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‘READY TO SUPPRESS ANY PROTEST’

SRI LANKA: UNLAWFUL USE OF WEAPONS DURING PROTESTS



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GLOSSARY

Aragalaya	Peaceful protest movement, which started in March 2022, against the Sri Lankan government's management of the economy, rising prices and shortages of essential goods and services
BASL	Bar Association of Sri Lanka
CRC	Convention on the Rights of the Child
CSR	Centre for Society and Religion
FIDH	Fédération internationale pour les droits humaines
General Comment 37	UN Human Rights Committee, General Comment 37, The Right of Peaceful Assembly (Article 21 of the ICCPR), UN Doc. CCPR/C/GC/R.37
HRC	Human Rights Commission of Sri Lanka
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
IMF	International Monetary Fund
IUSF	Inter-University Students Federation
LTTE	Liberation Tigers of Tamil Eelam
NPP	National People's Power
RTI	Right to Information
Satyagraha	Peaceful and non-violent protest
STF	Special Task Force, a unit of the Sri Lanka police

1. EXECUTIVE SUMMARY

“The government is ready to suppress any protest. After [President] Ranil came into power his agenda has been to use the full strength of the forces and full weight with water cannon, tear gas, army to prevent protesters from organizing and coming out.”

Chintaka Rajapakse, a prominent protester and human rights defender

Amnesty International investigated the use of force during 30 protests that took place in Sri Lanka between March 2022 and June 2023. During the investigation, Amnesty International conducted 39 qualitative interviews and an open-source investigation into 95 verified videos of 30 protests, gathered on social media. Amnesty International's research shows a pattern in the unlawful use of tear gas and water cannon and the misuse of batons by Sri Lankan law enforcement authorities with video evidence revealing that in at least 17 protests – more than half of the protests analysed – law enforcement fell well short of abiding by international law and standards. Such an approach to policing of public assemblies that does not comply with international standards restricts the right to freedom of peaceful assembly in Sri Lanka.

The right to freedom of peaceful assembly is guaranteed under Article 21 of the International Covenant on Civil and Political Rights (ICCPR), which Sri Lanka acceded to in 1980 and ratified in 2005. Freedom of peaceful assembly is not unlimited; the right may be restricted under narrow grounds that are outlined in the ICCPR. The UN Human Rights Committee – the treaty body that offers authoritative interpretations of the ICCPR – notes in General Comment No.37 (2020) on the right of peaceful assembly, that the right of peaceful assembly is “a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social, and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression.” Public authorities, including the police, have a positive duty to facilitate and protect peaceful assemblies and the right to freedom of peaceful assembly.

In February 2022, the economic crisis, with high inflation, rising commodity prices and shortages of food, fuel and medicines triggered several protests in Colombo and other cities across Sri Lanka. As protests intensified, people called for the resignations of then President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa, and for accountability for the economic crisis, corruption, and human rights violations. The security forces responded with a violent crackdown, which included the unlawful use of lethal and less lethal weapons against protesters.

In the following months, the large-scale protests and an occupy movement known as the *Aragalaya* led to former President Gotabaya Rajapaksa fleeing the country in July 2022. The use of unlawful force by law enforcement officials as a response to protests, however, continued when the current President,

AMNESTY INTERNATIONAL DOCUMENTED THE USE BY THE POLICE,

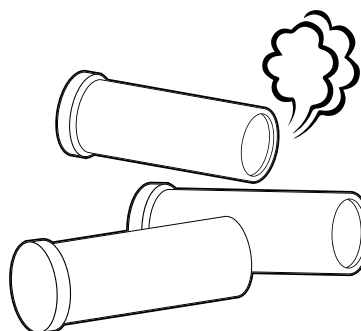
IN 2022 AND 2023, OF LARGE QUANTITIES OF TEAR GAS AGAINST PEACEFUL PROTESTERS WITHOUT GIVING THEM AN ADEQUATE OPPORTUNITY TO DISPERSE, AND WITHOUT MAKING ANY REASONABLE EFFORT TO LIMIT RISK OF INJURY.



Ranil Wickremesinghe, entered office in July 2022. 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*. Nevertheless, protests continued in 2023 in response to the government's repression of largely peaceful protesters, the prolonged economic crisis, high costs of living and increase in taxes as a precondition for the International Monetary Fund's bailout plan.

At the same time, protests continued in the Northern and Eastern provinces of the country. These protests were mounted by families of people who had been forcibly disappeared by state entities and non-state actors 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 continued to carry out surveillance, intimidation, harassment, and obstruction of these peaceful protesters.

In 2022 and 2023, Amnesty International documented the use by the police, of large quantities of tear gas against peaceful protesters without giving them an adequate opportunity to disperse, and without making any reasonable effort to limit risk of injury. Police fired tear gas grenades behind protesters and while they were trying to disperse, in breach of international human rights standards. They also repeatedly failed to take adequate precautionary measures when using tear gas, firing into areas where children and bystanders were unnecessarily exposed to the effects of chemical irritant, such as near schools and on the street or other open areas.



Amnesty International also documented the use of water cannon by police at close range against peaceful protesters and in situations where protesters posed no threat to police officers and were attempting to disperse. Police also fired water cannon directly at a media correspondent reporting live from a protest, despite clear and visible signs of cameras and other media equipment. In the north of the country, police used water cannon in a largely peaceful protest by family members of the disappeared, who were continuing protest for truth and justice for their relatives 14 years after the end of the internal armed conflict in Sri Lanka.

The response of the police to a peaceful protest on 3 February 2023 is emblematic of their systematic and unlawful use of tear gas and water cannon in peaceful protests. Videos verified by Amnesty International show the combined use of water cannon and tear gas against protesters who were sitting peacefully, without giving them sufficient time or opportunity to disperse. The videos show how police used water cannon at close range against protesters and where protesters were pressed up against walls and gates, creating a risk of head and other injuries, in breach of international guidelines. Afterwards, police officers in steel helmets and full anti-riot gear chased protesters down nearby streets and alleyways, assaulting them, and threatening journalists who were filming the incidents.



Sri Lankan authorities used surveillance and intimidation of protesters before, during and after protests. They failed to protect peaceful protesters where third parties such as state-sanctioned groups obstructed peaceful protesters and deployed the military – who are not trained or equipped to carry out law enforcement functions – to handle public assemblies. Obstructing protests in this manner serves to provoke situations that will require the use of force, rather than defusing conflict to avoid the need to use force; this is in breach of the obligations of the state.

The response of the police to a peaceful protest on 3 February 2023 is emblematic of their systematic and unlawful use of tear gas and water cannon in peaceful protests.

Amnesty International found the approach of the Sri Lankan police to public assemblies was shaped from the outset by an assumption that an assembly would be unlawful and violent, necessitating the use of force, rather than starting from an obligation to facilitate and protect peaceful assemblies. Despite widespread violations by law enforcement agencies and security forces, not a single police officer or member of army personnel has been prosecuted or convicted for the unlawful use of force during protests in 2022 and 2023. The lack of accountability for the unlawful use of force by police during protests exists within the context of a wider culture of impunity, where police and military personnel have rarely been held accountable for grave violations of human rights. Political interference with police functions, routine use of torture and other ill treatment by police against those held in police custody, and the failure of state authorities, including the Inspector General of Police (IGP), to investigate human rights violations have been widely documented.

The Sri Lankan state is responsible under international law to investigate effectively, impartially, and in a timely manner, any allegation or reasonable suspicion of human rights violations by law enforcement officials. Intentionally or negligently preventing an investigation into the unlawful use of force by police during public assemblies, or omitting to investigate such abuses, would itself be a violation of human rights.



Protesters at the Presidential Secretariat in Colombo on 9 July 2022. © Manisha Gunaratne.

AMNESTY INTERNATIONAL CALLS ON THE SRI LANKAN AUTHORITIES TO ENSURE THAT:

- the police adopt an overall approach to assemblies that is based on the facilitation of peaceful gatherings and guarantees the right to freedom of peaceful assembly of all protesters.
- the police operational framework and practice of officials is such that weapons like tear gas or water cannon, which affect a wide area and have a high potential for harm, are only used proportionately and when necessary, in situations of widespread violence, for the purpose of dispersing a crowd, and only when all other means have failed to contain the violence. They may only be used when people are able to disperse, not when they are in a confined space or where roads or other routes of escape are blocked. People must be warned that these means will be used, and they must be allowed an opportunity to disperse.
- prompt, independent, impartial, and effective investigations are carried out into the unlawful use of force by law enforcement officials against protesters in 2022 and 2023. If the investigations find sufficient credible evidence, those suspected of criminal responsibility must be prosecuted and tried in fair trials before ordinary civilian courts. This applies to those with responsibility at all levels, including superior officers who knew, or should have known, that officials under their command were committing, or had committed, such unlawful acts and who did not take all measures in their power to prevent or report such use.

2. METHODOLOGY

This report analyses the use of force during 30 protests that took place in Sri Lanka between March 2022 and June 2023. This included the misuse of tear gas, water cannon, batons, and practices of surveillance, as well as intimidation by Sri Lankan authorities. These 30 events were identified and selected by reviewing protests listed by civil society organizations and media reports where law enforcement agencies were stated to have used lethal and less lethal force against largely peaceful protesters, with the aim of conducting an analysis of the weapons used by police. It is not an exhaustive list of protests during the period, nor of protests where less lethal weapons were used. The 30 protests analysed predominantly took place in Colombo, Battaramulla, Kelaniya, Jaffna and Galle.

This report is based on a combination of qualitative interviews and open-source analyses of more than 20 hours of verified publicly available video footage posted via traditional and social media channels related to the protests. The research is also based on a literature review of secondary sources, including the international legal framework, media reports, civil society reports and statutes.

Amnesty International conducted interviews with 39 people; 26 protesters, four journalists who had been present at protests, and nine lawyers who had represented people charged following protests. The 39 interviewees were made up of 26 men, 12 women and one transgender person. Protesters at the 30 demonstrations between March 2022 and June 2023 included: members of the public protesting against the economic crisis; students protesting about the economic crisis and reprisals against fellow protesters; and families of the forcibly disappeared demanding truth and justice 15 years after the end of the armed conflict. Several interviews were conducted in person in Colombo, Jaffna, Mullaitivu, Kilinochchi, Vavuniya and Galle, where interviewees were living, and some were conducted remotely via secure online platforms. The interviews were carried out in Sinhala, Tamil and English and, where necessary, the notes were transcribed into English for review. All interviewees were informed of the nature and purpose of the research, as well as how the information they provided would be used. Informed consent was obtained from each interviewee. The report protects the identity of some respondents for security reasons. The date of the interview is provided but some names have been changed and any identifying details have been anonymized.

Amnesty International's Crisis Response Programme Evidence Lab and its Digital Verification Corps verified and analysed 95 videos. These were identified through a review of protests listed by civil society and media, where there were claims of the use of lethal and less lethal force by police against protesters. Video analysis included verification of the footage and confirming the authenticity of the content by finding the exact location and date when it had been filmed. In addition, the Evidence Lab analysed the footage to determine which law enforcement units were present during the protests, the type of weapons they used to police the protest, how these were used, and whether the use of the less lethal weapons was in line with international guidelines.

The report builds on investigations carried out by Amnesty International in 2022 on Sri Lanka's crackdown on protesters.¹

In March 2024, Amnesty International wrote to the Sri Lanka Police, Korea CNO Tech Co Ltd and Securatec Lanka Pvt Ltd outlining the allegations in this report and requesting an official response, but had not received a reply at the time of publication.

¹ Amnesty International, *Sri Lanka: Penalized for Protesting: Sri Lanka's Crackdown on Protesters*, (Index: ASA 37/5986/2022), 8 September 2022, <https://www.amnesty.org/en/documents/asa37/5986/2022/en/>

3. BACKGROUND

3.1 PROTESTS IN 2022

The economic crisis in Sri Lanka, with high inflation, rising commodity prices, and shortages of food, fuel, and medicines, triggered several protests in Colombo and other cities in 2022.

