‘Remembering the dead is not a crime,’ *Sri Lanka Campaign*, 2 June 2017 (https://goo.gl/L1WP76)

14 For example, see: ‘Escalating Violence: Renewed assaults on the Muslim community,’ *Groundviews*, 22 May 2017 (https://goo.gl/pQei5O)

[15] For example, see: ‘Locked Up Without Evidence: Abuses Under Sri Lanka’s Prevention of Terrorism Act,’ *Human Rights Watch*, 29 January 2018 (https://goo.gl/ZMRUHB)

3. Surveillance, harassment and intimidation: an overview

Interviewees testified to the use of a broad range of practises falling under the banner of surveillance, harassment and intimidation. While the diversity and overlapping nature of the incidents recorded defy easy categorisation, in this chapter we provide a snapshot of some of the key methods deployed (as described by interviewees), followed by an overview of some of the key security agencies identified as responsible for their use.

Due to the partial nature of the data sample, we are unable to offer complete explanations as to why particular individuals were targeted by members of the security agencies. We are only able to describe what interviewees *believed* to be the reasons for their targeting. These included, principally, a reported desire on the part of the security agencies to gather information about former members of the LTTE and/or perceived pro-LTTE activities. However, they also included an apparent wish to monitor – and indeed deter - any activity regarded as contrary to the interests of the government or security forces. Widely construed, this tended to include any activity related to human rights and accountability, as well as many other aspects of transitional justice and post-war reconciliation.[16]

Levels of contact with the security agencies were generally most intense among former LTTE cadres whom had undergone the government’s ‘rehabilitation’ scheme. However, very intense levels of contact were also reported among citizens and human rights activists with no such perceived links to the LTTE. In such cases, individuals generally regarded their targeting by members of the security agencies as linked to their level of public visibility or the strength of their advocacy work. Additionally, several interviewees described their targeting as being motivated by other factors, such as racism, misogyny or personal gain.

3.1 KEY WORKING METHODS

3.1.1 Visits and questioning

Nearly all of those interviewed (96%) reported multiple – and in many cases regular - visits by members of the security agencies. A typical incident would involve two or three officials, usually travelling on bicycle or motorbike, visiting an individual at their home or place of work. There, the officials would request that individual’s personal information and begin questioning them about their background, affiliation, recent activity, and future plans, as well as the whereabouts and activities of colleagues, friends and family members.

Many of those interviewed indicated very high visit rates, often in addition to other regular forms of contact with the authorities, for example, via phone calls or surveillance by informants within the community. One respondent, a former member of the LTTE, indicated that officials had visited *“30 or 40 times”* since 2015. A female interviewee, a social activist, told facilitators about a particularly frightening three-month period in 2016: *“They usually visited once a day. If I was not at home in the day they would come in the evenings.”*

[16] Including, for example, efforts to commemorate the dead.

Several interviewees described the arbitrary nature of the questioning during such visits and the seeming absence of genuine lines of inquiry. For example, a female social activist from Mullaitivu stated: *“The police will come to my house frequently saying that they are from the investigative unit. They will come to take details. I ask them, ‘how many times will I give [these] details’. They will come as if they are going to help us. I say that they do not need to give any help; that we will give them our details only once, and that we cannot give them again and again.”*

Similarly, several interviewees pointed to the inordinate amount of time often spent by intelligence officials in their homes and workplaces during visits: *“They don’t ask anything directly. They stay for a long time; inside the patio … They stay for more than half an hour … I don't have the time to spend with them,”* said one. As identified previously by commentators, such incidents would appear to serve the primary function of “demonstrating control” over private spaces, thereby “generat[ing] deterrence and fear” among those targeted.[17]

3.1.2 Telephone calls

Less frequent, but often more menacing in character, were the telephone calls that interviewees reported receiving, allegedly from individuals believed to be working for or on behalf of the state. Of those interviewed, just over half (56%) stated they had received phone calls of an unwanted nature. Typically made from a variety of different telephone numbers, by persons not formally identifying themselves, interviewees described callers usually asking about their involvement in gatherings and events. As one individual, a human rights activist working with relatives of the disappeared in Kilinochchi, described*: “They say that [they] are calling you from the police division. They claim they are CIDs. During such calls they ask us how we are going to conduct our protests. Some people talk as if they are in support of us. However, they are doing their job … They frequently call me. Even this morning they spoke to me.”*

Many of those engaged in human rights activism highlighted examples of officials trying to collect information on family members or victims with whom they had worked. This included one individual who had been formally involved in convening a public meeting of the Zonal Task Force, part of an official government consultation process designed to collect the views of war-affected communities on reconciliation and transitional justice. *“‘Who came? What did I do?’ [the security officials asked]. They requested that I give the details of the persons [interviewed] and any information which might have an impact on the government … After that they call me every time the interviews are being held and ask what happened. From that moment I reduced answering their phone calls.”*

Others highlighted the use of phone calls as a more overt means of intimidation. One female relative of the disappeared from Jaffna remarked, for example, *“Unwanted phone calls are made but we do not answer them. As we are alone they might call to scare us … This is the third time I have changed my SIM”.*

3.1.3 Threats and physical intimidation

Nearly two-thirds of the interviewees (63%) described experiencing overt threats or physical intimidation during their interactions with officials, both in person and over the phone. “*They will threaten [me] over the phone and will come to my doorstep,”* stated a female relative of the disappeared from Mullaitivu. In several instances, threats were very explicit in nature. One female interviewee, the relative of a victim of a serious human rights violation, described an incident in 2017 in in which she

[17] See: A. Satkunanathan (2016), 'Collaboration, suspicion and traitors: an exploratory study of intra-community relations in post-war Northern Sri Lanka', *Contemporary South Asia*, 24:4, 416-428.

was visited by army intelligence officials at her home and questioned about the whereabouts of the victim: *“They scolded me … and warned that, if I do not give the details, when they come the next time they will kill me.”*

Several told of the way in which security officials would deliberately use their physical presence to intimidate. One social activist described an incident involving suspected property damage after she was identified for her role in a sensitive public campaign. *“[several months] from that incident … people came in a [vehicle] via our lane. I was alone and no one was at home. Everyone was in civil attire. Then in the night at about [X]pm, the same vehicle came and slowed down … In the morning I saw that the [X][18] was broken.”* Another, a relative of the disappeared, described a similar occurrence in the run up to a court hearing about her husband: *“[During the night] … two people wearing civil clothes came on a motor cycle. My children immediately woke up. The neighbour also woke up, but didn’t step out. They were talking filth in Sinhala. I kept watching through the window. I didn’t come out. They were there for about [X][19]. Later they [caused property damage][20] and left.”*

