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PENALIZED FOR PROTESTING

SRI LANKA'S CRACKDOWN ON PROTESTERS



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Cover photo shows armed forces firing tear gas at protesters on Flower Road, in Colombo on 13 July 2022. Image by Tavish Gunasena

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INTRODUCTION

Sri Lanka is in the throes of its worst economic crisis in the 74 years post-independence, resulting at times in 13-hour power cuts, and food, fuel, cooking gas, and essential medicine shortages. Caused by a number of factors, including depleted foreign reserves, tax cuts, and unsustainable debt, Sri Lankans are bearing the brunt of a collapsing economy. To date, at least 15 people have died waiting in fuel lines,¹ at times for days on end.

The cost of living in the country has also skyrocketed due to high inflation, which according to Central Bank figures for year-on-year headline inflation of the National Consumer Price Index is 66.70% as of July 2022.² The Central Bank Governor, Nandalal Weerasinghe, told a media outlet that inflation will hit 70% this year.³ According to the World Food Programme, Sri Lanka's food inflation stands at 90%.⁴

“ Protests are especially important as a means of enabling the expression of popular perspectives during crises, when inequalities and marginalization worsen.”⁵

Clément N. Voule, UN Special Rapporteur on the right to peaceful assembly and association

¹ NewsFirst, *Senior citizen in fuel queue dies – 15th such death so far*, 7 July 2022, www.newsfirst.lk/2022/07/07/senior-citizen-in-fuel-queue-dies-15th-such-death-so-far/

ColomboPage, *Two more deaths in Sri Lanka's fuel queues*, 7 July 2022, www.colombopage.com/archive_22B/Jul07_1657208106CH.php

² Central Bank of Sri Lanka, *Consumer Price Inflation*, www.cbsl.gov.lk/en/measures-of-consumer-price-inflation

³ CNBC, *Inflation in Sri Lanka will hit 70%, says central banker*, 21 July 2022, www.cnbc.com/2022/07/21/inflation-in-sri-lanka-will-hit-70percent-says-central-banker.html

⁴ World Food Programme, *Sri Lanka: Rising prices reduce access to food for millions*, 4 August 2022, www.wfp.org/stories/sri-lanka-rising-prices-reduce-access-food-millions

⁵ UN Human Rights Council, *Protection of human rights in the context of peaceful protests during crisis situations: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule**, 16 May 2022, UN Doc: A/HRC/50/42, documents-dds-ny.un.org/doc/UNDOC/GEN/G22/343/05/PDF/G2234305.pdf?OpenElement

With their lives and livelihoods being completely disrupted, people began taking to the streets in February 2022,⁶ to call for the resignations of then President, Gotabaya Rajapaksa and Prime Minister, Mahinda Rajapaksa, and for accountability for corruption, enforced disappearances, extrajudicial killings, and police misuse of force, amongst other causes.

“People seemed to support this struggle. That happened because the people are under immense pressure and suffering under this government that has no vision. People were really suffering under this corrupt, murdering, pressuring regime. That’s why the people got involved with the Galle Face⁷ struggle, and that convened the power of the people,”⁸ says protest leader Saliya*.

Sri Lanka has an alarming history of using the military to police protests, particularly in the Northern Province. Families of the disappeared in the Northern Province who have been continuously protesting for truth and justice for over 2,000 days have been subjected to intimidation, surveillance, by the police and armed forces, to prevent them from peacefully protesting.⁹

During recent protests the authorities yet again responded with a militarised approach, and in a number of instances misused force on peaceful protesters. This is despite international law and standards calling for restraint, and the facilitation of the right to peaceful protest. Where sporadic acts of violence occur the authorities must differentiate between those engaged in violence and those protesting peacefully.

⁶ The Hindu, *Janatha Aragalaya / The movement that booted out the Rajapaksas*, 17 July 2022, www.thehindu.com/news/international/janatha-aragalaya-the-movement-that-booted-out-the-rajapaksas/article65645573.ece

⁷ The Galle Face Green, also referred to as '*GotaGoGama*' was the main protest site in the capital city of Colombo. Peaceful protesters set up a protest village, which included a library, clinic, cinema etc.

⁸ Amnesty International interview with Saliya on 18 July 2022 via secured communications (name has been changed to respect the interviewee's anonymity)

⁹ Amnesty International, *Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka*, 1 March 2022, www.amnesty.org/en/documents/asa37/5278/2022/en/



👁️↑ University students protesting outside their campus on Thurstan Road in Colombo on 5 April 2022.
Image by Tavish Gunasena



👁️↑ *An unconscious protester is carried away to an ambulance following clashes with armed forces outside the Prime Minister's office on Flower Road, in Colombo on 13 July 2022. Image by Tavish Gunasena*

EXCESSIVE USE OF FORCE, USE OF MILITARY TO POLICE PROTESTS AND FAILURE TO PROTECT PEACEFUL PROTESTERS

The police and armed forces have in several incidents, responded to peaceful protests with tear gas and water cannons. Some of these incidents will be described further in this section.

Shockingly, in two incidents, live ammunition was even fired at protesters, once on 19 April 2022, in Rambikkana and again on 9 July 2022 in Colombo. These incidents, which resulted in at least one person being killed in Rambukkana, will be explored in more detail in this section.¹⁰ This unlawful use of force has further been witnessed in other key incidents, such as on 31 March, 19 April, 9 May, and 9, 13 and 22 of July. These incidents will be explored in detail in the following section. Such occurrences demonstrate the government's refusal to facilitate the right to peaceful assembly, despite their obligations under international human rights laws and standards.

It must be noted that there have been some incidents of violence during protests since the protest movement began in February 2022.¹¹ While these protests cannot be deemed as peaceful, the response by the authorities to such protest must still comply human rights laws and standards.