MARCH TO JULY 2022

During this period, protests demanded the resignations of then President, Gotabaya Rajapaksa and Prime Minister, Mahinda Rajapaksa, and for accountability for the economic crisis, corruption and human rights violations.² According to media reports, protests began with eight young people gathering at Kohuwala Junction in Colombo on 1 March; this was followed by hundreds of neighbourhood protests in different locations around the country, including Colombo, Gampaha, Kalutara, Kandy and Nuwara Eliya Districts.³ On 31 March 2022, hundreds of protesters gathered outside the personal residence of Former President Gotabaya Rajapaksa in a largely peaceful protest which was then dispersed by police using tear gas and water cannon.⁴



Police remove protester from a protest in Colombo on 18 October 2022. © Manisha Gunaratne.

Following this, Former President Gotabaya Rajapaksa declared a State of Emergency and a social media ban on 1 April 2022,⁵ and a second State of Emergency on 6 May.⁶ On 9 April 2022, peaceful protesters occupied and set up a protest site in front of the Presidential Secretariat in Colombo to call for the resignation of President Gotabaya Rajapaksa.⁷ This protest site, named 'Gota Go Gama', included a library, university, cinema, kitchen, and tents for protesters to live in on site.

2 Amnesty International, *Sri Lanka: Penalized for Protesting: Sri Lanka's Crackdown on Protesters*, (previously cited).

3 Groundviews, "The Ides of March: Protests, Discontent and Disconnects", 23 March 2023, <https://groundviews.org/2022/03/23/the-ides-of-march-protests-discontent-and-disconnects/>

4 Amnesty International, "Sri Lanka authorities must respect peoples right to protest", 1 April 2022, <https://www.amnesty.org/en/latest/news/2022/04/sri-lanka-authorities-must-respect-peoples-right-to-protest/>

5 Extraordinary Gazette No. 2273/86 G 36539 (E), "Proclamation by the President", 1 April 2022, http://documents.gov.lk/files/egz/2022/4/2273-86_E.pdf. *The Wire*, "Sri Lanka: President Declares Emergency, Temporarily Blocks Social Media Before Planned Protest", 3 April 2022, <https://thewire.in/south-asia/sri-lanka-president-declares-emergency-blocks-social-media-before-planned-protest>

6 Extraordinary Gazette No. 2278/22 G 36730 (E), "Proclamation by the President", http://documents.gov.lk/files/egz/2022/5/2278-22_E.pdf. Reuters, "Sri Lanka president declares state of emergency day after protests", 6 May 2022, <https://www.reuters.com/world/asia-pacific/anti-government-protest-strike-sri-lanka-shuts-schools-businesses-2022-05-06/>

7 *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

LETHAL FORCE

On 19 April 2022, police used lethal ammunition against people in Rambukkana protesting severe shortages of fuel and increases in fuel prices. This caused the death of one protester, Chaminda Lakshan, and injuries to 18 protesters, including a child.⁸ Although some police officers were injured by stones thrown by protesters, the use of lethal ammunition by police was unnecessary and unlawful, as there was no imminent threat to life or of serious injury.⁹

The Human Rights Commission of Sri Lanka (HRC) set up a committee to investigate the use of force and firearms for the dispersal of the protest. The committee found that a police officer had fired lethal ammunition at Chaminda Lakshan using Chinese Type 56 assault rifles from 25 metres.¹⁰ The HRC concluded that Chaminda Lakshan was unarmed and standing behind a wire mesh fence. He was not a threat to the police at the time he was shot. The investigation also revealed that the police had used lethal ammunition against protesters who were dispersing, and medico-legal reports showed that several people had received gunshot injuries from bullets which entered the back of the body and exited from the front.¹¹

Law enforcement officials may only use force for a legitimate law enforcement purpose, and may not use more force than is needed to achieve this objective. Furthermore, firearms may only be used as a last resort and when strictly necessary to protect police or others against the imminent threat of death or serious injury. The intentional lethal use of firearms is only permissible if it is strictly unavoidable, to protect life. Firearms must never be used to disperse a public assembly.¹²

“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.”¹³

Amnesty International, commenting on the notice by Ministry of Defence, giving the armed forces orders to open fire at any person looting public property or harming others

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- 8 Right to Life Human Rights Centre, “Violence in Rambukkana, December 2022”, <https://www.right2lifelanka.org/wp-content/uploads/2022/12/Rambukkana-Report-English.pdf>
 - 9 Amnesty International, *Sri Lanka: Penalized for Protesting: Sri Lanka’s Crackdown on Protesters*, (Index: ASA 37/5986/2022) (previously cited). *The Guardian*, “Sri Lanka: One dead and several wounded as police shoot protesters”, 19 April 2022, <https://www.theguardian.com/world/2022/apr/19/sri-lanka-one-dead-and-several-wounded-as-police-shoot-protesters>
 - 10 Human Rights Commission, Press Notice and HRCSL recommendation on Rambukkana incident, [HRCSL-Press-Notice-19042023-and-HRCSL-recommendation-on-Rambukkana-incident.pdf](https://www.hrcsl.lk/wp-content/uploads/2023/04/HRCSL-recommendation-on-Rambukkana-incident.pdf) (slcat.org), p. 9.
 - 11 Human Rights Commission of Sri Lanka, “Final report of the committee of experts appointed by the Human Rights Commission of Sri Lanka to investigate the incidents that took place in Rambukkana on 19th April 2022”, 18 April 2023, <https://www.hrcsl.lk/wp-content/uploads/2023/04/HRCSL-recommendation-about-Rambukkana-incident-on-19th-April-2022.pdf>
 - 12 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990, Principle 9, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>. Amnesty International, “Guidelines for Implementation of the UN Basic Principles on the use of force and firearms by law enforcement officials”, *Guidelines on Basic Principles*, Guideline 5, https://www.amnesty.org.uk/files/use_of_force.pdf
 - 13 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/



Police remove protester from a protest in Colombo on 18 October 2022. © Manisha Gunaratne.

On 9 May 2022, some supporters of then Prime Minister Mahinda Rajapaksa, after attending a meeting at the Prime Minister's official residence in Colombo¹⁴, proceeded to violently attack peaceful protesters who were demonstrating in front of the Prime Minister's official residence¹⁵. The group also proceeded to the *Gota Go Gama* protest site where they assaulted peaceful protesters and destroyed parts of the protest site, setting fire to tents occupied by protesters.¹⁶ According to media reports, at least 141 people were injured and hospitalised, including for serious injuries, such as head and spinal cord trauma.¹⁷ Police around the protest site failed to intervene to protect the peaceful protesters.¹⁸ On 10 May, the Ministry of Defence issued a notice giving the armed forces orders to open fire at any person looting public property or harming others.¹⁹ 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.²⁰

By July, anti-government protests were being held in Colombo, Anuradhapura, Kandy, Galle, Badulla, Kurunegala, Matara, Ratnapura, Ja-Ela, Monaragala, Negombo and Gampola. On 9 July, former President Gotabaya Rajapaksa fled the country after thousands of protesters marched to, and breached, the President's official residence.²¹ The private residence of Prime Minister Ranil Wickremesinghe was set on fire while there were media reports of a protest taking place outside the residence.²²

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- 14 NewsFirst, If the Prime Minister resigns it would create a political crisis, 9 May 2022, [Protesters outside Sri Lankan Prime Minister's residence and at Galle Face attacked by government supporters and the police - Frontline \(thehindu.com\)](#)
 - 15 The Hindu, Protesters outside Sri Lankan Prime Minister's residence and at Galle Face attacked by government supporters, 9 May 2022, [Protesters outside Sri Lankan Prime Minister's residence and at Galle Face attacked by government supporters and the police - Frontline \(thehindu.com\)](#)
 - 16 See YouTube video, 9 May 2022, https://www.youtube.com/watch?v=WyIFBHcxShI&ab_channel=NewsfirstSriLanka
 - 17 Daily Mirror, Wounded protesters push for justice through blood, sweat and pain, 9 June 2022; <https://www.dailymirror.lk/print/recommended-news/Wounded-protesters-push-for-justice-through-blood-sweat-and-pain/277-238697>
 - 18 News First, Over 100 injured in July 9th Mass Protest, 10 July 2022; <https://www.newsfirst.lk/2022/07/10/over-100-injured-in-july-9th-mass-protest/>
 - 19 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/
 - 20 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/
 - 21 CNN, "Sri Lanka protesters break into President's house as thousands rally", 9 July 2022, <https://edition.cnn.com/2022/07/09/asia/sri-lanka-protest-president-saturday-intl-hnk/index.html>
 - 22 *Hindustan Times*, "Sri Lankan crisis: Protesters set PM Ranil Wickremesinghe's residence on fire", 9 July 2022, <https://www.hindustantimes.com/world-news/protesters-set-sri-lankan-pm-ranil-wickremesinghe-s-residence-on-fire-101657381849320.html>



Protesters outside the Presidential Secretariat in Colombo on 9 July 2022 © Manisha Gunaratne.

Subsequently, Prime Minister Ranil Wickremesinghe was appointed Acting President. He declared a state of emergency²³ and issued Emergency Regulations under the Public Security Ordinance.²⁴ A day after Ranil Wickremesinghe was sworn in as President on 21 July 2022, *Gota Go Gama*, the protest site set up in April was brutally dismantled²⁵ by police and military.²⁶ Protestors were beaten and assaulted, with more than 50 protesters injured and nine people arrested.²⁷ On 27 July 2022, Parliament extended the state of emergency for another month. During the remainder of 2022 and with the *Gota Go Gama* protest site being dismantled the authorities continued to use unlawful force against other protesters.

AUGUST TO DECEMBER 2022

During this period security forces made hundreds of arrests of activists and protesters.²⁸ These included arrests of high profile protest leaders, such as members of the Inter-University Students Federation (IUSF), who were arrested and detained under the draconian anti-terror law,²⁹ and Joseph Stalin, Secretary of the Sri Lanka Teachers' Union.³⁰ In September, the Sri Lankan government invoked the Official Secrets Act, designating public streets and government buildings in central Colombo

23 Extraordinary Gazette No. 2289/07, http://documents.gov.lk/files/egz/2022/7/2289-07_E.pdf. *The Guardian*, "Sri Lanka: acting president declares state of emergency ahead of MPs' vote", 19 July 2022, <https://www.theguardian.com/world/2022/jul/18/sri-lanka-acting-president-ranil-wickremesinghe-declares-state-of-emergency>

24 Amnesty International, "Sri Lanka emergency regulations must not lead to further crackdown on human rights", 20 July 2022, <https://www.amnesty.org/en/latest/news/2022/07/sri-lanka-emergency-regulations-must-not-lead-to-further-crackdown-on-human-rights/>

25 Amnesty International, "Sri Lanka: Shameful, brutal assault on peaceful protesters must immediately stop", <https://www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protesters-must-immediately-stop/>

26 CNN, "Sri Lankan troops tear down protest camp outside the President's office", 22 July 2022, <https://edition.cnn.com/2022/07/22/asia/sri-lanka-galle-face-protest-raid-intl-hnk/index.html>

27 Amnesty International, "Sri Lanka: Shameful, brutal assault on peaceful protesters must immediately stop" (previously cited).

28 *Civics Monitor*, "Protesters continue to face arrest, excessive force in Sri Lanka as new UN resolution maintains international scrutiny", <https://monitor.civics.org/explore/protesters-continue-face-arrest-excessive-force-sri-lanka-new-un-resolution-maintains-international-scrutiny/>. Also *The Hindu*, "As Sri Lanka backs freedom of expression at UN, police arrest dozens of protesters at home", 27 September 2022, <https://www.thehindu.com/news/international/as-sri-lanka-backs-freedom-of-expression-at-un-police-arrest-dozens-of-protesters-at-home/article65937860.ece>

29 Amnesty International, "Sri Lanka: Drop terror charges against student leaders detained for 90 days", 16 readers-detained-for-90-days/

30 Al Jazeera, "Concerns as Sri Lanka arrests top protest leader Joseph Stalin", 4 August 2022, <https://www.aljazeera.com/news/2022/8/4/concerns-as-sri-lanka-arrests-top-protest-leader-joseph-stalin>



Protesters outside the Presidential Secretariat in Colombo on 9 July 2022. © Manisha Gunaratne.

