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Human Rights Commission of Sri Lanka

# **The Human Rights Situation of the Northern and Eastern Provinces of Sri Lanka**

**Human Rights Commission of Sri Lanka**

**October 2026**

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## Introduction

Sri Lanka experienced a protracted armed conflict that escalated in 1983 and continued until May 2009, disproportionately affecting the Northern and Eastern Provinces. Over nearly three decades, the conflict resulted in widespread civilian casualties, repeated displacement, destruction of homes and livelihoods, and the weakening of governance, accountability, and civilian institutions. Multiple communities, including Tamil, Muslim, and Sinhalese populations, were affected in distinct and overlapping ways, with the consequences of the conflict continuing to shape social and economic life and access to justice in the North and East.

The outbreak and continuation of the armed conflict occurred in a context marked by long-standing minority community grievances relating to equality, political participation, language rights, and access to state institutions. In the post-independence period, a series of legislative, constitutional, and administrative measures progressively marginalized Tamil-speaking populations. These measures included citizenship legislation that discriminated against migrant communities, language and education policies that restricted access to public employment and higher education, periodic large-scale acts of collective violence perpetrated by organized Sinhalese mobs, as well as constitutional changes that weakened minority protections. Over time, these developments eroded confidence in state institutions and contributed to growing political and social polarization.<sup>1</sup>

The widespread large-scale violence in the anti-Tamil pogrom of July 1983, in which more than 3,000 Tamils were killed and approximately 150,000 displaced is seen as a pivotal event in the story of majority-minority relations in the country. Homes and businesses were destroyed, and credible allegations emerged regarding state complicity and its failure to protect affected communities.<sup>2</sup> These events marked a decisive turning point, entrenching the

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<sup>1</sup> See N Anandakugan, 'The Sri Lankan Civil War and Its History, Revisited in 2020', *Harvard International Review* (31<sup>st</sup> August 2021), <https://hir.harvard.edu/sri-lankan-civil-war/>.

<sup>2</sup> Written statement submitted by Tourner La Page, a nongovernmental organization in special consultative status, to the 34<sup>th</sup> Session of the Human Rights Council, (14<sup>th</sup> February 2017), A\_HRC\_34\_NGO\_220, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/34/NGO/220](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/NGO/220).

armed conflict and accelerating mass displacement, militarization, and emergency governance across the Northern and Eastern Provinces. The conflict unfolded in multiple phases, punctuated by failed peace processes and external interventions, including India's military involvement pursuant to the Indo–Sri Lanka Accord (1987–1990).<sup>3</sup>

The 2004 Indian Ocean tsunami devastated large swathes of Sri Lanka's coast including the Northern and Eastern Provinces, already fragile from prolonged conflict. The impact was most severe in the fisheries sector, with about 90% of the fisheries in the North being destroyed.<sup>4</sup> An aid-sharing agreement between the government and the Liberation Tigers of Tamil Eelam ('LTTE'), known as the Post-Tsunami Operational Management Structure (P-TOMS) was signed in 2005 but was declared unconstitutional by the Supreme Court. Donor reluctance to engage the LTTE, which was a proscribed group, further undermined equitable recovery.<sup>5</sup> The war ended in May 2009 with the military defeat of the LTTE,<sup>6</sup> but the final stages were marked by egregious violations of international humanitarian and human rights law. According to a number of observers and survivors, thousands of civilians were killed or went missing during the final months, particularly during the bombardment of Mullivaikkal, which allegedly occurred within designated no-fire zones.<sup>7</sup> The conflict also resulted in widespread enforced disappearances, including the disappearance of individuals who reportedly surrendered to the authorities during and after the final stages of the war, leaving thousands of families still searching for truth and accountability.<sup>8</sup>

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<sup>3</sup> See K Szczepanski, 'The Sri Lankan Civil War', *Thought Co* (18<sup>th</sup> May 2025), <https://www.thoughtco.com/the-sri-lankan-civil-war-195086>.

<sup>4</sup> See S Jayasuriya, P Steel and D Weerakoon in collaboration with M Knight-John and N Arunatilake, 'Post-Tsunami Recover: Issues and Challenges in Sri Lanka', *ADB Institute Research Paper Series No 71* (January 2006), <https://www.adb.org/sites/default/files/publication/157220/adbi-rp71.pdf>.

<sup>5</sup> Ibid.

<sup>6</sup> See K Szczepanski, 'The Sri Lankan Civil War', *Thought Co* (18<sup>th</sup> May 2025), <https://www.thoughtco.com/the-sri-lankan-civil-war-195086>.

<sup>7</sup> See M Ganguly, '5 Years Since Sri Lanka's Conflict Ended, No Justice for War Crimes' (Human Rights Watch, May 2024), <https://www.hrw.org/news/2024/05/14/15-years-sri-lankas-conflict-ended-no-justice-war-crimes>.

<sup>8</sup> *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (November 2011), para. 4.241 to 4.260

and Annex 5.1; UN Human Rights Council, *Report of the OHCHR Investigation on Sri Lanka (OISL)*, A/HRC/30/CRP.2, 16 September 2015, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session30/documents/a-hrc-30-crp-2.pdf>.

The legacy of discriminatory policies, mass violence, and impunity continues to obstruct the full realization of civil, political, social, economic, and cultural rights for war-affected communities in the North and East. Addressing these historical injustices is imperative for any meaningful reconciliation and reintegration of the war affected areas within a rights-respecting democratic state.

Meanwhile, full and equal enjoyment of socioeconomic rights is essential for achieving long-term peace, reconciliation, and justice in post-war Sri Lanka. In the Northern and Eastern Provinces, these rights remain precarious due to a range of systemic, structural, and policy-related shortcomings. Despite the state's obligation to ensure progressive realisation of these rights, communities in the region continue to face significant obstacles in accessing secure livelihoods, land, housing, education, and public services. The failure to address historical inequalities, coupled with the lack of meaningful community participation in decision-making processes, has deepened the socioeconomic vulnerability of already marginalised groups.

In light of this overarching context, the Human Rights Commission of Sri Lanka ('HRCSL') established by the Human Rights Commission of Sri Lanka Act, No.21 of 1996 ('the Act') decided to conduct a study on the status of human rights in the Northern and Eastern Provinces. The primary aim of this study is to identify long standing structural issues that remain an obstacle in bringing about social and economic well-being to the populations in the war-affected areas.

In terms of research methods, this study draws on both primary and secondary sources. The primary sources include reports submitted by the HRCSL regional offices based on complaints received, information gathered during routine and special meetings with civil society organizations at the Head Office, and data collected by the HRCSL Head Office during field visits to the region. The field visits, conducted by commissioners and relevant HRCSL officers between October 2024 and December 2025 in Batticaloa, Jaffna, Kalmunai, Mannar (on two occasions), and Mullaitivu, involved discussions with government officials, civil society organizations, human rights defenders, and community members, including families of the forcibly disappeared, fishing communities, farmers, and communities affected

by development projects. Additionally, documentation shared by community members following these visits were incorporated into the analysis. The report is also informed by information gathered during visits in the aftermath of the Ditwah cyclone in December 2025.

The secondary sources consist of reports by United Nations special rapporteurs on Sri Lanka and corresponding state communications, reports from non-governmental organizations ('NGOs') on select human rights issues in the region, online and print media reports, and academic research articles. The Commission sought to verify the contents of these sources by directly engaging victim communities during field visits and through its regional offices. Therefore, whenever a secondary source is cited as a source for a factual claim, the Commission has sought to validate that claim to the extent possible. It should be noted, however, that it was not possible to independently verify each factual claim, and some claims should be understood as community level perceptions that are yet to be verified through a formal inquiry process.

This scope of this report is not meant to be comprehensive nor exhaustive. It instead aims to offer a broad snapshot of the main human rights issues in the North and East. The findings of this report are organized into several sections, each addressing a core area of concern in the North and East of Sri Lanka: (1) enforced disappearances; (2) exhumations of mass graves; (3) memorialization; (4) militarization; (5) state surveillance, intimidation, and harassment; (6) land and resettlement; (7) expulsion of Northern Muslims; (8) freedom of religion or belief; (9) development projects; and (10) threats to livelihoods. The report then presents key recommendations to the state and relevant authorities to address these issues.

## Findings and Conclusions

### 1. Enforced Disappearances

Enforced disappearance as defined by the International Convention for the Protection of All Persons from Enforced Disappearance (‘ICPPED’) is the deprivation of liberty by agents of the State or those acting with state support, followed by a refusal to acknowledge the detention or disclose the person’s fate or whereabouts, placing them outside the protection of the law. Victims include both the disappeared and those who suffer harm as a result.

According to the Working Group on Enforced or Involuntary Disappearances, the act begins at the time of abduction and continues until the state discloses the individual’s fate.<sup>9</sup> The right to truth, as affirmed by relevant General Comments and Principle 2 of the Principles to Combat Impunity, is both an individual and collective right, encompassing knowledge about: (1) the progress and results of an investigation; (2) the fate and whereabouts of the disappeared; (3) the circumstances of the disappearance; (4) and the identity of the perpetrators. This right is absolute, especially in light of the severe suffering of families, which may amount to cruel, inhuman or degrading treatment under international law.

Sri Lanka ratified the ICPPED in 2016 and enacted the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018, which affirms the right to truth and prohibits intimidation or obstruction of investigations, prescribing penalties including imprisonment. The Act also guarantees the right of victims and their families to participate in associations dedicated to truth-seeking.

The Commission reiterates its interpretation of the scope of the Act with respect to disappearances that occurred prior to 2018, but where the persons continue to be missing today with no acknowledgement of their whereabouts. It is clarified that, although the Act came into operation in 2018, the elements of the offence of ‘enforced disappearance’ as per

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<sup>9</sup> ‘Report of the Working Group on Enforced or Involuntary Disappearances’, A/HRC/16/48 (26<sup>th</sup> January 2011), <https://docs.un.org/en/A/HRC/16/48>.

section 3(1) of the Act warrants investigation into the whereabouts of any person who continues to be missing after the Act came into operation.

In line with its transitional justice commitments under United Nations Human Rights Council ('UNHRC') Resolution 30/1, which envisaged the establishment of institutional mechanisms relating to truth-seeking, accountability, reparations, and guarantees of non-recurrence, the state established the Office on Missing Persons ('OMP') through Act, No. 14 of 2016. The OMP is mandated to trace missing persons and clarify their fate. It was operationalized in 2018 as a permanent institution distinct from previous ad hoc commissions with the objective of providing truth, justice, and redress to the families of the disappeared.

The families of the disappeared placed their hope in the OMP, especially due to its permanent and independent institutional framework. However, communities have expressed concerns that the OMP is faced with significant administrative, procedural and attitudinal challenges, which were prevalent from its inception and most recently have been acknowledged in its Strategic Roadmap (2023–2025).<sup>10</sup> Institutionally, the OMP has encountered challenges due to limited staff, a lack of integration with previous commissions' records,<sup>11</sup> and diminished independence due to a 2017 amendment requiring foreign funds to be routed through the Department of External Resources.<sup>12</sup> More broadly, the political will to empower the OMP has been minimal. The OMP was opposed by some members of parliament at its inception<sup>13</sup> and this opposition was echoed by segments of the public aligned with an ethno-nationalist, victor's narrative regarding the conflict that denied war crimes, including enforced disappearances.<sup>14</sup> This resistance continues to obstruct efforts at truth-telling and reconciliation. As a result, the public perception regarding the OMP remains ambivalent.

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<sup>10</sup> Office on Missing Persons Strategic Road Map 2023–2025, <http://www.omp.gov.lk/storage/app/uploads/public/667/131/064/6671310644db8135077048.pdf>.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> See 'Govt. turns tables on JO to pass Office of Missing Persons law', *Daily FT* (12<sup>th</sup> August 2016), <https://www.ft.lk/article/561120/Govt--turns-tables-on-JO-to-pass-Office-of-Missing-Persons-law>.

<sup>14</sup> See C Kodikara, 'The Office on Missing Persons in Sri Lanka: Why Truth Is a Radical Proposition', (2023) 17 (1) *The International Journal of Transitional Justice*, <https://doi.org/10.1093/ijtj/ijad005>.

Victims appearing before the Commission cited repeated requests from OMP officers to resubmit files that were misplaced by the institution, constant summons to provide information already submitted, and a focus on issuing compensation or death certificates, rather than pursuing truth and accountability.<sup>15</sup> For families, particularly those who surrendered loved ones, including children, to the military at the end of the war in 2009, the suggestion of death without proof remains unacceptable. Certificates of Absence or financial compensation are seen only as interim measures, not substitutes for the right to know.<sup>16</sup>

The families, mostly women-led and economically disadvantaged, continue to shoulder the burden of seeking justice. They maintain detailed records and attend every meeting, often at personal and financial cost. Their documents, letters, complaints, and legal files reflect years of tireless advocacy, while the state—under several governments—has shown minimal reciprocal effort to fulfill its obligation to uncover the fate of the missing.

In attempts to confront the state directly, victims have staged peaceful protests during visits by state leaders to the North and East. These efforts have often been met with police and military interference, intimidation, and excessive force.

These concerns were echoed and further substantiated during Sri Lanka's first periodic review by the UN Committee on Enforced Disappearances in September 2025. The HRCSL submitted a detailed parallel report<sup>17</sup> to the Committee and attended a confidential briefing during the Committee's review of Sri Lanka. In its final report, the Committee raised concerns about reports of arbitrary detentions, short-term disappearances, and intimidation of victims' families, noting that relatives of missing persons had faced threats and that police sometimes refused to register complaints. The government responded to these concerns by outlining existing measures to strengthen human rights monitoring, including regular unannounced visits by the HRCSL to detention facilities, disciplinary action against officers who suppress

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<sup>15</sup> HRCSL meeting with families of the disappeared (December 2024).

<sup>16</sup> Ibid.

<sup>17</sup> Human Rights Commission of Sri Lanka, *Parallel Report to the United Nations Committee on Enforced Disappearance* (July 2025), <https://www.hrcsl.lk/wp-content/uploads/2020/01/HRCSL-Parallel-Report-to-CED.pdf>.

complaints, and multiple channels for lodging grievances.<sup>18</sup> Following the conclusion of the review process, the Committee issued recommendations aimed at addressing both structural and practical deficiencies in Sri Lanka's response to enforced disappearances. It called for strengthened accountability through prompt, impartial, and effective investigations and prosecutions, including the exclusion of military jurisdiction over enforced disappearance cases and the establishment of an independent public prosecutor's office. It urged the state to enhance the independence, resources, and effectiveness of key institutions, particularly the OMP, and to consolidate a comprehensive, accessible national register of disappeared persons. It further underscored the need to repeal or reform laws enabling arbitrary detention, strengthen safeguards against secret detention, improve forensic and mass grave investigations, and ensure special protection for women and children affected by enforced disappearances.<sup>19</sup>

## **2. Exhumation of Mass Graves**

While there is no universally accepted definition for 'mass graves', the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions defines them as burial sites where the circumstances of death or body disposal warrant investigation, often involving violations of last rites and identity. International standards, outlined in the Minnesota Protocol<sup>20</sup> and Bournemouth Protocol,<sup>21</sup> set out state obligations across seven stages: discovery; site protection; investigation; identification; return of remains; justice; and commemoration.<sup>22</sup>

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<sup>18</sup> United Nations Human Rights Office of the High Commissioner, 'Experts of the Committee on Enforced Disappearances Welcome Sri Lanka's Law on Enforced Disappearance, Ask about Reports of Arbitrary Detentions and Intimidation Victims' Families' (29<sup>th</sup> September 2025), <https://www.ohchr.org/en/meeting-summaries/2025/09/experts-committee-enforced-disappearances-welcome-sri-lankas-law-0>.

<sup>19</sup> Committee on Enforced Disappearances, *Concluding observations on the report submitted by Sri Lanka under article 29(1) of the Convention* (3<sup>rd</sup> November 2025), <https://digitallibrary.un.org/record/4095400?v=pdf>.

<sup>20</sup> The Minnesota Protocol on the Investigation of Potentially Unlawful Death, The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

<sup>21</sup> The Bournemouth Protocol on Mass Grave Protection and Investigation, [https://issuu.com/bournemouthuniversity/docs/the\\_bournemouth\\_protocol\\_on\\_mass\\_grave\\_protection\\_fr=sMjc3OTI0MjAyNzZM](https://issuu.com/bournemouthuniversity/docs/the_bournemouth_protocol_on_mass_grave_protection_fr=sMjc3OTI0MjAyNzZM).

<sup>22</sup> See S Bisping, *Mass Grave Sites in Sri Lanka: History and Legal Framework* (International Center for Ethnic Studies, 2023).

Domestically, the OMP holds broad powers under section 12 of its Act to seek court orders for excavation and exhumation, engage forensic experts, and act as an observer. Section 13(k) of the OMP Act allows the OMP to recommend procedures for handling both identifiable and unidentifiable remains. Additionally, section 14(4) of the Enforced Disappearance Act of 2018 mandates law enforcement to locate, respect, and return remains where death is confirmed.

The importance of fulfilling the state's obligation to proactively locate, protect, and investigate mass graves also stems from the potential it has to provide evidence for various human rights violations other than enforced disappearances, such as extra-judicial killings, torture, and cruel, inhuman, and degrading treatment. However, since exhumation of mass graves is not the sole avenue of ascertaining past crimes, the state should undertake exhumations only when the capacity exists for storage of human remains, preservation of the chain of custody, and the conduct of appropriate forensic examinations.

