

SRI LANKA: STOP ABUSIVE ANTI-DRUG OPERATION AND RELEASE THOSE ARBITRARILY DETAINED

JOINT STATEMENT

We, the undersigned organisations, are deeply concerned about the drastic intensification of anti-drug operations in Sri Lanka leading to significant human rights violations.

On 17 December 2023 the Acting Inspector General of Police Deshabandu Tennekoon, with the endorsement of Minister of Public Security Tiran Alles, spearheaded an operation titled “Yukthiya”, with the stated aim of controlling “the drug menace”. The operation is ongoing as of 10 January 2024, with at least one thousand persons arrested daily.

This operation is unfolding in a context of already severe repression against persons who use or are suspected of using drugs, who suffer discrimination and stigma within the Sri Lankan criminal justice system and society.

Alongside the Sri Lankan police, members of the armed forces have been supporting this operation,¹ during which several human rights violations have been reported.² These violations include alleged arbitrary arrests, primarily against individuals from marginalised socio-economic communities; searches conducted without warrants or reasonable suspicion; and degrading treatment including strip searches in public as well as cavity searches. The searches and arrests have been televised,³ in violation not only of the right to privacy (and of basic human dignity) but also of a person’s right to be presumed innocent. According to lawyers, persons are being arrested even when no drugs are found in their possession, simply for having been arrested for drug offences or having been sent to compulsory rehabilitation in the past. The arrests of main livelihood earners and mothers have adversely impacted the ability of families to meet their basic needs during a time of economic crisis in Sri Lanka, and the wellbeing of children.

Persons are being arrested primarily under Section 54A of the Poisons, Opium and Dangerous Drugs Ordinance, an offence which is non-bailable. As a result, those arrested are bound to spend time (sometimes months) in pretrial detention, thereby exacerbating already poor conditions of imprisonment in an overburdened prison system.⁴ The Human Rights Commission of Sri Lanka has previously stated that the existing prison conditions and treatment of incarcerated persons are “inhumane and degrading.”⁵ At present, as per statistics issued by the Department of Prisons, the level of overcrowding of the prison system is at nearly 200% - with punitive drug policies playing a significant role: as of 2022, 63% of convicted persons were sentenced for drug-related offences.⁶

The total reported number of arrests pursuant to operation Yukthiya has exceeded 29,000 as of 9 January 2024,⁷ while nearly 1,500 people are in administrative detention in police custody for

further investigation.⁸ At least 1,600 more persons have been sent for compulsory drug rehabilitation,⁹ in violation of several fundamental rights; including the right to the highest attainable standard of health, which includes the right to consent to and withdraw from medical treatment. “Drug treatment” in these centres is abstinence-based, essential harm reduction services are not available,¹⁰ and persons undergo severe withdrawal symptoms without any medical assistance while in detention. The use of violence to discipline and punish¹¹ has been reported in at least two compulsory drug rehabilitation centres which are within the purview of the Bureau of the Commissioner General for Rehabilitation and are operated by the military,¹² which is in itself a violation of international standards.

The UN Working Group on Arbitrary Detention in its statement at the conclusion of its visit to Sri Lanka in 2017¹³ expressed concern regarding the involvement of military personnel in drug treatment and rehabilitation, the fact that strenuous physical exercise was the core component of compulsory drug treatment, and at the lack of trained professionals to monitor the health of people in detention. Furthermore, the statement highlighted the irregularities in the judicial process by which persons were sent to drug rehabilitation centres without a medical assessment.

More broadly, the UN Special Rapporteur on Torture has highlighted that by denying persons access to substitution therapies, states are subjecting “a large group of people to severe physical pain, suffering and humiliation, effectively punishing them for using drugs and trying to coerce them into abstinence.”¹⁴ The Special Rapporteur has further stated “forcible testing of people who use drugs without respecting their autonomy and their right to informed consent may constitute degrading treatment, especially in detention settings. States are obliged to respect the enjoyment of the right to health, including by refraining from using coercive medical treatment. The requirement of informed consent, including the right to refuse treatment, should be observed in administering any treatment for drug dependence.”¹⁵

Since the 2016 UN General Assembly Special Session on drugs, there is international consensus on pursuing a holistic and health and human rights-based approach to drugs, which encompasses supply and demand reduction as well as harm reduction. The 2019 Ministerial Declaration on drugs – the current global drug policy document - as well as multiple resolutions of the UN General Assembly, the UN Commission on Narcotic Drugs, and the UN Human Rights Council reiterate and recommend a similar approach.

A punitive and militarised approach to drug control contravenes recognised international human rights standards and guidelines, is ineffective to protect individual and public health, and ultimately fails to make communities safer.