High Security Zones, granting police the authority to arrest anyone in these zones holding any public gathering without written permission from police.³¹ This was a grossly disproportionate denial of the right to peaceful assembly, with police having broad powers to use force against peaceful protesters. On 1 October 2022, the new President and Minister of Defence, Ranil Wickremesinghe, issued a gazette revoking the order declaring the High-Security Zones.³²

According to media reports, on 9 October, police in Colombo harassed and dragged a mother and a child from a peaceful protest,³³ harassed a couple holding a one-year-old child, and arrested a teenager while he was broadcasting the incident live on social media.³⁴ On 12 of October, President Ranil Wickremesinghe said that participation of children in protests must be prohibited,³⁵ and that police should stop children being used as “shields”³⁵ in demonstrations as this was a “serious offence”.³⁶ However, the participation of children in peaceful protests is protected under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). On 23 November, President Ranil Wickremesinghe stated in parliament that he would mobilize the military and bring in a state of emergency to end any plans to initiate another *Aragalaya* (protest and occupy movement) in the country.³⁷

31 Gazette Extraordinary No. 2298/53, 23 September 2022, http://documents.gov.lk/files/egz/2022/9/2298-53_E.pdf

32 Gazette Extraordinary, 2299/71, 1 October 2022, http://documents.gov.lk/files/egz/2022/10/2299-71_E.pdf

33 Newsfirst on Twitter/X, “UPDATE: Mother and child dragged off protest site by police in Galle Face, Colombo, <https://x.com/NewsfirstSL/status/1579091589606932480?s=20>

34 *Sri Lanka Brief*, “Investigate police assault on peaceful protest on 9th October and produce the culprits before court of law – Young Journalists writes [sic] to IGP”, 10 October 2022, <https://srilankabrief.org/investigate-the-police-assault-on-peaceful-protest-on-9th-october-and-arrest-the-officers-involved-young-journalists-writes-to-igp/>

35 Newswire, “President says participation of children at protests must be prohibited”, 12 October 2022, <https://www.newswire.lk/2022/10/12/president-says-participation-of-children-at-protests-must-be-prohibited/>

36 *Ceylon Today*, “New laws to ban children at protests”, 12 October 2022, <https://ceylontoday.lk/2022/10/12/president-advises-police-on-the-protection-of-child-rights/>

37 *Tamil Guardian*, “I won’t give space to another aragalaya – Sri Lanka’s President threatens state of emergency”, 23 November 2022, <https://www.tamilguardian.com/content/i-wont-give-space-another-aragalaya-sri-lankas-president-threatens-another-state-emergency>

NORTH AND EAST OF SRI LANKA

Throughout the protracted internal armed conflict between the Sri Lankan armed forces and the Liberation Tigers of Tamil Eelam (LTTE), which started in 1983 and ended in May 2009, tens of thousands of Tamils were forcibly disappeared by police, military, and paramilitary operatives.³⁸ In March 2017, a protest movement led by families of the disappeared, seeking truth and justice, started and continues to hold regular demonstrations in the Northern and Eastern Provinces of the country. Security forces and intelligence agencies regularly carry out surveillance,³⁹ intimidation,⁴⁰ harassment, and obstruction of these peaceful protesters.⁴¹

3.2 PROTESTS IN 2023

In 2023, demonstrations linked to the prolonged economic crisis continued, including the high cost of living, an increase in taxes and electricity tariffs,⁴² the postponement of local government elections, and the government's continued crackdown on peaceful protesters.

In this context, Amnesty International investigated the use by Sri Lanka police of lethal and less lethal weapons against protesters in 30 protests between March 2022 and June 2023. Video evidence showed that Sri Lankan law enforcement agencies fell well short of abiding by international law

and standards in at least 17 protests – accounting for more than half of those analysed. The pattern of unlawful use of force by police against peaceful protesters fell short of international standards on human rights compliant policing of public assemblies. Such an approach to policing of public assemblies restricts the right to freedom of peaceful assembly in Sri Lanka.



Police presence at a protest in Colombo on 3 February 2023 © Manisha Gunaratne.

38 Amnesty International, "Sri Lanka: Refusing to Disappear" (Index: ASA 37/5497/2017), <https://www.amnesty.org/en/documents/asa37/5497/2017/en/>

39 *Tamil Guardian*, "Mullaitivu families of the disappeared bravely stage protest amidst intimidation by Sri Lanka's security forces", 28 October 2021, <https://www.tamilguardian.com/content/mullaitivu-families-disappeared-bravely-stage-protest-amidst-intimidation-sri-lankas>

40 *Tamil Guardian*, "Sri Lankan police push back Tamil mothers of the disappeared protest in Vavuniya", 26 January 2022, <https://www.tamilguardian.com/content/sri-lankan-police-push-back-tamil-mothers-disappeared-protest-vavuniya>

41 Amnesty International, *Sri Lanka: Still no answers: An update on the rights of victims of enforced disappearances in Sri Lanka*, <https://www.amnesty.org/en/documents/asa37/5278/2022/en/>. Human Rights Watch, Sri Lanka: "Families of 'Disappeared' threatened", 16 February 2020, <https://www.hrw.org/news/2020/02/16/sri-lanka-families-disappeared-threatened>

42 Al Jazeera, "Sri Lanka unions stage strike to protest against IMF bailout plan", 15 March 2023, <https://www.aljazeera.com/news/2023/3/15/sri-lanka-unions-stage-strike-to-protest-against-imf-bailout-plan>

4. INTERNATIONAL STANDARDS AND BEST PRACTICES

The right to freedom of peaceful assembly is guaranteed under Article 21 of the International Covenant on Civil and Political Rights (ICCPR), which Sri Lanka ratified in 2005. Freedom of peaceful assembly is not unlimited; the right may be restricted under narrow grounds that are outlined in the same Article of the ICCPR.⁴³

The UN Human Rights Committee – the treaty body that offers authoritative interpretations of the ICCPR – notes that the right of peaceful assembly is “a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social, and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression.”⁴⁴

Public authorities, including the police, have a positive duty to facilitate and protect peaceful assemblies and the right to freedom of peaceful assembly.⁴⁵ This approach of facilitation of peaceful assembly requires dialogue, negotiation, mediation, and de-escalation⁴⁶ to ensure that peaceful assemblies are handled by the police in a professional manner, preventing violence and avoiding the need to resort to the use of force.

International standards provide a guide for the effective, lawful, and human rights compliant policing of public assemblies. Intentional lethal use of firearms may only be made when strictly unavoidable to protect life; moreover, firearms must never be used for the management of public assemblies.⁴⁷

The use of force during a public assembly must be for a lawful law enforcement purpose. Force and firearms should only be used where non-violent means remain ineffective or without any promise of achieving the intended result and law enforcement officials must refrain from using force and firearms where the harm inflicted outweighs the benefits of the use of force i.e. the achievement of a legitimate objective.

Law enforcement officials shall avoid the use of force or restrict such force to the minimum extent necessary in dispersing assemblies that are unlawful but non-violent. When using force to respond to violence, law enforcement officials must distinguish between individuals engaged in violence and those who are not; the violence of a few individuals must not lead to a response that would treat the entire assembly as violent.⁴⁸

Governments and law enforcement agencies must develop “a range of means as broad as possible”, which “should include the development of non-lethal incapacitating weapons for use in appropriate situations”.⁴⁹ Furthermore, the development and deployment of less-lethal weapons must be “carefully evaluated in order to minimize the risk of endangering uninvolved persons”.⁵⁰

43 Any restrictions on the exercise of this right must be in conformity with the law and necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

44 UN Human Rights Committee (HRC), General comment No. 37 (2020) on the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para 2.

45 Amnesty International, Guidelines on Basic Principles, Guideline No.7.

46 Amnesty International, Guidelines on Basic Principles, p.149.

47 UN Basic Principles, Principle 9 and 14.

48 UN Basic Principles 12-14.

49 UN Basic Principles, Principle 2.

50 UN Basic Principles, Principle 3.

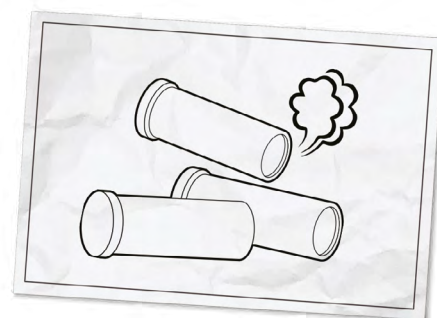
5. KEY FINDINGS

5.1 UNLAWFUL USE OF LESS LETHAL WEAPONS

During its investigation, Amnesty International found a pattern of unlawful use of less lethal weapons by Sri Lanka police in contravention of international standards and practices around the policing of public assemblies. This includes the unlawful use of tear gas, water cannon and batons.

5.1.1 TEAR GAS

Tear gas is a less lethal weapon that is regularly used by the police in response to protests in Sri Lanka. It has significant health risks - especially when used in large quantities, for prolonged periods or in confined spaces. In this section we look at the health impacts of tear gas and the incidents of unlawful use of tear gas by police.



HEALTH IMPACT OF TEAR GAS

The short-term health impacts of tear gas can involve breathing difficulties, including coughing, chemical burns, vomiting and allergic reactions.⁵¹ In the long term, there can be serious consequences, depending on underlying health conditions or the specific vulnerabilities of individuals. In addition, exposure to chemical irritants can lead to significant psychological symptoms and long-term disabilities. Children are more vulnerable to severe injuries because of exposure to tear gas.⁵²

Protesters told Amnesty International that, due to the use of tear gas, they had blurred vision, felt their skin burning, had difficulty breathing during protests, and suffered other physical and psychological harm.

One of the protesters, Gamika, explained to Amnesty International that, on 5 May 2022, during a protest in Battaramulla, “there were about five or six tear gas grenades that were thrown, with each breaking into three pieces”. He said that, as the police were using both water cannon and tear gas, “my stomach and whole body was burning, and I could not breathe. The heat in my body increased.”⁵³

PROTESTERS TOLD AMNESTY INTERNATIONAL THAT, DUE TO THE USE OF TEAR GAS, THEY HAD



**BLURRED
VISION**



**FELT THEIR
SKIN BURNING**



**DIFFICULTY BREATHING
DURING PROTEST**



**SUFFERED OTHER PHYSICAL
AND PSYCHOLOGICAL HARM**

⁵¹ UN Guidance on Less-Lethal Weapons, para. 7.3.5.

⁵² Amnesty International Netherlands – *An Amnesty International Position Paper*, 2021, <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>

⁵³ Interview with Gamika over secure communications platform, May 2023.

Arjuna told Amnesty International that on 9 July 2022 he was injured by police using tear gas about 400m away from the Presidential residence in Colombo. He described what happened:

“[A] CS tear gas canister knocked on my leg – it was a long tin like a Red Bull can. They fired tear gas into the crowds of people. I fell in the middle of this massive crowd of thousands of people – and the ambulance could not come directly to me because of the crowd. Finally, I was carried away, taken to hospital, and given oxygen. The nurse who cut my trousers which were full of tear gas burnt her hand. The doctors said I had a chemical injury, and they could not find what poison was in the wound. To this day I still have problems because of my injury.”⁵⁴

IMPACT ON BYSTANDERS INCLUDING CHILDREN

INCIDENTS IN 2022

In the instances described below the use of tear gas by police against protesters was unnecessary and reckless, posing unacceptable risks to bystanders.

On 5 May 2022, during a protest in Battaramulla, police recklessly fired tear gas across the main road into the nearby Diyatha Uyana Park, where there were bystanders, including children.⁵⁵ The park includes a children's play area, a walking track and a market in an open space, where tear gas could affect a wide area.⁵⁶ The discharge of tear gas must be “carefully measured, targeted and controlled”.⁵⁷ In this instance the excessive, generalized use of tear gas was disproportionate.