Other interviewees highlighted the implicitly threatening manner of their interactions with officials, with the use of questioning itself being used to instill a sense of fear. *“For example,”* a former LTTE cadre from Mannar said, *“if a neighboring aunty goes and complains about a problem, they will not threaten the aunty directly. But they will threaten her in other ways; taking all of the details about her, whether she has gone to [this or that] meeting, how did she go, and what did she do. So the aunty will think that they are threatening her because she went for the meeting. They do not threaten people directly. But they indirectly do it.”* Some highlighted instances in which they had received photos of themselves, taken by security officials at events: “*Photos … came in the post too. So, they have threatened me by denoting that I am being monitored.”*

Others emphasized more routine forms of physical intimidation through the permanent stationing of officers in particular areas, as well as through regular patrolling. *“Mostly in the nights the police are stationed in our area. That is unnecessary right? If they say there is peace, why would they do it?”* Another individual described the sense of insecurity and mistrust that accompanied the presence of high numbers of security personnel in their local area: *“There are people who patrol by bicycle and [on foot] … Sometimes if a theft happens, we suspect them. Why wouldn’t they steal from the Tamil people? We think in that way.”*

3.1.4 Monitoring and infiltrating events

Interviewees highlighted the heavy focus among security officials on monitoring and gathering information about events, including civil society meetings, workshops, protests and memorialisation activities.[21] Nearly two-thirds (63%) of the interviewees stated that they had been involved in events that they believed to have been monitored. Many described situations in which officials turned up unannounced to participate or listen in on gatherings: *“If we go to someplace they will stand near the doorstep. They will stand till it is over,”* said one human rights activist from Kilinochchi.

[18] Fixture attached to the property. Omitted to protect anonymity.

[19] Omitted to protect anonymity.

[20] Omitted to protect anonymity.

[21] For more information on the government of Sri Lanka’s repression of memorialisation activity in recent times – a hugely important aspect of discussions on freedom of expression in the North - see: PEARL (2016), *Erasing the Past: Repression of Memorialization in the North-East Sri Lanka* (https://goo.gl/bPY9Yn)

While often attending in civilian uniform, rarely would officials seek to conceal their presence. Indeed, according to several interviewees, in many cases it appeared that they wished to make a point of their being there, for example, by taking photographs of participants in an overt manner. A typical encounter was described by one activist as follows: *“It was just a small discussion which we conducted in the village. They came during these discussions and took photos … I asked ‘why are you taking pictures?’ They replied saying, ‘you took pictures, no? So we are taking them too.’ I told them ‘this is part of our work. We came to meet people and take photos. You don’t have to do the same.”* Another, a social activist from Mullaitivu, described the at times farcical extent of the surveillance during such events: *“Now, during public meetings where people voice their opinions, one sees more of the military investigative unit persons with cameras than media persons! We are able to observe this very well.”*

Several interviewees explained that security officials would regularly pressurise them to provide information about events in advance, and attempt to force them to seek prior permission. One human rights activist highlighted one such instance after he had participated in a protest in 2017: *“[A security official sent me an SMS]. He sent it to me saying, ‘I know all your activities. You must not do anything again without informing me.’”* Later, the tone became more threatening: *“‘I know that you are a [X].[22] Because of that I will not cause you any problem, [but] you must inform me who is doing what work.’”*

3.1.5 Use of informants

Just over three quarters of the interviewees (78%) described incidents in which they had been monitored by informants, in addition to their interactions with security officials. One female interviewee from Jaffna, the relative of a former LTTE cadre, discussed a typical situation in which members of the community had been co-opted to collect and relay information on her movements: *“After [the visits stopped] I did not see anyone. But now what they are doing is that they are watching me with the help of boys [in the village] … They ask, ‘Where are you? I did not see you for two days?’ The [military intelligence] keep talking to these boys. I got to know that the boys were providing information on me. They are doing it like this without directly involving themselves.”* Another, the wife of a disappeared LTTE cadre, highlighted the way in which even neighbours had become involved in spying on one another: *“The people who live near my house are the ones who informed [the security officials] about the people who had come from abroad to visit [us]. There are more people like this. I know them very well.”*

> *“There are informants … I don't understand how the information travels so fast to them … Since they have [been coming in between meetings], I don’t know whom I should trust. I fear whether they will tell anything about us. I don't know whether I will have to face risks to my life or [other] problems. Those fears exist.”*
> Social activist, Mannar.

In most cases, interviewees suspected informants, typically economically insecure young men and boys, of being in the pay of security officials: *“They work for a salary”; “There are people who get funding to do wrong to the people”;* and *“[They do it] for money,”* were the responses of several.[23]

[22] Role within the community. Omitted to protect anonymity.

[23] Recent research into the use of informants has offered a broad range of explanations, in addition to financial motives, as to why individuals ‘collaborate’ with state security agencies. These include ideology, a desire for influence, and the settling of scores, as well as the legacy of attitudes towards collaboration - and the informant networks that sustain it - as cultivated under the LTTE. See: A. Satkunanathan (2016), ‘Collaboration, suspicion and

A small number of interviewees highlighted instances in which they suspected civilian public officials of colluding with security officials. According to a recent graduate from Jaffna University, for example: *“We can even say that the investigation unit is inside the University now. They were taking details from [our fellow students] about us.”* Others described situations in which they believed members of local government to have colluded with security agencies in respect of surveillance, harassment and intimidation against them.

Infographic 1: a breakdown of methods of surveillance, harassment and intimidation as reported by the 27 interviewees

Experienced visits or questioning (26)

96%

Received unwanted telephone calls (15)

56%

Subjected to threats or physical intimidation (17)

63%

Involved in events that were monitored (17)

63%

Experienced monitoring by informants (21)

78%

NB: figures are based on mentions of such incidents during interviews with 27 individuals. They are likely to be a very conservative representation, owing the fact that interview facilitators did not always follow up where a result was not recorded - hence the possible presence of false negatives.