¹⁰ BBC, *Sri Lanka crisis: One killed after police fire live bullets at protesters*, 20 April 2022, www.bbc.com/news/world-asia-61151037

Twitter, NewsWire, 10 July 2022, twitter.com/NewsWireLK/status/1545988091680133120?s=20&t=iHa-MxUSK1pMklovaKazTQ

¹¹ Al Jazeera, *Dozens arrested in Sri Lanka amid protests over worsening economy*, 31 March 2022, www.aljazeera.com/news/2022/3/31/tear-gas-as-sri-lanka-protesters-try-to-storm-presidents-house
Times of India, *Sri Lanka police tear-gas students in fresh clashes*, 29 May 2022, timesofindia.indiatimes.com/articleshow/91873975.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cpps

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The Hindu, *Sri Lanka police fire tear gas at anti-government protesters*, 9 July 2022, www.thehindu.com/news/international/sri-lanka-police-fire-tear-gas-at-anti-government-protesters/article65619314.ece

NPR, *Protesters in Sri Lanka brave tear gas and storm prime minister's office*, 13 July 2022, www.npr.org/2022/07/13/1111246100/protesters-in-sri-lanka-brave-tear-gas-and-storm-prime-ministers-office

31 MARCH 2022

MIRIHANA

Peaceful protests began in the form of smaller neighbourhood agitations across the island as early as February,¹² however the first notable incident occurred on 31 March 2022, in front of the private residence of ex-President Gotabaya Rajapaksa in Mirihana, a suburb of Colombo. A large group of protesters were, according to the media, largely peaceful until they were met with tear gas and water cannons.¹³ Tear gas and water cannons should only be used in situations where there is widespread violence. Therefore, during this protest, in the absence of widespread violence, the use of tear gas and water cannons was disproportionate. The situation quickly escalated after the use of tear gas and water cannons, with an empty bus set on fire by an individual who was later arrested.¹⁴

Over 50 people, including journalists were arrested after the protest.¹⁵ Many of the people arrested alleged torture and ill-treatment while in police custody.¹⁶ Some protesters also said that the police had recorded their statements without their lawyers present, in contravention of due process safeguards.¹⁷ The flouting of due process safeguards is a tactic that the state continues to use and will be explored further in subsequent sections.

19 APRIL 2022

RAMBUKKANA

On 19 April, people in the town of Rambukkana, in the Sabaragamuwa province of the island, were protesting for over 15 hours demanding fuel.¹⁸ The police opened fire on this group of protesters,

¹² The Hindu, *Janatha Aragalaya / The movement that booted out the Rajapaksas*, 17 July 2022, www.thehindu.com/news/international/janatha-aragalaya-the-movement-that-booted-out-the-rajapaksas/article65645573.ece

¹³ Amnesty International, *Sri Lanka: Authorities must respect peoples' right to protest*, 1 April 2022, www.amnesty.org/en/latest/news/2022/04/sri-lanka-authorities-must-respect-peoples-right-to-protest/

¹⁴ Daily News, *Suspect who set fire to two buses in Mirihana arrested*, 20 May 2022, www.dailynews.lk/2022/05/20/local/279173/suspect-who-set-fire-two-buses-mirihana-arrested

¹⁵ Amnesty International, *From bad to worse: Rights under attack during Sri Lanka's economic crisis*, 6 May 2022, Index Number: ASA 37/5564/2022, www.amnesty.org/en/documents/asa37/5564/2022/en/

¹⁶ Amnesty International, *From bad to worse: Rights under attack during Sri Lanka's economic crisis*, 6 May 2022, Index Number: ASA 37/5564/2022, www.amnesty.org/en/documents/asa37/5564/2022/en/

¹⁷ Amnesty International, *From bad to worse: Rights under attack during Sri Lanka's economic crisis*, 6 May 2022, Index Number: ASA 37/5564/2022, www.amnesty.org/en/documents/asa37/5564/2022/en/

¹⁸ BBC, *Sri Lanka crisis: One killed after police fire live bullets at protesters*, 20 April 2022, www.bbc.com/news/world-asia-61151037

killing one person and critically injuring 14 others, including a minor.¹⁹ Media reports state that the police used T-56 rifles and 35 rounds of ammunition.²⁰ Following the incident, the police, claiming they used “minimum force”²¹, alleged protesters were attempting to set a bowser carrying petrol alight.²² In subsequently published photos, the person attempting to set the bowser alight was seen to be standing with the police.²³

According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials should avoid use of force, and can only use firearms where, during a violent assembly, there is an “imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life.”²⁴ Firearms must only be used as a last resort. Therefore, given the seemingly flawed justifications from the police, the use of live ammunition in the policing of the Rambukkana protest cannot be deemed as necessary, proportional or in accordance with the law and thereby contravenes international law and standards.

According to two eyewitness accounts, the police chased protesters down smaller roads to assault them.²⁵ Rather than protecting peaceful protests, in line with international human rights laws and standards, the police in this instance used unlawful force and lethal weapons, including firing live

¹⁹ BBC, *Sri Lanka crisis: One killed after police fire live bullets at protesters*, 20 April 2022, www.bbc.com/news/world-asia-61151037

Amnesty International, *From bad to worse: Rights under attack during Sri Lanka's economic crisis*, 6 May 2022, Index Number: ASA 37/5564/2022, www.amnesty.org/en/documents/asa37/5564/2022/en/

²⁰ The Morning, *Police team probing Rambukkana incident says T-56 rifles and 35 rounds of ammunition used*, 22 April 2022, www.themorning.lk/police-team-probing-rambukkana-incident-says-t-56-rifles-and-35-rounds-of-ammunition-used/

²¹ BBC, *Sri Lanka crisis: One killed after police fire live bullets at protesters*, 20 April 2022, www.bbc.com/news/world-asia-61151037

²² BBC, *Sri Lanka crisis: One killed after police fire live bullets at protesters*, 20 April 2022, www.bbc.com/news/world-asia-61151037

²³ Twitter, Sri Lanka Tweet, 23 April 2022,

<https://twitter.com/SriLankaTweet/status/1517798417308995584?s=20&t=QQJIrqQRTL0Ikhlx2sp8g>

