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Human Rights Commission of Sri Lanka

Press Notice No: HRC/P/i/E/13/06/25

Press Notice

Mohamed Hanifa Badhurnisa (Complainant) & Mohamad Liyaudeen Mohamed Rusdi (Victim) vs. The Director, Counter Terrorism and Investigation Division & Five Others SUO MOTU-08-25 / HRC/1072/25

On 12 June 2025, the Human Rights Commission of Sri Lanka issued its findings and recommendations in Case No. SUO MOTU-08-25. The case concerned the arrest and detention of Mohamad Liyaudeen Mohamed Rusdi under the Prevention of Terrorism Act (PTA) and the subsequent issuance of a restriction order against Mr. Rusdi. Mr. Rusdi was arrested and detained by the Counter Terrorism and Investigation Division (CTID) of Sri Lanka Police on 22 March 2025. A detention order was issued against him by H.E. the President in his capacity as Minister of Defence on 24 March 2025. The primary allegation against Mr. Rusdi was that he had displayed two stickers at the shopping centre Colombo City Centre, containing the phrase ‘Fuck Israel. End Apartheid’, that he was allegedly associating with ‘members of extremist or terrorist organisations’, and that, in the opinion of the CTID, he held ‘extremist’ views and could potentially commit offences under the PTA in the future. Owing to the lack of evidence that he had committed any offence under the PTA, the detention order against Mr. Rusdi was suspended, and he was released on 7 April 2025 subject to certain restrictions contained in a restriction order issued by the Minister of Defence.

The Commission held an inquiry into this matter on 10 April 2025 and 21 May 2025 at which Mr. Rusdi and his representatives and officers of the CTID were provided an opportunity to make submissions and answer queries raised by the Commission. Following the completion of the inquiry and a thorough review of the documentation provided by the CTID, the Commission issued its findings and recommendations with respect to this case on 12 June 2025.

The Commission noted with concern that this case presents a stark example of the inherent dangers of the PTA and the propensity of law enforcement officials to deploy the PTA’s provisions in bad faith. Despite the lack of evidence that Mr. Rusdi had committed any offence, the CTID proceeded to arrest him, to refrain from producing him before a judicial officer, to secure a detention order against him, and to hold him in custody for fourteen days before eventually recommending his release. Moreover, on 30 May 2025, the Media Division of Sri Lanka Police issued an extremely prejudicial official media statement referring to Mr. Rusdi’s alleged ‘mental state’ and the possibility that he could commit an act of ‘religious extremism’ due to his ‘mental state’. Mr. Rusdi’s release was then subjected to conditions stipulated in a restriction order, which remains in force to date. The conditions include informing the CTID if he planned to change

his place of residence, seeking the prior permission of the CTID if traveling overseas, and reporting to the CTID every week.

During the inquiry before the Commission, the CTID acknowledged that the specific words found in the stickers displayed by Mr. Rusdi did not in and of themselves constitute any offence under the PTA. It was revealed to the Commission that, despite the lack of evidence, the CTID sought Mr. Rusdi's continued detention, and thereafter stringent restrictions against him, solely on the belief that he held 'extremist' views that could potentially lead him to commit offences in the future. Having evaluated the submissions of the parties and the material before the Commission, the Commission concluded that the so-called 'extremist' views attributed to Mr. Rusdi were merely views with respect to the practices of Western countries and the State of Israel stemming from outrage over events taking place in Gaza in Palestine. Moreover, it was revealed that the CTID's method for establishing that Mr. Rusdi was 'associating with members of extremist or terrorist organisations' was merely to rely on Mr. Rusdi's 'third party contacts' based on his telephone records. The Commission was disturbed to learn that, according to the CTID, a person's 'third party contacts' is merely a reference to the fact that they may share a mutual telephone contact with a person who is accused of an offence under the PTA, and not to the fact that the person actually has a direct association with such an accused person.

The Commission found that the arrest of Mr. Rusdi due to his expressions violated his fundamental rights to the freedom of expression guaranteed by article 14(1)(a) of the Constitution, the freedom of thought, conscience and religion guaranteed by article 10 of the Constitution, and the freedom from arbitrary arrest guaranteed by article 13(1) of the Constitution.

The Commission observed that the detention order issued under section 9(1) of the PTA were *ultra vires* the PTA, as they were purely 'preventive' in nature and were not based on reasonable suspicion or belief that Mr. Rusdi had committed an offence under the PTA. The Commission pointed out that the PTA only permits detention for the purpose of investigations and does not authorise purely preventive detention. Accordingly, the Commission found that Mr. Rusdi's detention violated his fundamental right to the freedom from arbitrary arrest guaranteed by article 13(2) of the Constitution.