On 8 July 2022, several students organized a sit-in in Colombo, demanding the resignation of then President Gotabaya Rajapaksa and then Prime Minister Ranil Wickremesinghe over the economic crisis in the country.⁵⁸ About 3,000 police and paramilitaries were deployed around Colombo and a curfew was imposed.⁵⁹ People who were at the protest and those passing by that night were placed at risk of unnecessary harm by the reckless use of tear gas by police. Upeksha (name changed) told Amnesty International:

“Tear gas was used in an inhumane way. People who were travelling back home after work faced tear gas because there was continuous tear gas being fired. It was a small group of us but there were two water cannon and police used tear gas until people could not breathe. We went into a temple and used the utensils and water to wash the eyes of children.”⁶⁰

54 Interview with “Arjuna” over secure communications platform, 8 May 2023 (name has been changed to protect the interviewee's anonymity).

55 Facebook video, https://m.facebook.com/story.php?story_fbid=pfbid02hHWtPZMS5dhxno9aHrRnXY4Jprw1dUwMLcAd5qijkWGKKkEdkf47Cgzy4SKoeIWkl&id=537109459&mibextid=Nif5oz

56 UN Guidance on Less-Lethal Weapons), para. 7.3.3.

57 UN Basic Principles, para. 7, and Amnesty International, Guidelines on Basic Principles, guideline no. 3.

58 AP News, “Sri Lanka imposes curfew as cops fire tear gas at protesters”, 8 July 2022, <https://apnews.com/article/sri-lanka-colombo-ranil-wickremesinghe-government-and-politics-317aa1a797f747ee7dd83aafc203b3e2>

59 Reuters, “Sri Lanka police impose curfew, fire tear gas as unrest escalates”, 8 July 2022, <https://www.reuters.com/world/asia-pacific/sri-lanka-police-fire-tear-gas-water-cannon-students-protest-economic-meltdown-2022-07-08/>

60 Interview with “Upeksha” over secure communications platform, 10 May 2023 (name has been changed to protect the interviewee's anonymity).

INCIDENTS IN 2023

During the protests described below, police continued to use tear gas against protesters in an unnecessary and reckless manner, posing unacceptable risks to bystanders.

On 7 March 2023, the Inter-University Student's Federation (IUSF) organized a large-scale protest march in Colombo with students from universities across the island.⁶¹ There was a heavy presence of police and military personnel around Colombo before the protests began.⁶² The protest march started from near the Lipton Circus; in the vicinity of the University of Colombo, the police used tear gas and water cannon against the peaceful student protesters. In videos verified by Amnesty International, authorities mostly used handheld tear gas grenade launchers during the crackdown.

Protesters left the protest march and entered the university premises to seek refuge. After that, the police and the army fired tear gas into the university compound while the students and the staff were engaged in academic activities within the university. According to media reports, police entered the university premises and assaulted several protesters,⁶³ and a security officer died there after police used tear gas.⁶⁴ Videos also show a police officer recklessly kicking a tear gas grenade against student protesters on the main road outside the university.

Nalin told Amnesty International that he was not a part of the protest and was inside the university premises near the gate. Nalin said that he heard sounds from the road and saw protesters jumping over the gate running away from the road and into the university before suddenly losing consciousness.⁶⁵ Nalin was taken to the hospital after suffering a concussion caused by a tear gas canister hitting the back of his head.

Sahan, a student at the University, told Amnesty International:

***"I saw police firing tear gas into the university premises... Students and lecturers were affected by the tear gas, as the attacks happened suddenly, and no one had taken any precautions. Several students with disabilities including those who are vision impaired and the less mobile, suffered from the tear gas attack near the library."*⁶⁶**

On 8 March 2023, in breach of international guidelines, the police fired multiple rounds of tear gas in an area where there were primary schools. Several school children leaving school premises at the time were affected.⁶⁷ Law enforcement operations must give special consideration to young children who might be particularly susceptible to the toxins⁶⁸, given that tear gas tends to concentrate closer to the ground and their smaller body size concentrates toxic effects.⁶⁹ Amnesty International analysed 3 videos which showed children rubbing their eyes, coughing⁷⁰ and experiencing discomfort.⁷¹

61 NewsWire, "Traffic alert: IUSF major protest in Colombo", 7 March 2023, <https://www.newswire.lk/2023/03/07/traffic-alert-iusf-major-protest-in-colombo/>

62 Marisa De Silva, Tweet, 7 March 2023, <https://twitter.com/EmDeeS11/status/1633101029456609280>

63 The Morning, "School children affected by tear gas, water cannons during Colombo Uni protest", 9 March 2023, <https://www.themorning.lk/articles/K6ZeveXZu5Q90JLVYiJW>

64 The Island, "Ex-Armoured Corps NCO died after inhaling police tear gas", 17 March 2023, <https://island.lk/ex-armoured-corps-nco-died-after-inhaling-police-tear-gas/>

65 Interview with Nalin, Colombo, 31 May 2023 (name has been changed to protect the interviewee's anonymity).

66 Interview with Sahan, Colombo, 31 May 2023.

67 NewsWire, "School children caught in Police tear gas attack, 8 March 2023, <https://www.newswire.lk/2023/03/08/school-children-caught-in-police-tear-gas-attack-video/>

68 UN Guidance on Less-Lethal Weapons, para. 2.7.

69 Amnesty International, *Tear Gas platform*, <https://teargas.amnesty.org/#how-is-it-abused>

70 YouTube video, 8 March 2023 https://www.youtube.com/watch?v=VCTW80hVCvE&ab_channel=NewsCenter

71 Twitter/X video, 8 March 2023 <https://twitter.com/NewsWireLK/status/1633535727974895616>



Police presence during a protest in Colombo on 18 October 2022. © Manisha Gunaratne.

“Prolonged exposure to tear gas can result in unnecessary harm and severe health effects, including long-term effects such as eye and respiratory problems.”⁷²

Amnesty International verified video footage revealing that on the night of 8 March, police used a large quantity of tear gas and water cannon against students who were protesting outside the University of Kelaniya.⁷³ Sanjaya, a student leader involved in the protests, told Amnesty International that “[t]he general student was affected – those who were studying and those who were around campus – students seated on benches and those playing cricket and football.”⁷⁴ Use of tear gas in this manner is unlawful, and in breach of international standards which stipulate that all reasonable efforts should be made to limit the harm to bystanders when using less lethal weapons.⁷⁵ Law enforcement officials should always consider and minimize the impact on bystanders of their use of force.

LARGE QUANTITIES

Law enforcement officials may only use tear gas as is necessary and proportionate to achieve a legitimate law enforcement objective, namely dispersal in situations where there is widespread violence. Amnesty International is concerned by videos and witness testimonies of the police using tear gas repeatedly at the same spot or in large quantities during protests. International standards indicate that “prolonged exposure to chemical irritants should be avoided”.⁷⁶ Prolonged exposure to tear gas can result in unnecessary harm and severe health effects, including long-term effects such as eye and respiratory problems.

⁷² Amnesty International Netherlands – An Amnesty International Position Paper, 2021, <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>

⁷³ Facebook video, 8 March 2023, https://www.facebook.com/aragalayaafm/videos/174595918689149/?extid=CL-UNK-UNK-UNK-AN_GKOT-GK1C&mibextid=1Yhcl9R

⁷⁴ Interview with Sanjaya over secure communications platform, 16 May 2023.

⁷⁵ General Comment 37, para. 87.

⁷⁶ UN Guidance on Less-Lethal Weapons, para. 7.3.5.

On 13 July 2022, hundreds of protesters gathered near then Prime Minister Ranil Wickremesinghe's office in Colombo demanding his resignation over the economic crisis.⁷⁷ Records show that 944 tear gas grenades were used by police against protesters on that day.⁷⁸ At least 30 people who had sustained injuries⁷⁹ were admitted to hospital.⁸⁰ One protester was reported dead.⁸¹ Protesters took over the office after several hours of protests.⁸² Vimukthi, a female protester told Amnesty International that "there was a huge crowd, and tear gas canisters fell close by. There was smoke, my face was burning, and I could not breathe."⁸³

13 JULY 2022

HUNDREDS OF PROTESTERS GATHERED NEAR THEN PRIME MINISTER RANIL WICKREMESINGHE'S OFFICE IN COLOMBO DEMANDING HIS RESIGNATION OVER THE ECONOMIC CRISIS

944

TEAR GAS GRENADES WERE USED BY POLICE

AT LEAST

30

INJURED AND HOSPITALISED

1

PROTESTER REPORTED DEAD

Upeksha told Amnesty International that, on 13 July 2022, she experienced several rounds of tear gas being fired by the police. She said:

"They did not care where they were firing tear gas. My skin was burning, and my eyes and breathing were affected. The army was covering all sides and water cannon were brought as well... so people gathered in the middle of the road in a crowd... and they fired tear gas into the middle of the crowd in several quick shots... there was the smell of skin burning... my eyesight was affected for months after. They were pulling women by their hair and putting them on the ground. They were angry. It was if they were punishing protesters rather than doing their duty."⁸⁴

77 NewsWire, "Watch Live: Protest currently underway in Flower Road, Colombo", 13 July 2022, <https://www.newswire.lk/2022/07/13/watch-live-protest-currently-underway-in-flower-road-colombo/>

78 Centre for Society and Religion report, *Tear Gas – Tears of Twenty Million*, 8 March 2023, reported in the Daily Mirror, "Independent investigation report on use of tear gas released tear gas used by police during Aragalaya expired 17 years ago", 8 March 2023, https://www.dailymirror.lk/front_page/independent-investigation-report-on-use-of-tear-gas-released-tear-gas-used-by-police-during-aragalaya-expired-17-years-ago/238-255411

79 Talk with Lal, "Blood near Ranil's secretariat", 13 July 2022, <https://www.youtube.com/watch?v=CoHL-pVfFFM>

80 CNN, "Sri Lanka: Protesters storm prime minister's office, as president flees country without resigning", 12 July 2022, <https://edition.cnn.com/2022/07/12/asia/sri-lanka-crisis-gotabaya-rajapaksa-airport-intl/index.html>

81 Amnesty International, "Sri Lanka authorities must refrain from use of military to police protests", 14 July 2022, <https://www.amnesty.org/en/latest/news/2022/07/sri-lanka-authorities-must-refrain-from-use-of-military-to-police-protests/>

82 DTNEXT, "Watch: Protesters take over office of Sri Lankan Prime Minister", 13 July 2022, <https://www.dtnext.in/world/2022/07/13/watch-protesters-take-over-office-of-sri-lankan-prime-minister>

83 Interview with Vimukthi, Colombo, 19 May 2023.

84 Interview with Upeksha over secure communications platform, 11 May 2023 (name has been changed to protect the interviewee's anonymity).

USE OF TEAR GAS BEHIND PROTESTERS AND DURING DISPERSAL

Video footage verified by Amnesty International, showed that, on 3 April 2022 in Kandy and 5 May 2022 in Battaramulla, police used tear gas behind largely peaceful protesters and even after protesters had dispersed. According to international standards, wide-area chemical irritants may only be used where violence is so widespread that it is not possible for law enforcement officials to deal only with individuals engaged in it.⁸⁵ The use of tear gas must stop when people start to disperse.⁸⁶

On 3 April 2022, hundreds of students defied a curfew during a state of emergency and marched out of the University of Peradeniya, calling for the resignation of then President Gotabaya Rajapaksa.⁸⁷ There was a heavy police presence, including Special Task Force (STF) personnel in the area, and the police had set up barricades to prevent the student procession from moving forward.⁸⁸ Students attempted to remove the barricades set up by the police, and police fired tear gas grenades behind the protesters, including after they were dispersing. In the verified videos analysed by Amnesty International, as protesters tried to remove the police barricades, police also threw tear gas into the middle of a crowd,⁸⁹ ignoring the specific risks of chemical irritants used against a crowd, including the possibility of triggering a stampede.⁹⁰

On 5 May 2022, the IUSF led a march from near the University of Sri Jayewardenepura to Parliament, where hundreds of students started a sit-in.⁹¹ Video footage verified by Amnesty International shows that police used water cannon and tear gas against the protesters⁹² when protesters were already dispersing.⁹³

"Tear gas is one of their first methods to stop peaceful protests, but they have not done any testing. We don't know the effect of chemicals in the tear gas and how it will affect people after several years. Police officers are also vulnerable to tear gas."⁹⁴

Suren Perera, Attorney at Law and researcher with the Centre for Society and Religion

85 Chemical Irritants in *Law Enforcement – An Amnesty International Position Paper*, 2021, <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>

86 Amnesty International, Guidelines on Basic Principles, guideline 7 Amnesty International Netherlands, *Chemical Irritants in Law Enforcement – An Amnesty International Position Paper*, 2021 (previously cited).