3.2 RESPONSIBLE AGENCIES

Interviewees mentioned a broad range of specific security agencies as engaged in the abovementioned practises. These included, principally, the police Criminal Investigation Department (CID); the police Terrorist Investigation Division (TID; the police Special Task Force (STF), Military Intelligence (MI [also encompassing references to “army intelligence” and “navy intelligence”]), as well as the regular Sri

traitors: an exploratory study of intra-community relations in post-war Northern Sri Lanka’, *Contemporary South Asia*, 24:4, 416-428.

Lankan Police force, and various civilian security bodies.[24] Some of these are highlighted in *Infographic 2* (below).

In many cases there was confusion and uncertainty on the part of interviewees about which specific agency they had come into contact with in a particular instance: *“I don’t know whether they are the police CID or military CID. I don't know whether they are the real intelligence people or not”*. Whilst perhaps partly a case of loose terminology – the common use of the (technically incorrect) phrase ‘military CID’ being a case in point – this also appeared to be a reflection of the ambiguity routinely (and perhaps deliberately) cultivated by members of Sri Lanka’s security agencies. For example, in many of the visits described in detail by interviewees, security personnel would typically present themselves in civil clothing, and fail to formally identify their name or affiliation – often even when requested to do so. In other cases, where some form of identification was offered, several interviewees doubted the veracity of the information provided. Asked whether security personnel typically produce formal identification during visits, one mother of the disappeared from Vavuniya stated, for example: *“No. But if we ask them who they are, they will answer. They will tell us they are the CIDs and they are coming from Colombo. But, I have seen them in our village.”* Another individual, a human rights activist from Kilinochchi remarked, *“I don’t know whether they [give] me their real names or pseudo names.”*

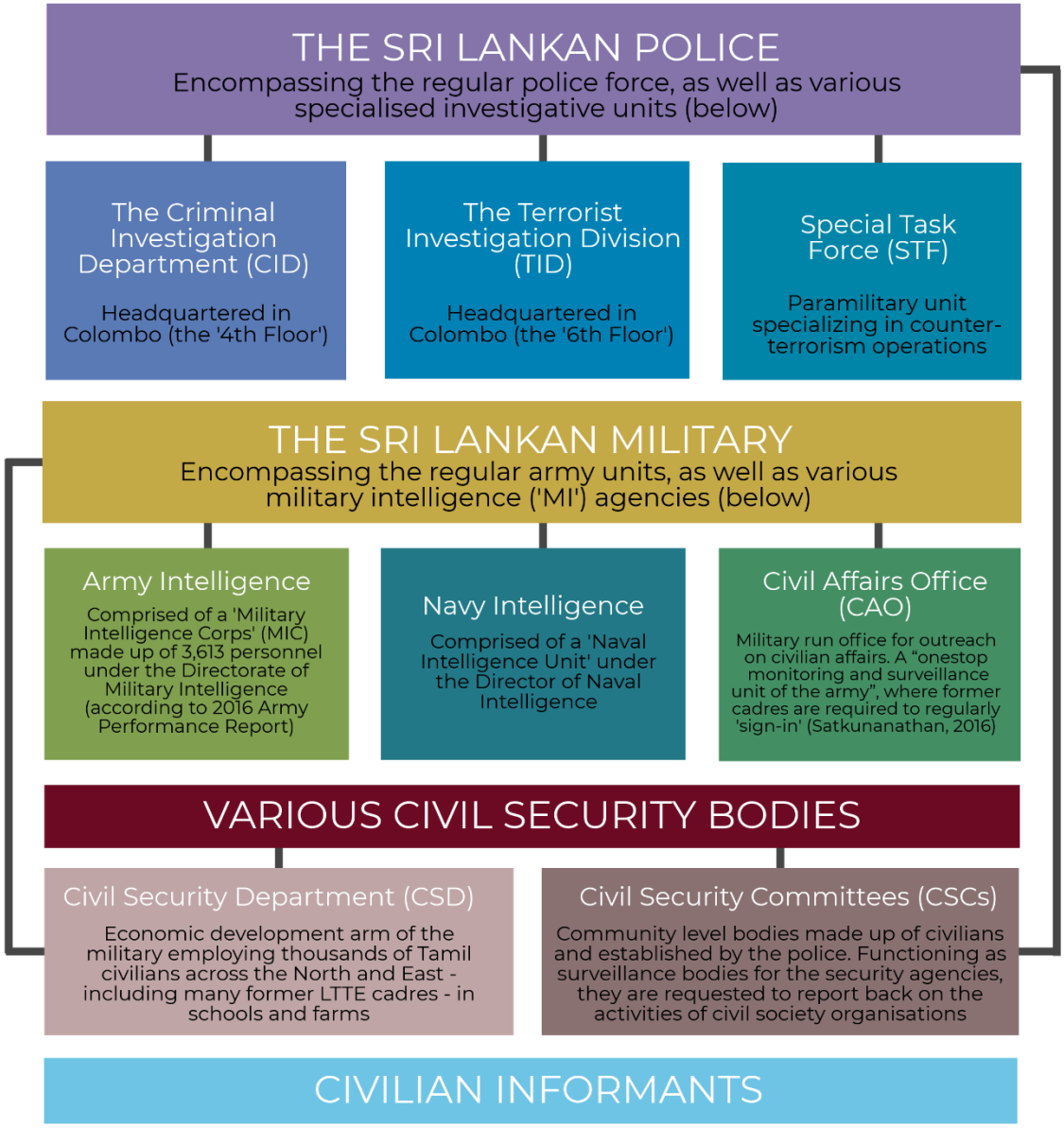
Mindful of the difficulties of identification, interviewees tended to differ on the question of which agencies were *most* responsible for the surveillance, harassment and intimidation which they had experienced:

- *“Police intimidation is the biggest one. From the police investigative unit. It’s called the terrorism investigation unit”*
- *“Army CID”*
- *“Mostly I am scared more of the Army”*
- *“Mostly by the CID”*
- *“I don’t know whether it is the CIDs. It’s the civil protection force. They wear green. They are the ones who stand there.”*

Whilst underscoring the need for further research to establish more clearly patterns of attribution, the divergent responses above also suggest the need for much stricter adherence by security officials to procedures for formally identifying themselves. Though difficult to ascertain any significant patterns based on the interview material received, experienced human rights activists involved in handling complaints by victims suggest there is a tendency to inaccurately identify members of the security agencies as being from CID, resulting in an underrepresentation of MI and TID in terms of reporting.