We thus call upon the government to:

- Immediately cease operation “Yukthiya” and release persons who have been arrested without evidence or reasonable suspicion. The government should ensure that those arrested who do not have access to legal representation are provided legal aid.
- Immediately release persons arrested or sent to compulsory drug rehabilitation for using drugs/having a drug dependence.
- Cease involving the armed forces in drug control and treatment activities as consistent with human rights law.
- Repeal laws that allow compulsory drug rehabilitation, close compulsory treatment centres and release persons presently held at the centres within the purview of the Bureau of Commissioner General for Rehabilitation.
- Allocate adequate financial resources to provide voluntary, community and evidence-based drug treatment and care, under the leadership of the Ministry of Health.
- Meaningfully engage civil society, communities, human rights experts and UN agencies, such as the World Health Organisation and the Office of the High Commissioner for Human Rights in reforming national drug laws and policy.
- Ensure that any law enforcement operation to address the supply side is conducted respecting due process standards and constitutionally protected fundamental rights.

The co-signatories:

1. Africa Network of People Who Use Drugs (AfricaNPUD) (Africa)
2. Amnesty International (Global)
3. Anti-Death Penalty Asia Network (ADPAN) (Asia)
4. Association for Humane Drug Policy (Norway)
5. Centro de Estudios Legales y Sociales (CELS) (Argentina)
6. Corporación Acción Técnica Social (Colombia)
7. Correlation - European Harm Reduction Network (Europe)
8. Dianova International (Global)
9. Drug Harm Reduction Advocacy Network Nigeria (Nigeria)
10. Drug Policy Australia (Australia)
11. Fédération Addiction (France)
12. Foreningen Tryggere Ruspolitikk /Safer Drug Policies (Norway)
13. GREA - Groupement Romand d'Etudes des Addictions (Switzerland)
14. Harm Reduction Australia (Australia)
15. Harm Reduction International (Global)

16. Health Poverty Action (Global)
17. Helsinki Foundation for Human Rights (Poland)
18. Human Rights Watch (Global)
19. Instituto RIA AC (Mexico)
20. International Commission of Jurists (ICJ)
21. International Drug Policy Consortium (IDPC) (Global)
22. International Network of People who Use Drugs (INPUD) (Global)
23. LBH Masyarakat (Indonesia)
24. Mainline Foundation (Netherlands)
25. Metzineres (Spain)
26. National Harm Reduction Coalition (USA)
27. Recovering Nepal (Nepal)
28. Release (UK)
29. Youth RISE (Global)
30. Zimbabwe Civil Liberties and Drug Network (Zimbabwe)

¹ 'Operation 'Yukthiya': 1,184 more suspects arrested with drugs' *Ada Derana*, 5 January 2024.
<https://www.adaderana.lk/news.php?nid=96159>

² 'HRCSL concerned over alleged human rights abuses in 'Yukthiya' Operation' *Daily Mirror*, 8 January 2024.
<https://www.dailymirror.lk/breaking-news/HRCSL-concerned-over-alleged-human-rights-abuses-in-Yukthiya-Operation/108-274667>

³ 'Operation Yukthiya: Over 18,000 suspects arrested since launch' *News First*, 30 December 2023.
<https://www.youtube.com/watch?v=-6vdBuEH4dw>

⁴ Ambika Satkunanathan (2021) 'Broken System: Drug Control, Detention and Treatment of People Who Use Drugs in Sri Lanka' *Harm Reduction International*.
https://www.hri.global/files/2021/08/03/HRI_Report_Sri_Lanka_Drug_Control.pdf

⁵ Human Rights Commission of Sri Lanka, Prison Study by the Human Rights Commission of Sri Lanka, 2020,
<https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Report-Final-2.pdf>.

⁶ Department of Prisons (2023) Prison Statistics 2022. <http://prisons.gov.lk/web/wp-content/uploads/2023/05/prison-statistics-2023.pdf>

⁷ "Operation Yukthiya Nets Over 29,000 Suspects in 22 Days" *News First*, 8 January 2024.
<https://www.newsfirst.lk/2024/1/8/operation-yukthiya-nets-over-29-000-suspects-in-22-days>

⁸ Ibid

⁹ 'Yukthiya' operation leads to 28,520 arrests' *Daily Mirror*, 8 January 2023. <https://www.dailymirror.lk/print/front-page/Yukthiya-operation-leads-to-28-520-arrests/238-274623>

¹⁰ Ambika Satkunanathan (2021) 'Broken System: Drug Control, Detention and Treatment of People Who Use Drugs in Sri Lanka' *Harm Reduction International*.
https://www.hri.global/files/2021/08/03/HRI_Report_Sri_Lanka_Drug_Control.pdf

¹¹ For narratives of persons who have been sent to compulsory treatment centres please see 'A collection of personal narratives of persons who use drugs in Sri Lanka (2024)' compiled by *Ambika Satkunanathan* at
<https://drive.google.com/file/d/1WJdgrObqMd62aGdXchG7y5lcvl0zINeP/view>

¹² Ibid

¹³ Working group on arbitrary detention: preliminary findings from its visit to Sri Lanka (4 to 15 December 2017).
<https://www.ohchr.org/en/statements/2017/12/working-group-arbitrary-detention-preliminary-findings-its-visit-sri-lanka-4-15>

¹⁴ 'Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' (UN Human Rights Council, 1 February 2013) <https://www.refworld.org/docid/51136ae62.html>.

¹⁵ Ibid