87 Al Jazeera, "Police fire tear gas as Sri Lanka protesters defy curfew", 3 April 2022, <https://www.aljazeera.com/news/2022/4/3/protesters-rally-in-sri-lanka-despite-curfew-social-media-curbs>

88 NewsFirst, "Tear Gas and Water Cannons to disperse student protest in Peradeniya", 3 April 2022, <https://www.newsfirst.lk/2022/04/03/tear-gas-water-cannons-to-disperse-student-protest-in-peradeniya/>

89 Facebook video, "Tear gas fired on IUSF protest near Parliament", 5 May 2022, https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN_GKOT-GK1C&mibextid=1Yhcl9R&v=386766149997051

90 UN Guidance on Less-Lethal Weapons, para. 7.3.3.

91 Reuters, "Sri Lanka president declares state of emergency after day of protests", 6 May 2022, <https://www.reuters.com/world/asia-pacific/anti-government-protest-strike-sri-lanka-shuts-schools-businesses-2022-05-06/>

92 AP News, "Sri Lankan police uses tear gas on protesters near Parliament", 6 May 2022, <https://apnews.com/article/business-sri-lanka-foreign-debt-3aab8f409966988f85ca2980dfbe692d>

93 *Times of India*, "Sri Lanka police fires tear gas on university students protesting outside Parliament", 5 May 2022, <https://timesofindia.indiatimes.com/world/south-asia/sri-lanka-police-fires-tear-gas-on-university-students-protesting-outside-parliament/articleshow/91354810.cms>

94 Interview with Suren over secure communications platform, 18 May 2023.

PROCUREMENT OF TEAR GAS

In 2023, the Centre for Society and Religion (CSR) investigations unit in Colombo released a report on the procurement and use of tear gas by police over the past 10 years.⁹⁵ Information was acquired through Right to Information (RTI) requests and interviews with trusted sources. The investigation revealed that in 2012, 2017, 2019 and 2020, Sri Lanka purchased 20,000, 5,000, 15,000 and 5,000 tear gas hand grenades and cartridges respectively.⁹⁶

The CSR investigation led by journalist Tharindu Jayawardena, also asserted that, in 2016, 2019 and 2020, no testing of samples were carried out before the tear gas was purchased.⁹⁷ This CSR investigation found that there was no member with special knowledge of tear gas appointed to the relevant technical evaluation committees, and, in some purchases, the manufacturer did not provide the chemical composition of the tear gas.⁹⁸ International standards indicate that chemical irritants containing hazardous levels of active agents shall not be used, and law enforcement agencies should use irritants with the lowest level of toxicity that is still likely to be effective.⁹⁹

Suren Perera, lawyer and researcher with the Centre for Society and Religion,¹⁰⁰ told Amnesty International, that police have not carried out sufficient research into the use of tear gas. He said, “Tear gas is one of their first methods to stop peaceful protests, but they have not done any testing. We don’t know the effect of chemicals in the tear gas and how it will affect people after several years. Police officers are also vulnerable to tear gas.”¹⁰¹

International standards indicate that, prior to procurement of less lethal weapons, a legal review must be carried out to determine whether this would be prohibited by any rule of international or domestic law. As part of the legal review, testing should be conducted independently of the manufacturer, based on “impartial legal, technical, medical and scientific expertise and evidence”.¹⁰² Less lethal weapons which present a risk of loss of life or serious injury should not be authorized for procurement or deployment.¹⁰³

CORPORATE ACCOUNTABILITY

The documents obtained from the police by the CSR following the RTI requests, also indicate that a South Korean company, Korea CNO Tech Co Ltd, supplied 5,000 37/38mm CS Tear Gas cartridges (model no. CCS-40C-38) in 2017.¹⁰⁴ The tear gas was supplied through its local agent Securatec Lanka (Pvt) Ltd, for US\$ 57,500.00.¹⁰⁵

95 Centre for Society and Religion report, *Tear Gas – Tears of Twenty Million*, 8 March 2023 (previously cited).

96 The Morning, “A tale of expired and injurious tears”, <https://www.themorning.lk/articles/PBzDwflXtoaqd1LpWtpW>

97 Centre for Society and Religion report, *Tear Gas – Tears of Twenty Million*, 8 March 2023 (previously cited). Reported by: NewsFirst, “Sri Lanka using expired tear gas on protests?” 10 March 2023 (previously cited) and *The Sunday Times*, “Rs. 27m spent for tear gas to quell Aragalaya and other protesters in 3 months last year”, 12 March 2023, <https://www.sundaytimes.lk/230312/news/rs-27m-spent-for-teargas-to-quell-aragalaya-and-other-protesters-in-3-months-last-year-514481.html>

98 Centre for Society and Religion, *Tear Gas – Tears of Twenty Million Report*, 8 March 2023 (previously cited).

99 UN Guidance on Less-Lethal Weapons, para. 7.3.8,

100 Centre for Society and Religion (CSR), http://omicolombo.lk/missions/ipic_and_interreligious/ipic_csr.php

101 Interview with Suren over secure communications platform, 18 May 2023.

102 UN Guidance on Less-Lethal Weapons, para. 4.2.2,

103 UN Guidance on Less-Lethal Weapons, para. 4.2.3,

104 This was also confirmed through data obtained from Omega Research Foundation/World Without War (South Korea).

105 Centre for Society and Religion, *Tear Gas – Tears of Twenty Million Report*, 8 March 2023 (previously cited).

In 2023, Amnesty International had verified footage and obtained photos showing police using CNO Tech tear gas grenades to suppress protests in Iran, Sri Lanka, and Peru. According to the trade data obtained by World Without War and the Omega Research Foundation, Sri Lanka imported at least 5,000 tear gas grenades from CNO Tech in 2019.¹⁰⁶

Companies that manufacture and supply tear gas have a responsibility to respect all human rights and should not be exporting to abusive police forces. Companies must avoid causing or contributing to human rights abuses through their own business activities, and must seek to prevent or mitigate adverse human rights impacts directly linked to their operations or services by their business relationships, even if they have not contributed to those impacts.¹⁰⁷ Companies exporting equipment that can be misused by police forces must apply human rights due diligence before proceeding with the sale. If companies have information that their products are being misused or become aware that the sale is to a country with a poor record of compliance with international human rights law and use of force principles and they cannot prevent or mitigate potential adverse human rights impacts of the use of their products then the company must suspend or cease supplying in a responsible manner.¹⁰⁸

5.1.2 WATER CANNON

Water cannon are high-pressure pumping systems designed to shoot jets of water at people. These less lethal weapons can affect the health of individuals but are regularly used by the police in response to protests in Sri Lanka.



IMPACT ON PROTESTERS

Family members of the forcibly disappeared,¹⁰⁹ who protested on 15

January 2023, spoke to Amnesty International and described the injuries they suffered when police used water cannon against them. They marched towards Nallur Kovil in Jaffna, where President Ranil Wickremesinghe was attending the Thai Pongal religious events.¹¹⁰ Protesters said that President Wickremesinghe had said years earlier, while he was Prime Minister, that those who were disappeared after the end of the armed conflict were “most probably dead”,¹¹¹ however he was now attending religious events in the area.

106 Amnesty International, The Repression Trade, <https://www.amnesty.org/en/latest/research/2023/10/repression-trade/>

107 UN OHCHR, UN Guiding Principles on Business and Human Rights, Principle 13, https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

108 Amnesty International, The Repression Trade, <https://www.amnesty.org/en/latest/research/2023/10/repression-trade/>

109 Amnesty International, “Sri Lanka: Fulfil the demands of the families of the disappeared”, 14 February 2020, <https://www.amnesty.org/en/latest/news/2020/02/sldisappearedfeb142020/>

110 World Socialist Web Site, “Hundreds protest against Sri Lankan president’s visit to Jaffna”, 16 January 2023, <https://www.wsws.org/en/articles/2023/01/17/xtrp-j17.html>

111 *Tamil Guardian*, “Missing and disappeared persons most likely dead says Sri Lanka prime minister”, 25 January 2016, <https://www.tamilguardian.com/content/missing-and-disappeared-persons-most-likely-dead-says-sri-lanka-prime-minister>



Screenshot from the video posted by Tamil Guardian of police firing water cannon at peaceful protesters on 15 January 2023

Buses from Kilinochchi, Mullaitivu and Vavuniya carrying Tamil families of the disappeared traveling to the protest sites were stopped and questioned by the Sri Lankan police. They also took down the personal details of all the bus drivers and those on the buses.¹¹²

Protesters demanded that the government “give back our missing people”, “release all Tamil political prisoners”, and “return military-occupied land”.¹¹³ Members of the STF and the police erected barricades to prevent the protesters from moving forwards. Subsequently, police used water cannon against largely peaceful protesters in the north for the first time in 2023.¹¹⁴

Devika, whose husband was forcibly disappeared 15 years ago after the end of the internal armed conflict, told Amnesty International, “[President] Ranil said that those who are disappeared are dead some years ago and now he is coming to Jaffna to celebrate Pongal. We want answers about those who were disappeared.” She described being stopped by the police during the procession and getting caught between the barricades police had set up on the road. Afterwards, she said, “they suddenly used water cannon and kept changing the direction of the jets to target the protesters who were moving around. The jet came on my face, and I was hit badly in the eye. My eye swelled and I blacked out.”¹¹⁵ Water cannon in high pressure mode should only be used where there is widespread violence and violent individuals only cannot be targeted. Water cannon can never be used to target the heads of protesters.¹¹⁶

112 Civicus Monitor, “Authorities continue to crack down on protests and detain online critics in Sri Lanka, despite UN human rights review”, 17 February 2023 (previously cited).

113 World Socialist Web Site, “Hundreds protest against Sri Lankan president’s visit to Jaffna”, 16 January 2023, <https://www.wsws.org/en/articles/2023/01/17/xtrp-j17.html>

114 *Tamil Guardian*, “Sri Lankan police use water cannons to disperse Tamil protesters in Jaffna”, 15 January 2023, <https://www.tamilguardian.com/content/sri-lankan-police-use-water-cannons-disperse-tamil-protesters-jaffna>

115 Interview with Devika (name has been changed to protect the interviewee’s anonymity), Northern Province, June 2023.

116 Amnesty International, Less-lethal weapons: Water Cannons, <https://www.amnesty.nl/content/uploads/2024/01/Water-cannon.pdf?x89410>

Divya, whose son was also forcibly disappeared 15 years ago, told Amnesty International that, at the same protest on 15 January 2023:

“Police used water cannon directly at us. There was no warning, and the water was very hot. For the force of the jet my spectacles got thrown off my face. Their motive is to completely curb our protest. We have not celebrated anything in this house for 14 years; I look at the photo of my son on the phone and cry and ask him, where are you and why aren’t you looking for me?”¹¹⁷

Protesters also described the climate of fear and intimidation within which the protests are organized.