A study conducted in 2023 revealed thirty-two mass graves in Sri Lanka, out of which thirteen are located in the Northern and Eastern Provinces.<sup>23</sup> The identification of these mass graves has, in many instances occurred during construction activities or excavation work for public infrastructure projects.

In June 2023, a mass grave was identified by municipal workers while laying underground pipelines along the Kokkuthuduvai–Kokkilai Road in Mullaitivu.<sup>24</sup> The investigations thus far have revealed fifty-three skeletal remains which are said to be remains of LTTE cadres, based on the cyanide vials and dog tag numbers on the uniforms.<sup>25</sup>

Meanwhile, the Mannar mass grave investigations illustrate the institutional and procedural challenges that have affected exhumation processes in Sri Lanka. Investigations often experience delays and disruptions through the transfer of judicial and medico-legal officers

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<sup>23</sup> Bisping, op. cit.

<sup>24</sup> See 'Uncovering identities of 53 LTTE militants in Kokkuthuduvai mass grave, *Daily Mirror Online* (16<sup>th</sup> October 2024), <https://www.dailymirror.lk/news-features/Uncovering-identities-of-53-LTTE-militants-in-Kokkuthuduvai-mass-grave/131-293861>.

<sup>25</sup> Ibid.

involved in the proceedings.<sup>26</sup> The Mannar exhumation has been heard before seven Magistrates, some of whom were transferred based on routine roster and some reportedly due to political pressure. The Judicial Medical Officer (‘JMO’) who conducted investigations of the Mannar exhumations in 2013 was transferred to Anuradhapura and later to Matale. Similarly, the JMO who conducted the 2018 Mannar exhumation was transferred to Colombo in 2019. In both instances the results have not been finalized, and no bodies were identified.

A frequently cited limitation in exhuming mass graves in line with international human rights standards is the lack of resources and a competent authority to coordinate the process, from the discovery of the mass graves to the return of human remains to the families and memorialization of the site. Sri Lanka’s limited forensic capacity has caused delays in forensic experts submitting their reports to the Magistrates within a reasonable time. Additionally, the shortage of forensic anthropologists and archaeologists has hindered the successful completion of the exhumation processes.

In February 2025, the Chemmani Mass Grave, which was previously identified based on a convicted soldier’s testimony, resurfaced during construction work to build a crematorium at the Ariyalai Sindhupath burial ground.<sup>27</sup> This discovery prompted a police referral and a preliminary investigation ordered by the Jaffna Magistrate’s Court. Excavations overseen by forensic archaeologist Professor Raj Somadeva initially uncovered 19 skeletal remains,<sup>28</sup> with the total rising to over 580 at the time of writing this report.<sup>29</sup>

Following a fact-finding mission in which the HRCSL engaged all the institutions involved in the investigation, and civil society actors, the Commission released a detailed report in September 2025 containing several key findings and recommendations. The Commission

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<sup>26</sup> See Journalists for Democracy in Sri Lanka and others, ‘Mass Graves and Failed Exhumations in Sri Lanka’ (June 2023), <https://srilankachrd.org/office/uploads/278.pdf>.

<sup>27</sup> Human Rights Commission of Sri Lanka, *Fact Finding Report on the ongoing investigation into the mass grave site in Chemmani, Jaffna* (September 2025), <https://www.hrcsl.lk/wp-content/uploads/2025/09/Fact-Finding-Report-of-HRCSL-on-Chemmani-Mass-Grave-Site.pdf>.

<sup>28</sup> Ibid.

<sup>29</sup> See ‘582 skeletons discovered in Sri Lanka mass grave’, *The Telegraph* (20<sup>th</sup> August 2026), <https://www.telegraph.co.uk/world-news/2026/08/20/582-skeletons-discovered-in-sri-lanka-mass-grave/#selection-3669.0-3685.205>.

observed that no formal Standard Operating Procedure ('SOP') has been adopted to govern investigations into mass grave sites resulting in inconsistent practices and coordination gaps. Moreover, Sri Lanka continues to lack accessible and cost-effective technological capacity for DNA analysis, limiting the ability to identify remains and establish links with surviving family members. In this context, it is imperative that urgent measures be taken to voluntarily collect DNA samples from relatives of disappeared persons and securely preserve them in a centralized DNA bank to enable future identification efforts and give meaningful effect to the right to truth.<sup>30</sup> Certain stakeholders observed that, in comparison to previous investigations, more advanced and methodical practices had been adopted in Chemmani. Notably, human remains were initially placed in paper bags, individually numbered and documented, and subsequently stored in plastic boxes, replacing earlier practices of storage in polythene bags. Additionally, the use of ground-penetrating radar (GPR) technology, obtained from the University of Sri Jayewardenepura marked an improvement over conventional scanning methods previously employed at mass grave sites. Despite these procedural enhancements, critical structural deficiencies persist, including the continued shortage of qualified forensic anthropologists and archaeologists necessary to conduct timely and comprehensive investigations, and the alleged intimidation of civilians by law enforcement officials tasked with aspects of the investigation.<sup>31</sup>

The Commission recognizes that mass graves represent not only violations of the right to life and the right to truth, but also a denial of the right to dignity in death. It recalls that mass graves symbolize the absence of a good resting place, an absence of the victim's right to life and the right to respect in death and are emblematic of the deep-rooted inequality and discrimination that continue to affect victims even posthumously. Identification and exhumation of these graves, followed by the dignified return of remains to their families, are not merely forensic tasks, but essential steps in restorative justice and collective healing. The Commission stresses that this process must be conducted in line with international standards.

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<sup>30</sup> Human Rights Commission of Sri Lanka, *Fact Finding Report on the ongoing investigation into the mass grave site in Chemmani*, Jaffna, op. cit.

<sup>31</sup> Ibid.

### 3. Memorialization

Memorialization is the act or process of honouring or commemorating a person or past event. It takes varied forms, intends to achieve diverse goals, and is an integral component of reconciliation processes. As enumerated by the UN Special Rapporteur in the field of cultural rights in her report on ‘Memorialization processes’, memorial expressions include:

Authentic sites (for example concentration camps, former torture and detention centres, sites of mass killings and graves and emblematic monuments of repressive regimes); symbolic sites (such as permanent or ephemeral constructed monuments carrying the names of victims, renamed streets, buildings or infrastructure, virtual memorials on the Internet and museums of history/memory); and activities (such as public apologies, reburials, walking tours, parades and temporary exhibits).

Such expressions are intended to recognize and honour past events and victims, facilitate present day healing and reconciliation, and prevent future violence through education.<sup>32</sup>

Principle 3 of the Principles to Combat Impunity affirms the state’s duty to preserve memory, recognizing that a people’s knowledge of past oppression is part of their heritage. It requires states to maintain archives and evidence of human rights violations to prevent erasure, denial, or revisionism, and to safeguard collective memory.

At the domestic level, the Constitution of Sri Lanka establishes a robust legal foundation for the right to memorialize through several interconnected provisions in article 14(1).<sup>33</sup> Moreover, section 4(c) of the Office for Reparations Act, No. 34 of 2018 recognizes memorials as a form of collective reparation, particularly for those affected by conflict in the

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<sup>32</sup> Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, ‘Memorialization processes’ submitted to the twenty-fifth session of the Human Rights Council (23<sup>rd</sup> January 2014), A/HRC/25/49.

<sup>33</sup> Article 14(1)(a) guarantees freedom of speech and expression, which protects various forms of commemorative activities including verbal testimonies, written accounts, and symbolic expressions of remembrance. Article 14(1)(b) safeguards the freedom of peaceful assembly, enabling collective remembrance ceremonies, memorial gatherings and public commemorations. Article 14(1)(c) protects freedom of association, allowing communities to form organizations dedicated to memorialization efforts and collective memory preservation.

North and East. Additionally, under section 13(k) of the OMP Act, the OMP may recommend appropriate means of commemoration for missing persons.

In the North and East of Sri Lanka, memorial expressions by the people have to date been suppressed through both state action and omission, occurring before, during, and after memorialization activities. While a range of memorial expressions have been disrupted, the majority of suppression has focused on preventing events commemorating Maaveerar Day held annually on 27 November in remembrance of Tamil combatants who lost their lives during the civil war, and the death anniversary of Thileepan, a political wing leader of the LTTE who died following a hunger strike from 15 to 26 September 1987.

On several occasions, the police have disrupted even peaceful symbolic acts such as lighting roadside lamps in memory of the departed.<sup>34</sup> Commemoration events within authentic sites of memorialization such as cemeteries have also been prevented.

The most prevalent preventive measure employed by state authorities prior to the holding of commemorative events has been the filing of petitions by Sri Lanka Police before Magistrate's Courts seeking injunctions or orders prohibiting the organization and conducting of memorialization activities. These petitions have resulted in inconsistent outcomes across different Magistrate's Courts. For example, in September 2023, when the Jaffna Police filed a petition at the Magistrate's court to prevent memorials in honour of Thileepan, the Jaffna Magistrate dismissing the request held that peaceful commemorations should not be prevented and if any violence were to occur the police could exercise authority to arrest those responsible for acts of violence and ensure the commemorations take place peacefully. When the Vavuniya Police petitioned the Vavuniya Magistrate's Court claiming commemoration of Thileepan will invariably disturb public peace and disrupt racial harmony, the Magistrate dismissed the petition, stating that everyone has the right to remember their dead and it is the

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<sup>34</sup> Joint Communication of UN Special Procedures (7<sup>th</sup> February 2024), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28737>

duty of the police to provide security to ensure racial harmony. Similarly, the Mannar and Mallakam Magistrate's Courts have dismissed petitions filed by different police stations.<sup>35</sup>

There have been instances, however, in which Magistrate's Courts have issued orders either prohibiting or limiting the scope of the commemoration events. For example, the Batticaloa and Valachchanei Magistrate's Courts issued restraining orders in November 2023 banning commemorative events following submissions by Sri Lanka Police.<sup>36</sup> Targeted repression was observed in November 2023, when the Mullaitivu Magistrate's Court Order dated 24<sup>th</sup> November 2023 prohibiting events dedicated to Maaveerar Day also reportedly entailed a list of individuals and organizations<sup>37</sup> banned from being involved in commemorative events in Mullaitivu. A similar approach was adopted by the Muttur Magistrate's Court where 17 individuals were prohibited from being a part of Maaveerar Day commemorations in Trincomalee in November 2023.

These practices continued after the change of government in 2024. In May 2024, the HRCSL launched a *suo motu* investigation with respect to the alleged arbitrary arrest and detention of four persons for allegedly violating a temporary Magistrate's Court Order by holding a commemoration event at the Bhuvaneswari Amman Temple in Chenaiyoor, Muttur at which kanji<sup>38</sup> was served to the public. The Commission observed that the Police had misapplied section 3 of the International Covenant on Civil and Political Rights Act, No. 56 of 2007 (ICCPR Act),<sup>39</sup> which criminalizes, among other things, the advocacy of racial hatred that constitutes incitement to violence.

In April 2025, four police stations in Batticaloa district (Batticaloa, Kattankudy, Kokkaddicholai and Santhiveli) obtained a court order prohibiting S. Sivayoganthan and two

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> See 'Mullaitivu court prohibits Maaveerar Naal remembrance', *Tamil Guardian* (26<sup>th</sup> November 2023), <https://www.tamilguardian.com/content/mullaitivu-court-prohibits-maaveerar-naal-remembrance>.

<sup>38</sup> A porridge of rice and water, which was the only food available to the people of Mullivaikkal during the last stages of the war.

<sup>39</sup> Human Rights Commission of Sri Lanka, *Letter to IGP on the misapplication of Section 3 of the ICCPR Act in relation to commemoration event in Trincomalee* (20<sup>th</sup> May 2024), <https://www.hrcsl.lk/wp-content/uploads/2024/05/HRCSL-Letter-to-IGP-on-20-05-2024.pdf>.

others from participating in a commemorative event honouring Annai Poopathi, a prominent female figure associated with the LTTE. Subsequently, on 13<sup>th</sup> June and 28<sup>th</sup> July 2025, the Batticaloa Assistant Superintendent of Police summoned Sivayoganathan over a complaint he had lodged with the HRCSL against the police for allegedly violating his rights. Notably, the summons initially issued to him in Sinhala was reissued in Tamil only after Sivayoganathan requested that his linguistic rights be respected by the police.

In November 2025, the Commission received information that several police stations summoned organizers of Maaveerar Day commemorations ahead of the events and communicated conditions to be followed during commemorative events. Accordingly, during the beginning of the last week of November, the Officer-in-charge ('OIC') of the Maradankeni Police Station summoned a female member of the Maaveerar Memorial Committee in Uduthurai, Jaffna and informed her that playing Maaveerar songs, the display of photographs of people in uniforms, and the use of flame lilies were prohibited, warning that failure to comply to these conditions would result in legal action. During the same week, the Valvettithurai Police Station summoned the President and Secretary of the Polikandi Fishermen's Association soon after the residents of Polikandy decorated the street with red and yellow flags in preparation for Maaveerar Day and requested the removal of banners displaying a deceased LTTE cadre wearing military boots.

Arbitrary arrests and detention, aimed at suppressing memorialization have now transcended to virtual spaces. For example, in November 2024, the Counter-Terrorism and Investigation Division ('CTID') arrested Manoharan Kajendroopan from Inuvil West, Chunnakam under the Prevention of Terrorism Act, No. 48 of 1979 ('PTA') for uploading a photo of LTTE leader Velupillai Prabhakaran on Facebook on Maaveerar Day. He was eventually released on bail by the Jaffna Magistrate.<sup>40</sup>

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<sup>40</sup> See 'Continued use of PTA under new President', *Daily Mirror Online* (17<sup>th</sup> May 2025), <https://www.dailymirror.lk/opinion/Continued-use-of-PTA-under-new-President/172-309130#:~:text=%E2%80%8B%20He%20was%20detained%20under,before%20the%20Attanagalla%20Magistrate's%20Court.>

The Commission acknowledges that forms of memorialization can be political. However, the state must acknowledge that, with the lapse of more than 15 years after the end of the armed conflict, the people of the North and East must have the freedom to memorialize their loved ones as well as practice their politics in a manner that suits contemporary realities. Reconciliation processes must not leave out the difficult questions regarding politics that were at the heart of the armed conflict and remain important to securing a lasting resolution to the ethnic conflict.

Law enforcement authorities often justify preventing and obstructing memorial expressions in the North and East on the basis that it is necessary to maintain racial harmony and peace. By contrast, in instances where violence erupted between communities, law enforcement authorities have often remained mere bystanders. For example, in September 2023, when Sinhalese mobs attacked Thileepan's memorial during a procession, the police and military officers who were on duty in the vicinity did not take any action to prevent the mobs from attacking the memorial.<sup>41</sup> There is, therefore, an evident disparity in the treatment of different communities in relation to violence and the incitement of violence.

The Commission recognizes that space has opened recently for memorialization in the North and East. Despite the continued obstacles to fully realizing the right to memorialization, it is reported that over 200 Maaveerar Day commemoration events took place in November 2024,<sup>42</sup> and that the 2025 commemorations were held with a level of scale and visibility unprecedented in the history of memorialization by the Tamil community.

The Commission reiterates its earlier guidelines on memorialization, which affirm that *'every family has the right to memorialize and remember their loved ones, irrespective of their status or political beliefs'*.<sup>43</sup> The denial of this right based on the perceived identity of the deceased,

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<sup>41</sup> See 'Sri Lankan police continue to attempt to ban Maaveerar Naal commemorations', *Tamil Guardian* (20<sup>th</sup> November 2024), <https://www.tamilguardian.com/content/sri-lankan-police-continue-attempt-ban-maaveerar-naal-commemorations>.

<sup>42</sup> See 'Crackdown on video sharers is akin to shooting messenger – Additional Magistrate', *Daily Mirror Online* (5<sup>th</sup> December 2024), <https://www.dailymirror.lk/breaking-news/Crackdown-on-video-sharers-is-akin-to-shooting-messenger-Additional-Magistrate/108-297499>.

<sup>43</sup> Human Rights Commission of Sri Lanka, *Letter to His Excellency the President on Memorialisation and Reconciliation* (9 June 2017).

including those labelled as LTTE combatants, amounts to arbitrary discrimination and a violation of the right to equality and non-discrimination. The Commission observes that arbitrary arrests under section 3 of the ICCPR Act, particularly in relation to memorial expressions, flagrantly contravene the *HRCSL's guidelines on the scope of section 3* issued in August 2019, which cautions against misuse of this section and urges strict compliance.<sup>44</sup>

Moreover, the application of anti-terrorism legislation to curtail memorial activities under the guise of 'national security' sets a dangerous precedent. This practice not only criminalizes legitimate acts of remembrance but also expands the reach of counter-terrorism laws far beyond their intended scope. Such measures risk delegitimizing genuine counter-terrorism efforts and instilling a culture of fear and self-censorship, thereby chilling free expression and democratic participation. The HRCSL observes that institutional reform is urgently needed to prevent the selective application of the law. It has begun a process of constructively engaging the CTID in this regard and has conducted dialogues with investigating officers. While it is acknowledged that space has opened to conduct these dialogues, it is crucial that such engagement is sustained to ensure durable institutional change.

The Commission also observes with concern that the absence of a national policy on memorialization has allowed wide discretion for state actors and political entities to misuse laws in ways that reinforce ethno-nationalist narratives and exclude Tamil perspectives on the past. This approach has resulted in a systematic delegitimization of Tamil experiences and historical narratives under the guise of preventing the 'glorification of terrorism'. Without a transparent and inclusive memorialization policy—one that distinguishes between remembrance and propaganda and allows space for political plurality—reconciliation will remain elusive. Such a policy must also provide guidance on the use of symbols and recognition of alternative governance ideologies that existed in the North and East during the conflict and must refrain from negating their historical reality.

