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22.08.2022

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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

The President
Democratic Socialist Republic of Sri Lanka
Presidential Secretariat
Colombo 01

Hon. President,

Several complainants were received by the HRCSL alleging that Ex-President Gotabaya Rajapaksa had tendered his resignation under threat and coercion. And the government had failed to provide adequate security to Gotabaya Rajapaksa during this period. And now, the Ex-President and his family intend to return to the Country. The complaint is based on the premise that the Ex-President and family cannot return to the country due to the prevailing threats they face and that it violates fundamental rights guaranteed under the Constitution for every citizen.

The HRCSL has gone through the complaint. It grossly violates the fundamental rights guaranteed to every citizen if that citizen cannot return to the country for extraneous reasons beyond his control and which are within the control of the State to eliminate.

Primarily it is inherent for all citizens to return to their country whenever such a citizen seems necessary.

“every citizen is entitled to the freedom to return to Sri Lanka.’ (Article 14 (1) (i)

It is alleged in the complaint that Gotabaya Rajapaksa and his family, who are citizens of this country, are unable to return to the country due to prevailing threats to their lives.

It unequivocally violates fundamental rights if all persons are not guaranteed equal protection under the law.

“All persons are equal before the law and are entitled to the equal protection of the law” (Article 12 (1).


The complaint further alleged that the Ex-President could not return to the Country unless the Government guaranteed the security he is entitled to under the law as Ex-President of Sri Lanka.

The Commission observed that Ex-President Gotabaya Rajapaksa is entitled to certain privileges and benefits as an Ex-President established under law.

It is recommended that the Government of Sri Lanka (GOSL) takes all necessary steps to assess the threat situation and provide the Ex-President with the security protection provided under the law for an Ex-President to return to the country whenever he makes such a request.

The Family of Gotabaya Rajapakse, now living abroad, is entitled to the protection of the law to a safe return to the country. The HRCSL recommends that the GOSL provide adequate protection to the family of Gotabaya Rajapakse to return to the country.

The Law enforcement officials of Sri Lanka should assess the threat situation that would affect the violation of the fundamental Rights of Gotabaya Rajapakse and his family now living abroad to return to the country and take all reasonable and appropriate means to prevent and or remedy such infringement within the framework of the law of Sri Lanka and permit their safe return to the country.



Justice Rohini Marasinghe
Judge of the Supreme Court (Retired)
Chairperson
Human Rights Commission of Sri Lanka



Dr. Nimal Karunasiri
Commissioner
Human Rights Commission of Sri Lanka