The Commission also found that the CTID had subjected Mr. Rusdi – a 22-year-old Muslim citizen – to racial profiling. It was revealed that the factors on which the CTID relied to suggest that Mr. Rusdi was 'radicalised', i.e., distance from one's parents, challenges in one's personal life, and outrage towards global politics and events, would not have been relevant had Mr. Rusdi not been a Muslim. The Commission accordingly concluded that Mr. Rusdi's right to equality before the law and equal protection of the law guaranteed by article 12(1) of the Constitution, the right to non-discrimination on the grounds of race and religion guaranteed by article 12(2) of the Constitution, and the right to the presumption of innocence guaranteed by article 13(5) of the Constitution were violated.

The Commission found that the restriction order issued against Mr. Rusdi under section 11(1) of the PTA had no legal basis and violated his freedom of movement guaranteed by article 14(1)(h) of the Constitution. The said restriction order and the official media statement of 30 May 2025 also violated his freedom to engage in a lawful occupation guaranteed by article 14(1)(g) of the Constitution, as they served to cause prejudice to Mr. Rusdi in the mind of the public and prospective employers despite the lack of any evidence that he had committed any offence.

In view of the findings that Mr. Rusdi's fundamental rights guaranteed by articles 14(1)(a), 10, 13(1), 13(2), 13(5), 14(1)(h), 14(1)(g), 12(1), and 12(2) of the Constitution had been violated by the CTID, the Commission issued the following key recommendations to the Director, CTID in terms of section 15(3)(c) and (4) of the HRCSL Act:

- 1. Take immediate measures to recommend to the Minister of Defence the discontinuation of the restriction order against Mr. Rusdi dated 7 April 2025 in view of the fact that section 11(1) of the PTA does not authorise the said restriction order.**
- 2. Establish a procedure to obtain the advice of the Director (Legal), Sri Lanka Police and the Attorney-General's Department prior to arresting any suspect in any matter concerning an offence under section 2(1)(h) of the PTA or any similar offence concerning expressions.**
- 3. In compliance with article 13(2) of the Sri Lankan Constitution, establish a standard practice of producing suspects before a Magistrate within 72 hours of arrest.**
- 4. Provide a copy of the Commission's findings and recommendations in the present case to all officers of the CTID with instructions to read and comprehend these findings and recommendations.**
- 5. Issue clear instructions in writing to all officers of the CTID to issue a Receipt of Arrest to a suspect's next of kin on the date of the arrest.**
- 6. Issue clear instructions in writing to all officers of the CTID to refrain from meeting or engaging a suspect's next of kin in a place other than an official place, such as a police station.**
- 7. Re-circulate the IGP's Circular RTM CRTM - 231 dated 14 February 2022 and the Sri Lanka Police Departmental Order No. D5 on the Use of and Providing Information to Newspapers and Radio among officers of the CTID and direct all officers to refrain from supplying prejudicial content about a suspect or investigations to the media.**
- 8. Issue clear instructions in writing to all officers of the CTID to refrain from 'racial profiling' and to conduct investigations on objective factors alone without undue consideration of a suspect's racial or religious background.**
- 9. Issue clear instructions in writing to all officers of the CTID that, where a suspect's 'state of mind' or other psychological factor becomes relevant to an investigation, a report from a trained independent professional in criminal psychology, psychiatry, or similar field, should be obtained prior to proceeding with the investigation. Where any mental health issue is identified, the suspect should immediately be examined by a Judicial Medical Officer (JMO), and if the JMO recommends so, the suspect should be placed in the care of a relevant institution to receive necessary treatment.**

Furthermore, the Commission issued the following recommendations to the Inspector General of Police (IGP):

- 1. In consultation with the Hon. Attorney-General, establish clear guidelines with respect to the standard of ‘reasonable suspicion’ when conducting investigations concerning terrorism-related offences. The said guidelines should fully comply with the Commission’s guidelines issued to the then IGP on 2 July 2019. Take immediate measures to provide necessary training to the CTID on the said guidelines.**
- 2. Provide necessary advice to the 1st Respondent to fully implement the recommendations listed above.**

The Commission also issued the following recommendation to the Secretary, Ministry of Public Security:

To address the prejudice suffered by the Victim with respect to his freedom to engage in a lawful occupation, and the collective responsibility of Sri Lanka Police in this regard, it is recommended that the Ministry of Public Security pays the Victim a sum of Rupees Two Hundred Thousand (Rs. 200,000/-).

In accordance with section 15(7) of the HRCSL Act, the Director of the CTID, IGP, and Secretary to the Ministry of Public Security were directed to implement these recommendations on or before 15 July 2025 and submit a report to the Commission on progress with respect to implementing these recommendations.

A copy of these findings and recommendations were forwarded to the Minister of Defence, Minister of Public Security, the Hon. Attorney-General, and the IGP for appropriate action, including the discontinuation of the restriction order issued on 7 April 2025.

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