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<sup>44</sup> Human Rights Commission of Sri Lanka, *Legal Analysis of the Scope of Section 3 of the ICCPR Act, No. 56 of 2007 and Attendant Recommendations* (August 2019).

The Commission's recommendation in Case No: HRC/KIL/031/26 concerning the decision of the Director General ('DG'), Sri Lanka Customs to seize four books authored by B Piratheepan is also relevant to this discussion. The books 'Ippothum Inge Irandu Thesangalthaan', 'Elluttal Nan Yuttam Ceykiren', 'Bayangaravaathi', and 'Cyanide' are Tamil language books printed in Chennai, India, and were imported to Sri Lanka. Sri Lanka Customs seized the books on 27<sup>th</sup> March 2026 and had informed the Complainant that they would only be released upon obtaining approval from the Ministry of Defence. The Sri Lanka Customs purported to act under section 135, read with section 12 and Schedule B of the Customs Ordinance, which authorizes it to prohibit 'Any newspaper, pamphlet, leaflet, book or picture containing matter calculated to lead to acts made punishable under section 120 of the Penal Code'. The Commission observed that, while the impugned content in the Complainant's two books (e.g. allegations that the Sri Lankan military had attacked civilians, and allegations that the Janatha Vimukthi Peramuna supported violence) may be classified as 'shocking', even 'offensive' to some, or 'disturbing', there is no evidence to suggest that the impugned passages were *calculated* to excite disaffection against the state, promote feelings of ill-will between communities or bring about any other harmful outcome listed in section 120 of the Penal Code. The Commission concluded that the DG of Sri Lanka Customs must be of the reasonable opinion that these elements of individual culpability, causation and intent, are present in a given case to justify the permanent seizure of any publication and had not demonstrated that he had reached such an opinion in this case. The Commission separately found that the sequence of events, and the explanations provided by the Respondents, indicated that the language of the Complainant's books, i.e., the Tamil language, was pivotal to their seizure. It observed that several state institutions that encountered these books treated them with prejudice and suspicion, which would not have been afforded to books of another language. At the conclusion of its inquiry, the Commission noted that none of the Respondents wished to take direct responsibility for the continued seizure of the remaining two books. It observed that the handling of the matter was marked by indecision and opacity at every stage.

The Commission found that the continued seizure violated Piratheepan's right to the freedom of expression including publication guaranteed by article 14(1)(a) of the Constitution and his

fundamental right to the freedom to enjoy and promote his own culture and to use his own language. This case demonstrated the need for more dialogue and policy formulation regarding the substantive aspects of reconciliation in the country. What are permitted acts of memorialization, what is a minimum level of equity with regards to language use, and how do we write the history of the conflict, are questions that require urgent answers. Delineating the foundations of a Sri Lankan identity that takes the country's difficult history into account is a challenge that the current government must take on.

#### **4. Militarization**

Seventeen years after the end of the armed conflict, militarization remains a persistent feature of governance and land use in the Northern and Eastern Provinces. Despite repeated assurances by the state to reduce its military footprint and return occupied lands, numerous cases reveal a sustained pattern of land appropriation, denial of access to traditional livelihoods, and intimidation of local populations.

In August 2025, the Commission met a delegation of civil society representatives from the Northern Province who presented details of military occupation of parts of Valikamam North. The Commission notes that such occupation since the 1990s remains one of the most egregious and longstanding instances of military occupation of private land. The Commission also notes that the affected communities have engaged in numerous peaceful protests, both regionally and nationally, to draw attention to their circumstances and to demand justice for their lost lands and livelihoods. The Commission received information that the military continue to engage in unlawful activities on private land in Valikamam North, including commercial farming and business ventures. The Commission observes that no durable solutions have been offered to these communities to date.

In the Eastern Province, the military has continued to occupy private land, such as in the case of Karanga Metkuvattai, located in the Sammanthurai Divisional Secretariat Division. Until 2012, 32 farmers engaged in uninterrupted agricultural activities on this land. However, during the Deyatakirula Exhibition, security forces occupied the area under the pretext of

providing temporary security for the event, assuring the farmers that the occupation would last only two weeks. More than a decade later, the military has not vacated the land. Instead, they continue to occupy it and have reportedly allowed illegal occupants to use it for cultivation, thereby displacing the original landowners and depriving them of their means of livelihood.

A similar pattern is evident in Ashraf Nagar, where 69 families engaged in agriculture without interruption until 2010. In 2011, the security forces established a military camp in the area, denying villagers access to their land and reportedly demolishing their homes. The military occupation has continued with no clear justification or legal recourse available to the affected families, reflecting a broader disregard for civilian rights to land and housing.

The Commission also learnt that, in May 2024, Sri Lanka Navy initiated efforts to acquire four acres of land in Ponnalai, Thiruvadi Nilai for the construction of a new military camp. According to information received by the Commission, the proposed acquisition was temporarily halted due to public protests.

The Commission was also informed that the military continues to be involved in economic activities, such as agriculture and pre-school teaching, which are predominantly executed through the Civil Security Department (CSD). The CSD is an auxiliary force under the purview of the Ministry of Defence and primarily engages in community service projects following the end of the war. Out of the 23 CSD offices across the island, nine are based in the North and East. Recruitment of civilians to the CSD is directly carried out by military officials. Former LTTE cadres are encouraged to join the CSD. Many do so due to the lack of other livelihood opportunities and the need to earn an income, and the hope that joining the CSD would result in less harassment and surveillance from the military and police intelligence services.<sup>45</sup> In addition to former LTTE cadres, other civilians too are incentivised to join the CSD due to higher salaries offered by the CSD and their need to relieve themselves from outstanding debt.

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<sup>45</sup> See D Jegatheeswaran, 'Civil Security Department: The Deep Militarisation of the Vanni' (Adayaalam Centre for Policy Research, September 2017), <https://adayaalam.org/wp-content/uploads/2018/01/ACPR-Report-Civil-Security-Department-The-Deep-Militarisation-of-the-Vanni-.pdf>.

The CSD has facilitated the militarization of agriculture in the North and East. For example, the recruitment of civilian farmers to the CSD is managed by military officials. Post recruitment, they are required to undergo a one-month mandatory military training, after which they are given a CSD uniform to be worn during special occasions and meetings. Additionally, it is also reported that the work of the CSD farmers is not limited to farming activities. They are requested to engage in other humanitarian projects initiated by the CSD, such as dengue eradication programmes and flood relief work. This lack of autonomy to decide on their engagements, extends to the employee's political engagements. As such, the Commission learnt that the recruits are instructed during their one-month military training to refrain from engaging in any anti-government political activity (which includes the participation in protests organized by families of the disappeared) during their employment with the CSD.

Apart from CSD farms, military engagement in agricultural activities is observed in agricultural research activities and farming inside military camps. In the year 2021, the Sri Lanka Army Corps of Agriculture and Livestock (SLACAL) was founded with its headquarters in Karadeniya, Amabalangoda, to assist the government's National Agriculture Campaign. Out of the six SLACAL battalions, three battalions and the Training School of Agriculture and Livestock are based in the North.<sup>46</sup> Furthermore, six Army farms are located in Mannar, Vavuniya, Mullaitivu, Kilinochchi, and Jaffna. The Agriculture Research Institute in Iranamadu functions within a military camp and farming and harvesting of vegetables are done inside the Palaly Military Base. As stated by the Sri Lanka Army's Directorate for Agriculture and Livestock, the Directorate aims to expand the total area under cultivation up to 8,000 acres in line with the national campaign for self-sufficiency in essential vegetables, dairy products, and grain varieties.<sup>47</sup>

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<sup>46</sup> See <https://alt.army.lk/slacal/school-of-agriculture-and-livestock>.

<sup>47</sup> See R T Fonseka, 'Fertile ground for national reconciliation: Army and ex-Tigers join hands to turn swords into ploughshares', *The Sunday Times* (23<sup>rd</sup> January 2022), <https://www.sundaytimes.lk/220123/news/fertile-ground-for-national-reconciliation-army-and-ex-tigers-join-hands-to-turn-swords-into-ploughshares-469780.html>.

A key community concern regarding agricultural activities inside military camps is that the farmland inside some of these camps is private farmland, which is still occupied by the military. Therefore, the aspiration of the owners of these farmlands is to regain ownership over their land, engage in farming independently, and earn a profit. They believe it to be the pathway to achieve economic autonomy. An additional concern is the impact it has on market competition. It is claimed that products of the CSD farms and military operated farms are sold at a lower price than the market price, which makes it difficult for the local farmers to compete and make profit out of their produce.<sup>48</sup>

Military officials are also directly involved in the administration of teachers in pre-schools. Based on the 2023 performance report of the CSD, a total of 180 pre-school teachers have been assigned to 142 schools in remote areas of the Northern, Northern Central, and Eastern Provinces where there is a shortage of teachers.<sup>49</sup> The Commission was informed that these teachers are required to wear a uniform (blue saree), which distinguishes them from other teachers in the pre-school. Moreover, it is reported that the teachers who fail to attend a meeting on time or breach the code of conduct are requested to either wear a special uniform or work in a CSD farm as punishment. Therefore, it is observed that the CSD pre-school teachers are made to follow military rule in a non-military setting, which may have a far-reaching negative impact on pre-school children.

The Commission notes that a militarized economic framework is an encroachment upon the people's constitutionally guaranteed freedom to engage in a lawful occupation. Therefore, the Commission believes that the state ought to create an eco-system that enables civilians to engage in sustainable livelihoods independently. This includes vesting the ownership of private farmlands which are currently occupied by the military with the rightful owners, encouraging investors to support the farmers to acquire the required capital to resume or scale up the agricultural activities, restructuring budget allocations to the relevant ministries instead of the defence ministry, and increasing access to required resources. These measures will

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<sup>48</sup> See Jegatheeswaran, op. cit.

<sup>49</sup> Civil Security Department, 'Performance Report 2023', <https://www.parliament.lk/uploads/documents/paperspresented/1729052546008442.pdf>.

eliminate economic dependency on the military and enhance economic autonomy in the region.

The Commission also observes that Sri Lanka currently lacks a comprehensive national security sector reform plan that includes, among other things, strategies and plans to reduce military presence in the North and East and restore civilian administration in the region. It notes that the continued presence of the military in multiple aspects of civilian life, including economic activities, singles this region out from the rest of the country and inhibits progress on post-war reconciliation.

## **5. State Surveillance, Intimidation, and Harassment**

In the North and East of Sri Lanka, security forces continue to subject victims' families, civil society actors, and journalists to sustained surveillance, intimidation, and harassment, particularly around activities involving protests, commemorations, and demands for truth and justice.

Security forces routinely monitor planned protests and adopt preemptive strategies to disrupt them. Organizers are threatened, and participants are intercepted before reaching protest locations. In the past, the Commission has received complaints with respect to such threats.

For example, on 6<sup>th</sup> January 2024, during former President Ranil Wickramasinghe's visit to the North, the families of the disappeared staged a protest amidst a heavy presence of military and police personnel. During the protest, the leader of the Vavuniya Families of the Disappeared Group was arrested by the police as she attempted to speak to the President seeking answers regarding the fate and whereabouts of her husband and others who were forcibly disappeared.<sup>50</sup> Her arrest was reportedly justified on the grounds of 'disturbing government officers'. Her phone, which was confiscated during her arrest, had not been

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<sup>50</sup> See 'Tamil Families of the Disappeared demand release of Tamil mother arrested during Ranil's North-East visit', *Tamil Guardian* (6<sup>th</sup> January 2024), <https://www.tamilguardian.com/content/tamil-families-disappeared-demand-release-tamil-mother-arrested-during-ranils-north-east>.

returned to her even several months later.<sup>51</sup> She stated that arbitrary arrests, police harassment used as intimidation tactics, and court cases filed against families of the disappeared to antagonize them are experiences she has repeatedly endured over the past 16 years in her pursuit of truth.<sup>52</sup>

The Commission learnt that during protests, security forces photograph and video record participants. These actions function as intimidation tools, often followed by phone calls or home visits by Criminal Investigation Department ('CID') or CTID personnel. In some cases, individuals photographed at demonstrations have been arrested by officers identifying themselves as intelligence personnel.

The Commission observed a similar pattern during its fact-finding mission on the investigation into the Chemmani Mass Grave site. It received disturbing accounts of certain law enforcement officials intimidating persons involved in the excavation and exhumation work at the mass grave site. For instance, the Commission learnt that members of the Jaffna Bar complained to the Jaffna Learned Magistrate alleging that certain officers of the CID had intimidated family members of disappeared persons in the course of conducting their investigations.<sup>53</sup>

Journalists covering sensitive protests have also faced targeted intimidation. For example, On 28<sup>th</sup> October 2023, journalists Punniyamoorthy Sasikaran and Valasingham Krishnakumar were questioned at their homes by police officers following their reporting on a protest in Batticaloa opposing state-backed land acquisition. Days later, they received court orders instructing them to surrender unedited video footage showing a Buddhist monk making threatening remarks, and to appear for questioning regarding the monk's conduct.<sup>54</sup>

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<sup>51</sup> HRCSL meeting with families of the disappeared in December 2024.

<sup>52</sup> Ibid.

<sup>53</sup> Human Rights Commission of Sri Lanka, *Fact Finding Report on the ongoing investigation into the mass grave site in Chemmani, Jaffna*, op. cit.

<sup>54</sup> See Committee to Protect Journalists, 'Two Sri Lankan journalists questioned, harassed following protest coverage' (8<sup>th</sup> November 2023), <https://cpj.org/2023/11/two-sri-lankan-journalists-questioned-harassed-following-protest-coverage/>.

In February 2025, the Commission received information that journalists Kandasamy Bharathan and Thambithurai Pratheepan were interrogated for over six hours by Sri Lanka Police over a Facebook post that called for the destruction of the Tissa Vihara. Additionally, several political leaders<sup>55</sup> were summoned by the Sri Lanka police in connection to protests against the Tissa Vihara. More recently on 17<sup>th</sup> August 2025, the CTID, summoned and interrogated Kumanan Kanapathipillai for over six hours regarding his journalism and photography, social media, financial activity, phone records and overseas travel.<sup>56</sup> Notably, at the time, Kumanan was reporting on the Chemmani Mass Grave excavations, which gained much publicity particularly on social media.<sup>57</sup>

Beyond protests, civil society initiatives are also monitored. Activists and relatives of the disappeared report frequent phone calls from intelligence officers prior to meetings, inquiring about locations, attendees, and agendas. This ongoing scrutiny appears to have discouraged many organizations from holding public or visible events.

Women activists and victims' relatives also face an added layer of vulnerability. Many are heads of households who lost husbands or children to death or disappearance. These women report daily surveillance, home visits by security forces, and harassment by CID, CTID, and Special Task Force ('STF') personnel, further entrenching fear and insecurity in their pursuit of truth and justice.<sup>58</sup> On 28<sup>th</sup> May 2025, for example, the Commission received information that the CTID summoned Vasuki Vallipuram, Coordinator of the Women Life and Rights Association Kilinochchi, and instructed her to bring details of the beneficiaries associated with her organization.

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<sup>55</sup> See M P Gajendrakumar Ponnambalam and former MP Selvarajah Kajendran, Women's wing leader Vasuki Sudhaharan and Velan Swamigal.

<sup>56</sup> Human Rights Commission of Sri Lanka, *Fact Finding Report on the ongoing investigation into the mass grave site in Chemmani, Jaffna*, op. cit.

<sup>57</sup> See International Commission of Jurists, 'Sri Lanka: Counter-terror police must cease the harassment of Tamil photojournalist Kanapithapillai Kumanan' (15<sup>th</sup> August 2025), <https://www.icj.org/sri-lanka-counter-terror-police-must-cease-harassment-of-tamil-photojournalist-kanapathipillai-kumanan/>.

<sup>58</sup> Human Rights Commission of Sri Lanka, *Statement on the Continuous Harassment and Rights Violations of Women Activists and Human Rights Defenders in the Northern and Eastern Provinces of Sri Lanka* (20 April 2026), <https://www.hrcsl.lk/wp-content/uploads/2026/04/HRCSL-letter-to-IGP-on-26th-April-2026.pdf>.

The Commission observes that arbitrary arrest, surveillance, and intimidation of victims, journalists, civil society actors, and community leaders represent serious violations of their constitutional rights to the freedom of expression under article 14(1)(a) of the Constitution, the freedom of association under article 14(1)(c), and equality before the law under article 12. These practices have had a chilling effect on civic activism and democratic participation in the North and East. The Commission observes that the community has increasingly internalized these reprisals, resulting in isolation of victims and their advocates, widespread self-censorship, and a dangerous conflation of legitimate political engagement with criminal activity. This phenomenon constitutes a grave threat to democratic pluralism and the realization of the rule of law in Sri Lanka.

## **6. Land and Resettlement**

Land continues to be a significant and complex issue in post-war North and East of Sri Lanka. While the cessation of armed conflict in 2009 created the space for displaced communities to return and resume their livelihoods, successive state-led policies and actions have contributed to disputes over land ownership, access, and use.