Twitter, Marlon Ariyasinghe, 21 April 2022,

<https://twitter.com/exfrotezter/status/1517195936124260352?s=20&t=QQJIrqQRTL0Ikhlx2sp8g>

²⁴ United Nations, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 7 September 1990, www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement, Principle 14 read with 9

²⁵ NewsFirst, *#Rambukkana Shooting: Eye-witness accounts reveal startling details*, 22 April 2022,

www.newsfirst.lk/2022/04/22/rambukkana-shooting-eye-witness-accounts-reveal-startling-details/

Sunday Times, *Rambukkana eyewitnesses contradict police version of deadly shooting*, 24 April 2022,

www.sundaytimes.lk/220424/news/rambukkana-eyewitnesses-contradict-police-version-of-deadly-shooting-480857.html

ammunition at peaceful protesters running away. Four police officers have been arrested in connection with the shooting at peaceful protesters and have since been granted bail.²⁶

The Human Rights Commission of Sri Lanka, in an interim report on the incident said that lethal weapons were provided to officers even though they lacked the knowledge and training to use such a weapon, and that the use of such lethal weapons in public places is a threat to right of life and “amounts to an arbitrary deprivation of the right to life in its bare minimum of mere existence”.²⁷ The Commission found the following:

- “The death of Kuruvitage Don Chaminda Lakshan is a result of excessive use of force by the police officers and cannot be legitimately justified by the Police especially in the absence of any threat by the deceased to the police officers.
- The gunshot injuries sustained by the people in the vicinity of the protest site, particularly whose shots have been sustained from back to front, indicates that the police officers have used force excessively and longer than it is necessary.”²⁸



9 MAY 2022 COLOMBO

Shortly afterwards, on 9 May, law enforcement stood by as peaceful protesters were assaulted with sticks and poles,²⁹ by pro-government groups.³⁰ The government of Sri Lanka has an obligation to facilitate peaceful assemblies which means they must protect peaceful protesters against possible

²⁶ NewsFirst, *Rambukkana shooting: SSP Keerthirathne granted bail*, 5 August 2022, www.newsfirst.lk/2022/08/05/rambukkana-shooting-ssp-keerthirathne-granted-bail/

²⁷ Human Rights Commission of Sri Lanka, *Interim Report of the Committee of Experts appointed by the Human Rights Commission of Sri Lanka to investigate the Police Shooting incident that took place in Rambukkana on 19th April 2022*, 28 June 2022, www.hrcsl.lk/wp-content/uploads/2022/07/Interim-Report-of-the-Committee-of-Experts-appointed-by-the-Human-Rights-Commission-of-Sri-Lanka-HRCSL-to-investigate-the-Police-Shooting-incident-that-took-place-in-Rambukkana-on-19th-April-2022.pdf

²⁸ Human Rights Commission of Sri Lanka, *Interim Report of the Committee of Experts appointed by the Human Rights Commission of Sri Lanka to investigate the Police Shooting incident that took place in Rambukkana on 19th April 2022*, 28 June 2022, www.hrcsl.lk/wp-content/uploads/2022/07/Interim-Report-of-the-Committee-of-Experts-appointed-by-the-Human-Rights-Commission-of-Sri-Lanka-HRCSL-to-investigate-the-Police-Shooting-incident-that-took-place-in-Rambukkana-on-19th-April-2022.pdf

²⁹ Al Jazeera, *Sri Lanka MP among five killed as violence escalates*, 9 May 2022, www.aljazeera.com/news/2022/5/9/sri-lanka-govt-supporters-attack-protesters-demolish-tents

³⁰ Amnesty International, *Sri Lanka: New Emergency regulations and shooting orders threaten human rights*, 11 May 2022, www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/

abuse by non-State actors, such as interference or violence by other members of the public, counter-demonstrators and private security providers. This however did not take place on 9 May.

It must also be noted that after attacks on peaceful protesters were carried out without intervention from the authorities, elements of anti-government groups carried out retaliatory attacks, assaulting people presumed to be pro-government supporters, and destroying vehicles presumed to be used to transport pro-government supporters.³¹ The homes, vehicles, businesses and party offices of some Parliamentarians were also damaged and in some instances set alight.³² 41 vehicles were set alight, 61 vehicles were damaged and 136 incidents of property damage were recorded on the day.³³

10 MAY 2022

The Ministry of Defence issued a notice giving the armed forces orders to open fire at any person looting public property or harming others.³⁴ Amnesty International, commenting on this notice, said that any restrictions on human rights must be necessary and proportionate to the situation and must not be used to infringe on the rights to freedom of expression, peaceful assembly, personal security, liberty and freedom from arbitrary detention.³⁵

³¹ Amnesty International, *Sri Lanka: New Emergency regulations and shooting orders threaten human rights*, 11 May 2022, www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/

³² Amnesty International, *Sri Lanka: New Emergency regulations and shooting orders threaten human rights*, 11 May 2022, www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/

³³ Amnesty International, *Sri Lanka: New Emergency regulations and shooting orders threaten human rights*, 11 May 2022, www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/

³⁴ Amnesty International, *Sri Lanka: New Emergency regulations and shooting orders threaten human rights*, 11 May 2022, www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/

³⁵ Amnesty International, *Sri Lanka: New Emergency regulations and shooting orders threaten human rights*, 11 May 2022, www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/



©↑ Security forces fire water cannons at protesters on Galle Road, in Colombo, on 9 May 2022. Image by Tavish Gunasena



© ↑ A reporter runs away from water cannons fired by security forces on Galle Road, in Colombo, on 9 May 2022. Image by Tavish Gunasena



9 JULY 2022

COLOMBO

Large protests took place in the capital city of Colombo on 9 July, calling for the resignation of then President Gotabaya Rajapaksa.³⁶ Protesters overcame police barricades to enter the President's official residence, despite law enforcement officers attempting to disperse protesters with tear gas and water cannons to prevent them from entering.³⁷ Prior to the protesters occupying the official residence, protesters were beaten and even fired at. Video footage emerged of police officers beating cowering, unarmed protesters who had climbed over the gate of the Presidential Secretariat, to the other side.³⁸ These protesters were beaten on their heads, arms and legs with batons.³⁹ Later, armed forces opened fire with live ammunition in the direction of protesters to, again, prevent them from entering the President's official residence.⁴⁰ At least one protester was critically injured in the firing.⁴¹ The Army later issued a statement⁴² claiming soldiers fired into the air. Video footage however clearly shows soldiers firing towards protesters.