[24] For further information about the civil security bodies, and in particular the rapidly growing role of the Civil Security Department in the militarisation of the Vanni, see: D. Jegatheeswaran (2017), ‘Civil Security Department: the Deep Militarisation of the Vanni’, *Adayaalam Centre for Policy Research* (https://goo.gl/5pG6xR).

Infographic 2: an overview of Sri Lanka’s security agencies



4. The harmful effects of surveillance, harassment and intimidation

Interviewees described a broad range harmful impacts resulting from the use of surveillance, harassment and intimidation. These related not simply to themselves, but also to their families and broader community.

4.1 FEAR AND DISTRESS

Almost all of those interviewed described serious fears for their personal safety and well-being as a result of their interactions with security agencies, with many expressing concerns that they might be abducted, arbitrarily detained, tortured, sexually abused or killed: *“I am scared that they will do something or kidnap me,”* said one female human rights activist from Kilinochchi. In light of the widespread impunity enjoyed by security officials for such abuses, as well as recent reports of ongoing serious violations against Tamils (particularly those with perceived links to the LTTE), such concerns are plainly justified.

Frequently, interviewees described the persistent state of dread and paranoia with which they were forced to go about their lives. *“If anyone stares at me inside the bus,”* said a former LTTE cadre from Mannar, *“I get down from it out of fear that they are CID. So, I doubt everyone.”* Several others alluded to the way in which routine surveillance and monitoring had compounded mental health problems and war-related trauma. *“Our mental strength has certain limits,”* said the wife of a former LTTE cadre explaining her decision to refrain from protest activity following a series of visits from intelligence officials. *“They affect us psychologically,”* stated another, a social activist from Mullaitivu.

“I have issues related to transportation. Any thing can happen [when I travel]. They can do anything. They could kill me or kidnap me.” Former LTTE cadre, Mannar.

“I am scared to even walk outside.” Former PTA detainee, Jaffna.

“Even if it was a funeral … if we don't sign we will be arrested. We must be in that place to sign in. Do you know how much stress I am in?” Former LTTE cadre, Jaffna, describing the regime of compulsory regular reporting to security officials.

4.2 DETERRING DISSENT, LIMITING MOVEMENT

Many interviewees described how the actions of members of the security agencies had deterred them from engaging in various types of peaceful dissent, protest and human rights activism. *“I used to take part in the common meetings and protests … Now I do not go,”* said one individual. On her return from a recent hunger

“I behave well with the military to avoid further threats. I also tell them I would not attend protests anymore and I will not search for the missing.” Relative of the disappeared, Mannar.

strike, a female activist described being visited by a number of plain clothes intelligence officials who had threatened her not to participate again: *“Due to this reason, I don't go much to meetings or hunger strikes. If I go to hunger strikes they will come again and again. However, I do go to certain meetings because I have to voice for my rights.”*

Others highlighted how they had been forced to change their physical movements as a means of coping with the persistent risks to them posed by security officials. Several individuals stated that they avoided traveling by night to avoid harassment by authorities, with some former LTTE cadres going to the lengths of regularly altering their routes, or managing their daily routines, so as to avoid contact. *“Irrelevant of whether work is available or not, I go out of the house by [early morning] and come back at [late at night],”* said one. Others told of how they relied on the constant presence of friends and family for their protection. *“I always stay with others at home together. I do not go out anywhere alone … Also I stay at different places. I do not say in one place,”* said one individual, whose partner is involved in human rights work.

“The day after the protest, [CID officers] came to my house … They told me not to go to such protests … They told me that we would not understand now, but later on we will understand the gravity of this issue. I did not ask anything as I was scared … After that, I avoided going to protests.” Female relative of the disappeared, Mannar.

“I got scared so I don’t use that route.” Former LTTE cadre, Mannar.

“The tactic I use is to refrain from going anywhere.” Female relative of the disappeared, Mullaitivu.

An alarmingly large number of interviewees reported that they had been forced to move their homes or workplace as a means of avoiding persistent interaction with security officials. *“I have now relocated my office space,”* said one human rights activist. Another individual, a relative of the disappeared said, *“I do not stay at my house on a permanent basis. I stay at my relatives’ place or with someone I know.”*

4.3 GENDERED IMPACTS

A disturbing dimension of the material provided by female interviewees was the gendered nature of the intimidation and harassment faced by them. It was among women, and particularly war widows and female relatives of the disappeared, that fears about safety in their interactions with members of the security agencies were often most acute.[25][26] Many spoke, usually in indirect

“It is very difficult to leave here and go somewhere. As a woman what can I say?” Social activist, Jaffna.

[25] As pointed out in a recent report by the North East Coordinating Committee (NECC), the high numbers of women involved in dissenting activity and human rights activism (for example, in relation to the issue of disappearances) means it is they who have disproportionately borne the brunt of state-sponsored intimidation. See: North East Coordinating Committee (2017), ‘Human Rights Situation in North East Sri Lanka’, *Submission for the Third Cycle of the Universal Periodic Review* (https://goo.gl/K88u3J).

[26] For a recent comprehensive overview of the issues facing war-affected women in Sri Lanka’s North and East see: International Crisis Group (2017), ‘Sri Lanka’s Conflict-Affected Women: Dealing with the Legacy of War’ (https://goo.gl/tR5rmu).

terms, of the implicit and explicit threats of sexual exploitation and abuse from security officials. *“When we go alone, boys follow us,”* said a social activist from Mannar, *“So, I fear for my life. I am scared they might misuse me. I get scared while travelling to places far away. I start to shiver.”* Another, the widow of an LTTE cadre, explained the concerns for her daughter that accompanied visits by security *officials: “I don't let my child go anywhere without me. When someone [from army intelligence] says that you have a girl child, I know what it denotes. What can we do if something happens to her?”.*

Several female interviewees told of situations in which security officials had attempted to use their positions of power as a tool to pursue personal relationships or sexual favours from them. One, a female relative of the disappeared, described travelling to meet CID officials at an office in another town having been promised information about her missing husband: *“They told me that they will show him to me. When I went over there, I saw a photo of him kept in a file … I don’t know why they asked me to come, claiming that they will show him to me … They told me to come the next day too. They asked me to come to a lodge [with them]. They think about us in such a cheap way.”*

> Interviewer: *“Why do you think [the army intelligence officers] are making you suffer?”*
>
> Interviewee: *“It could be related to my husband. Or because they want to marry me, no? That issue is also there.”* Female relative of the disappeared, Mullaitivu.