As discussed in the section on ‘militarization’, the continued occupation of land by security forces, despite decisions taken for the release of land, remains a significant barrier to the realization of victims’ rights. Additionally, contrary to previous policies on release of private land, on 28<sup>th</sup> March 2025, the government issued a Gazette notification stating that properties in the districts of Jaffna, Kilinochchi, Mannar, and Mullaitivu will be claimed as state land if the owners of such lands do not claim them on or before 28<sup>th</sup> June 2025 (i.e., in three months).<sup>59</sup> Amidst protests by the people in the Northern Province, the government revoked the Gazette on 27<sup>th</sup> May 2025.<sup>60</sup> Nevertheless, on 23<sup>rd</sup> October 2025, Deputy Defence

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<sup>59</sup> See ‘Supreme Court suspends recent gazette on Northern Province land’, *Daily Mirror Online* (27<sup>th</sup> June 2025), [https://www.dailymirror.lk/breaking-news/Supreme-Court-suspends-recent-gazette-on-Northern-Province-land/108-312742#:~:text=Colombo%2C%20June%2027%20\(Daily%20Mirror,PC%20appeared%20for%20the%20petitioner.](https://www.dailymirror.lk/breaking-news/Supreme-Court-suspends-recent-gazette-on-Northern-Province-land/108-312742#:~:text=Colombo%2C%20June%2027%20(Daily%20Mirror,PC%20appeared%20for%20the%20petitioner.)

<sup>60</sup> See ‘Government revokes Gazette on land settlement in North’, *Daily Mirror Online* (27<sup>th</sup> May 2025), [https://www.dailymirror.lk/breaking-news/Government-revokes-Gazette-on-land-settlement-in-North/108-309900#:~:text=Colombo%2C%20May%2027%20\(Daily%20Mirror,land%20to%20its%20rightful%20owners.](https://www.dailymirror.lk/breaking-news/Government-revokes-Gazette-on-land-settlement-in-North/108-309900#:~:text=Colombo%2C%20May%2027%20(Daily%20Mirror,land%20to%20its%20rightful%20owners.)

Minister Major General (Retd) Aruna Jayasekara informed parliament that a total of 672.24 acres of land (which includes 86.24 acres of private land and 586 acres of military occupied state land) in the Northern Province have been returned to the people between January 2025 and October 2025.<sup>61</sup> In October 2025, the Minister of Environment reportedly indicated that arrangements are underway to release 101,762 acres of land in the Vanni from state control.<sup>62</sup>

Despite progress on the release of land in the Northern and Eastern Provinces, some families remain displaced with no durable solutions in sight. As of 30<sup>th</sup> September 2024, the Commission received information that in the Jaffna District, 1,397 Tamil families, comprising 4,013 individuals, remain to be resettled. In places such as Thannimurippu and Andankulam, despite 40 years having passed since the Sri Lankan military compelled the people to leave their homes in 1984, and more than 17 years having passed since the end of the war, families have not been able to return to their villages.

One of the most pressing concerns for resettled persons is the continued absence of legal ownership documents. Many Tamil and Muslim families who were displaced during the war and later resettled remain without official land deeds or permits. While some individuals reportedly receive expedited processing, other citizens face prolonged delays due to administrative inefficiencies.

Several resettled communities have also been placed in locations that expose them to environmental harm or unsanitary conditions. A case in point is the Muslim community in Salampikulam, Vavuniya, where around 30 tons of garbage are dumped each month near the settlement by the Urban Council. Despite repeated protests and appeals, the situation remains unaddressed, compromising residents' health, dignity, and right to a clean and safe

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<sup>61</sup> See 'Land release continues: Over 700 acres handed back to public in North and East', *Daily News* (23<sup>rd</sup> October 2025), <https://dailynews.lk/2025/10/23/breaking-news/881512/land-release-continues-over-700-acres-handed-back-to-public-in-north-and-east/>.

<sup>62</sup> See 'Sri Lanka admits 'mistakes' and claims land in Vanni will be released', *Tamil Guardian* (2<sup>nd</sup> October 2025), <https://www.tamilguardian.com/content/sri-lankan-government-release-101762-acres-vanni-after-decades-seizure>.

environment. Similarly, in Silvathurai, families have been resettled in houses built in areas frequented by elephants, exposing them to the constant threat of human–elephant conflict.<sup>63</sup>

Additionally, in multiple instances, families have been relocated to areas that are incompatible with their former livelihoods. Fishing communities have been resettled inland near agricultural land, and farmers near coastal areas away from agricultural land, undermining their economic recovery.<sup>64</sup> For example, farmers who originally lived in Manal Aru were forcibly displaced to enable the establishment of the Weli Oya settlement, where Sinhalese communities were settled. As a result of this displacement, these farming families were resettled in a coastal area where fishing is the primary livelihood, despite their lack of skills, experience, or willingness to engage in fishing. Consequently, they have been compelled to rely on small-scale home gardening, such as peanut cultivation, or to rent land from Sinhalese landowners to continue agricultural activities.<sup>65</sup> Similarly, residents of Silavathurai have been resettled in Malankatta Payudi, a forested area unsuitable for agriculture. Meanwhile, the land they formerly occupied in Silvathurai, fertile and viable for farming, is occupied by Sri Lanka Navy, depriving them of their original livelihoods and productive resources.<sup>66</sup>

In some cases, families have not been resettled on their original lands even though those lands remain vacant, while illegal occupants, often from other communities, remain undisturbed in those areas. For example, Tamil farmers in Muthur continue to face encroachment by Sinhalese farmers at the Kanguveli Tank, which not only denies them access to their land but also threatens their irrigation source.<sup>67</sup> In Saalambaikulam, Vavuniya, returning Muslim families found their former land reassigned to Tamil residents by Divisional and District Secretariats despite documentary evidence of prior occupation.<sup>68</sup>

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<sup>63</sup> HRCSL meeting with community members in Mullaitivu (December 2024).

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> See Centre for Policy Alternatives, *The Intersectional Trends of Land Conflicts in Sri Lanka* (2024), <https://www.cpalanka.org/wp-content/uploads/2024/08/The-Intersectional-Trends-of-Land-Conflicts-in-Sri-Lanka.pdf>.

<sup>68</sup> See National Christian Evangelical Alliance Sri Lanka, *The Landscape of Religion or Belief in Vavuniya 2023 – 2024* (September 2024), <https://minormatters.org/wp-content/uploads/2024/12/FoRB-Landscape-in-Vavuniya-2023-24.pdf>.

Information received by the Commission indicate that land allocation and settlement decisions in some areas have resulted in changes to the demographic composition of regions historically populated by minority communities. The displacement of traditional landowners during the war, combined with the loss or destruction of land documentation, has created conditions that have been used to facilitate such demographic changes and have contributed towards disputes regarding ownership and access. For instance, in 2023, government officials arrived at Karupanichangulam, a Tamil village in Vavuniya, to survey agricultural land for the purpose of establishing a cemetery for Sinhalese residents of nearby Kokkuveli.

These demographic interventions are further consolidated through symbolic and cultural assertions of dominance. Since 2022, Sinhalese communities from Hambantota and Weeraketiya have reportedly settled on land in Kuchchaveli, Trincomalee, historically owned by Muslims. In these areas, the renaming of locations has taken place alongside the construction of Buddhist temples and statues.

The implications of such state-enabled settlements extend beyond demographic shifts. They exacerbate existing challenges and introduce new hardships for communities attempting to rebuild their lives in the post-war context. For example, Sinhalese settlements in Vakara and the western parts of Koralai have aggravated existing land scarcity in Batticaloa, a district already struggling with displacement-related claims. These settlements have reportedly contributed to increased inter-communal tensions, particularly where new settlers receive state protection or resources not afforded to traditional residents. It is important to note, however, that these settlement practices have a disproportionate impact on the poorer classes, as the worst affected are invariably rural farmers. Further details with respect to the impact of settlement practices on rural farmers are discussed below under the section on ‘threats to livelihoods’.

The Commission is also concerned about the state’s recent prioritization and allocation of reparations for the loss of property. While families of the disappeared and war-affected communities in the North and East continue to wait for truth, justice, and basic redress, compensation relating to losses suffered during the unrest of May 2022 was processed and

disbursed within a comparatively short period of time evidencing disparities in the pace and accessibility of reparations and the broader prioritization of victim's needs within the existing reparative framework. According to publicly available information, 43 ministers and members of parliament ('MPs') of the former government were collectively paid Rs. 1.224 billion in public funds as compensation for damages to their private properties, with amounts ranging from Rs. 10 million to Rs. 95 million each.<sup>69</sup> Additionally, 68 MPs were allocated housing in Viyathpura at nominal rent, with the Cabinet granting temporary housing arrangements that have resulted in an estimated Rs. 220 million cost to the state.<sup>70</sup> This compensation was paid despite the economic crisis and with little transparency as to the exact funding source.<sup>71</sup> Regrettably, these payments have been made outside the Office for Reparations, through separate ad hoc processes, lacking the scrutiny, transparency, and legal framework otherwise imposed on victims in the North and East.<sup>72</sup>

The people of the country suffered significant loss due to the severe weather conditions caused by Cyclone Ditwah, which affected Sri Lanka in late November 2025. The Commission conducted several field visits across the country, including the North and East, to assess the impact of the disaster. During these visits, it was observed that in several flood-affected areas, resettlement had not been carried out adequately, and many affected families continued to live in temporary shelters.

The HRCSL Jaffna Regional Office visited several affected areas in the Jaffna and Kilinochchi Districts. On 22<sup>nd</sup> December 2025, officers of the HRCSL Jaffna Regional Office visited villages under the Maruthankerni Divisional Secretariat Division in the Jaffna District. It was observed at the time that families in the J/431 Aliyawalai Grama Niladhari Division were still living in temporary camps because their houses had been damaged by flooding.

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<sup>69</sup> See S Jayawardena, 'Aragalaya compensations for MPs, perks and privileges heat up the House', *The Sunday Times Online* (9<sup>th</sup> February 2025), <https://www.sundaytimes.lk/250209/columns/aragalaya-compensations-for-mps-perks-and-privileges-heat-up-the-house-587303.html>.

<sup>70</sup> See M Dullewe, '9 May 2022 mayhem: Property destruction estimated at Rs. 1.7b', *The Morning* (21<sup>st</sup> July 2024), <https://www.themorning.lk/articles/k3JiCZfGbxNPjcbYokwe>.

<sup>71</sup> See S Fernandopulle, 'Office for Reparations denies compensating any MP for destroyed houses', *Daily Mirror* (12<sup>th</sup> February 2025), <https://www.dailymirror.lk/breaking-news/Office-for-Reparations-denies-compensating-any-MP-for-destroyed-houses/108-302213>.

<sup>72</sup> See M Mudugamuwa, 'MPs' burnt houses: Doubts over valuation for compensation', *The Morning* (26<sup>th</sup> May 2024), <https://www.themorning.lk/articles/112WELWGDxkMz93Zinuy>.

During the visit, residents of the Naharkovil East Grama Niladhari Division informed the Commission's officers that many families were also continuing to stay in temporary camps. On 23<sup>rd</sup> December 2025, the officers conducted field visits to villages under the Poonakary Divisional Secretariat Division in the Kilinochchi District. It was found that, at the time, families in the Jayapuram North Grama Niladhari Division were still living in temporary camps. In the Pallikuda (KN/65) Grama Niladhari Division, many residents continued to be affected by the floods. The officers also observed that one family had been living in a temporary hut for the past three years without access to permanent housing.

On 19<sup>th</sup> December 2025, officers of the HRCSL Vavuniya Regional Office conducted a field visit to Kandasamy Nagar in the Vavuniya District within the Vengalcheddikulam Divisional Secretariat Division. At the time of the visit, the affected families were still residing at Gangkankulam School, Nithiya Nagar School, and in the homes of relatives, as they had not yet been resettled.

The Commission observes that natural disasters such as Cyclone Ditwah expose how communities in the North and East face compounded vulnerabilities. The prolonged marginalization and exclusion of these war-affected communities make them particularly vulnerable to disasters. Special interventions are, therefore, required to strengthen disaster resilience of communities residing in war-affected areas.

The Commission notes the crucial role played by affected communities in resisting long-term displacement and unlawful acquisitions through organized protest and legal interventions. However, the protection of fundamental rights must not be contingent on the capacity of individuals to mobilize in protest. Every protest, while a legitimate form of democratic expression, entails significant personal, economic, and emotional costs. It is the duty of the state and its officials to uphold constitutional guarantees without necessitating public resistance.

The Commission notes that the persistent delays and inadequacies in the provision of reparations—including the return of land, issuance of deeds, and access to livelihood

assistance—have entrenched conditions of fear, financial instability, and social exclusion. Victims continue to live in a state of limbo, unsure of their legal entitlements or whether they will once again be displaced or dispossessed.

## **7. Expulsion of Northern Muslims**

In October 1990, the LTTE expelled approximately 75,000 Muslims from their homes across the Northern Province with the stated objective of consolidating the North as a mono-ethnic Tamil region. The mass eviction of the Northern Muslims was carried out within an exceptionally short period of time, district by district, leaving families with no opportunity to secure their belongings, livelihoods, or documentation. As a result, the expelled Northern Muslims were abruptly severed from the economic resources that had sustained them for generations and denied access to their schools, mosques, and communal spaces that formed the foundation of their cultural, religious, and social life.<sup>73</sup> They were compelled to restart their lives in unfamiliar and often inhospitable surroundings, predominantly in parts of the Puttalam District, one of the poorest regions in the country, where they faced prolonged displacement, social exclusion, and precarious living conditions.<sup>74</sup> By this time, Sinhalese communities that used to live in parts of the Northern Province had already been compelled to leave due to threats, intimidation, and heightened tensions.

Although the end of the armed conflict in 2009 marked the first real possibility for return without the threat of a repeated expulsion, state resettlement efforts in the immediate post-war years prioritised those displaced after 2008. A persistent perception that Northern Muslims were less affected by the conflict was reinforced by this policy decision. This hierarchy of victimhood has endured and continues to impede recognition, accountability, and access to justice for the multiple and intersecting injustices suffered by the Northern Muslim community.<sup>75</sup>

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<sup>73</sup> See M Thiruvarangan, 'Remembering eviction of northern Muslims and making commitment to coexistence', *DailyFT*, 29<sup>th</sup> October 2025), <https://www.ft.lk/columns/Remembering-eviction-of-northern-Muslims-and-making-commitment-to-coexistence/4-783567>.

<sup>74</sup> See F Haniffa, 'Competing for Victim Status: In and the Ironies of Sri Lanka's Post-War Transition', (2015) 4(1) *Stability: International Journal of Security and Development*, <https://doi.org/10.5334/sta.fj>.

<sup>75</sup> Ibid.

These challenges did not end with displacement or the formal cessation of hostilities. Instead, the expulsion has given rise to a range of interrelated and enduring injustices that continue to shape the lives of Northern Muslims decades later. Drawing from experiences of displaced and returning communities as recounted to the Commission at meetings at the Head Office, in Mullaitivu, in Vavuniya and Puttalam, the following key issues have been identified as illustrating how the initial act of forcible eviction has been compounded by a lack of acknowledgement of the enormity of the event, exclusionary state practices, and unresolved inter-communal tensions.

A fundamental challenge has been the limited awareness and recognition of the expulsion of Muslims from the North, both within public discourse and institutional responses.<sup>76</sup> First, there has been no state mandated inquiry process to document the event. Secondly, narratives regarding the history of the conflict have foregrounded state minoritization initiatives against Tamils and violence perpetrated against Tamil communities by Sinhalese mobs, the Police and Military. Discussion of violations committed by the LTTE against Muslim civilians undermined the power of the narrative regarding how Tamil communities were victimized. Further in light of the grave and widespread atrocities experienced by Tamil communities in the North for decades after the 1990 expulsion, the eviction has been spoken of and continues to be referenced as having worked to the advantage of Muslims by removing them from direct exposure to the years of violence endured by those who stayed. This framing narrowed the space available to articulate Muslim grievances and failed to acknowledge the profound injustice inherent in the abrupt severing of identity, culture, religious life, and centuries-old economic and social ties to the land and the stripping of all community members' assets. It must be noted that among the tragedies recounted by expelled Northern Muslims was the loss of community with their Tamil neighbours.<sup>77</sup>

At the meeting with the Commission on 5<sup>th</sup> May 2026, activists from the Northern Muslim community stated that it was one of the few times that a state institution was recognizing the

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<sup>76</sup> Discussion held in Vavuniya on 3<sup>rd</sup> November 2025 to commemorate 35 years since the eviction of the Northern Muslims.

<sup>77</sup> Ibid.

expulsion of Northern Muslims at a meeting devoted to discussing their issues alone. It must be acknowledged that no state efforts to inquire into or document the expulsion of the Northern Muslims and establish the particularity of their expulsion experience have been initiated so far. The lack of such a process impedes ready recognition of the injustice suffered by the expelled population.

The possibility of return following the end of the war in 2009 was also marked by exclusion and refusal. Returning Muslims were frequently denied the opportunity to resettle in their original lands on the basis that they already had homes elsewhere, particularly in Puttalam and were therefore ineligible for assistance.<sup>78</sup> State practice reflected a pattern in which the collective return of Northern Muslims was deprioritized in comparison to the resettlement of more recently affected populations, driven by assumptions that Muslims displaced to Puttalam for many years, were comparatively better placed.<sup>79</sup> Additionally, Tamil officials administering the Northern Province often viewed the return of evicted Muslims with suspicion or hostility rather than as a legitimately exercising their right to return.<sup>80</sup> Such a sentiment was present in the immediate aftermath of the war and continues to affect returned Northern Muslim communities today. There must be a recognition that while some displaced Northern Muslim communities have managed to rebuild lives, there are many that have not been able to recover and continue to suffer the consequences of the expulsion.