Anushka, another parent whose son was disappeared 15 years ago, after the end of the internal armed conflict, told Amnesty International:

“The Criminal Investigation Department officers are always at protest sites taking photos and videos of us and trying to stop us and ask questions. In January 2023, [at the protest] my hair was pulled, and I was pushed and manhandled. I was pushed around so much that I was caught between the iron barriers. There was no warning before the use of water cannon and the water was boiling hot. I wonder if something was mixed with the water because I was blinded and could not see. When the jets kept coming, I put my head down and was in so much pain when the jet hit my shoulders and back.”¹¹⁸

Lakshmi, whose husband was disappeared 15 years ago, told Amnesty International that, at many protests, police officers gather close to the protesters and prevented the media from recording harassment. She says:

“We only carried our phones, but they had their batons and pistols. The jets of the water cannon were so powerful that for 15-20 days after, I still had body pain. The water was hot. From 2009 we have had solid demands but there has been continuous surveillance and intimidation over the last 14 years. We are tired, getting weaker, mentally drained and feeling more hopeless.”¹¹⁹

117 Interview with Divya (name has been changed to protect the interviewee’s anonymity), Northern Province, June 2023.

118 Interview with Anushka (name has been changed to protect the interviewee’s anonymity), Northern Province, June 2023.

119 Interview with Lakshmi (name has been changed to protect the interviewee’s anonymity), Northern Province, June 2023.

Police targeted water cannon directly at protesters on 15 January 2023 without issuing warnings, in breach of international guidelines.¹²⁰ The Sri Lankan state has an obligation under international law to facilitate peaceful assemblies and provide an enabling environment for the exercise of the right of peaceful assembly without discrimination.¹²¹ This includes stipulating that “law enforcement officials should seek to de-escalate situations that may result in violence”,¹²² and that “any force used should be directed against a specific individual or group engaged in or threatening violence.”¹²³ In this instance, the police arbitrarily stopping the protest march from moving forward, and harassing and intimidating mothers and families of the disappeared who posed no threat to the police, is a breach of obligations under international law.

UNNECESSARY USE

Video footage verified by Amnesty International, and the experiences described by people on the protests, revealed a pattern of water cannon jets being used at close range against peaceful protesters. Water cannon can only be used in “situations of serious public disorder where there is a significant likelihood of loss of life or serious injury” – however in many instances police did not comply with this international standard.¹²⁴ Police also used water cannon to target jets of water at individuals at short range, in breach of international standards.¹²⁵ Some of these situations, which occurred in 2022 and 2023, are described below.

INCIDENTS IN 2022

On 28 May 2022, thousands of protesters marched in Colombo to mark the 50-day anniversary of the beginning of the *Aragalaya* against the government.¹²⁶ According to a newspaper report, protesters tried to enter a street near the World Trade Centre and remove the barricades.¹²⁷ Chintaka Rajapakse, a human rights defender and moderator of the Movement for Land and Agricultural Reform, who was also part of the protests,¹²⁸ told Amnesty International, “There were large numbers of police, army, and security forces. We experienced serious quantities of tear gas and large-scale deployment of water cannon near the World Trade Centre... whoever was in the front would face the water cannon and be pushed and assaulted with batons.”¹²⁹

120 UN Guidance on Less-Lethal Weapons, 7.7.4.

121 UN Human Rights Committee, General Comment 37, The Right of Peaceful Assembly (Article 21 of the ICCPR), UN Doc. CCPR/C/GC/R.37 (General Comment 37), para. 24.

122 General Comment 37 para. 78.

123 General Comment 37 para. 86.

124 UN Guidance on Less-Lethal Weapons, para. 7.7.2.

125 UN Guidance on Less-Lethal Weapons, para. 7.7.4.

126 *The Hindu*, “Thousands take out rally in Colombo to mark 50th day of anti-government protests”, 28 May 2022, <https://www.thehindubusinessline.com/news/world/thousands-take-out-rally-in-colombo-to-mark-50thday-of-anti-government-protests/article65471103.ece>

127 ColomboPage, “Sri Lanka: Police fire tear gas to disperse Galle Face protesters”, 28 May 2022, http://www.colombopage.com/archive_22A/May28_1653761072CH.php

128 Front Line Defenders, “Human Rights defender Chintaka Rajapakse released on bail”, <https://www.frontlinedefenders.org/en/case/human-rights-defender-chintaka-rajapakse-released-bail>

129 Interview with Chintaka Rajapakse, Colombo, 1 June 2023.



Shehan, from the artists movement, playing his drum during a protest by the Inter-University Students Federation in Colombo on 18 August 2022. © Manisha Gunaratne.

Amnesty International verified video footage of the police recklessly using water cannon on 29 May 2022 against student protesters,¹³⁰ in an uncontrolled manner, and targeting them at close range.¹³¹

Video footage verified by Amnesty International shows that police also aimed the water cannon jet at a protester positioned on someone else's shoulders.¹³² This is a clear breach of international standards, which state that "water cannon should not be used against persons in elevated positions, where there is a risk of significant secondary injury."¹³³

On 18 August 2022, members of the IUSF staged a protest in Colombo. Police used water cannon and tear gas in an unnecessary manner against peaceful students, including those from the artists movement.¹³⁴

Shehan, and Jehan, from the artists movement, which was part of the protest, described their experiences of the police using water cannon while they were walking at the front of the protest playing their instruments.

¹³⁰ The Morning, "Protesters tear-gassed on Saturday, Sunday near WTC", 29 May 2022, <https://www.themorning.lk/articles/204893>

¹³¹ YouTube video, 28 May 2022, "University students protest tear-gassed", https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=1Yhcl9R&v=586780022637888

¹³² Newsfirst.lk Facebook video, "Tear Gas and Water Cannons fired at Medical Students near the World Trade Centre in Colombo", 29 May 2022, https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=1Yhcl9R&v=1638707686486833

¹³³ UN Guidance on Less-Lethal Weapons, para. 7.7.3.

¹³⁴ Civicus Monitor, "Sri Lankan President continues crackdown on activists and protesters, including use of anti-terror law", 25 August 2022, <https://monitor.civicus.org/explore/sri-lankan-president-continues-crackdown-activists-and-protesters-including-use-anti-terror-law/>

Jehan, told Amnesty International that “there was no warning before police used water cannon and tear gas. Our possessions and instruments were all wet after police used water cannon”. He added, “However much we carry out peaceful protests, it’s not relevant to them that the Constitution allows for protests.”¹³⁵

On 30 August 2022, students came together in Colombo to protest the arrests of members of the IUSF at previous protests, and the use of the draconian Prevention of Terrorism Act No. 48 of 1979 to detain Wasantha Mudalige, the IUSF convener, Hashantha Jeewantha Gunathilake, a member of the Kelaniya University Students’ Union and Galwewa Siridhamma Thero, the convener of the Inter University Bhikkus’ Federation.^{136 137}

Video footage of the protest shows how police used water cannon against peaceful protesters at close range,¹³⁸ and continuously aimed water jets at protesters who were dispersing, which constitutes unlawful and unnecessary use of force, in breach of international standards.

INCIDENTS IN 2023

On 7 March 2023, at a protest in Colombo, custom water cannon trucks, were observed in videos verified by Amnesty International.^{139 140}

On 8 March 2023, police used tear gas and water cannon against university teachers and the IUSF, who had organized a protest condemning the incidents that had occurred on the previous day.¹⁴¹
¹⁴² In the four videos analysed, protesters appear peaceful and were sitting in the streets when the water cannon was fired at them. Police officers also seem to be kicking protesters who are walking peacefully.¹⁴³ Video footage verified by Amnesty International showed the use of tear gas grenades and a custom water cannon truck.¹⁴⁴ The army was equipped with Type 56-2 assault rifles, lethal weapons that have no lawful use in the policing of protests.

On 7 June 2023, students protesting in Colombo for the release of activists arrested in previous protests in 2022, faced multiple rounds of tear gas and heavy deployment of water cannon by the police.¹⁴⁵ Videos show that police fired water cannon directly against peaceful protesters who did not pose any threat to them.¹⁴⁶ Police also fired a water cannon directly at a journalist reporting live from the protest.¹⁴⁷ There were clear and visible signs of the camera and other media gear.

135 Interview in person with Jehan, Colombo, 20 June 2023.

136 Amnesty International, “Sri Lanka: Drop terror charges against student leaders detained for 90 days”, 16 November 2022, <https://www.amnesty.org/en/latest/news/2022/11/sri-lanka-drop-terror-charges-against-student-leaders-detained-for-90-days/>

137 Civicus Monitor, “Sri Lankan President continues crackdown on activists and protesters, including use of anti-terror law”, 25 August 2022 (previously cited).

138 Voice of America YouTube video, “Sri Lanka Police Fire Tear Gas, Water Cannons to Disperse Protesters”, 30 August 2022, YouTube <https://www.youtube.com/watch?v=QiPPty3-BVE>

139 See YouTube video, 07 March 2023 https://www.youtube.com/watch?v=GiL_R28-Rx4&ab_channel=VFMRADIO107

140 See YouTube video, 07 March 2023 https://www.youtube.com/watch?v=z4kJJVQ5jBE&ab_channel=WION

141 *Daily News*, “Protesters near Colombo tear gassed”, 8 March 2023, <https://www.dailynews.lk/2023/03/08/local/298914/protestors-near-colombo-university-tear-gassed-police>

142 The Morning, “School children affected by tear gas, water cannons during Colombo Uni protest”, 9 March 2023, <https://www.themorning.lk/articles/K6ZeveXZu5Q9OJLVYiJW>

143 Facebook video, 8 March 2023, https://www.facebook.com/watch/live/?mibextid=NnVzG8&ref=watch_permalink&v=602490411895531

144 Facebook video, 8 March 2023 https://www.facebook.com/watch/live/?mibextid=NnVzG8&ref=watch_permalink&v=156111900638654

145 Al Jazeera, “Tear gas, water cannon fired on protesting Sri Lankan students”, 7 June 2023, <https://www.aljazeera.com/news/2023/6/7/tear-gas-water-cannon-fired-on-protesting-sri-lankan-students>

146 See Twitter/X video, 7 June 2023 <https://twitter.com/BasnayakeM/status/1666432839972425728?t=fl2gi0BE-QIhm2J1bUcKIA&s=08>

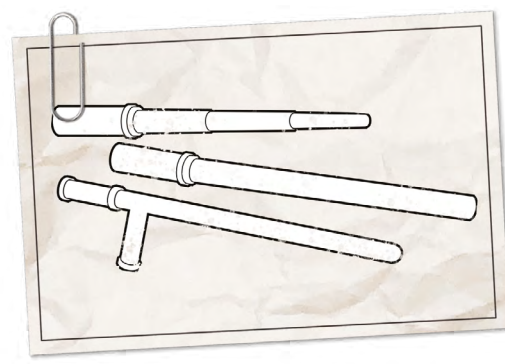
147 Newswire, “WATCH: Al Jazeera journalist hit by water cannon during IUSF protest”, 7 June 2023, <https://www.newswire.lk/2023/06/08/watch-al-jazeera-journalist-hit-by-water-cannon-during-iusf-protest/>



Police presence during a protest by the Inter-University Students Federation, including the artists movement, in Colombo on 18 August 2022. © Manisha Gunaratne.

5.1.3 BATONS

In several instances, the pattern of unlawful use of tear gas and water cannon by police was accompanied by an unnecessary use of batons. International standards indicate that “batons shall not be used against a person who is neither engaged in nor threatening violent behaviour; such use is likely to amount to cruel, inhuman or degrading treatment, or even torture.”¹⁴⁸



On 19 April 2022, several police officers were filmed dragging and striking a compliant, non-threatening individual with a baton following protests in Rambukkana where the police used lethal ammunition against protesters, unlawfully killing one person.^{149 150}

¹⁴⁸ UN Guidance on Less-Lethal Weapons, para. 7.1.5.