Many interviewees also described the sense of stigmatisation associated with regular visits from security officials. *“What will the neighbors think when they see a couple of men coming to house where there is no husband? They will look at me differently. Also they come in the nights,”* said one individual, the wife of an exiled former LTTE cadre. Another, the wife of a disappeared cadre explained how her reliance on a male friend to travel safely had resulted in her being shamed by members of her community: *“I am a woman without a male companion. I face difficulties while searching for my husband … [when making complaints or engaging in activism] I am taking a trusted man along with me. Because of this, I am being rumoured of having an affair with him. I am depressed.”*

4.4 EFFECTS ON FAMILY AND COMMUNITY

In addition to the individual consequences highlighted by interviewees were the knock-on effects within families and communities more broadly. One interviewee, an individual engaged in human rights work in Mullaitivu, discussed with facilitators at length the erosion of family and social bonds caused by the persistent surveillance they had experienced: *“I have been affected emotionally. We are being observed to the extent that we cannot talk to our own friends peacefully in public. We isolate ourselves in order to not put another person in jeopardy. We reduce our freedom to communicate or talk. Also when our families get to know such intimidation, pressure builds up within the family.”*

> *“I used to go out to certain places with my siblings when I didn't have office work. [Today] I fear whether this could put them in trouble. It’s the same with my colleagues, I am afraid to go with them. I fear they may get into trouble.”* Human Rights worker, Mannar.

Another, a social activist from Mullaitivu, highlighted the impact of regular house visits by security agencies on the well-being of their parents: *“They have come to my house many times. Them coming like this, it impacts my old parents’ mental health. We do not get scared. But they get affected.”*

“I am more scared after getting married. I am scared that my family will have to face problems because of me.”
Former LTTE cadre.

5. Preventing lasting peace? Perceptions of change and impacts on reconciliation

As earlier research by the Sri Lanka Campaign has highlighted, increases in dissenting activity, a more outspoken media environment, and a reduction in the visible presence of the military, suggest that some limited progress has been made towards the fulfilment of the government's promise to restore normal civilian life in the North – a crucial prerequisite for lasting peace.[27]

Yet while a recent report by the National Human Rights Commission rightly observed that, in Sri Lanka as a whole, "there is expanded space for civil society activities at present, with improved enjoyment of freedom of expression, association and assembly,"[28] the material gathered for this report underscores the fact that the climate of fear has not lifted evenly or consistently across Sri Lanka, and that from the point of view of far too many in the North, it remains largely unchanged.

In this Chapter, we outline in more detail those perceptions of change under the current government, and consider two troubling sets of implications that are bound up with these trajectories: first, the deleterious impact of prevailing practises by the security agencies on Sri Lanka's prospects of building a sustainable peace; and, second, the possibility that information currently being gathered on citizens and human rights activists might place them at serious risk of harm in the future.

5.1 PERCEPTIONS OF CHANGE

Responding to the question of whether the ground situation – in terms of levels of surveillance, harassment, and intimidation - had improved or worsened following the change in government in 2015, interviewees provided a broad assortment of views (usually, and unsurprisingly, heavily conditioned by their own personal experiences and interactions with security officials over time).

On the one hand, several stressed first and foremost the improvements that had occurred under the current government:

- *"It is better I think. Compared to the previous government, the problems have reduced."*
- *"During the previous government, we were not able to be sure whether we will be alive or not when we were facing the problems... But now, in the new government, we feel safe."*
- *"It is lesser. [But] it has not stopped completely. There are threats and issues on security."*

On the other hand, however, a roughly similar proportion of interviewees emphasized the absence of any significant change:

- *"There is no difference. The same things exist in the current government like in the previous government as well."*
- *"It's the same. There is no increase or decrease. Everyone was told that when the new government came things would change. Do you see a change? Nothing has happened."*
- *"[Neither] the investigation mechanisms [nor] the military mechanisms have changed since the last government. Only the rulers' names have been changed."*

---

[27] For example, see our online monitoring tool, *Keep the Promise,* tracking the government of Sri Lanka's implementation of its commitments per UN HRC Resolution 30-1 *cum* 34-1 (https://goo.gl/TLvhB1)

[28] National Human Rights Commission of Sri Lanka, *Submission to the Third Universal Periodic Review of Sri Lanka* (March 2017) (https://goo.gl/CvQ7q6)

- *“Though the government changed, monitoring and threats are still continuing. The problem I faced was after the government changed.”*

Only one of those interviewed stated that the current situation was worse than under the former regime. However, interestingly, others explained that early signs of progress following the change in government in 2015 had subsequently been reversed:

- *“We do not see any slack or lack monitoring of the social activists by the intelligence since 2009. There is no change at all by the Sri Lankan government or the intelligence [or] investigative units. There was a decrease in the activities of the other units like the military for a while. But now that also has started again.”*
- *“The CID issues remain the same even in the Maithri government. For a while after Maithri came to power there was no problem. They were silent. After that they started being the same way they used to be.”*

5.2 DAMAGING PROSPECTS FOR RECONCILIATION

Closely linked to the above perceptions of change under the current government, many interviewees highlighted their concerns about how current practises by the security agencies were undermining Sri Lanka’s prospects for meaningful reconciliation. Often these concerns were derived from what interviewees felt were the damaging effects of such practises on levels of social cohesiveness and trust, both within and between different communities. As described by one former LTTE cadre from Mannar, for instance: *“It’s a barrier. The problems I face become a problem to my family as well. My relatives also have a problem. So this is spreading from one family to the other. Therefore, it’s a barrier to our society.”*

Others described the way in which the use of such practises posed a barrier to trust between Tamil communities and the state. *“Due to [the] continuous patrolling of the military and the intimidation faced by human rights activists, we doubt to what extent reconciliation will be created … We do not trust the government on this,”* said an activist from Mullaitivu. Another, a human rights worker from Mannar, explained how, for many, the cessation of overbearing practises by the authorities is seen as a necessary precursor to any meaningful conversations between communities on how to build peace: *“If such intimidation is there, it is difficult to talk about reconciliation.”*

In a trend deeply worrying for the future, some interviewees also discussed how contact with members of the security agencies had provoked resentment and antipathy among members of the younger generation. *“My son is [X] years old. He has anger issues,”* said one female relative of the disappeared. *“If a CID or TID comes home, he [my son] asks for the NIC [National Identity Card] and asks, ‘Who are you? When are you going to bring back my father?’ He talks as he wishes.”* Another mother said of her children: *“They do not like the army and the police. They think that their problems are because of them and the government.”*