Unresolved grievances among Tamil communities and returning northern Muslims have contributed to heightened ethnic tensions in the post-war period. Given the scarcity of land, livelihoods, and public resources in areas where Tamil communities themselves resettled after prolonged displacement, returning Muslims are often perceived as competitors for already limited resources.<sup>81</sup> Tensions have been particularly pronounced in relation to land ownership and access to livelihoods.<sup>82</sup> As a result, Northern Muslims report feeling unwelcome both in their places of origin and in the areas to which they are resettled.

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<sup>78</sup> Ibid.

<sup>79</sup> See S Saroor, 'Northern Muslims' Right to Return', *Groundviews* (30<sup>th</sup> October 2023), <https://groundviews.org/2023/10/30/northern-muslims-right-to-return-whose-responsibility/>.

<sup>80</sup> See Thiruvarangan, op. cit.

<sup>81</sup> Ibid.

<sup>82</sup> See Haniffa, op. cit.

For many years during their displacement in Puttalam, Northern Muslims were considered residents and voters of their places of origin and not of the Puttalam District. They were perceived by Puttalam residents for years as a strain on the areas' already meagre resources.

Some Northern Muslim communities have managed to establish thriving villages in Puttalam. Some, however, continue to experience difficulties. The Commission observed that certain communities in Puttalam resettled decades ago still do not receive services provided by the local government authorities or the divisional secretariat. For instance, in the village, certain communities had no garbage collection, and no post-office. Many villagers also had no valid documentation for the land they had been living on for decades and require regularization. Some families who have moved to the North continue to maintain ties in Puttalam due to better employment opportunities (particularly for women), greater access to education, and infrastructure.<sup>83</sup> Families settled in Puttalam also maintain some rudimentary connection with their places of origin in the hope of resettling when conditions are better suited. Maintaining this dual connection has been difficult;<sup>84</sup> yet, it has often been pursued as a strategy for survival amid uncertainty.

The lack of sufficient state acknowledgement of the long-term displacement of the Northern Muslims, the difficulties of settling in Puttalam while maintaining their status as voters of the districts in the Northern Province for decades after the displacement, have rendered the northern Muslim's experience unique. It is necessary that the specifics of this experience are recognized and their ongoing problems addressed. For instance, there is a request from certain sections of the Northern Muslim population for an accommodation of their status as voters of the Northern Province—while residing outside the Province -- for a specific period of time. They ask for this accommodation to give them the opportunity to return when infrastructure and other provisions improve in their villages in the North. Enabling such a possibility for return must be considered when discussing reconciliation options for the Northern Muslims.

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<sup>83</sup> HRCSL meeting with community members in Mullaitivu (December 2024).

<sup>84</sup> See Haniffa, *op. cit.*

The commission encountered several instances where the absence of legal documentation has entrenched vulnerability and exclusion. Many Northern Muslims lost proof of ownership or residence in the North due to the destruction of documents during the war and the sudden nature of their expulsion, which afforded no opportunity to retrieve personal records. In newly resettled areas in the North, land tenure has similarly remained insecure due to the state's failure to issue formal documentation. For instance, residents of the Kakkaitivu settlement, home to approximately 23 families, largely descendants of those evicted in 1990, have yet to receive official confirmation letters for the land allocated to them.<sup>85</sup> This lack of documentation has directly obstructed access to essential services required for a dignified life. Returning Muslims in Mullaitivu have reported difficulties in obtaining electricity connections and permission to dig agricultural wells, as they are unable to demonstrate ownership of the land they occupy.<sup>86</sup>

Conditions in newly resettled areas have further compounded these hardships, with many settlements lacking even basic necessities. For example, in Kakkaitivu, located within Jaffna District and near a municipal garbage recycling centre, residents report that the air is permeated with the odor of untreated sewage, adversely affecting health and well-being. Access to clean water, electricity, and adequate sanitation facilities remains severely limited, undermining the ability of families to live with dignity and reinforcing patterns of neglect in resettlement planning and implementation.<sup>87</sup>

Following the Easter Sunday Attacks of April 2019, increased surveillance of Muslim communities by law enforcement and security agencies has further deepened mistrust, reinforcing perceptions of Muslims as a security threat. For example, a women's organization established to address domestic violence was reportedly subjected to repeated visits by the Army for document checks, contributing to fear, stigma, and heightened suspicion among

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<sup>85</sup> See 'Thirty-five years on, remembering the 1990 Muslim eviction from the North', *Sunday Observer* (2<sup>nd</sup> November 2025), <https://www.sundayobserver.lk/2025/11/02/news-features/65832/remembering-the-1990-muslim-eviction-from-the-north/>.

<sup>86</sup> See Thiruvarangan, op. cit.

<sup>87</sup> See 'Thirty-five years on, remembering the 1990 Muslim eviction from the North', op. cit.

neighbouring Tamil communities.<sup>88</sup> Such dynamics erode prospects for coexistence and reconciliation, while entrenching the marginal status of Northern Muslims.

The Commission has initiated several interventions with the Northern Muslim community in Puttalam. During disaster monitoring visits (following Cyclone Ditwah) to Puttalam in December 2025, the Commission identified issues affecting the displaced Northern Muslim community residing in Karambe, Puttalam. Following these observations, a meeting was held on 12<sup>th</sup> February 2026 to discuss the 1990 expulsion of Northern Muslims and issues relating to reparations. The meeting was attended by the Deputy Director of the Land Reform Commission ('LRC'), the Divisional Secretary of Kalpitiya, and representatives of civil society organizations. During the meeting, the Deputy Director of the LRC assured participants that all outstanding land-related matters would be resolved within three months.

A further meeting was held on 5<sup>th</sup> May 2026 to continue discussions on the 1990 expulsion of Northern Muslims with civil society activists. Issues of concern to returning Northern Muslim communities in the districts of Jaffna, Mullaitivu, Vavuniya, Kilinochchi, and Mannar were discussed and a government program to assist returning Northern Muslims was highlighted as being necessary to streamline their return. A meeting was also held with representatives of the Office for Reparations on 25<sup>th</sup> June 2026 to discuss matters relating to reparations for the displaced Northern Muslim community. The Commission has already shared information of its ongoing work on the Northern Muslims with the Office for Reparations and plans to work together with the Office on this issue.

A follow up fact-finding mission was conducted on 22<sup>nd</sup> May 2026 to assess the situation of the displaced Northern Muslim community in Karambe, Puttalam. The mission identified several challenges relating to education, healthcare, livelihoods, and land rights. It was also found that many members of the displaced community were in possession of fraudulent land certificates. The lack of resolution with regards to resettlement of certain northern Muslim populations in Puttalam after several decades speaks to the deprioritization of issues faced by this population and the need for urgent redress and attention from the authorities.

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<sup>88</sup> HRCSL meeting with community members in Mullaitivu (December 2024).

## **8. Freedom of Religion or Belief**

Freedom of religion or belief is protected under articles 10 and 14(1)(e) of the Constitution, and the right to non-discrimination on the grounds of religion is protected under 12(2). Article 10 stipulates that every person is entitled to freedom of religion, which includes the freedom to have or adopt a religion or belief of one's choice. Article 14(1)(e) provides that every citizen is entitled to manifest one's religion in private or in public, alone or in association with others through worship, observance, practice, or teaching. Article 12(2) guarantees that no person should be discriminated against based on their religion.

While the freedom to have and adopt a religion of one's choice is an absolute right, the right to manifest one's religion and the right to be free from discrimination based on religion are subject to limitations. These limitations should be prescribed by law in the interest of national security, public order, and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedom of others, or of meeting the just requirements of the general welfare of a democratic society.

Additionally, as per article 27(5) of the Constitution, which sets out one of the directive principles of state policy, the state has the duty to strengthen national unity by promoting cooperation and mutual confidence among religious groups and to take effective steps in the fields of teaching, education, and information in order to eliminate discrimination and prejudice. Article 27(6) meanwhile provides that the state shall ensure equality of opportunity and ensure that no citizen suffers any disability on the basis of their religion, and article 27(11) provides that the State shall create an economic and social environment to enable all religious faiths to uphold their religious principles.

In this context, the Sri Lankan Constitution clearly articulates a framework for the protection and promotion of the freedom of religion or belief. Although article 9 places a special duty on the state to protect and foster the Buddha *sasana*, this article also clarifies that the state should do so only 'while assuring to all religions the rights granted by Articles 10 and 14(1)(e)'.

Despite this framework, the Commission notes a range of violations of the freedom of religion or belief in the North and East. These include: the selective and arbitrary enforcement of laws and regulations affecting religious practice; the obstruction of religious worship and rituals by state authorities; and the destruction, exploitation, and appropriation of minority religious sites. These patterns raise serious concerns regarding the equal protection of religious rights and the preservation of Sri Lanka's multireligious identity.

On several occasions, state entities have misapplied or selectively enforced the law in ways that violate the religious freedom of individuals, particularly those from minority religious communities. For instance, in June 2024, the Department of Examinations withheld the Advanced Level examination results of seventy students from Zahira College, Trincomalee. The Department alleged that the students had violated examination regulations by failing to keep their ears and faces visible, which, according to the Department, was necessary for invigilators to assess whether candidates were using electronic devices during the exam. This action was based on Examination Circular/Gazette Notification No. 2137 of 2019. However, this circular does not prohibit any specific type of attire, such as headscarves or hijab, but only requires candidates to ensure their ears are visible for inspection purposes. Although the Department claimed that an inquiry was initiated against certain students based on specific evidence, examination invigilators, supervisors, and assistant supervisors reported that they had not submitted any complaints regarding violations of the circular. They also testified that all students complied with the guidelines and had worn shawls specifically ensuring that their ears and faces were visible during the examination.<sup>89</sup> The Commission found that the 1<sup>st</sup> Respondent has violated the candidates' fundamental rights to the freedom to manifest religion or belief, the freedom of thought, conscience and religion, the right to equality before the law and the equal protection of the law, and the right to non-discrimination respectively guaranteed by articles 14(1)(e), 10, 12(1), and 12(2) of the Constitution.

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<sup>89</sup> *Select Candidates of the GCE Advanced Level Examination of 2024 Zahira College, Trincomalee vs. Amith Jayasundara, (Former) Commissioner General of Examination Department of Examination & A.K.S. Indika Kumari Liyanage, Commissioner General of Examination Department of Examination, HRC/SUO-MOTU/02/2024 (HRCSL Decision, 26 June 2026).*

Similarly, the Commission issued a decision on 12<sup>th</sup> October 2026 in which the Director of the Kalmunai Base Hospital was found to have violated six Muslim women Health Care Assistants' fundamental rights to the freedom to manifest religion or belief, the freedom of thought, conscience, and religion, the freedom to engage in a lawful occupation, the right to equality before the law and the equal protection of the law, and the right to non-discrimination respectively guaranteed by articles 14(1)(e), 10, 14(1)(g), 12(1), and 12(2) of the Constitution. The case concerned the Director's decision to compel the newly appointed Healthcare Assistants, who are Muslim women, to remove their headscarf (cloth covering their heads), long sleeves, and jeans, which they wore in addition to the prescribed uniform, and to instead report for duty dressed without scarves, long-sleeved garments, and jeans.

The Commission has received information that, circulars on registration and operation of religious places of worship have been inconsistently enforced, with certain religious groups facing heightened scrutiny compared to others. The registration process is reportedly hindered by excessive bureaucratic requirements, and the provision for community objections during the registration phase. As a result, less dominant or unorthodox religious groups have been gravely disadvantaged.<sup>90</sup>

One such example is found in the village of Rambai Vetti, where applications were submitted to the Vavuniya South Divisional Secretariat, Pradeshiya Sabha, and the Department of Hindu Religious Affairs to register and reconstruct a Saiva temple. Despite a lapse of over several years, no legal registration or approval had been granted. Hindu representatives from the Omantha area expressed frustration over what they perceived a double standard, as the construction and renovation of Buddhist viharas allegedly proceed more swiftly, often with political support.

Members of minority religious communities in the North and East, particularly Hindus, have also faced repeated obstruction in their efforts to conduct worship and religious rituals. These obstructions are often carried out by law enforcement authorities and the Department of

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<sup>90</sup> See National Christian Evangelical Alliance Sri Lanka, *The State of Religious Freedom in Sri Lanka – Annual Report 2024* (2024), <https://minormatters.org/wp-content/uploads/2025/06/V2.The-State-of-Religious-Freedom-in-Sri-Lanka-2024-2.pdf>.

Archaeology, either by preventing devotees from accessing places of worship or by disrupting religious practices while they are taking place.

In one such incident in February 2024, the Sri Lanka Police and Sri Lanka Army obstructed Hindu devotees from participating in the monthly Pongal festival at the Lord Murugan Temple located on Kandaswamy Hill. The Commission learnt that, although the hill was declared a protected archaeological site by Gazette No. 1823/73 dated 16 August 2013, the Department of Archaeology had not taken steps to protect or preserve the Murugan Temple situated there. Despite the temple's religious significance, devotees are barred from accessing it and are instead compelled to worship at the base of the hill, where only broken and ruined statues remain.

Obstruction of religious practices has also escalated into physical violence and arbitrary arrest. On 8<sup>th</sup> March 2024, devotees, including members of the temple committee and the chief priest, were obstructed by the police while attempting to conduct a Maha Shivaratri night *pooja* at the Vedukkunaari Malai – Aathi Sivan Lingeswara Temple. Later that evening, police arrested several individuals, some of whom were allegedly assaulted during the arrest. Witnesses reported that sacred religious items were kicked or damaged by the police during the operation. The legal basis for the arrest, as communicated to the individuals who were arrested, was inconsistent and unclear. Some individuals were not informed of the reason for their arrest, while others were given varying justifications, including 'entering a government forest without permission', 'worshipping at the site after 6.00pm', and 'standing or performing rituals at an archaeological site after 6.00pm'.

During the inquiry conducted by the Commission, the Department of Archaeology confirmed that Vedukkunaari Hill itself is not officially designated as an archaeological site, though it contains archaeological monuments. The Department of Forests stated that the hill falls within the Nainamadu Forest Reserve, as declared in Special Gazette No. 7182 of 10 June 1921. The police claimed their actions were based on a complaint from the Department of Archaeology. However, they also acknowledged that a court order permits religious *poojas* to be conducted

at the site, so long as the archaeological monuments are not harmed. They further admitted that the Archaeology Act contains no provision prohibiting access to such sites after 6 PM.

In a significant development, on 9 August 2024, the Vavuniya High Court ruled that all parties must be allowed to conduct religious worship at this site, provided it does not cause damage to the heritage property. Despite this positive development, the Commission has received information that Hindu adherents continue to receive threats and intimidation, often by persons claiming to be from the Department of Archaeology, which has had a chilling effect on their religious expression.

In Thaiyiddi, Valikamam North, the construction of the Tissa Raja Maha Viharaya by the Gajaba Regiment on privately owned land exemplifies the use of security institutions in religious appropriation. Despite continuous protests by the residents since May 2023 and a formal resolution by the Valikamam North Pradeshiya Sabha opposing the construction, the Sri Lankan Oversight Committee on National Security, in March 2024, ordered the transfer of the private land to the temple, offering alternative land to the displaced Tamil families. In 2025, it was reported that the Secretary of the Ministry of Buddhasasana, Religious and Cultural Affairs indicated that the temple will be registered under the Commissioner General of Buddhist Affairs thereby discontinuing the administrative control of the military over the temple.<sup>91</sup>

The Commission notes that there have been some positive attempts by the Office for National Unity and Reconciliation (‘ONUR’) to issue recommendations to the government to resolve issues that cause tensions between communities. In June 2025 it released a statement mentioning that it had held discussions with the Jaffna District Secretary, religious community leaders including the Chief Incumbent of the Naga Vihara and Ven Thero of the Tissa Vihara, Director and members of the Reconciliation Centre of Jaffna University, thirteen families claiming land rights, and representatives of several Buddhist organizations to

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<sup>91</sup> See ‘KKS Tissa Viharaya controversy: Govt. to convene stakeholder talks’, *The Morning* (13<sup>th</sup> February 2025), <https://www.themorning.lk/articles/mKTsgKGISb2lLAnYUtm>.

mediate a settlement.<sup>92</sup> ONUR had also subsequently issued several recommendations to the government. The Commission also learnt that the Fisheries Minister, Ramalingam Chandrasekar, during a Valikamam North Regional Coordination Committee meeting, announced plans to resolve the issue surrounding the Temple by returning private land surrounding the Tissa Vihara to the respective landowners, and paying compensation based on the land value or providing alternative lands for landowners on whose land the temple is constructed. Yet, concerns have been raised by the local community regarding the proposed provision of alternative land or compensation to private landowners, as this process would result in the formal transfer of ownership of the land to the temple, and consequently deprive the private landowners of their existing property rights to the said land.