Protesters later overcame barricades to enter the official residence of the President, the presidential secretariat building, and the official residence of the Prime Minister.⁴³

That same day, outside of then Prime Minister, Ranil Wickremesinghe's private residence, six journalists were assaulted by members of the Special Task Force (STF), a unit of the police while on a live telecast.⁴⁴ Footage of the incident shows a journalist holding a camera falling to the

³⁶ CNN, *Turmoil in Sri Lanka as thousands protest*, 9 July 2022, edition.cnn.com/asia/live-news/sri-lanka-protests-07-09-22-intl/index.html

³⁷ The Print, *Sri Lankan protesters break into President's House*, 9 July 2022, theprint.in/world/sri-lankan-protesters-break-into-presidents-house/1031935/

³⁸ Republic World, *Sri Lanka: Protestors Thrashed With Batons Near Rajapaksa's House As Crisis Hits New Peak*, 10 July 2022, www.republicworld.com/world-news/rest-of-the-world-news/sri-lanka-protestors-thrashed-with-batons-near-rajapaksas-house-as-crisis-hits-new-peak-articleshow.html

³⁹ Republic World, *Sri Lanka: Protestors Thrashed With Batons Near Rajapaksa's House As Crisis Hits New Peak*, 10 July 2022, www.republicworld.com/world-news/rest-of-the-world-news/sri-lanka-protestors-thrashed-with-batons-near-rajapaksas-house-as-crisis-hits-new-peak-articleshow.html

⁴⁰ Twitter, NewsWire, 10 July 2022, twitter.com/NewsWireLK/status/1545988091680133120?s=20&t=iHa-MxUSK1pMklovaKazTQ

⁴¹ EconomyNext, *One critical, 55 injured after Sri Lanka protest clash – hospital source*, 9 July 2022, economynext.com/one-critical-55-injured-after-sri-lanka-protest-clash-hospital-source-97183/

⁴² AA, *Sri Lankan army admits opening fire during Saturday's protest*, 10 July 2022, www.aa.com.tr/en/asia-pacific/sri-lankan-army-admits-opening-fire-during-saturdays-protest/2634494

⁴³ NDTV, *Video: Lanka Journalists Attacked, Intense Street Battles Outside PM Home*, 9 July 2022, www.ndtv.com/world-news/sri-lanka-crisis-on-camera-journalists-attacked-in-sri-lanka-amid-massive-protests-3143269

⁴⁴ CNN, *Turmoil in Sri Lanka as thousands protest*, 9 July 2022, edition.cnn.com/asia/live-news/sri-lanka-protests-07-09-22-intl/index.html

ground, after which uniformed men beginning to beat him over the head and on his back with batons.⁴⁵ This assault was a blatant violation of press freedom and unlawful use of force on the part of the STF.

“ They’ve always been brutal. Even after that, and even from the beginning and from even before these protests started, they’ve been brutal, especially the STF of the police.”⁴⁶

Sugath*

Following the attack, the Inspector General of Police, C. D. Wickremaratne, ordered an investigation into the attack,⁴⁷ subsequent to which one member of the STF was interdicted.⁴⁸ Then Prime Minister Ranil Wickremesinghe, in a media statement, expressed his regret over the assault of the journalists, stating that “freedom of media is paramount to democracy in Sri Lanka”.⁴⁹ The attacks on the journalists occurred despite the UN High Commissioner for Human Rights calling on authorities to instruct security forces that human rights defenders and journalists have a right to monitor and report on the demonstrations and “therefore should be protected in the exercise of these functions and not obstructed in any way”.⁵⁰ The right to freedom of expression, which includes extensive protection for journalists, is protected by the International Covenant on Civil and

intl/index.html

NewsFirst, *Over 100 injured in July 9th Mass Protest*, 10 July 2022, www.newsfirst.lk/2022/07/10/over-100-injured-in-july-9th-mass-protest/

⁴⁵ NDTV, *Video: Lanka Journalists Attacked, Intense Street Battles Outside PM Home*, 9 July 2022, www.ndtv.com/world-news/sri-lanka-crisis-on-camera-journalists-attacked-in-sri-lanka-amid-massive-protests-3143269

⁴⁶ Amnesty International interview with Sugath on 18 July 2022 (name has been changed to respect the interviewee’s anonymity)

⁴⁷ ColomboPage, *Police chief takes tough disciplinary action against officers who assaulted journalists*, 9 July 2022, www.colombopage.com/archive_22B/Jul09_1657380900CH.php

⁴⁸ Daily Mirror, *SSP Romesh Liyanage interdicted over assault on journalists*, 11 July 2022, hwww.dailymirror.lk/breaking_news/SSP-Romesh-Liyanage-interdicted-over-assault-on-journalists/108-240839

⁴⁹ EconomyNext, *Sri Lanka PM regrets assault on journos, police chief to take action*, 9 July 2022, economynext.com/sri-lanka-pm-regrets-assault-on-journos-police-chief-to-take-action-97196/

⁵⁰ UN Office of the High Commissioner for Human Rights, *Call for restraint ahead of Sri Lanka protest*, 8 July 2022, www.ohchr.org/en/press-briefing-notes/2022/07/call-restraint-ahead-sri-lanka-protest

Political Rights.⁵¹ In their General Comment on the right to freedom of peaceful assembly, the UN Human Rights Committee affirm journalists must be kept from harm at protests.⁵²

