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SRI LANKA- UNLAWFUL USE OF FORCE, TERROR CHARGES, SURVEILLANCE AND INTIMIDATION AGAINST STUDENT PROTESTERS AND FAMILIES OF THE DISAPPEARED DEMANDING FOR ACCOUNTABILITY AROUND ENFORCED DISAPPEARANCES

Targets of stigmatizing narratives

During the widespread largely peaceful protests and an occupy movement known as ‘Aragalaya’ between April and July 2022, authorities responded by resorting to unlawful force to suppress protests²⁸ and arbitrary arrests and detentions of protesters – who included student activists. Charges were filed against peaceful protesters under ordinary criminal laws and the counter-terror law (the Prevention of Terrorism Act).²⁹ A Sri Lankan court held that terror charges couldn’t be maintained against one accused protester.³⁰

In November 2022, the new President stated in Parliament that he would mobilize the military and bring in a state of emergency to end any plans to initiate another Aragalaya.³¹ Members of Parliament of the ruling party (The Sri Lanka Podujana Peramuna (SLPP)) and President Ranil Wickremesinghe referred to some protesters as ‘terrorists’ and ‘fascists’.³² Amnesty International has expressed concern about the criminalization of protesters and the perpetuation of dangerous narratives around peaceful protests that can cause a chilling effect on protests.³³ As protests continued in 2023 and 2024, harmful and stigmatising state narratives against peaceful protesters, and particularly student protesters, have continued.

Tamil families of the forcibly disappeared in the Northern Province, who have been continuously protesting since 2017, have faced intimidation and unwarranted surveillance by the police and armed forces to hinder them from peacefully protesting. These protests are carried out by families of people who had been forcibly disappeared by state entities and non-state actors, acting with the authorization, support, or acquiescence of the State, throughout the protracted internal armed conflict between the Sri Lankan armed forces and the Liberation Tigers of Tamil Eelam (LTTE) between 1983 and 2009. Security forces and intelligence agencies continue to carry out surveillance, intimidation, harassment, and obstruction of these peaceful protesters.³⁴

Journalists in the Northern Province are obstructed by the state when reporting on protests. The military, police and intelligence disrupt media covering protests and subject them to surveillance and intimidation.³⁵

The surveillance and intimidation of protesters and journalists reporting on protests in the Northern Province bolsters stigmatizing narratives about families of the disappeared and the media and justifies suppression of these families and their calls for justice.

²⁸ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>

²⁹ Amnesty International, Sri Lanka: End Arbitrary Detention of Student, Activist, 16 January 2023, <https://www.amnesty.org/en/documents/asa37/6353/2023/en/>

³⁰ Newswire, Wasantha Mudalige released from terror charges, <https://www.newswire.lk/2023/01/31/wasantha-mudalige-released-from-terror-charges>

³¹ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>, p.6

³² Amnesty International, Sri Lanka: Penalized for Protesting: Sri Lanka’s Crackdown on Protesters, 8 September 2022, <https://www.amnesty.org/en/documents/asa37/5986/2022/en/>, p.28

³³ Amnesty International, End government crackdown on peaceful protesters, <https://www.amnesty.org/en/documents/asa37/5928/2022/en/>

³⁴ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>, p.34.

³⁵ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>, p.34-35.

CONCLUSION AND KEY RECOMMENDATIONS

Stigmatising and harmful narratives generated and spread by both state and non-state actors such as the media against peaceful protesters have a chilling effect on the right to freedom of peaceful assembly and of association.

1. To address the continued perpetuation of stigmatizing narratives against protesters in South Asia, states should:

- refrain from spreading stigmatizing narratives against protesters and condoning such narratives from non-state actors such as the media;
- ensure accountability of public authorities for failing to respect, protect and fulfil the right to non-discrimination by engaging in hateful, stigmatizing and discriminatory expression and narratives against peaceful protesters.
- publicly and officially condemn hateful, stigmatizing and discriminatory narratives against peaceful protesters.

2. To ensure public awareness of the existence and impact of harmful narratives about protesters, states should:

- Conduct comprehensive research or investigation into the use of harmful narratives against protesters in South Asia and the resulting negative impact of such narratives on the protesters specifically and on human rights generally. The research should lead to the publication of a report outlining key areas of concern and recommendations to address them.
- Conduct country missions and engage in dialogues with relevant stakeholders with a view to promoting the creation of an enabling environment for the exercise of the right of peaceful assembly and freedom of expression, particularly by discriminated against groups.

3. To address cases involving the prosecution and imprisonment of peaceful protesters, states should:

- refrain from criminalizing peaceful protests and prosecuting peaceful protesters. Further urge the governments to release from prison those serving prison terms merely for exercising their right to peaceful protest and freedom of expression.