The Commission has received information with respect to several other instances of private land being appropriated for the construction of Buddhist viharas, often with the support of the security forces. There are also examples where permission has been denied for the reconstruction of previously existing Hindu temples destroyed during the war. For example, on the Rajavanthan Hill, in the Trincomalee District, construction of a Buddhist temple was completed with military support in 2024, despite the land historically serving as a site for an ancient Malayadi Pillaiyar Hindu temple. Community protests and legal actions, including a pending case in the Muttur Magistrate's Court, have so far prevented further expansion.<sup>93</sup>

These practices have resulted in the erosion of trust of religious minority communities in the state's ability to respect and protect their freedom of religion or belief. Certain interventions by some state authorities, however, show signs of incremental change. For example, state authorities intervened in November 2025 to prevent the escalation of tensions when a Buddha statue was placed within an illegally constructed hut on the coastal reservation by the monks of the Sri Sambuddha Jayanthi Bodhiraja Vihara, claiming they were restoring a Dhamma

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<sup>92</sup> Office for National Unity and Reconciliation, 'Press statement issued by the Office for National Unity and Reconciliation regarding the Jaffna Tissa Temple issue' (5<sup>th</sup> June 2025), <https://onur.gov.lk/blog/2025/06/06/press-statement-issued-by-the-office-for-national-unity-and-reconciliation-regarding-the-jaffna-tissa-temple-issue/>.

<sup>93</sup> See B Fonseka, *A brief examination of contested religious sites in Sri Lanka* (Minor Matters, November 2023), [https://minormatters.org/report\\_policy\\_briefs/a-brief-examination-of-contested-religious-sites-in-sri-lanka/](https://minormatters.org/report_policy_briefs/a-brief-examination-of-contested-religious-sites-in-sri-lanka/).

school building.<sup>94</sup> The Coast Conservation and Coastal Resource Management Department contended that the statue was tactically placed to obstruct the enforcement of a court order to demolish the illegal constructions in the coastal reservation.<sup>95</sup> Accordingly, following a complaint by the Department, the police removed the Buddha statue stating that the statue was placed in a site where an illegal commercial operation was being carried out without a valid license.

The Commission is troubled by the pattern of state inaction and complicity in the destruction, obstruction, or appropriation of minority religious sites, particularly where extractive or majoritarian interests are prioritized over the protection of sacred spaces. The continued construction of religious monuments by dominant religious groups, even at historically multireligious or minority heritage sites, reflects a systemic erosion of religious coexistence and pluralism. Despite their duty to act impartially and provide equal protection of the law, state officials, including civil administrators, military personnel, and officers of the Department of Archaeology, have demonstrated patterns of selective enforcement and favoritism. The Commission observes that such conduct is in direct violation of article 12(1) of the Constitution, which guarantees equality before the law and equal protection of the law to all persons.

## **9. Development Projects**

The state's commitment to sustainable development warrants respect for the principles of intergenerational equity and sustainable use of resources in meeting the economic development needs of the country. These principles are embedded in the national legal framework, particularly the National Environment Act, No. 47 of 1980 (as amended), in which the Central Environment Authority (CEA) is vested with wide powers to protect, manage and enhance, regulate, maintain and control the quality of the environment. Accordingly, Gazette Notification No. 772/22 of 24<sup>th</sup> June 1993 requires projects located in

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<sup>94</sup> See 'Trincomalee in turmoil over removal of Buddha statue', *The Island* (18<sup>th</sup> November 2025), <https://island.lk/trincomalee-in-turmoil-over-removal-of-buddha-statue/>.

<sup>95</sup> See 'Coastal Dept clarified Trinco incident, cites illegal commercial expansion', *Newswire* (18<sup>th</sup> November 2025), <https://www.newswire.lk/2025/11/18/coastal-dept-clarifies-trinco-incident-cites-illegal-commercial-expansion/>.

specified areas to obtain mandatory approval from the CEA by submitting an Environment Impact Assessment Report (EIA) prior to the implementation of the project.

In June 2026, the Commission launched its General Guidelines and Recommendations on Business and Human Rights, which are the first national level normative framework on business and human rights in the country. Section 5.1 of the Guidelines provide: ‘Every business should comply with all laws and regulations pertaining to sustainable development, including the protection of the environment. In particular, businesses should ensure that all operations are evaluated in terms of environmental risks to the ocean, water, air, soil, biodiversity, and climate. Moreover, section 5.4 of these Guidelines provides: ‘Every business that undertakes development activities affecting land, livelihoods or cultural heritage should ensure that the free, prior and informed consent of affected persons and communities is obtained.’

However, it is observed that in the North and East, development projects have commenced by bypassing the process mandated by the law and have caused a threat to the environment, biodiversity, livelihood, and habitat of the people. Four such development projects warrant specific mention: the Kilinochchi Integrated Cement Plant Project, Mannar Sand Mining Project, the Mannar Wind Power Project, and the Jaffna Cricket Stadium.

### ***Kilinochchi Integrated Cement Plant Project***

In July 2012, the Geological Survey and Mines Bureau (GSMB) issued the exploration license (EL/213/R/3) to conduct exploratory work for limestone mining, covering 12 Square kilometres in the Ponnaveili and Kiranchi GN Divisions.<sup>96</sup> Subsequently, about 150 underground drillings were conducted with the assistance of various organizations, including the GSMB, National Building Research Organization (NBRO), the Water Resources Board (WRB), and the Japanese consulting company Taiheiyo Engineering Corporation. The

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<sup>96</sup> See People’s Alliance for Right to Land, ‘Tokyo Cement Company and Douglas Devananda forcibly acquire 3,000 acres of farming, fishing and forest lands in kilinochchi for cement production’ (28<sup>th</sup> June 2024), <https://www.parlsl.com/publications/tokyo-cement-company-and-douglas-devananda-forcibly-acquire-3000-acres-of-farming-fishing-and-forest-lands-in-killinochchi-for-cement-production>.

required land area for this proposed US\$500 million investment project is estimated as 3,000 acres. Of these 3,000 acres, 500 acres is for the cement plant, 1,500 acres for mining operations and 1,000 acres for supporting facilities.<sup>97</sup> This area includes 568 acres of Weerapandianmunai Forest which is managed under the Department of Forest and connected to the coastal forest belt and lagoon related mangroves.

The Commission received information that the Tokyo Cement Company (TCC) has failed to obtain the required environmental approvals by submitting the EIA and the Archeological Damage Assessment (ADA).<sup>98</sup> However, TCC claims to have obtained the required approval citing approvals from the Department of Forests, the Urban Development Authority, and Department of Coastal Conservation.<sup>99</sup>

Despite the reported lack of necessary approvals to proceed, a foundation stone has been laid for the construction of the factory and the office complex. Land between Nagamunai and Valaipadu in Ponnaveili and Weravillu has also been acquired for construction purposes. Moreover, following the completion of exploration activities, road construction began in July 2023<sup>100</sup> but was abruptly halted due to community protests.<sup>101</sup> Additionally, the company has installed 40 tube wells even though the Ponnaveili Pradeshiya Sabha claims it has not granted permission for such installations in the area. This position is further corroborated by a letter dated 24 August 2023 issued by the Divisional Secretary of Poonagari confirming that authorization was not granted for the construction of the tube wells.

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<sup>97</sup> See S R Mohan, 'Unravelling GSMB's Puzzling Decade-Long License Extension for Exploration', *Ceylon Today* (2<sup>nd</sup> December 2023), <https://ceylontoday.lk/2023/12/02/unravelling-gsmbs-puzzling-decade-long-licence-extension-for-exploration/>.

<sup>98</sup> See People's Alliance for Right to Land, 'Tokyo Cement Company and Douglas Devananda forcibly acquire 3,000 acres of farming, fishing and forest lands in kilinochchi for cement production', op. cit. The ADA is required under Project Procedure Orders No. 01 of 2000 published by Gazette Notification No.1152/14 dated 4<sup>th</sup> October 2000 in terms of section 43(1) and 47 of the Antiquities Ordinance, No. 9 of 1940, as the project area requires land clearance exceeding 1 hectare for industrial mining.

<sup>99</sup> See Mohan, op. cit.

<sup>100</sup> See People's Alliance for Right to Land, 'Ponnaveili Villagers Persist in 100-day Protest against Cement Factory and Mining Project' (17<sup>th</sup> November 2023) <https://www.parlsl.com/publications/ponnaveili-villagers-persist-in-100-day-protest-against-cement-factory-and-mining-project>.

<sup>101</sup> Ibid.

A key concern raised by the community regarding this project is the potential loss of livelihood due to the resulting environmental changes. Mining limestone near salt marshes is said to increase groundwater salinity, which will destroy the farmland and consequently deprive the farmers of their livelihoods. Furthermore, the acquisition of salt marshes and adjacent grasslands for mining is said to negatively affect those engaged in animal husbandry, as these lands are grazing fields for their dairy cattle and goats.

The community has also raised the potential threat to biodiversity. It is reported that clearing forests will fragment elephant habitats, potentially leading to increased human-elephant conflicts in the area.<sup>102</sup> Additionally, the Commission learnt that the proposed discharge of wastewater from the factory via a canal constructed through the Kovilkada salt marsh system into the Weerapandianmunai lagoon, which connects to the Nagamunai mangrove system, is reported to pose a risk of completely destroying the salt marshes and lagoon system. This problem would consequently affect the migratory birds that arrive in Sri Lanka along the western migration routes and feed on the small insects and fish in these lagoons and salt marshes.<sup>103</sup>

The community has persistently raised these concerns with the relevant authorities and even engaged in a 100-day protest in 2023, but to no avail.<sup>104</sup> Upon inquiring into the latest developments regarding the status of the project, the Commission was informed that the change of government in September 2024 has brought the project to a standstill. Community groups have, however, complained that no interventions are currently made to remedy the loss and damages already caused by the construction of unauthorized tube wells and the acquisition of lands.

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<sup>102</sup> See Mohan, op. cit.

<sup>103</sup> Ibid.

<sup>104</sup> See People's Alliance for Right to Land, 'Ponnaveli Villagers Persist in 100-day Protest against Cement Factory and Mining Project', op. cit.

## ***Mannar Sand Mining Project***

As reported in news reports, in 2015, the GSMB issued nine licenses to five Sri Lankan private limited companies and one individual to explore minerals in Mannar Island.<sup>105</sup> Later, these local companies were acquired by two Mauritian companies, namely, Bright Angel Ltd and Srinel Holdings, which were ultimately acquired by Titanium Sand Ltd (TSL).<sup>106</sup> In April 2021, the GSMB cancelled eight of TSL's licenses citing that the transfer of ownership without notifying the relevant authorities was a violation of section 27 of the Mines and Minerals Act, No. 93 of 1992.<sup>107</sup> However, in January 2022, the licensees were reissued, by September 2022, 70% of samples have been shipped to the laboratory in South Africa concluding all local work on the Mannar Island exploration drilling programme.<sup>108</sup>

Upon conclusion of the exploration activities, the process of obtaining the industrial mining licenses required to proceed with mining activities have been rushed despite heavy opposition from the people of Mannar. In May 2024, pursuant to the instructions of the Presidential Secretariat, an ad hoc meeting was organized between the community and the investors. The aim of such a meeting was to understand the views of the community and also provide the investors an opportunity to explain the benefits of the project to the community. On 19<sup>th</sup> February 2025, the CEA, BOI, NWSDB, District Secretary, and GSMB made a final site visit with the protection of the STF and police anticipating community resistance.<sup>109</sup> Consequently, on 20<sup>th</sup> March 2025, the CEA issued the terms of reference ('ToR') enumerating the EIA

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<sup>105</sup> Kilsythe Exploration (one license in September 2015), Hammersmith Ceylon (two licenses in September 2015), Supreme Solution (two licenses in November 2015), Sanur Minerals (two licenses in September 2015 and Irion Minerals (two licenses in July 2015)

<sup>106</sup> See 'Spotlight on Mineral exploration project: Alarming ilmenite project threatens Mannar community, biodiversity', *Daily Mirror Online* (28<sup>th</sup> September 2022), <https://www.dailymirror.lk/print/news-features/Spotlight-on-Mineral-exploration-project-Alarming-ilmenite-project-threatens-Mannar-community-biodiversity/131-245718>.

<sup>107</sup> See 'GSMB cancels exploration licenses of Australian mineral exploration company', *Daily Mirror Online* (28<sup>th</sup> April 2021), <https://www.dailymirror.lk/print/plus/GSMB-cancels-exploration-licences-of-Australian-mineral-exploration-company/352-210728>.

<sup>108</sup> See 'Spotlight on Mineral exploration project: Alarming ilmenite project threatens Mannar community, biodiversity', op. cit.

<sup>109</sup> See M Alphonsus, 'Environment regulator allows unlicensed Australian sand miner's prep work', *The Sunday Times* (6<sup>th</sup> April 2025), <https://www.sundaytimes.lk/250406/news/environment-regulator-allows-unlicensed-australian-sand-miners-prep-work-594292.html>.

requirements that should be fulfilled to obtain the industrial mining licenses.<sup>110</sup> This has been done despite four of TSL's retention licenses remaining expired since November 2024. The licenses have been pending renewal owing to a Supreme Court judgment issued in October 2024 after which GSMB was instructed to stop granting, renewing, or retaining licenses for six months until discussions with the Attorney General were concluded on amending GSMB's policy to align with the Supreme Court decision.<sup>111</sup>

The concerns raised by the community are multifaceted. Foremost among these is the potential for widespread groundwater contamination. Given Mannar Island's geological composition, where coastal sand plays a crucial role in freshwater storage, the proposed drilling up to 12 meters deep threatens to breach aquifers, leading to seawater intrusion and exacerbating the existing water scarcity in this arid region.<sup>112</sup> This contamination would not only impact drinking water sources but also render the land unsuitable for agriculture and threaten the delicate balance of the island's wetland and coastal habitats, including its vital mangrove ecosystems which support biodiversity and act as natural pollutant filters.

Beyond the immediate threat to water resources, the community has voiced concerns about the project's impact on Mannar's biodiversity and the livelihoods intricately linked to it. The island serves as a critical resting point for migratory birds along the Central Asian Flyway, with key freshwater sources such as Korakulum being essential for their survival.<sup>113</sup> Conservationists warn that sand mining and the use of heavy machinery causing dust could severely affect these avian species and their breeding grounds.<sup>114</sup> Furthermore, the project jeopardizes the livelihoods of thousands of residents dependent on fishing, palm cultivation, coconut farming, and livestock rearing. Fishermen have expressed fears about the shrinking distance between the sea and inland areas, making their fishing livelihoods particularly vulnerable to further environmental disruption. The potential for seawater intrusion and

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<sup>110</sup> Titanium Sands Limited ASX release dated 26<sup>th</sup> March 2025, <https://wcsecure.weblink.com.au/pdf/TSL/02928941.pdf>

<sup>111</sup> See Alphonsus, op. cit.

<sup>112</sup> Ibid.

<sup>113</sup> See Pamodi Warawita, 'Sri Lanka: Residents of Mannar Island Sound Alarm on Sand Mining Proposals' (4<sup>th</sup> September 2023), <https://earthjournalism.net/stories/sri-lanka-residents-of-mannar-island-sound-alarm-on-sand-mining-proposals>.

<sup>114</sup> Ibid.

changes to the island's terrain are predicted to decimate these primary industries, leaving the community economically vulnerable and potentially displacing its population.

The Commission notes that while investor confidence is important for the country's economic development, measures undertaken to enhance investor confidence should not by any means undermine the rule of law. By failing to follow due process, projects such as the sand mining project have violated the people's freedom to choose a residence within Sri Lanka as guaranteed by article 14(1)(h) of the Constitution. Similarly, the loss of livelihood of the farmers due to acquisition of land for the projects without providing alternative livelihoods that are sustainable amounts to a violation of the freedom to engage in a lawful occupation guaranteed by article 14(1)(g) of the Constitution.

### ***Mannar Wind Power Project***

The Mannar Island Wind Power Project consists of three phases. In 2016, the Ceylon Electricity Board ('CEB') obtained the required legislative approvals and permits to construct the first phase of the project in the south coast of Mannar Island. In 2017, the Asian Development Bank approved a loan to finance the first phase of the project and it was officially opened in December 2020 under the project name – Thambapawani.<sup>115</sup> In May 2021, the wind farm worth USD 135 million, which consists of 30 wind turbines generating 100MW of electricity commenced its commercial operations. In October 2022, the CEB proposed an extension of the project. This phase is expected to consist of 21 wind turbines generating electricity between 63MW to 95MW.

On 7<sup>th</sup> March 2022, former President Gotabaya Rajapakse accepted an unsolicited proposal forwarded by Adani Green Energy Sri Lanka Limited ('AGESL') pertaining to Phase II of the project. Consequently, cabinet approval to award Phase II to AGESL was obtained through a cabinet memorandum and a Memorandum of Understanding was signed between Adani Green Energy Limited ('AGEL') and Sri Lanka's Ministry of Finance, Ministry of Power and

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<sup>115</sup> Asian Development Bank, 'Helping Sri Lanka to go green' (26<sup>th</sup> May 2021), <https://www.adb.org/results/helping-sri-lanka-go-green>.

Energy, CEB, Sustainable Energy Authority (SLSEA) and the Board of Investment on 11<sup>th</sup> March 2022.<sup>116</sup> In January 2024, Consulting Engineers & Architect Associated (CEAA) (Pvt) Ltd prepared and submitted the ‘Environmental Impact Assessment for the proposed 250 MW Mannar Wind Power Project (Phase II) – Final Report’ to SLSEA.

The SLSEA upon receiving the EIA (Phase II), called for public review of the EIA on 23<sup>rd</sup> January 2024 and was open for 30 working days until 6<sup>th</sup> March 2024. On 6<sup>th</sup> May 2024, a cabinet decision was made to award the tender for the development of 484 MW wind power plants in Mannar and Pooneryn to M/s Adani Green Energy Sri Lanka Limited for a period of 20 years and purchase the electricity generated through the projects at the final tariff rate of USD 8.26 cents per Kilowatt hour.<sup>117</sup> This decision was challenged through several fundamental rights applications before the Supreme Court and one writ application before the Court of Appeal. These petitions also raised concerns on the credibility of the EIA of Phase II.