13 JULY 2022

COLOMBO

On 13 July 2022, protesters including children and journalists were teargassed near the Prime Minister's office in Colombo, leaving dozens injured and one person dead due to breathing difficulties.⁵³ Given the absence of widespread violence and only isolated acts of violence, this was unlawful and a misuse of tear gas. That same day, then Prime Minister Ranil Wickremasinghe gave the armed forces orders to “do whatever is necessary to restore orders” which was followed by a press release from the Army the next day, threatening that the military will use force to restore law and order in the country.⁵⁴

22 JULY 2022

COLOMBO

The deliberate repression of the protesters was highlighted in a coordinated pre-dawn attack by the police and the armed forces in the early hours of 22 July, hours after the new President was sworn into office.⁵⁵ The assault was on peaceful protesters occupying one room of the Presidential Secretariat (which they had promised to hand over to authorities later that same day) and at ‘GotaGoGama’, a peaceful protest site established outside of the Presidential Secretariat which many of the public protests in the capital city of Colombo were centered around. The site, which protesters began occupying on 9 April, housed a community kitchen, medical clinics, a library, an art gallery, a cinema, a community garden, and a ‘university’ area where discussions and other activities could take place. A number of groups, such as the families of the disappeared, disabled soldiers, and the deaf and mute community, had tents at the site.

⁵¹ International Covenant on Civil and Political Rights, Article 19; See also, UN Human Rights Committee General Comment 34;

⁵² UN Human Rights Committee, General Comment 37, para 74

⁵³ Amnesty International, *Sri Lanka: Authorities must refrain from use of military to police protests*, 14 July 2022, www.amnesty.org/en/latest/news/2022/07/sri-lanka-authorities-must-refrain-from-use-of-military-to-police-protests/
The Hindu, *Sri Lanka crisis updates | July 13, 2022*, 13 July 2022, www.thehindu.com/news/international/sri-lanka-crisis-live-updates-july-13-2022/article65634287.ece

⁵⁴ Amnesty International, *Sri Lanka: Authorities must refrain from use of military to police protests*, 14 July 2022, www.amnesty.org/en/latest/news/2022/07/sri-lanka-authorities-must-refrain-from-use-of-military-to-police-protests/

⁵⁵ Amnesty International, *Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop*, 22 July 2022, www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/

“ I realised, that this [GotaGoGama] was not just a traditional protest campaign, but more than that, it was very innovative and creative, with different types of cultural expression being part of it.” ⁵⁶

Fernando*

The military and police, armed with riot gear beat and assaulted protesters, especially those attempting to film the attack. Eyewitness accounts and media reports narrate that soldiers broke apart tents and dismantled the protest site.

“ When I went outside, I saw a large group of army people coming. I saw them hitting people on both sides and coming towards us.” ⁵⁷

Eyewitness

Protesters told Amnesty International that there was no forewarning to vacate the site given by the military or police before the attack, and that the tents, including those of the deaf and mute community, and disabled soldiers were attacked.⁵⁸ An eyewitness told Amnesty International that some of the attackers had covered their faces and there were some in an unidentifiable uniform.⁵⁹ According to international law and standards uniformed law enforcement officials should always

⁵⁶ Amnesty International interview with Fernando on 17 July 2022 (name has been changed to respect the interviewee's anonymity)

⁵⁷ Amnesty International interview with an eyewitness on 22 July 2022

⁵⁸ Amnesty International, *Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop*, 22 July 2022, www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/

⁵⁹ Amnesty International interview with an eyewitness on 22 July 2022

display an easily recognizable form of identification when they are policing assemblies.⁶⁰ According to reports, more than 50 were injured and 9 people have been arrested.⁶¹

The site was cordoned off before and during the attack, preventing access to media, lawyers and activists.⁶² Two lawyers were reportedly assaulted, and several journalists and at least one lawyer was detained.⁶³ The BBC reported that one of their journalists was beaten by the military and had his phone taken by a soldier, who deleted videos on it.⁶⁴ Journalists and others involved in monitoring or reporting on protests are entitled to protection under the ICCPR.⁶⁵

⁶⁰ UN Human Rights Committee, General Comment 37, para 89

⁶¹ Amnesty International, *Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop*, 22 July 2022, www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/

⁶² Amnesty International, *Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop*, 22 July 2022, www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/
The Hindu, *Sri Lanka military assaults protesters, journalists in raid*, 22 July 2022, www.thehindu.com/news/international/security-forces-raid-sri-lankas-main-protest-camp/article65668282.ece

⁶³ Amnesty International, *Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop*, 22 July 2022, www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/

⁶⁴ BBC, *Sri Lanka: Forces raid anti-government protest camp*, 22 July 2022, www.bbc.com/news/world-asia-62260678

⁶⁵ In its General Comment 37, the UN Human Rights Committee has stressed that they may not be prohibited from, or unduly limited in, exercising key functions, including monitoring the actions of law enforcement officials. They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged. Even if an assembly is declared unlawful or is dispersed, that does not terminate the right to monitor.



©↑Protesters engage in a call and response chant at the Nelum Pokuna roundabout in Colombo, on 4 April 2022. Image by Tavish Gunasena

© → Tents from the makeshift protest site 'Gotagogama' at the Galle Face Green in Colombo are pictured against the skyscrapers of Colombo's Central Business District on 24 April 2022. Image by Tavish Gunasena



The government of Sri Lanka has a positive obligation to facilitate the right to peaceful assembly, and must thereby respect, and protect this right. This right is protected by the ICCPR, which Sri Lanka acceded to in 1980.⁶⁶ The dismantling of GotaGoGama and the attack on peaceful protesters contravenes this duty placed on Sri Lanka by international law and standards.