5.3 SURVEILLANCE AS A PRECURSOR TO FUTURE CRACKDOWNS

A further striking feature of the responses on this topic was the profound sense of fear among many interviewees about how information currently being gathered about their activities might be used in future by successive governments – and the possibility that it might eventually place them at risk of serious harm. *“I feel that we may face worse situations once this government changes. So, I must say that there is no guarantee,”* said one relative of the disappeared from Mannar. In a particularly chilling account, one interviewee highlighted how security officials themselves foresaw the possibility of future

crackdowns. Amid a campaign of surveillance and intimidation from various MI and CID personnel in 2017 (in response to her role in various protest activity), a relative of the disappeared from described a recent encounter with an intelligence officer: *“He said the government will change and they are waiting till then. What is the hidden meaning of that? It means that problems will come.”*

Sri Lanka’s recent history offers ample precedent to justify the kinds of concerns expressed here by interviewees. For example, while the signing of the Ceasefire Agreement in 2002 led to significant increases in space for dissent, many of those who mobilised openly in the period that followed were latterly targeted – including being killed and disappeared - when the political situation began to unravel.[29]

> *“Sometimes, I fear what they will do to those whom they surveil … They are letting us do all our activities … They claim there are no issues and they allow us to do it. However, they are observing and documenting it. The fear is whether it will backfire in the future.”* Human rights activist, Mannar.

Closely linked to these concerns was the view that what observed change had taken place with regards to the ground situation was more one of *character,* than of degree – and that (for some) while things had improved in recent times, the underlying long-term risks associated with a largely unreformed security sector remained in place. For example, many offered the view that practises by the authorities had simply become less visible or more subtle. *“During Mahinda’s period, these kind of problems were worse. But we cannot say this has reduced now. Everything is indirectly being done,”* said one, the wife of a disappeared LTTE cadre. Elsewhere, this opinion was echoed by those who observed that overt forms of intimidation and deterrence, led principally by officials within the military, had simply been supplanted by a shift towards subtler forms of monitoring and surveillance carried out by plainclothes police officers, civil security bodies and informant networks.

[29] For more on the crackdown on dissent which began to intensify from 2006 onwards, see: Human Rights Watch (2007), *Return to War: Human Rights Under Siege.*

6. Responding to the threat: counter-measures, official complaints, lasting solutions

When asked how they had responded to the challenges of surveillance, harassment and intimidation, interviewees answered in a variety of ways. Many described proactive counter-measures they had taken to manage and cope with the risks. Others described their experiences of making complaints through official mechanisms, or suggested solutions for dealing with the root causes of the issues which they had faced. We highlight some of the responses below.

6.1 COUNTER-MEASURES

Most of those who replied to this question stated that they had sought the support of trusted local partners and human rights organisations following incidents of surveillance, harassment and intimidation by state security agencies. However, a worryingly large proportion suggested that they often decided against seeking such assistance, usually on the basis they feared the possible repercussions of doing so. For example, a female relative of the disappeared, referring to regular house visits by intelligence officers, told facilitators, *“[To] date, I have not told anyone about the problems I face. This is the first time I have told this, to you. It is because there is a security issue. I don't tell this to because I think it might affect my children’s future.”* Another female relative of the disappeared, from Mannar, explained how the perceived risks of sharing and documenting her experiences had sometimes outweighed the benefits: *“I do not know whom to complain about these problems. We think that we can complain to our elders and get some sort of solution. But if these kinds of complaints come out, we are the ones who will face problems.”*

Extraordinarily, even individuals professionally involved in human rights work reported that they had in some cases been reluctant to seek support when they felt under threat: *“Sometimes I don’t even tell my office, because they might handle it carelessly,”* said one social activist from Mannar. *“I live in fear and go to work.”*

Several interviewees described taking proactive personal measures to help manage the risks associated with their interactions with members of the security agencies, such as steps to improve their digital security. *“I assumed they would track my e-mail and [so] I have put some security settings [in place] for it. I have stopped passing information to people over the phone,”* stated one activist from Mannar. Overall however, levels of knowledge about digital security risks – and how to mitigate them - were quite low among interviewees, suggesting that there lies a significant needs gap in terms of training and capacity-building on this issue.

6.2 OFFICIAL COMPLAINTS

6.2.1 The police

Unsurprisingly, the overwhelming majority of interviewees stated that they did not feel confident or safe in taking their complaints to the police. *“If the intimidation is by the police, how can we go to the police and complain! How will they take those complaints?”* was one typical response, in this case offered by a social activist from Mullaitivu.

That said, a surprisingly large number said they had previously made such complaints in relation to excessive surveillance, harassment and intimidation by the security agencies, underscoring the occasionally divergent attitudes towards the regular police, on the one hand, and the specialised units (CID, TID, MI etc), on the other. In such instances, interviewees reported that they had often been met with a disinterested or ineffective response from officials, for example, by being refused the filing of a complaint. In other instances, there appeared to be a general unwillingness among police officers to investigate or take action against members of their counterparts in the specialised units. *“When we complain to the police, they tell us that we should have caught the people who had come and kept them inside. We are women. How can we capture and keep them inside?!”* exclaimed a relative of the disappeared, following a complaint she had lodged in relation to regular visits from military intelligence officers.

> *“I did not complain. They threatened me saying that I should not say about it anywhere else. So [due to] fear I did not go to the police.”* Social activist, Mannar.

In another case, one interviewee highlighted the lack of effective witness protection as an obstacle to recourse via the police. Following a threatening night-time visit from members of military intelligence, a female relative of the disappeared described the discussions with her neighbours that followed: *“[they] came and told us what they had seen, and were supportive of us. However, they refused to testify in the courts and the police stations. Because, they feared they might face problems. Truth be told, if they come to help us they will be in trouble.”*

> *“If I go [to the police] and tell that to them [about my security issue], they will ask who was it and whether I saw him and all. Then I have to go to them for follow-ups. Rather than [that], I can keep quiet about it.”* Female relative of the disappeared, Kilinochchi.