Following the presidential elections in September 2024, the new government decided in October 2024 to review the Adani wind power project, and convened a review meeting in November 2024. Thereafter, on 30<sup>th</sup> December 2024, the aforementioned cabinet decision made on 6<sup>th</sup> May 2024 was revoked. The project was also re-evaluated through a newly appointed Project Committee and a Cabinet Appointed Negotiating Committee. On 12<sup>th</sup> February 2025, the Adani Group informed Sri Lanka’s BOI of its decision to withdraw from the wind power project agreements in Sri Lanka.

Although the procedural deficiencies that were previously adopted are in the process of being remedied through a review process, the problems that arose as a result of the commencement of the commercial operations of Phase I of the project remain. The key challenges the community perceives to be outcomes of the wind power project are ground water salination, flooding, loss of livelihood (particularly due to reduced fish resources), and damage to

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<sup>116</sup> See ‘Adani wind power: Project committee decided on lower tariff, report reveals’, *The Sunday Times*, (9<sup>th</sup> February 2025), <https://www.sundaytimes.lk/250209/news/adani-wind-power-project-committee-decided-on-lower-tariff-report-reveals-587264.html>.

<sup>117</sup> Cabinet Office, ‘Press briefing of Cabinet Decision taken on 2024-05-06’, [https://www.cabinetoffice.gov.lk/cab/index.php?option=com\\_content&view=article&id=16&Itemid=49&lang=en&dID=12532](https://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dID=12532).

biodiversity. These testimonies as well as the observations made by the Commission during its visits to the project location in October and December 2024 raises concerns about the efficacy of the mitigation strategies enumerated in the EIA of Phase I and steps taken thereafter to mitigate the negative impact.

Furthermore, the manner in which community consultations were conducted for Phases II and III is worrying. Community members informed the Commission that their concerns were repeatedly dismissed by officials. For example, when they raised the issue of reduced fish stocks due to the installation of wind turbines, their observations were challenged on the grounds that there was no scientific evidence to support such claims. The fishermen, however, argued that while providing scientific explanations may be beyond their expertise, their generational knowledge of fishing equips them to detect changes in fish availability. They believe the decline in fish resources is directly linked to the construction of wind turbines, as no other plausible cause has been identified.<sup>118</sup>

The Commission was also informed that the community was repeatedly urged during these consultations to accept the long-term benefits of renewable energy projects for the country and to support them by sacrificing their immediate livelihoods. In some instances, officials attempted to manipulate the community's support by making false promises, such as pledging to resolve existing water shortages by fixing water pipes. Furthermore, the project proponents themselves reportedly engaged in deceptive practices, presenting themselves as well-wishers of the community to gain trust and obtain signatures under the guise that these would be used to express opposition to the projects. These signatures were later misrepresented as evidence of community consent. As a result, the community now faces difficulties in distinguishing between genuine well-wishers and advocates opposing the wind project, and informants acting on behalf of the project proponents. This approach reflects a complete erosion of the community's right to free, prior, and informed consent. It also demonstrates a lack of commitment to meaningful community consultation processes.

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<sup>118</sup> HRCSL meeting with community members in Mannar (October 2024).

## ***Jaffna Cricket Stadium***

On 1<sup>st</sup> September 2025, the President launched the commencement of construction of the Jaffna International Cricket Stadium, with a longer-term plan to develop Mandaitivu Island into a fully-fledged sports city.<sup>119</sup> The proposed development envisions international-standard facilities, including a swimming complex, a modern indoor stadium for multiple sports, star-class hotels and restaurants, luxury apartments, shopping complexes, and recreational centres.

Mandaitivu Island is an environmentally sensitive and ecologically significant area located within a lagoon system that contains salt marshes, mudflats, seagrasses, mangrove–salt marsh ecotones, and extensive natural mangrove habitats.<sup>120</sup> The island functions as a natural flood-retention zone and is regularly submerged during the rainy season. Notably, the proposed development area was completely inundated during the recent floods caused by Cyclone Ditwah, highlighting the ecological role the area plays in mitigating flood risks.

Environmental experts have cautioned that the removal of mangroves and associated ecosystems would leave the region increasingly vulnerable to climate-related shocks and environmental degradation. Such destruction is also likely to undermine ongoing efforts aimed at sustainable ecotourism and conservation, while resulting in long-term damage to biodiversity and natural habitats.

As Mandaitivu Island falls within the coastal zone, the Coast Conservation and Coastal Resource Management Act requires that an Initial Environmental Examination (IEE) or an EIA be conducted prior to the implementation of any development project.<sup>121</sup> However, it is reported that the foundation stone for the cricket stadium was laid without conducting the

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<sup>119</sup> President's Media Division, 'Construction of the Jaffna International Cricket Stadium launched under the patronage of the President' (1<sup>st</sup> September 2025), <https://pmd.gov.lk/news/construction-of-the-jaffna-international-cricket-stadium-launched-under-the-patronage-of-the-president/>.

<sup>120</sup> See 'WNPS hits out at proposed Jaffna International Cricket Stadium', *The Sunday Times* (19<sup>th</sup> October 2025), <https://www.sundaytimes.lk/251019/news/wnps-hits-out-at-proposed-jaffna-international-cricket-stadium-616405.html>.

<sup>121</sup> See 'WNPS hits out at proposed Jaffna International Cricket Stadium', *The Sunday Times* (19<sup>th</sup> October 2025), <https://www.sundaytimes.lk/251019/news/wnps-hits-out-at-proposed-jaffna-international-cricket-stadium-616405.html>.

requisite environmental assessments or obtaining approval from the Coast Conservation and Coastal Resource Management Authority.<sup>122</sup>

The Commission was informed that local communities are deeply concerned about the potential environmental consequences of the project. Environmentalists have further warned that clearing this ecologically fragile area could devastate biodiversity, destroy critical habitats, and weaken natural flood defences, raising serious questions about compliance with due process and environmental protection standards.

## **10. Threats to Livelihoods**

Fishing and farming remain the predominant sources of livelihood for communities in the Northern and Eastern Provinces. These traditional occupations, however, are under threat due to a range of structural, administrative, and legal challenges.

The fisheries community in the North and East revealed several issues that prevent them from engaging in their traditional livelihood of fishing. The three major issues observed are the lack of access to accurate information, administrative delays, and illegal fishing activities by Indian fishermen.

The lack of access to accurate information is observed in the issue relating to sea cucumber farms in Vankalai, Mannar. It was relayed by the fishermen in Mannar that, on 2<sup>nd</sup> October 2020, the Director General of the Department of Fisheries and Aquatic Resources informed them that fishing of sea cucumber has been prohibited. However, upon inquiring about the prohibition from the Department of Fisheries and Aquatic Resources, it was stated that issuing of permits is regulated by Extraordinary Gazette No 2115/8 dated 18<sup>th</sup> March 2019, to ensure sustainable sea cucumber fishing and that there was no prohibition on fishing sea cucumber with a valid permit. It was further stated that a total of 1,131 sea cucumber fishing permits were issued during the period 2020–2024.<sup>123</sup> Thus, it is observed that the lack of access to

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<sup>122</sup> Ibid.

<sup>123</sup> Letter dated 14<sup>th</sup> February 2025 sent by Department of Fisheries and Aquatic Resources to the HRCSL.

accurate information regarding the issuing of permits and absence of any such prohibition prevented the fishermen from engaging in sea cucumber fishing since October 2020.

Similarly, administrative delays in issuing permits to fishermen have also prevented some fishermen from building stake nets for fishing purposes. It was stated that while some fishermen in Mannar were informed that building stake nets are prohibited, fishermen specifically operating in Pannankattukottu, Mannar continued to build stake nets. Upon the Commission inquiring about this unequal application of the law, the Department of Fisheries and Aquatic Resources clarified that the issuance of stake net licenses was temporarily suspended following the Supreme Court judgment in SC (F.R.) Application No. 90/2013, which ordered the designation of sustainable locations for stake net fishing. Therefore, the license issuing process was to resume only after the National Aquatic Resources Research and Development Agency ('NARA') submitted its recommendations on the number of licenses that can be issued based on the availability of suitable locations for stake net fishing in the Jaffna and Mannar Districts.<sup>124</sup>

The small-scale fishermen are further challenged by the illegal fishing activities, particularly in the Palk Bay, Gulf of Mannar, Jaffna, and Trincomalee. It is reported that although Sri Lanka banned mechanized bottom trawling and use of trawling nets in 2017 through the Fisheries and Aquatic Resources (Amendment) Act, No. 11 of 2017, Indian fishermen continue to engage in illegal, unregulated, and unreported (IUU) fishing, such as mechanized bottom trawling and the use of trawling nets in Sri Lanka's territorial waters.<sup>125</sup> These fishermen, in addition to resorting to illegal fishing practices, also operate at night, cutting through local fishing nets.

The continuation of destructive fishing practices has placed the Sri Lankan small scale fishermen in an economically disadvantaged position directly threatening their only livelihood. They are forced to bear the economic cost of depleted fish stocks and also the cost

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<sup>124</sup> Letter dated 5<sup>th</sup> February 2025 sent by Department of Fisheries and Aquatic Resources to the HRCSL.

<sup>125</sup> See 'IUU fishing, the forgotten crisis', *The Morning* (5 March 2024), <https://www.themorning.lk/articles/YPqRPfbD14OOiXQFUO4w>.

of repairing or replacing their fishing gear and nets that were damaged by the mechanised trawlers.

In response to inquiries regarding the interventions made by the Department of Fisheries and Aquatic Resources to protect the rights of small-scale fishermen, it was stated that the Department, Sri Lanka Navy, and Sri Lanka Police take action against illegal fishermen entering Sri Lankan waters. These actions include arresting the offenders and confiscating their fishing vessels, gear, and fish stock. It was also stated that, a Joint Working Group comprising representatives from the Ministry of Foreign Affairs, the Department of Fisheries and Aquatic Resources, Sri Lanka Navy, and relevant Indian officials, meets regularly to discuss and address the issue. However, the Commission received information that arrests of Indian fishermen engaging in illegal activities are too few and sporadic and have failed to have a deterrent effect.

A key issue faced by the farmers in the East, in particular Mayilathamadu, and Hingurana, is the lack of exclusive ownership of their farmland without interference by third parties who gravely disrupt their livelihood activities.

Mayilathamadu, an area spanning over 15,000 hectares, is located within the border of the Maduru Oya National Park. Currently, under the purview of the Mahaweli Authority, the land has served as pastureland of dairy farmers since 1970s.<sup>126</sup> However, in the 1980s the war necessitated the farmers to vacate the land for safety purposes. Thus, after a prolonged pause, livelihood activities in these lands were resumed only after the end of the war in 2009. Reportedly, this resumption of activities had been initially obstructed by the Forest Department and Department of Wildlife Conservation by prohibiting access to the farmers. However, through the intervention of the Chenkaladi and Kiran Divisional Secretariat Offices, the dairy farmers have received access to the land to continue their livelihood activities. In 2012, a group of agricultural farmers from Dehiaththakandiya, Polonnaruwa, and Aralaganvila areas built temporary settlements and started farming activities. Additionally, it

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<sup>126</sup> See People's Alliance for Right to Land, 'The peaceful protests of the Tamil dairy farmers of the east', <https://www.parlsl.com/publications/the-peaceful-protest-of-the-tamil-dairy-farmers-of-the-east>.

is reported that violent means have been adopted by these agricultural farmers, such as building electric fences, and poisoning and injuring cows. These illegal activities resulting in injury and loss of cattle has directly affected the milk production and daily income of the dairy farmers.

Although several orders have been made requesting the illegally settled farmers to vacate the land, the Commission observes that these orders have been disregarded and they have continued their illegal activities. For example, in 2015, the Batticaloa District Secretariat ordered the Batticaloa District Forest Department to remove the illegal farmers from the area. In 2017, the Dehiaththakandiya Magistrate's Court declared the rights of the local dairy farmers to use the grazing land for farming activities. Similarly, on 13<sup>th</sup> November 2023, the Eravur Circuit Magistrate's Court also ordered 13 illegal farmers to vacate the land. The Commission learnt that, despite the series of orders upholding the rights of the dairy farmers, the illegal farmers have not only continued their agricultural activities, but have also violently retaliated against the dairy farmers by destroying their temporary sheds and causing the death of their cattle.

One of the most striking examples of exploitative agricultural practices in the Eastern Province concerns Gal Oya Plantations (Pvt) Ltd, formerly known as the Hingurana Sugar Corporation, which operates in the Ampara District. The Corporation has its origins in post-independence state-led development initiatives under the Gal Oya Development Board.<sup>127</sup> Over successive decades, large tracts of land were vested in state institutions to facilitate sugar cultivation, including through Gazette Notification No. 156 of 21<sup>st</sup> March 1975, which transferred over 18,000 acres to the Sri Lanka Sugar Corporation.<sup>128</sup> In 2007, the plantation was revived as Gal Oya Plantation (Pvt) Ltd through a public-private partnership in which the state retained majority ownership, and operations recommenced in 2011. This revival marked a renewed assertion of control over land that had been cultivated by farmers for decades, often without resolving pre-existing land claims or tenure arrangements.

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<sup>127</sup> See Human Elevation Organizations, *The Sugar Report 2023: Food Security and Land Rights of Sugarcane Farmers in the Ampara District* (2024).

<sup>128</sup> Ibid.

The acquisition and management of land to support the plantation have had uneven and adverse impacts on rural farmers' land rights, affecting both private landowners and permit-holding cultivators. In areas such as Muwangala and Sammanthurai, private landowners holding valid deeds were compelled to rent their lands for sugar cultivation following the establishment of the Hingurana Sugar Factory. These lands were later abandoned during the armed conflict, and upon return, landowners encountered resistance and violence from third parties occupying their property. Despite repeated appeals, including requests for investigation, restitution, and protection to resume paddy cultivation, their claims remain unresolved.<sup>129</sup> Similarly, in Kuduvel Kattuveli Kandam in the Sammanthurai Divisional Secretariat Division, 319 acres belonging to 32 farmers were acquired in 1970. Although deeds and plans were formally submitted and compensation processes initiated, neither alternative land nor compensation has been provided to date, leaving these landowners in prolonged legal and economic uncertainty.<sup>130</sup>

The Commission conducted a specific field visit from 10<sup>th</sup> to 12<sup>th</sup> August 2025 to assess the issues faced by sugarcane farmers in Hingurana, Ampara District. The farmers in Hingurana are faced with several challenges due to the lack of autonomy over their land. Farmers report that land preparation is often undertaken without prior notice, while key inputs such as seed cane, fertilizer, and pesticides are provided late or inconsistently.<sup>131</sup> Irrigation, required approximately every ten days, is reportedly supplied as infrequently as once a month. Delays in harvesting have further exacerbated the farmers' economic hardship, with crops remaining unharvested well beyond the standard cultivation period. These delays have had particularly severe consequences for tenant farmers, who face increased difficulty in meeting rental obligations and sustaining future cultivation.

Moreover, delays in the provision of tractors and other machinery compel farmers to either postpone cultivation or hire external equipment at higher personal cost.<sup>132</sup> Serious concerns have been raised regarding crop insurance, with reports that the Gal Oya Plantations company

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<sup>129</sup> Letter submitted to the HRCSL by the farmers in Muwangala Munmari, Ampara.

<sup>130</sup> Letter dated 12<sup>th</sup> June 2025 sent to the Presidential Secretariat by the Kuduvel Kattuveli Kandam farmers.

<sup>131</sup> Letter dated 10<sup>th</sup> December 2022 sent by farmers to the District Secretary.

<sup>132</sup> The Sugar Report, op. cit.

has failed to issue necessary documentation enabling farmers to claim insurance for insured losses, or has itself claimed insurance proceeds that should have accrued to farmers.<sup>133</sup>

Concerns have also been raised regarding the suitability of land for sugarcane cultivation. Farmers emphasized the absence of soil testing, despite diverse terrain, waterlogged lower plains, and declining soil quality due to prolonged mono-cropping. This is particularly problematic given the company's strict prohibition on cultivating alternative crops, which restricts farmers' ability to adapt to unsuitable land conditions. The Commission received information that the company has even taken punitive actions, including the destruction of small huts constructed by farmers for resting or storage.<sup>134</sup> Farmers further reported a lack of field officers or technical personnel to provide guidance.<sup>135</sup>

The financial arrangements imposed on farmers have further entrenched vulnerability and dependency. Farmers' cultivation expenses are charged on credit through bank overdraft facilities opened in their names without their effective control or access to account records. Farmers informed the Commission that they never received passbooks, with banks indicating that such documents remain in the custody of the company. Pay sheets issued by the company frequently record negligible profits for farmers while reflecting consistent losses, even as public records show substantial profits earned by the company. Additionally, loans obtained by the company at lower interest rates are reportedly passed on to farmers at higher rates, using consent letters allegedly signed on their behalf. These practices have trapped farmers in cycles of debt,<sup>136</sup> raising serious concerns regarding transparency, unjust enrichment, and the denial of farmers' right to benefit from their labour. The Commission observes that there appears to be systematic collusion between the company and certain staff at private banks to enable this exploitative practice to continue.

Farmers' efforts to seek redress through judicial and administrative mechanisms have been largely ineffective due to non-implementation of court orders, administrative directives, and

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<sup>133</sup> See Parliamentary Debates, Hansard dated 22<sup>nd</sup> July 2025, at p. 710.