“ The people and the military beat up peaceful protesters – especially the army, they did these acts in anger.”⁶⁷

Eyewitness

International human rights law and standards, particularly the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, calls for law enforcement officials to avoid the use of force in the dispersal of an unlawful but peaceful assembly, and only ever to use the minimum extent necessary.⁶⁸ Where some parts of the protest become violent, law enforcement must only ever use proportionate force where absolutely necessary, and only against those engaged in violence, after assessing the situation in a case-by-case basis.⁶⁹

Furthermore, the government of Sri Lanka should not deploy the armed forces to police demonstrations, protests or other civilian gatherings. The Special Rapporteur on the right to peaceful assembly and association, Clément N. Voule, has cautioned against the use of military and military-style tactics to suppress peaceful protests, warning that this was resulting in an escalation of violence, tension, human rights abuses and increased impunity.⁷⁰

⁶⁶ UN Treaty Body Database, *Sri Lanka*, tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN

⁶⁷ Amnesty International interview with an eyewitness on 22 July 2022

⁶⁸ United Nations, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 7 September 1990, www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement, Principle 13

⁶⁹ UN Human Rights Committee, General Comment 37, para. 17

UN Basic Principles on the Use of Force and Firearms, Principle 5

⁷⁰ UN, *Militarised approach to policing peaceful protests increasing risk of violence: UN expert*, 20 June 2022, www.ohchr.org/en/press-releases/2022/06/militarised-approach-policing-peaceful-protests-increasing-risk-violence-un

“ As a general rule, the military should not be used to police assemblies, as deployment of the military for such a purpose often leads to serious human rights violations. It is not the mandate of the military to police protests, nor it is trained in protection and de-escalation techniques, nor does it have the appropriate equipment for policing protests. Whereas military techniques typically aim at using force and weaponry to achieve maximum impact, protest policing requires the use of the minimum force necessary. Broadly, deployment of the military casts a shadow of fear and intimidation, and creates a chilling effect that in and of itself violates the rights to freedom of peaceful assembly.”⁷¹

Clément N. Voule, UN Special Rapporteur on the right to peaceful assembly and association

⁷¹ UN, *Militarised approach to policing peaceful protests increasing risk of violence: UN expert*, 20 June 2022, www.ohchr.org/en/press-releases/2022/06/militarised-approach-policing-peaceful-protests-increasing-risk-violence-un

© → Protester raises their
megaphone up in the air
during an Opposition
protest at Galle Face
Green in Colombo on 15
March 2022. Image by
Tavish Gunasena





©↑ Police reinforce a steel barricade preventing protesters from accessing Independence Square to protest at Independence Avenue in Colombo, on 03 April 2022. Image by Tavish Gunasena

REPRISALS AGAINST PROTESTERS

“ I’m still worried that they are trying to arrest me and accuse me of things I have not committed because they want me in jail.”⁷²

Bandara*

As well as facing misuse of force by the military and police, anti-government protesters, people who participated in protests now additionally face arrests, intimidation and harassment. Since President Wickremesinghe came into power, according to a civil society monitor, 143 people have been arrested, as of 28 August 2022,⁷³ which has had a chilling effect on the protest movement. Peaceful protests should not be criminalized, and the authorities should show some tolerance where protests cause some degree of disruption,⁷⁴ and as stated previously, the government of Sri Lanka is duty-bound to protect and facilitate peaceful protests as per international human rights law.

While the police may legitimately investigate serious offences committed during violent or unlawful incidents, including arrests, searches or obtaining travel bans, overall, their actions show that they are not driven by a genuine approach. Rather, the police has employed a sweeping approach showing a clear intention to repress protest and to intimidate protesters and activists. For example, four people were arrested for handing over a sum of LKR 17.8 million that was found in the President’s residence, to the police.⁷⁵ Similarly, student protesters who are not the target of criminal investigations have had their houses visited by the police.⁷⁶ The police have even arrested people for minor acts of civil disobedience that can be met with a fine, for example, two women were arrested for entering the President’s official residence and

⁷² Amnesty International interview with Bandara on 10 August 2022 (name has been changed to respect the interviewee’s anonymity)

⁷³ According to a civil society monitor that Amnesty International has access to

⁷⁴ UN Human Rights Committee, General Comment 37, para 44

⁷⁵ The Print, *Sri Lankan court orders police to produce Rs 17.8 million found inside President’s House*, 28 July 2022, theprint.in/world/sri-lankan-court-orders-police-to-produce-rs-17-8-million-found-inside-presidents-house/1059282/

⁷⁶ As told to Amnesty International by student protesters

sitting in his chair.⁷⁷ A Scottish national who had published content on social media in support of protests had her visa cancelled and was to be deported from the country after the Court of Appeal rejected her application challenging the deportation order.⁷⁸

There have also been reports of large groups of police officers being present to arrest one person. One protester who spoke to Amnesty International said that groups of 10 to 15 police officers, mostly in civilian clothing and carrying weapons, visited his house three times, searching for him.⁷⁹

Similarly, JDS, a civil society group, reported that on 1 August, over 20 policemen visited the residence of a political activist, Eranga Gunasekara, who is the National organiser of the Socialist Youth Union.⁸⁰ Eranga's house was visited for the second time on 2 August.⁸¹ Furthermore, 25 police officers arrested Joseph Stalin, a trade union leader on 3 August.⁸²

On 27 July 2022, Xposure News, a media outlet which covered GotaGoGama extensively, was visited by plainclothes people claiming to be from the police, who attempted to check the CCTV of the premises without a court order.⁸³ As discussed previously, human rights defenders and journalists have a right to monitor and report on protests, as protected by the ICCPR.