6.2.2 The Human Rights Commission

Almost a third of those interviewed described having either lodged a complaint with, or communicated their concerns to, Sri Lanka’s Human Rights Commission (HRCSL) in relation to incidents of surveillance, harassment and intimidation.[30] Many of those who had made such complaints expressed confidence in the Commission as an institution. *“I trust the Human Rights Commission,”* said one activist, discussing the support she had received following intimidation from intelligence officers in respect of a land issue. Another interviewee, comparing their relative levels of trust in the Commission and the Police, remarked, *“I do not think there are any such problems on the Human Rights Commission side.”*

Despite these many positive sentiments however – and the frequency of the view that that the Human Rights Commission represented the only real option for official recourse – several interviewees expressed doubts and concerns that suggest the HRCSL continues to face significant limitations.[31] Often these were borne out of a general sense of frustration about the Commission’s ability to address the

[30] As distinct from other kinds of human rights related complaints.

[31] In highlighting these, it remains the Sri Lanka Campaign’s view that the Human Rights Commission has played a vital and indispensable role in strengthening the protection of human rights in Sri Lanka over the past two years. A recent independent analysis found that its performance had “improved drastically,” following Constitutional Amendments to ensure its independence and credibility, and the appointment of a new Chairperson and commissioners. That said, it is clear that the Commission continues to face a number of challenges, for example, in terms of resourcing and resistance to its mandate from central government – and that further steps are required to ensure that it achieves its maximum potential. For more, see: Law and Society Trust (2017), ‘Sri Lanka: Reviving Amid Challenges’, *2017 ANNI Report on the Performance and Establishment of National Human Rights Institutions in Asia* (https://goo.gl/LgAKjz).

broader set of issues that they faced: *"It is pointless telling them as they have not given any solution for whatever we have already told them,"* said one female relative of the disappeared from Mannar. Others highlighted their concerns about engaging with an organisation which they perceived (correctly or incorrectly) as too close to the government, and thereby untrustworthy or dismissive of their concerns. *"When we go to the Human Right Commission, they dismiss all our complaints saying that there is no such problem existing at this moment. As they are government, they do not see the problems happening in the outside world,"* stated another relative of the disappeared, for example.

Some concerns were more specific. For example, one interviewee, a social activist from Mullaitivu, cited the lack of a regional office in their area as a barrier to engagement: *"If we were to complain about a human right violation, then they have to open an office here. Because [otherwise], people who have gone through many violations … do not have the necessary resources or financial support for this. This becomes beneficial for those who commit crimes."* Others felt that the Commission was not practically able to mitigate threats from the security agencies, or that it was only able to do so in a reactive (as opposed to proactive) manner. For example, in the words of a former LTTE cadre from Mannar: *"Even if they have taken our details at the Human Rights Commission, they [the HRC] will not be there when there are threats to one's life. We can only inform them after the problem has occurred … That's all we can say … they are not going to give us security for 24 hours [a day]."*

6.3 INTERNATIONAL SUPPORT

A number of interviewees offered their views on the support available from international actors – including, for example, foreign embassies and UN bodies. While several described instances in which such actors had helped to protect them against threats and risks posed by members of the security agencies, in many cases the availability, level and quality of support was viewed as insufficient.[32]

Several interviewees stated that there were simply no opportunities for engagement and that they would not know how to raise their concerns with embassy staff and UN officials. *"They have not approached us, and we also do not know how to approach them,"* said one female relative of the disappeared, for example. Such views were particularly frequent among individuals not professionally involved in human rights work, as well as among those living in the most politically sensitive war-affected areas. For example: *"When it comes to Mullaitivu,"* said one social activist, *"the intervention done by the international embassies is much less. If there was space to open an office for an embassy or the UN, with staff to take up security issues, that would be good."*

Even where interviewees had been able to engage, several interviewees felt that the level of follow-up from international actors on protection issues was lacking. *"They [the foreign missions] come and write down all the problems and go. They do not give any pressure to the government by using those details,"* said one activist from Mannar. Another, also from Mannar, echoed that view and explained his disillusionment: *"They are just reporting and doing projects. We have conveyed all the information to the embassies which came to us. But I do not think they gave any pressure to the government. They visit, do their reporting and leave."*

[32] One foreign embassy, which we will not mention for security reasons, was singled out for praise by several individuals who had received support from them.

6.4 LASTING SOLUTIONS

As well as describing how they had been able to respond to risks and threats posed by security agencies, several interviewees offered their views on what was needed to address the root causes of the issues which they faced. Most straightforwardly was the suggestion that the overall presence and activity of the security agencies be reduced.[33] In the words of a social activist from Mannar, for example: *“They should not be there at all. The military presence should not be there. Those who come in civil [uniform] should not be there. [The] CID intervening should not be there.”*

Other interviewees highlighted the need for specific reforms, for instance, the increased recruitment of Tamils to the state security agencies, particularly in senior posts. As one interviewee complained, *“Tamils are not recruited beyond the Superintendent [level] in the police. If the posts were equally shared among the Tamils and Sinhalese, we can have a solution to an extent … If we have Tamil people in these posts, we will be able to tell our problems. It is pointless telling those in lower posts, because the top level are the decision-makers.”*

Other interviewees reiterated the need to address the barriers to making complaints through official mechanisms (as outlined above), for example, in terms of introducing effective witness protection mechanisms,[34] and enhancing the independence and capacity of the Human Rights Commission. Several went further by situating such issues as part of a much broader problem concerning the continued political marginalisation of Tamils, and alluding to the need for effective self-government. *“When we say ‘safe environment’, in the long run, [that means] Tamils should govern the Tamils,”* said a social activist from Mannar. Additionally, several interviewees stressed the importance of continued pressure from the international community as a means of safeguarding them from risks posed by the security agencies. *“The international Community must apply pressure on the government and protect us from the military’s authoritarian actions. [They] must come forward for us to live with freedom [and] to guarantee our safety and security,”* said one human rights activist from Kilinochchi.

“The CIDs and TIDs should not come home or call us. They [the government] brag about peace, but why do they still have patrolling?!” Female relative of the disappeared, Mullaitivu.

“The police should be Tamils.” Female relative of the disappeared, Mullaitivu.

There are [military] camps everywhere. Wherever, you turn there are camps. I feel it is unnecessary.” Female relative of the disappeared, Kilinochchi.

“Why do we need CIDs under [the period of] ‘good governance’? They are there to monitor us and know more about is. We need to make them not have such work.” Female relative of the disappeared, Mannar.

“The government has to fulfil the people’s demands. People have to live without any fear.” Former LTTE cadre, Vavuniya.

[33] Including the intelligence-gathering agencies within the military but also, indeed, the military at large.