<sup>134</sup> Letter dated 10<sup>th</sup> December 2022 sent by farmers to the District Secretary.

<sup>135</sup> Letter submitted by Nuraicholai Farmer Organization (42 farmers).

<sup>136</sup> Letter dated 21<sup>st</sup> January 2025 sent by farmers to the Presidential Secretariat.

institutional recommendations. Even where courts have affirmed farmers' ownership rights, enforcement has been short-lived, and subsequent violence, coercion, or conditional reallocation of land has followed. The case of a farmer from Nannatoor, whose land lies within the Sammanthurai Divisional Secretariat Division, is illustrative. In this case, farmers filed a case against the company in 2016 for giving their land to another person. The lower court ordered the payment of LKR 20,000 in compensation to each farmer. The company appealed the decision in 2019, but in 2021, the appellate court affirmed the farmers' ownership of the land. However, the farmers had undisturbed possession only for a period of three months. Thereafter, the company summoned the farmers to a meeting and indicated that permits would be issued on the condition that they cultivated sugarcane. When the farmers declined, approximately 80 individuals assaulted 15 farmers on 15<sup>th</sup> May 2022.

The Commission received information with respect to persistent threats, intimidation, and harassment directed at farmers, protestors, activists, and social workers. The incidents include physical assaults, destruction of crops, and intimidation during peaceful protests, and the use of police and intelligence agencies to monitor and question individuals opposing company practices. Incidents of alleged torture, unlawful destruction of livelihoods, and surveillance of activists have been met with limited accountability, contributing to a climate of fear and repression. The Commission observes that such incidents would not be possible without the complicity of law enforcement officials. It is also observed that, as the plantation operates under a public-private partnership model, the state has a responsibility to ensure that farmers' rights are protected and that the company personnel face accountability for unlawful activities, including the violation of the fundamental rights of the farmers.

Following the Commission's field visit in August 2025, a meeting was held at the Commission's head office on 20<sup>th</sup> January 2026 with relevant state officials, including representatives from the Divisional Secretariats, the Irrigation Department, the Department of Land Title Settlement, the Ministry of Land, the Survey Department, and civil society activists to discuss the issues affecting sugarcane farmers in Hingurana. During the meeting, participants discussed the interventions required to address the concerns raised by the farmers. The discussions focused on ensuring that sugarcane farmers are provided with fair

opportunities to participate in seasonal (*kanna*) meetings, securing an adequate and reliable supply of water for cultivation, establishing a transparent and appropriate process for the use and allocation of agricultural land, and encouraging the relevant state institutions to provide guidance to the company on measures to strengthen its engagement with and support sugarcane farmers.

The Commission notes that an essential element of the state's obligation to promote the freedom to engage in a lawful occupation is the duty to ensure accessibility to employment opportunities. This obligation includes ensuring the 'right to seek, obtain and impart information on the means of gaining access to employment through establishment of data networks on the employment market at the local, regional, national and international level'.<sup>137</sup> It also includes providing technical and vocational guidance and training programmes and adopting policies and techniques required to safeguard the economic freedom of the people.<sup>138</sup>

With regard to children, the state has an obligation to make sure children below the age of employment are not recruited for any work, not required to perform any work that is likely to interfere with the child's education, or harmful to the child's health or physical, mental, spiritual, moral or social development, and not be subjected to economic exploitation.<sup>139</sup>

A significant issue that was raised by the community in the Northern Province was the increasing number of persons resorting to illegal economic activities as a mode of financing their daily needs. The Commission was informed that the primary reason prompting people to engage in illegal economic activities was the lack of employment opportunities coupled with worsening financial difficulties<sup>140</sup>

Repeated claims were made by the community and CSOs working in the region that illicit liquor production and consumption, especially in forest villages, were increasing. Two major

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<sup>137</sup> UN Human Rights Committee, *General Comment No 18 on the Right to Work* (adopted on 24 November 2005).

<sup>138</sup> Ibid.

<sup>139</sup> Convention on the Rights of the Child, article 32.

<sup>140</sup> Based on the Northern Province Statistical Handbook, 46% of the families in the province are below the poverty line.

associated concerns were the involvement of children in the process and the close collaboration with law enforcement officers in committing offences.<sup>141</sup>

On several occasions, it was stated that children as young as 10-11 years were engaged in these activities, mostly as informers. Their task was to guard the location of illicit liquor production and inform the adults the moment they observe Sri Lanka Police or any other person entering the production location. The children receive food or money in return for their services.

While the illicit liquor producers take precautionary measures to avoid being exposed to law enforcement officers, it was alleged that there are law enforcement officers, particularly the Sri Lanka Police who are complicit in these illegal activities. It was stated that, in certain instances when villagers informed the local police about illicit liquor production at a particular location, the police would contact and disclose the complainants' details to those involved in the illegal activity. Consequently, the complainants were threatened by the individuals producing illicit liquor.<sup>142</sup> These coordinated efforts between those engaged in illegal activities and law enforcement officials in the commission of such offenses have caused community members who are against these activities to self-censor and avoid making complaints.<sup>143</sup>

The Commission also received information that women are increasingly subjected to domestic violence and sexual abuse in their households by their husbands who come home intoxicated on illicit liquor.<sup>144</sup>

In the matters discussed above, the Commission distinguishes between the freedom of choosing a lawful occupation and being compelled to choose an unlawful occupation primarily due to the lack of opportunities to access lawful occupations. This gap in access could be minimized by establishing policies and frameworks that provide specialised support

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<sup>141</sup> HRCSL meetings with community members in Mannar and Kilinochchi (October 2024).

<sup>142</sup> HRCSL meeting with community members in Mullaitivu (December 2024).

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

especially to first time employees to secure employment, and actively encouraging relevant stakeholders to raise awareness, educate, and train people from vulnerable communities on the means of gaining access to employment. Therefore, it is observed that the state's failure to identify the top priorities of the region and efficiently manage the available resources to cater to the needs of the community thereby compelling them to resort to illegal employment is a violation of the peoples' freedom to choose a lawful occupation.

Furthermore, the involvement of children in these illegal activities seriously impedes the child's education as well as their mental, physical, moral, and social development. Such involvement amounts to a grave violation of the rights of the child and necessitates the urgent interventions of the state to ensure the best interest of the children in the region.

## **Recommendations**

### **To the Government of Sri Lanka**

#### ***On enforced disappearances***

1. Amend the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018 to:
  - a. Include ‘widespread and systematic enforced disappearance’ as a specific offence; and
  - b. Incorporate the ‘identity of the perpetrators’ as a key element of the right to truth under section 14(1) of the Act, thereby strengthening the framework for accountability.
2. Compile a comprehensive list of all persons who surrendered, were detained, or sent for rehabilitation at the end of the war, along with the military officers who were responsible for those individuals.
3. Ensure adequate, predictable, and independent funding to the OMP, enabling it to:
  - a. Minimize the gap between its approved and actual cadre; and
  - b. Conduct inquiries, investigations, and field visits necessary to gather information on the fate and whereabouts of the disappeared.
4. Establish a new permanent institution (e.g. a ‘Special Office for the Investigation and Prosecution of Serious Crimes by State Officials’) that is independent of regular law enforcement authorities and with broad powers to investigate *inter alia* enforced disappearance and prosecute perpetrators.

#### ***On mass graves***

5. Initiate a process through which a Standard Operating Procedure (SOP) for conducting investigations into mass grave sites can be developed in close consultation with all relevant experts, including attorneys-at-law and civil society representatives, and formally adopted.

6. Appoint a focal point at the Ministry of Justice to expeditiously process budget requests, allocations, and disbursements, and to work closely with the OMP and all state officials involved in the investigation into the mass grave sites to ensure timely access to resources.
7. Develop a pool of available archaeological experts to support excavations and exhumations at multiple mass grave sites.
8. Seek and secure relevant expertise and technological facilities, including from overseas, for the purpose of credibly and independently analyzing DNA samples gathered from the human remains found at mass grave sites.
9. Take steps to establish a 'DNA bank' in which DNA samples of family members of disappeared persons can be voluntarily obtained and securely stored for future comparison purposes.
10. Seek and secure relevant expertise and technological facilities from overseas for the purpose of credibly and independently dating the human remains found at mass grave sites.

### ***On the Expulsion of Northern Muslims***

11. Appoint a commission of inquiry to recognize and document the specificity of the Northern Muslims' expulsion and long-term displacement experience and recommend suitable reconciliation and reparations measures based on this recognition of such specificity.
12. Formulate a state supported programme to enable resettlement of Northern Muslims in their places of origin.
13. Regularize ownership of state land on which Northern Muslim communities in Puttalam have been resettled.
14. Entertain certain Northern Muslims' request for a period during which they can maintain their voting rights in the North while being residents elsewhere as a reconciliation and reparations measure that recognizes Northern Muslims' unique experience of expulsion and long-term displacement.

### ***On memorialization***

15. Cease the use of anti-terrorism legislation and section 3 of the ICCPR Act to suppress memorialization practices, particularly those peacefully commemorating Tamil civilians or deceased combatants.
16. Adopt a national policy on memorialization, clearly distinguishing between legitimate commemorative expression and the incitement of violence. This policy must allow for plural historical narratives and protect the use of cultural and political symbols integral to community memory.

### ***On militarization***

17. Halt all military occupation of private and community-owned land, unless justified under lawful, time-bound, and proportionate grounds that conform with constitutional and international standards.
18. Expedite the return of military-occupied lands to their rightful owners and ensure full restoration of property rights and livelihoods.
19. Refrain from invoking ‘national security’ as a blanket justification for land acquisition, particularly where such actions disproportionately affect minority communities or facilitate religious encroachment.
20. Ensure that military infrastructure projects are subject to public consultation and independent scrutiny to assess their necessity, legality, and impact on local populations.
21. Take concrete steps to withdraw military involvement from civilian economic sectors, particularly agriculture and education.
22. Regulate market competition by addressing price distortions created by military-operated farms, including introducing minimum support prices where appropriate.
23. Reassign the responsibility for civilian economic initiatives to relevant civil ministries and agencies and reallocate resources accordingly.
24. Prohibit any form of coercion or conditions that require civilians, including former combatants, to relinquish political rights or autonomy in exchange for employment.

25. Develop a comprehensive national-level security sector reform plan that includes, , strategies and plans to reduce military presence in the North and East.

#### ***On land and resettlement***

26. Ensure that land allocation, demarcation, and registration processes are conducted transparently, impartially, and in full compliance with constitutional guarantees of equality and non-discrimination.
27. Investigate and take disciplinary action against state officials who engage in discriminatory land administration practices, including unjustified refusal to approve land transfers to members of minority communities.
28. Ensure that land and property claims disrupted due to the war, especially those affected by displacement or the loss of documentation, are addressed through fair, accessible, and non-discriminatory legal and administrative remedies.
29. Prioritize return of lands to the most marginalized victims, including women-headed households.
30. Cease the renaming of villages and geographical locations in a manner that erases minority identity or history, and ensure any renaming reflects the multiethnic, multireligious character of the region.

#### ***On freedom of religion or belief***

31. Review and revise administrative circulars, policies, and procedures relating to religious expression and registration of religious sites to ensure they are applied uniformly across all religious groups without discrimination.
32. Take active steps to prevent arbitrary or selective enforcement of regulations that disproportionately affect minority religious communities, including in contexts such as educational institutions and religious site registrations.
33. Recognize and protect the existence and functioning of long-standing religious sites, regardless of formal registration status, particularly in conflict-affected areas where documentation may have been lost or destroyed.

34. Protect multireligious heritage sites from unilateral religious claims or conversion, and promote shared custodianship models that reflect the historical and cultural diversity of the area.
35. Develop clear and consistent legal frameworks and public guidance for the registration, restoration, and construction of religious places of worship, in consultation with affected communities.
36. Uphold court orders protecting the religious rights of communities and take disciplinary action against state officials and departments that act in defiance of such orders.
37. Mandate that all departments, including the Department of Archaeology, the Department of Forest Conservation, and Divisional/District Secretariats, operate in strict adherence to principles of religious neutrality and constitutional protections of freedom of religion.
38. Revoke gazette notifications and land acquisitions that have been issued in contravention of a fair process, including those based on unverified claims of archaeological significance.

#### ***On development projects***

39. Ensure that all development projects strictly comply with environmental, legal, and procedural safeguards, including the EIA process, prior to implementation.
40. Mandate meaningful and inclusive community consultations as a prerequisite for project approval, ensuring that affected populations are adequately informed and their concerns genuinely considered.
41. Prioritize community livelihoods, environmental sustainability, and intergenerational equity in the design, planning, and execution of large-scale development initiatives.
42. Enforce accountability mechanisms against project proponents and public officials who facilitate or approve projects without adhering to due process.
43. Recognize that livelihoods, particularly those linked to natural resources, form an integral part of cultural identity and must be protected from displacement or degradation without adequate compensation and alternatives.

### ***On threats to livelihoods***

44. Develop a targeted employment strategy for the Northern and Eastern Provinces that includes vocational training, entrepreneurship support, and job matching services for youth and first-time job seekers.
45. Increase access to legitimate economic opportunities and expand livelihood development programmes to counter the lure of illicit activities, such as narcotics and illicit liquor production.
46. Introduce community-based awareness campaigns in partnership with civil society to raise awareness on the legal consequences and socioeconomic harms of illegal economic activities.
47. Strengthen monitoring and internal accountability mechanisms to prevent and address the involvement of law enforcement or security personnel in illegal activities.
48. Strengthen the regulatory and operational response to IUU fishing in Sri Lankan waters, especially by foreign actors, through diplomacy, joint enforcement, and regional cooperation.
49. Ensure that persons, regardless of nationality, who engage in mechanized bottom trawling and other IUU fishing practices in contravention with the law are promptly arrested and any illegal fishing equipment is taken into custody.
50. Improve clarity and accessibility of information relating to licensing, regulations, and restrictions for small-scale fishermen.
51. Address administrative delays in license issuance and ensure equal treatment across regions to prevent discriminatory enforcement of regulations.
52. Provide support schemes and relief measures to fishermen affected by environmental degradation, resource depletion, or cross-border fishing conflicts.
53. Establish an independent oversight mechanism to review and monitor the operations of public-private partnerships, such as Gal Oya Plantations, ensuring fairness, transparency, and protection of farmers' rights.
54. Ensure that all allegations concerning the involvement of state officials as well as Gal Oya Plantations company personnel in the assault of farmers and activists, the

destruction of property, and criminal intimidation are investigated, and that perpetrators face accountability.

55. Require all agribusiness companies engaged in partnerships with the state to issue written agreements detailing land use conditions, pricing, duration, and support services.
56. Facilitate scientific assessments of soil and other agricultural conditions before mandating crop types and prohibit coercive agricultural practices.
57. Ensure that farmers have access to grievance redress mechanisms, insurance services, and affordable credit on equitable terms.
58. Expedite resolution of land disputes involving dairy farmers and enforce judicial and administrative orders to remove illegal encroachments that disrupt traditional farming livelihoods.

#### **To the Department of Archeology**

1. Develop and implement a transparent and non-discriminatory policy for the identification, management, and protection of religious sites, especially in areas with historical religious diversity.
2. Ensure that the declaration of archaeological sites is based on verifiable historical and scientific evidence and is not used as a tool to facilitate religious encroachment or territorial transformation.
3. Avoid obstructing religious worship or restoration activities unless there is a clear legal basis and such actions are in line with constitutional rights and due process.
4. Collaborate with all religious communities when taking decisions affecting sites of shared or contested religious heritage and ensure the preservation of cultural pluralism.

## **To the IGP**

### ***On state surveillance, intimidation and harassment***

1. Cease all acts of intimidation, harassment, surveillance, and arbitrary arrest of individuals exercising their constitutionally protected freedoms of expression, association, and peaceful assembly.
2. Issue directives instructing all officers to refrain from surveillance or interference with peaceful civic activities, including protests, memorialization events, and human rights workshops.
3. Investigate and hold accountable all personnel involved in the harassment or assault of victims, activists, and journalists, ensuring that access to justice is meaningful and not undermined by fear or retaliation.

### ***On the freedom of religion or belief***

4. Refrain from interfering in religious worship without lawful justification and ensure that any actions taken by police officers at religious sites are lawful, necessary, and proportionate.
5. Provide training to law enforcement officers on religious freedom and non-discrimination, with a focus on respecting diverse cultural and religious practices in sensitive areas.
6. Investigate and take disciplinary action against officers involved in arbitrary arrests, use of force, or harassment of individuals engaged in legitimate religious practices.

### ***On threats to livelihoods***

7. Strengthen oversight mechanisms to prevent the involvement of law enforcement officers in illegal economic activities and collusion with private sector actors in exploitative labour practices, and take disciplinary action where misconduct occurs.

8. Launch public outreach initiatives on legal protections and redress mechanisms related to domestic violence, illicit trade, and community safety.

**To the Central Environmental Authority**

1. Rigorously verify the accuracy and credibility of Environmental Impact Assessments (EIAs) and ensure that mitigation strategies are realistic and enforceable.
2. Ensure that all relevant approvals, including permits and licenses, are in place before granting project clearance.
3. Take action against entities that commence unauthorized projects or misrepresent compliance, including in relation to the Kilinochchi Cement Plant and Mannar Sand Mining Projects.
4. Improve inter-agency coordination with the GSMB and other institutions to avoid approval of projects with expired or invalid documentation.

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