



ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් කොමිෂන්
இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Press Notice No: HRC/P/i/E/08/01/24

Press Notice

The ‘Yukthiya’ Operation

The Human Rights Commission of Sri Lanka expresses its concern with respect to the ‘Yukthiya’ Operation implemented by Sri Lanka Police and the Ministry of Public Security. It notes that the Ministry is reported to have announced that over 20,000 suspects have been arrested under the operation in just two weeks, i.e., 17 December to 31 December 2023.

The stated objective of the operation is to combat drug trafficking and organised crime. The Commission acknowledges that preventing organised crime and the trafficking of dangerous narcotics is an important objective. However, the Commission has received a number of complaints concerning torture, cruel, inhuman or degrading treatment, and arbitrary arrests and detention associated with the ‘Yukthiya’ Operation. We also note the recent statement of the Bar Association of Sri Lanka raising serious concerns with respect to the said operation. The operation has accordingly become associated with reports of widespread injustice, making its very title ‘Yukthiya’ (the Sinhala term for ‘justice’) a misnomer.

The Commission reiterates that every person in Sri Lanka has a fundamental right to be free from torture, or cruel, inhuman, or degrading treatment or punishment under Article 11 of the Sri Lankan Constitution. This right is absolute and inalienable and may not be restricted under any circumstances. Police officers responsible for investigating crimes and apprehending suspects must, at all times, respect this right, which requires that suspects be treated with dignity. The Commission is disturbed to learn of reports of cruel, inhuman, or degrading treatment of persons, including young persons, during search operations conducted by the police. The Commission is accordingly taking steps to inquire into such reports.

These reports are particularly egregious in a context where the Commission has received over 200 complaints of torture in 2023 alone. Additionally, perpetrators of torture continue to hold office despite recent pronouncements by the Supreme Court of Sri Lanka finding them responsible for torture and ordering them to pay compensation to victims. On 21 December 2023, the Commission wrote to the Hon. Attorney-General encouraging the prosecution of these officers. In his response to the Commission dated 28 December 2023, the Hon. Attorney-General assured the Commission that ‘necessary steps have been taken by [the Attorney-General’s] Department’ where the Supreme Court has directed steps to be taken with respect to persons responsible for acts of torture.

The Commission further emphasises every person's right to life implicitly recognised by Article 13(4) of the Constitution. This right extends to all persons, regardless of their status as criminal suspects or accused in criminal proceedings. However, the phenomenon of custodial and encounter deaths involving Sri Lanka Police continues to be a serious challenge. In fact, during the first six months of 2023, the Commission received complaints with regard to six custodial deaths and two encounter deaths involving Sri Lanka Police. Once again, the Supreme Court has made important pronouncements on the responsibility of police officers for the death of persons in custody. For example, in *Fathima Sharmila v Officer in Charge, Police Station, Slave Island & Others*, SC (F.R.) Application No. 398/2008, the Supreme Court found that several police officers attached to the Slave Island Police Station were responsible for the death of the petitioner's spouse and ordered these officers to pay compensation to the petitioner. The Commission in fact recently encouraged the Hon. Attorney-General to consider the prosecution of these officers. On 11 December 2023, the Commission launched a draft set of General Guidelines and Recommendations to Sri Lanka Police on Preventing Custodial and Encounter Deaths. Yet, merely days after the launch of the draft Guidelines and Recommendations, the Commission was disturbed to learn of a reported statement by the Minister of Public Security that 'maximum force' would be used against drug traffickers, insinuating that such suspects may be extrajudicially executed during police 'shootouts'.

The Commission also reiterates that Article 13(1), (2), (3) and (5) of the Constitution guarantees to every person the freedom from arbitrary arrest and detention, the right not to be deprived of liberty except on the order of a judge, the right to a fair trial, and the right to be presumed innocent until proved guilty respectively. These fundamental rights form the bedrock of Sri Lanka's criminal justice system. The overzealous arrest and detention of persons, the seizure and destruction of private property, and the forced search of persons and premises under the guise of combating drug trafficking and organised crime risk the systematic infringement of these fundamental rights across the country.

Additionally, there are reports that media personnel are accompanying the police during searches of private homes and the arrest of suspects, and that video footage of such operations is aired on national media channels. The Commission observes that such action amounts to a serious violation of the right to privacy, and reiterates its advice sent to the then Inspector General of Police (IGP) on 23 September 2021 on the same matter. It recalls that the then IGP issued Circular No. RTM-382 on 14 February 2022 referring to the Commission's advice and prohibiting unauthorised dissemination of images and footage concerning the arrest of suspects via the media. The Commission also notes that such violations of privacy may give rise to delictual action against the relevant media institutions as envisaged by the Supreme Court in its Advisory Opinion in S.C. Ref 01/2008.

The Commission recalls its recent study on the prison system in Sri Lanka, and its recommendations with respect to addressing the problem of overcrowding in prisons. The spate of arrests and detentions under the said 'Yukthiya' Operation will no doubt exacerbate this problem. It also stands to undermine progressive reforms currently being contemplated by the Ministry of Justice to introduce alternatives to remand.

The Commission notes that the continued implementation of the 'Yukthiya' Operation with the professed object of advancing 'justice' remains incongruous, given the systemic failure of law enforcement authorities in Sri Lanka to uphold justice and to respect the fundamental rights of the People. The primary challenge in terms of justice in Sri Lanka today is its culture of impunity, exemplified by the lack of accountability of law enforcement officers for torture, custodial and encounter deaths, and arbitrary arrests and detention, despite findings of responsibility by the country's apex court. The Commission accordingly calls upon H.E.

the President, the Minister of Public Security, and the Government of Sri Lanka to pay more attention to the current approach to law enforcement and focus instead on meaningfully reforming law enforcement institutions to enable them to ensure public security while maintaining the Rule of Law and respecting the fundamental rights of the People.

Media Spokesperson
Human Rights Commission of Sri Lanka

08.01.2024