The police should professionally carry out their work to investigate actual criminal offences with lawful, necessary and proportionate measures and to stop their repression of protest and intimidation and harassment of protesters and human rights activists. Additionally, in instances of civil disobedience, Sri

⁷⁷ Lankadeepa, *Two women who sat on the Presidents chair arrested*, 10 August 2022, www.lankadeepa.lk/latest_news/%E0%B6%A2%E0%B6%B1%E0%B6%B4%E0%B6%AD%E0%B7%92%E0%B6%B1%E0%B7%92%E0%B6%BD%E0%B6%B4%E0%B7%94%E0%B6%A7%E0%B7%94%E0%B7%80%E0%B7%9A%E0%B7%80%E0%B7%8F%E0%B6%A9%E0%B7%92%E0%B7%80%E0%B7%96%E0%B6%9A%E0%B6%AD%E0%B7%94%E0%B6%B1%E0%B7%8A%E0%B6%AF%E0%B7%99%E0%B6%9A%E0%B6%9A%E0%B7%8A%E0%B6%85%E0%B6%BD%E0%B7%8A%E0%B6%BD%E0%B6%BA%E0%B7%92/1-617903

⁷⁸ NewsFirst, *Scottish Instagrammer Missing after losing deportation case – Immigration Dept*, 17 August 2022, www.newsfirst.lk/2022/08/17/scottish-instagrammer-missing-after-losing-deportation-case-immigration-dept/

⁷⁹ Amnesty International interview with Bandara on 10 August 2022 (name has been changed to respect the interviewee's anonymity)

⁸⁰ Twitter, JDS, 1 August 2022, twitter.com/JDSLanka/status/1554125096918437888?s=20&t=uIK_akEoyFamLdNRTf774w

⁸¹ Twitter, JDS, 2 August 2022, twitter.com/JDSLanka/status/1554368973889835009?s=20&t=uIK_akEoyFamLdNRTf774w

⁸² Twitter, JDS, 3 August 2022, twitter.com/JDSLanka/status/1554808617831989249?s=20&t=uIK_akEoyFamLdNRTf774w

⁸³ Twitter, JDS, 27 July 2022, twitter.com/JDSLanka/status/1552348899939172354?s=20&t=rnYySD2miYTJ7y-FibT8Hg
Twitter, Amalini, 27 July 2022, twitter.com/Amaliniiii/status/1552233734090489857?s=20&t=NnlwTr3Aa_92y-gmq3uusQ
Amnesty International, *Sri Lanka: End government crackdown on peaceful protesters*, 5 August 2022, Index Number: ASA 37/5928/2022, www.amnesty.org/en/documents/asa37/5928/2022/en/

Lankan authorities must ensure that the offences that protesters are charged with are not excessive or disproportionate.

“ Many of us got travel bans, and surveillance and tear gas attacks and baton charge and at times, court orders and imprisonment. . . . The state is always protecting and only defending political power and does not stand on the side of the people.”⁸⁴

Fernando*

Furthermore, the continued reference to protesters as ‘terrorists’ by Members of Parliament and President Wickremesinghe, and President Wickremesinghe’s reference to protesters as ‘fascists’ is a worrying attempt to demonize the protest movement.⁸⁵ These attempts culminated in the government using the draconian Prevention of Terrorism Act (PTA) against three protesters, including a protest leader.⁸⁶ On 18 and 19 of August, Wasantha Mudalige, the convener of Inter University Students’ Federation, Galwewa Siridhamma Thero, the convener of Inter University Bhikku Federation, and Hashantha Jawantha Gunathilake, member of the Kelaniya University Students’ Union, who were arrested and subsequently detained under the PTA.⁸⁷ The PTA violates international law and Amnesty International has repeatedly called for its repeal. The PTA, which allows for detention of suspects for up to a year without charge, has been weaponized to stifle

⁸⁴ Amnesty International interview with Fernando on 17 July 2022 (name has been changed to respect the interviewee’s anonymity)

⁸⁵ Twitter, EconomyNext, 27 July 2022, twitter.com/EconomyNext/status/1552251911553699841?s=20&t=qqdC_xbdR-sHs5e2N-zhgQ

Twitter, DailyMirror, 4 August 2022,

twitter.com/Dailymirror_SL/status/1555208270515580928?s=20&t=j0zIJm81JrQdOMa_U_suA

The Week, *Emergency extended in Sri Lanka till August 14*, 28 July 2022, www.theweek.in/news/world/2022/07/28/emergency-extended-in-sri-lanka-till-august-14.html

The Guardian, *Sri Lanka braced for more unrest as new president vows crackdown on ‘fascist’ protests*, 21 July 2022, www.theguardian.com/world/2022/jul/21/sri-lanka-unrest-new-president-crackdown-protests

⁸⁶ Amnesty International, *Sri Lanka: Protesters must not be detained under the draconian anti-terror law*, 22 August 2022, www.amnesty.org/en/latest/news/2022/08/sri-lanka-protesters-must-not-be-detained-under-the-draconian-anti-terror-law/

⁸⁷ Amnesty International, *Sri Lanka: Protesters must not be detained under the draconian anti-terror law*, 22 August 2022, www.amnesty.org/en/latest/news/2022/08/sri-lanka-protesters-must-not-be-detained-under-the-draconian-anti-terror-law/

dissenting voices, in contravention of Sri Lanka's international human rights obligations, especially the right to freedom of expression and peaceful assembly.

“ States often attempt to justify restrictions on, or the use of unlawful force against, peaceful protesters by branding them as “rioters”, “bandits”, “provocateurs”, “terrorists” and with other such stigmatizing labels. Such practices are extremely dangerous, create a climate hostile to the exercise of the right to freedom of peaceful assembly and can lead to serious human rights violations.”⁸⁸

Clément N. Voule, UN Special Rapporteur on the right to peaceful assembly and association

⁸⁸ UN, *Militarised approach to policing peaceful protests increasing risk of violence: UN expert*, 20 June 2022, www.ohchr.org/en/press-releases/2022/06/militarised-approach-policing-peaceful-protests-increasing-risk-violence-un



← © A protester
 photographed
 amidst traffic right
 outside the
 makeshift
 demonstration site
 'Gotagagama' on
 Galle Road in
 Colombo, on 3 May
 2022. Image by
 Tavish Gunasena



⦿ ↑ Police help direct traffic during a peoples' protest at the Nelum Pokuna roundabout in Colombo on 4 April 2022. Image by Tavish Gunasena

ARRESTS CONTRAVENING DUE PROCESS

In addition to the act of arresting protesters for exercising their right to peaceful protest, the state has carried out some of these arrests in a manner which contravenes due process and has brought back fears of enforced disappearances, which have historically been prevalent in Sri Lanka.⁸⁹ Protesters who are arrested have not been informed for the reason of their arrest, and authorities have failed to arrive in uniform to carry out the arrest or produce warrants.⁹⁰ In a letter to the Inspector General of Police, C D Wickremeratne, the Bar Association of Sri Lanka says:

“The Bar Association of Sri Lanka has received complaints from its members and the Colombo Magistrate’s Court Lawyers’ Association on the arrests of persons by police officers dressed in civilian clothing and without possessing any identification.