[34] On which, see: South Asian Centre for Legal Studies (2015), *Victim & Witness Protection: The Need for Further Reform* (https://goo.gl/vXahDR)

7. Conclusion

The change of government in Sri Lanka in 2015 brought with it a significant expansion of the space in which citizens and civil society could speak up for their rights and engage in critical dissent. That we were able to undertake the kind of research presented in this report – a task extremely difficult, if not impossible, under the former regime – is a testament to that fact. Yet three years on, the interview material outlined above underscores the enormous distance yet to cover in the transition away from authoritarianism. The findings reinforce the view that what gains have been made have not been distributed evenly, with Tamils living in the North (and East) of the country continuing to bear the brunt of oppressive behaviour by the security agencies. They also suggest that - despite the more tolerant political climate - little has been achieved in terms of meaningfully addressing the deeply rooted structures and practises of the security apparatus that have developed over the course of nearly 30 years of war and emergency rule.

As outlined above, the kinds of tactics currently being deployed by the security agencies, taken together with the effects that have been described, suggest the Sri Lankan state continues to interfere extensively with the rights to freedom of expression, assembly and association enjoyed by those living in the North. These interferences – which in many cases may constitute human rights violations - are experienced by a wide range of individuals and in a wide variety of contexts, affecting not just human rights activists and those actively engaged in critical dissent, but also (in the case of former LTTE cadres and war survivors) those simply seeking to go about their ordinary lives.

> *“It is organized. Everywhere. In Jaffna, Mannar and Mullaitivu. Everything seems to be organized. It is not a sudden incident.”* Human rights activist, Mannar.

Such interferences manifest themselves in a variety of ways. Sometimes they do so overtly, in the form of a direct threat or specific act of intimidation. But often they do so more subtly, with the mere presence of the security agencies - combined with a contemplation of the impunity which they enjoy, an awareness of serious ongoing violations, or the possibility of a change in the political situation – causing individuals to censor their speech, alter their movements, and refrain from partaking in collective activity.

Added to this is the chilling effect of a vast network of surveillance, underpinned by the use of informants and the operation of various civil-security bodies, which serve not merely to gather information on citizens, but also to generate fear and assert control. In the words of one commentator, whose 2014 observations about the function of excessive surveillance in the North would appear to hold true today: “The individual who believes that he or she could be watched at *any* time, consciously alters or disciplines their behaviour and acts as if they are being watched *all* the time. They become, in other words, a self-policing subject.”[35]

The costs of such a system, however, should not be viewed solely in terms of a loss of civic freedoms. As the interview material here illustrates, such costs are also measurable in terms of the deleterious impacts on the welfare of those targeted (and their families and communities), as well as in the erosion of social trust (both within communities, and between minority citizens and the state) that is likely to be so essential for building a lasting peace in Sri Lanka.

[35] A. Amarasingam (2014), ‘Life in the Open-Air Panopticon: Surveillance and the Social Isolation of Ex-LTTE Combatants in Sri Lanka’, *Groundviews* (https://goo.gl/98aAzH).

The voices of those heard in this report, meanwhile, make clear the huge task ahead if the Sri Lankan state is to break from the repressive legacy of the past – a task that will, first and foremost, require serious political will and a complete re-thinking of the role of Sri Lanka’s security agencies *vis-à-vis* minority communities. Those voices also reiterate the need for a much speedier and vigorous implementation of the government’s current stated commitments to reconciliation – on accountability, devolution of political power, de-militarisation, and security sector reform, to name but a few – as well as for the kind of continued international engagement and pressure that will help ensure they are delivered.

As highlighted most starkly in this report through the words of children disaffected by the targeting of their families by the security agencies, the government of Sri Lanka is failing to use the current historic opportunity to break the cycles of grievance at the root of decades of mass violence that all of its citizens – but especially its Tamil citizens - have endured. While the costs of excessive surveillance, harassment, and intimidation are today borne principally by those directly affected, the practises pose much wider dangers Sri Lanka’s prospects for meaningful reconciliation. So long as they persist, serious doubts will continue to hang over Sri Lanka’s prospects of building a sustainable peace, and the risk of much bloodier and more severe future repression will remain.

8. Recommendations

To the government of Sri Lanka:

- Cease the use of surveillance, harassment and intimidation in relation to lawful activities by citizens and civil society.
- Take urgent steps to fulfil commitments to reforming the security sector and ensure, through training, incentives, and disciplinary action, that the rights to freedom of expression, assembly and association are respected and upheld by all state agencies.
- Reduce the presence of the military in Sri Lanka’s North and East, including by accelerating the return of military occupied land and ending the military’s involvement in civilian activities (including those activities conducted by the Civil Security Department).
- Issue instructions to the security agencies to halt the widespread recruitment and use of civilian informants.
- Fulfil commitments to strengthening witness protection legislation to ensure that the victims and witnesses are able to come forward safely.
- Take steps to strengthen the Human Rights Commission to ensure that it is equipped to effectively respond to complaints concerning surveillance, harassment and intimidation by the security agencies.
- Bring to account perpetrators of serious human rights violations within the military and security agencies through the establishment of a judicial mechanism with significant international involvement (as pledged in UN HRC Resolution 30/1 *cum* 34/1).

To the international community:

- Foreign governments and UN officials to bring pressure to bear at all levels, including bilaterally and through the UN Human Rights Council, to ensure the government of Sri Lanka acts to put a stop to the use of surveillance, harassment and intimidation in relation to lawful activities by citizens and civil society.
- Recognise publicly the risks to the prospects of reconciliation and lasting peace in Sri Lanka posed by such practises.
- Foreign embassies in Colombo to review and strengthen policies and procedures for supporting at-risk individuals who have been the victims of threats, harassment and intimidation by the security agencies, and to implement in full existing guidelines on the protection human rights defenders.
- Foreign embassies in Colombo to inform at-risk individuals, orally or in writing, of actions taken in respect of complaints made by them, including the responses received (or lack thereof) from the Sri Lankan authorities.
- Review existing programmes designed to support security sector reform in Sri Lanka, with a view to ensuring that the promotion and protection of human rights, including those threatened by the use of surveillance, harassment and intimidation are given utmost priority. Relatedly, to establish procedures for recording complaints about institutions that are receiving foreign assistance, and to follow up on such complaints until specific and adequate responses are received.

SRI LANKA CAMPAIGN
FOR PEACE & JUSTICE

www.srilankacampaign.org

info@srilankacampaign.org

@SLCampaign