¹⁴⁹ *Daily Mirror*, Facebook video, “More videos from Rambukkana protest clash”, 19 April 2022, https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN_GKOT-GK1C&mibextid=1YhcI9R&v=1007535856635776

¹⁵⁰ Human Rights Commission of Sri Lanka, *Final report of the committee of experts appointed by the Human Rights commission of Sri Lanka to investigate the incidents that took place in Rambukkana on 19 April 2022*, 18 April 2023, <https://www.hrcsl.lk/wp-content/uploads/2023/04/HRCsl-recommendation-about-Rambukkana-incident-on-19th-April-2022.pdf>

On 6 May 2022, several police officers were filmed dragging, hitting, and kicking a compliant individual on the ground.¹⁵¹ The infliction of severe physical pain by police officers against this unarmed individual for being part of the protest may amount to torture, which is a breach of international law.

On 18 August 2022, video footage verified by Amnesty International shows heavily armed police officers chasing students for more than 2km, firing water cannon and tear gas, and beating and dragging protesters into police vehicles.¹⁵² There are also media reports of police stopping and searching buses for students to detain them.¹⁵³

Also on 30 August, in video footage verified by Amnesty International police chased and assaulted student protesters who were already dispersing after the use of tear gas and water cannons¹⁵⁴. This included female protesters being dragged along the street.

5.1.4 COMBINED USE OF WATER CANNON, TEAR GAS AND BATONS

Amnesty International's investigation found that Sri Lankan police have used both water cannon and tear gas against peaceful protesters at close range deploying them from the direction in which peaceful protesters were supposed to disperse in breach of international standards and best practices.

On 3 February 2023 the protesters of the *Aragalaya* movement that had led the anti-government protests in 2022 held a *Satyagraha*, a peaceful protest, against the use of public funds to commemorate the 75th National Independence Day while there was an economic crisis with medical shortages, malnutrition, and poverty.¹⁵⁵ Videos verified by Amnesty International show the combined use of water cannon and tear gas against protesters,¹⁵⁶ who were sitting peacefully,¹⁵⁷ without giving them sufficient time and opportunity to disperse.

Melani, one of the protesters, described the events to Amnesty International:

“We were sitting down singing. There were lecturers, lawyers, professionals, and little children there. We saw a group of men walking closer to us and saying we don’t need Aragalaya. The police allowed them to come close enough to us that they could start pushing and hitting people. These guys were pushing us from the left-hand side and the police started pushing us from the right-hand side. People started falling because they were being pushed from both sides. The riot control unit was pushing us with their shields. Some protesters got up to defend themselves, but I remained seated.” ¹⁵⁸

151 NewsFirst, “Assault on protester”, 6 May 2023, <https://fb.watch/m00fbUp4j/?mibextid=Nif5oz>

152 Facebook video. https://m.facebook.com/story.php?story_fbid=pfbid02wtEEec3jAM8CfkjBaJojM8zJcAQN4DSt3QgcWrAdEg9xJNsLUZQ4sTdFcb27ALscl&id=706808828&mibextid=9R9pXQ

153 World Socialist Web Site, “Sri Lankan government unleashes brutal police attack on student demonstration”, 18 August 2022, <https://www.wsws.org/en/articles/2022/08/19/gvix-a19.html>

154 Instagram post, Melani Gunathilake, <https://www.instagram.com/reel/ChZhwdUjEcS/?igshid=MTc4MmM1YmI2Ng==>

155 DW, “Sri Lanka: Anger at government over independence celebration”, 2 March 2023, <https://www.dw.com/en/sri-lanka-anger-at-government-over-independence-celebration/a-64606252>

156 Twitter/X video, 3 February 2023 <https://twitter.com/BasnayakeM/status/1666432839972425728?t=fL2gi0BE-Qlhm2J1bUcKIA&s=08>

157 Twitter/X video, 3 February 2023 <https://twitter.com/NewsfirstSL/status/1621583196994273280>

158 Interview with Melani Gunathilake, Maharagama, 6 April 2023.



Screenshot from the video posted by Xposure News Media of police firing water cannon at peaceful protesters on 3 February 2023.

Melani continued:

“While sitting down, I turned to the other side, as water cannon were suddenly fired. I was hit by the water cannon in the back and went sliding down and hit the gate. I got up and held on to the gate... there was constant firing of jets. Suddenly, I saw a tear gas canister near me and got the smell of tear gas mixed with water. For a few seconds I could not focus; I lost sense of where I was and what I was doing. It was as if my eyes and nose were burning and my whole system was on fire. Everything was blurry.”¹⁵⁹

Videos show how police used tear gas within seconds of and while using water cannon against protesters.¹⁶⁰ The videos also show how police used water cannon at close range against protesters and where protesters were pressed against walls and gates, creating a risk of head injuries, in breach of international guidelines.¹⁶¹

¹⁵⁹ Interview with Melani Gunathilaka, Maharagama, 6 April 2023.

¹⁶⁰ Facebook video, 3 February 2023 https://www.facebook.com/Xposurenews/videos/1544123849333331/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=1Yhcl9R&ref=sharing

¹⁶¹ Ibid

Dabare, a protester and one of the organizers of the occupy protest site, told Amnesty International:

“We were sitting down peacefully. The water cannon were fired directly onto the protesters. It was not clean water. From up close that was a lot of pressure coming directly on to our bodies.”¹⁶²

Thilina, a journalist, and protester told Amnesty International that police also used batons against them. He said: “After they used water cannon and tear gas on us, they pursued us and beat us as we were dispersing. I was hit with a baton on my back.”¹⁶³ According to UN guidelines, police should not use batons to disperse peaceful protesters and “should avoid baton strikes to sensitive areas of the body, such as the head, neck and throat, spine, kidneys and abdomen”.¹⁶⁴

In the early hours of 4 February 2023, after the events of the night before, police in steel helmets and full anti-riot gear chased protesters down nearby streets and alleyways and assaulted them.¹⁶⁵ There was no reason to use batons against protesters who had already dispersed or were dispersing.

In a video analysed by Amnesty International, police are seen entering an alleyway away from the protest site, and assaulting and dragging away a person who was not threatening anyone nor visibly armed.¹⁶⁶ Police then proceeded to threaten and intimidate the journalist filming the incident.¹⁶⁷ Amnesty International is unable to confirm whether there has been any investigation into this incident.

On 26 February 2023, National People's Power (NPP), a political alliance consisting of 28 political parties and other organisations in Sri Lanka, held a rally against the announcement by the Election Commission of an indefinite postponement of local government elections.¹⁶⁸ The police used water cannon and tear gas against peaceful protesters,¹⁶⁹ and the media reported one death and 29 people being injured.¹⁷⁰ Video footage verified by Amnesty International showed that protesters were in a dense crowd in a confined space, with no way to disperse or escape, and that police also used water cannon at short range, in breach of international standards and guidelines. The HRC initiated an investigation into the incident and ordered the Inspector General of Police (IGP) to submit a report.¹⁷¹ Amnesty International is unable to confirm the status of this investigation.

¹⁶² Interview with Dabare, Colombo, 3 May 2023.

¹⁶³ Interview with Thilina, Colombo, 23 May 2023.

¹⁶⁴ UN Guidance on Less-Lethal Weapons, para. 7.1.5, https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/LLW_Guidance.pdf

¹⁶⁵ NewsFirst, “Police attack peaceful protesters in Colombo protesting government’s lavish Independence Day gala”, 4 February 2023, <https://english.newsfirst.lk/2023/2/4/police-attack-peaceful-protesters-in-colombo-protesting-government-s-lavish-independence-day-gala>

¹⁶⁶ Twitter/X video, 4 February 2023, <https://twitter.com/Welikumbura/status/1621604181474959360?t=E1p780bWVM6TmFWqUH4ihg&s=08>

¹⁶⁷ Twitter/X video, 4 February 2023. <https://twitter.com/Welikumbura/status/1621604181474959360?t=E1p780bWVM6TmFWqUH4ihg&s=08>

¹⁶⁸ Asian Network for Free Elections, “Statement on the reported death during the local government elections 2023”, February 2023, <https://anfreel.org/statement-on-the-reported-death-during-the-local-government-elections-2023/>

¹⁶⁹ Amnesty International, “Sri Lanka: Authorities must exercise restraint in use of force and facilitate the right to peaceful assembly”, 27 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/sri-lanka-authorities-must-exercise-restraint-in-use-of-force-and-facilitate-the-right-to-peaceful-assembly/>

¹⁷⁰ Ada Derana, 7 February 2023, “NPP candidate injured during protest dies in hospital”, <https://www.adaderana.lk/news.php?nid=88703>

¹⁷¹ Asian Network for Free Elections, “Statement on the reported death during the local government elections 2023”, February 2023 (previously cited).

4 FEB 2023

POLICE IN STEEL HELMETS AND FULL ANTI-RIOT GEAR

CHASED PROTESTERS DOWN NEARBY STREETS
AND ALLEYWAYS AND ASSAULTED THEM



5.2 OBSTRUCTION, SURVEILLANCE, AND INTIMIDATION OF PROTESTS

In its investigation Amnesty International also found the Sri Lanka police to have used tactics of obstruction, surveillance, and intimidation of protests, creating a chilling effect on the right to freedom of peaceful assembly.

The positive duty of the police to facilitate and protect peaceful assemblies and enable people to exercise their right to peaceful assembly means that they should first approach protests using non-violent strategies, such as de-escalation, negotiation, and mediation. “When a public assembly ends in violence this should to a certain extent be considered a failure of the state”.¹⁷²

Law enforcement officials in Sri Lanka have resorted to surveillance and intimidation of protesters before, during and after protests, and have used concerning and dangerous tactics in policing public assemblies, such as installing spiked barricades.¹⁷³ There have also been examples of the police failing to protect peaceful protesters when third parties, such as non-state actors endorsed by the state, have assaulted them. In several instances, the military – who are neither trained nor equipped to carry out law enforcement functions – are also deployed to handle public assemblies.¹⁷⁴ Such obstruction of protests serves to provoke, rather than avoid, the need to use force and is therefore in breach of obligations of the state.

Families of the 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. The north remains a heavily militarized area, even 15 years after the end of the war. In the Mullaitivu District, an estimated 60,000 personnel remain.¹⁷⁵ This amounts to almost one soldier for every two civilians in the region, making it one of the world’s most heavily militarized areas.¹⁷⁶ The military continues to seize and occupy land, while thousands of Tamils remain displaced.¹⁷⁷ Journalists in the north told Amnesty International that they and protesters are facing surveillance and intimidation, making people afraid to speak up because of potential repercussions.

¹⁷² Amnesty International, Guidelines on Basic Principles, p.150 (previously cited).

¹⁷³ Daily FT, “BASL condemns use of barricades with spikes”, 25 April 2022, <https://www.ft.lk/News/BASL-condemns-use-of-barricades-with-spikes/56-733873>

¹⁷⁴ Fédération internationale pour les droits humains (FIDH), “Anatomy of a crackdown – the repression of Sri Lanka’s *aragalaya* movement”, January 2023, https://www.fidh.org/IMG/pdf/sri_lanka802aweb.pdf

¹⁷⁵ Foreign Policy, “In Sri Lanka, the Military Still Runs the Show”, 4 August 2022, <https://foreignpolicy.com/2022/08/04/sri-lanka-military-power-protests-history/>

¹⁷⁶ Foreign Policy, “In Sri Lanka, the Military Still Runs the Show”, 4 August 2022, <https://foreignpolicy.com/2022/08/04/sri-lanka-military-power-protests-history/>

¹⁷⁷ Vice News, “Conflict Forced Them From Their Homes. Now the Military Is Occupying Their Land”, 16 January 2023, <https://www.vice.com/en/article/88qpmk/palaly-jaffna-military-land-grabs-tamil-sri-lanka>



Police presence during a protest in Colombo on 18 October 2022. © Manisha Gunaratne.