It is alleged that persons so arrested have been taken away in unidentifiable vehicles and kept for several hours at undisclosed locations. On these occasions no receipts of arrest have been issued nor an opportunity given to the persons arrested to inform relatives, friends or lawyers of their whereabouts. On these occasions they have been deprived of access to Attorneys-at-Law or the Human Rights Commission for a few hours.”⁹¹

These arrests constituted unlawful deprivation of liberty, should immediately be stopped and the authorities must carry out arrests in keeping with their obligations under the international law and standards, including the ICCPR which prohibits arbitrary detention and protects the right to liberty and security of person.⁹² Furthermore, the authorities must end the use of the problematic Emergency Regulations, especially in light of its contravention of international human rights law and due process safeguards.

⁸⁹ Sri Lanka, with 6,259 reported cases outstanding before the UN Working Group on Enforced or Involuntary Disappearances in 2021, has the second largest number of cases of enforced disappearances in the world. The practice, which has been documented since the 1980’s, was used extensively during the civil war has left families of the disappeared still searching to truth and justice about the fate and whereabouts of their missing loved ones.

⁹⁰ Amnesty International, *Sri Lanka: End government crackdown on peaceful protesters*, 5 August 2022, Index Number: ASA 37/5928/2022, www.amnesty.org/en/documents/asa37/5928/2022/en/

⁹¹ The Bar Association of Sri Lanka, *Arrests being carried out without following due process*, 9 August 2022, basl.lk/arrests-being-carried-out-without-following-due-process/

⁹² Article 9, International Covenant on Civil and Political Rights

“ The arrest and detention of individuals on the basis of exercising their rights to freedom of expression, peaceful assembly and association, within the bounds recognized by human rights law, constitute arbitrary deprivations of liberty.”⁹³

Clément N. Voule, UN Special Rapporteur on the right to peaceful assembly and association

The continued repression of protesters and the rights to freedom of assembly, movement and expression speak to Sri Lanka’s legacy of suppressing dissent.⁹⁴ The suppression of rights guaranteed by international human rights laws and standards must end. Given the immense and historic support for the peaceful protest movement, the Government of Sri Lanka can and must use this period as a turning point. The right to freedom of peaceful assembly is an essential hallmark of any rights respecting society and this, along with other human rights, must be respected, facilitated and protected.

⁹³ UN, *Militarised approach to policing peaceful protests increasing risk of violence: UN expert*, 20 June 2022, www.ohchr.org/en/press-releases/2022/06/militarised-approach-policing-peaceful-protests-increasing-risk-violence-un

⁹⁴ Amnesty International, *Old ghosts in new garb: Sri Lanka’s return to fear*, 17 February 2022, Index Number: ASA 37/3659/2021, www.amnesty.org/en/documents/asa37/3659/2021/en/

👁️→ Security personnel
stand guard at the entrance
of the Presidential Secretariat
in Colombo on 15 March
2022. Image by Tavish
Gunaseena



RECOMMENDATIONS

Amnesty International calls on the government of Sri Lanka to:

- Respect, protect and fulfil the right to peaceful assembly, thereby ending the use of force against peaceful protesters, and facilitating peaceful protests within sight and sound of its target;
- Hold prompt, transparent and impartial investigations, with the support of international observers, into all incidents of attacks on peaceful protesters with the intention of holding those responsible for human rights violations to account;
- Stop deploying the armed forces to police civilian gatherings;
- Drop all charges for participation in an “unlawful assembly” brought against peaceful protesters solely for their peaceful exercise of their rights to freedom of expression and peaceful assembly, and release unconditionally those facing such charges;
- Ensure that any restrictions on acts of civil disobedience are considered and assessed under domestic legislation in line with international law and standards related to the rights to freedom of expression and peaceful assembly. Charges brought against activists engaged in civil disobedience must reflect the nature of the act itself, and should consider its intent and overall impact to ensure no undue restriction is imposed on the rights to freedom of conscience, expression and peaceful assembly;
- Ensure that all arrests are carried out in line with due process safeguards and in accordance with international human rights law and standards, including but not limited to the right to a free and fair trial, the right to be informed of the reason for arrest and the place of detention, and the right to be brought promptly before a judge, and ensure access to legal counsel and family;
- Ensure Emergency Regulations that provide overbroad, unchecked powers to law enforcement officials, and enable further abuses of human rights are never put in force or applied against on protesters or anyone else;
- Repeal the Prevention of Terrorism Act (PTA) and issue an immediate moratorium on its use; Guarantee the protection of the human rights of all other PTA detainees including guarantees of

due process and a fair trial, and protection from arbitrary arrest, detention, torture or other ill-treatment;

- End the demonization of protesters using divisive language;
- Lift all travel bans and all other conditions imposed on peaceful protesters solely because of their role in organizing or participating in peaceful protests;
- End the use of surveillance of protesters social media accounts and protect the freedom of expression online.

PENALIZED FOR PROTESTING

SRI LANKA'S CRACKDOWN ON PROTEST

Since February 2022, Sri Lankans have taken to the street to call for the resignations of then President, Gotabaya Rajapaksa and Prime Minister, Mahinda Rajapaksa, and for accountability for corruption, enforced disappearances, extrajudicial killings, and police misuse of force, amongst other causes. During recent protests the authorities yet again responded with a militarised approach, and in a number of instances misused force on peaceful protesters. This digest details the excessive use of force against protesters, the use of military to police protests and the failure to protect peaceful protesters. It also sets out how the government has cracked down on protesters who now face intimidation, harassment and arrest. Some of these arrests have been carried out in a manner contravening due process. The suppression of protest and the right to freedom of assembly, movement and expression must stop and the government must protect the right to peaceful protest.

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