Kumanan, a prominent journalist from Mullaitivu, told Amnesty International:

“The military creates an environment at protest sites to frighten protesters. Media is not given free space to cover protests. Military, police, and intelligence disrupt media covering the protest; they take photos of media. Intelligence calls media to get information about protests. When there are human rights violations in the north and east and a complaint is raised, it is usually solved within the military and police itself – there is no proper procedure to move it to the next stage. In the east as well, they try to stop protests before they take place, with intimidation and suppression. There are informants set up within the community that pass on information to intelligence.”¹⁷⁸

Other journalists also spoke about the surveillance and intimidation they face. Ashane, a journalist (name changed), told Amnesty International, “intelligence will give calls regularly and they ask about protests, who is coming and from where. I receive multiple calls from various intelligence agencies, and this causes mental pressure”.¹⁷⁹

¹⁷⁸ Interview with Kumanan, Colombo, June 2023.

¹⁷⁹ Interview with Ashane, June 2023, location withheld (name changed to protect the interviewee's anonymity).



Journalist reporting during a protest on 27 October 2022. © Manisha Gunaratne.

Athula, a journalist, told Amnesty International, “Multiple intelligence agencies will call asking for information and it is a pressurised situation; sometimes intelligence questions our friends and family about us and it is a form of indirect intimidation. There are informants from within the community that pass information to intelligence.”¹⁸⁰

In 2022 and 2023, activists and protesters in Colombo and other parts of the country, particularly those who were involved in the *Aragalaya* protest, faced surveillance,¹⁸¹ intimidation and arrests.¹⁸² This includes regular visits by police to their homes. International standards stipulate that surveillance of those involved in assemblies may violate their right to privacy, and this can also infringe on their right to freedom of peaceful assembly.¹⁸³

180 Interview with Athula, June 2023, location withheld (name changed to protect the interviewee’s anonymity).

181 BBC News, “Sri Lanka’s anti-government protests have gone silent – for now”, 8 January 2023, <https://www.bbc.co.uk/news/world-asia-64142694>

182 *The Guardian*, “Sri Lankan government accused of draconian treatment of protesters”, 5 August 2022, <https://www.theguardian.com/world/2022/aug/05/sri-lanka-police-draconian-protesters-wickremesinghe>

183 General Comment 37, para. 99

5.3 DEPLOYMENT OF MILITARY

Deployment of military personnel was seen in several protests in the south of the country, despite the military generally not being suitable to police protests.¹⁸⁴ In the exceptional circumstances that the military are deployed during protests, they must be placed under the command of the police and must change their operational procedures from a combative approach to a law-enforcement approach. This would require changing equipment, the correct use of equipment, focusing on de-escalation, and avoiding the use of force.

However, this is not the case in Sri Lanka. For example, on 31 March 2022, military personnel armed with assault rifles and batons were deployed to protests outside the private residence of then President Gotabaya Rajapaksa.¹⁸⁵ Army and STF personnel pursued and assaulted protesters and residents of the area almost 1km away from where the initial protest had taken place.¹⁸⁶ On the 29 and 30 June 2022, Sri Lanka Army officers disrupted protests at the top of Galle Fort that were demanding the resignation of President Gotabaya Rajapaksa. The Bar Association of Sri Lanka (BASL) wrote to the Army Commander and the IGP to reiterate that peaceful assemblies should not be controlled using the military and the police.¹⁸⁷

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MILITARY PERSONNEL ARMED WITH ASSAULT RIFLES AND BATONS WERE DEPLOYED TO PROTESTS OUTSIDE THE PRIVATE RESIDENCE OF THEN PRESIDENT GOTABAYA RAJAPAKSA



¹⁸⁴ Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37, para. 80

¹⁸⁵ Prasad Welikumbura on Twitter/X, "More & more military with batons & assault rifles deployed to Mirihana", 31 March 2022, <https://twitter.com/welikumbura/status/1509598283286597635?lang=ar>

¹⁸⁶ Groundviews, "March 31 Protests and Aftermath: Updates", 31 March 2022, <https://groundviews.org/2022/04/02/march-31st-protests-updates/>

¹⁸⁷ The Morning, "Army says Galle Fort protest disrupted to make sure batsmen not distracted", <https://www.themorning.lk/articles/209020>

5.4 LACK OF ACCOUNTABILITY FOR THE SRI LANKA POLICE

Despite widespread human rights violations by security forces, not a single police official or army member has been prosecuted or convicted for unlawful use of force during protests in 2022 and 2023.¹⁸⁸

The UN Human Rights Committee, in its Concluding Observations on the 6th Periodic Report of Sri Lanka, published in April 2023, on measures taken to implement the provisions of the ICCPR in the reporting period, “notes with concern the use of excessive force in dispersing peaceful assemblies, the application of counter-terrorism legislation against protestors and the lack of effective investigations and prosecutions in these cases.”¹⁸⁹ The Committee observed that the state “should ensure that allegations of excessive use of force during peaceful assemblies and of harassment, violence and surveillance of members of civil society are investigated properly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished and that the victims obtain redress”.¹⁹⁰

The HRC, National Police Commission, and the IGP all have the power to investigate police officers accused of human rights violations.

President’s Counsel and former President of the Bar Association of Sri Lanka, Saliya Pieris, told Amnesty International:

“Operational control should flow from the IGP. However, the Ministry of Public Order is exercising operational control now rather than handling administration only. The police are being used by political authorities to stifle dissent and that gives rise to this culture of impunity where people are not being held accountable”.¹⁹¹

The Sri Lankan state is responsible under international law for investigating effectively, impartially and in a timely manner any allegation or reasonable suspicion of breaches in international standards by law enforcement officials in the context of assemblies.¹⁹² Intentionally or negligently preventing an investigation into the unlawful use of force by police during assemblies, or omitting to investigate the unlawful use of force by police during assemblies, amounts to law enforcement practice that does not comply with international standards.¹⁹³

188 Amnesty International’s statement to the United Nations Human Rights Committee on the review of Sri Lanka, 6 March 2023, Index Number: ASA 37/6516/2023, <https://www.amnesty.org/en/documents/asa37/6516/2023/en/>. Also FIDH, “Anatomy of a crackdown – the repression of Sri Lanka’s Aragalaya movement”, January 2023 (previously cited).

189 UN Human Rights Committee, Concluding Observations on the 6th Periodic Report of Sri Lanka, CCPR/C/LKA/CO/6 <https://www.ohchr.org/en/documents/concluding-observations/ccprclka6-concluding-observations-sixth-periodic-report-sri>

190 UN Human Rights Committee, Concluding Observations on the 6th Periodic Report of Sri Lanka, CCPR/C/LKA/CO/6 <https://www.ohchr.org/en/documents/concluding-observations/ccprclka6-concluding-observations-sixth-periodic-report-sri>

191 Interview with President’s Counsel, Saliya Pieris, Colombo, 8 June 2023.

192 General Comment 37, para. 90.

193 General Comment 37, para. 90 (previously cited).

6. CONCLUSION AND RECOMMENDATIONS

Amnesty International verified and corroborated evidence of the unlawful use of force by Sri Lankan law enforcement authorities, including a pattern of misuse of tear gas and water cannon against peaceful protesters. Police frequently used force unnecessarily, including repeatedly firing large quantities of tear gas which caused protesters and the public to face repeated and prolonged exposure to it. In several instances, law enforcement officials used tear gas against protesters who were already dispersing, in breach of international law and standards. Police also used water cannon at close range and sprayed large quantities of water against protesters and even journalists in instances where there was no likelihood of serious public disorder and no significant likelihood of loss of life, or serious injury. Law enforcement officials also used batons in a punitive manner against protesters who were not engaged in or threatening violent behaviour; this is an unlawful use of force that could potentially constitute cruel, inhuman, or degrading treatment or punishment, or even torture.

The unlawful use of force by police against protesters continued beyond the period investigated for this report. This was part of an approach to policing of assemblies that included the use of unwarranted surveillance and intimidation of protesters and journalists before, during and after protests, and a failure to take measures to prevent third parties from causing violence to peaceful protesters.

Considering the findings in this report, Amnesty International makes the following recommendations to the Sri Lankan authorities, all law enforcement agencies, and other relevant parties:

TO THE SRI LANKAN AUTHORITIES

- Ensure that prompt, independent, impartial, effective investigations are carried out into the numerous allegations of unlawful use of force, including those involving the misuse of tear gas, water cannon and batons, by law enforcement officials against protesters in 2022 and 2023.
- Ensure that police operate in compliance with international law and standards on the use of force; all previous unlawful acts are thoroughly investigated, with robust accountability for any wrongdoing; and victims of these abuses obtain prompt reparation from the state for any harm suffered. Only then will they be able to fulfil their obligations to protect the right to freedom of peaceful assembly for all people in Sri Lanka.
- Fulfil the recommendations made by the UN Human Rights Committee in its Concluding Observations on the 6th Periodic Report of Sri Lanka, including by investigating all allegations of unlawful use of force during protests.
- Fulfil the recommendations made by the UN Human Rights Committee in its concluding observations during the 4th Universal Periodic Review cycle of Sri Lanka to ensure that any officials suspected of using unlawful force are brought to justice.
- Fulfil the recommendations made by the Special Rapporteur on the rights to freedom of peaceful assembly and association, to ensure that any officials suspected of using unlawful force are investigated, and any use of force to disperse assemblies is in accordance with international human rights law.

- Ensure that the police adopt an overall approach to policing of assemblies that is based on facilitation of peaceful assemblies and guarantees the right to freedom of peaceful assembly of all protesters. This includes: prioritizing non-violent means, such as negotiation, mediation and dialogue, to de-escalate situations that could lead to violence; differentiating between violent and non-violent actors, and targeting law enforcement action only to violent actors committing criminal actions, in order to facilitate peaceful protests and protect the rights of all peaceful protesters from disruption or violence by third party actors.
- Ensure that the police operational framework and practice of officials is such that weapons that affect wide areas and have a high potential for harm, such as tear gas or water cannon, are used only when this is necessary and proportionate, in situations of widespread violence, for the purpose of dispersing a crowd, and only when all other means have failed to contain the violence. They may only be used when people are able to disperse, and not when they are in a confined space or where roads or other routes of escape are blocked. People must be warned that these means will be used, and they must be allowed to disperse.

TO THE ATTORNEY GENERAL OF SRI LANKA

- Ensure that all credible allegations of torture or other cruel, inhuman, or degrading treatment or punishment by law enforcement officials are thoroughly and impartially investigated and those responsible – whether senior or junior officers – are brought to justice in fair trials without recourse to the death penalty.

TO THE NATIONAL POLICE COMMISSION

- Fully implement the Torture Act No 22 of 1994 by ensuring prompt, independent and impartial investigations into any credible past or present allegations of torture or other cruel, inhuman, or degrading treatment or punishment by law enforcement agencies and security forces, ensuring that all those responsible are brought to justice in a fair trial without recourse to the death penalty.
- Provide a publicly accessible breakdown of complaints received related to the unlawful use of lethal and less lethal weapons and equipment during protests to help ensure accountability for relevant police officers and their superiors; effective remedy and reparation for those harmed; and allow for specific targeted actions to ensure operational procedures are brought fully in line with international law and standards on the use of force.

TO INDEPENDENT COMMISSIONS (NATIONAL POLICE COMMISSION AND HUMAN RIGHTS COMMISSION)

- Ensure that prompt, independent, impartial, and effective investigations are carried out into the numerous allegations of unlawful use of force, including those involving the misuse of tear gas, water cannon and batons, by law enforcement officials against protesters in 2022 and 2023 and submit their findings- including evidence of criminal responsibility to Sri Lankan authorities for appropriate action in line with international human rights law and standards.

TO COMPANIES THAT MANUFACTURE/SUPPLY LAW ENFORCEMENT EQUIPMENT

- Ensure that adequate and effective human rights due diligence is introduced across value chains, including fully assessing and addressing the human rights impacts of their products and services on third parties;
- Cease exports of all law enforcement equipment where there is a substantial risk that it will be used to commit or facilitate serious human rights violations including torture or other ill-treatment, irrespective of whether the exports would be permitted under domestic licencing systems.

TO THE INTERNATIONAL COMMUNITY INCLUDING GOVERNMENTS ENGAGED IN BILATERAL COOPERATION WITH SRI LANKA

- Use all bilateral, multilateral, and regional platforms at their disposal to urge the Sri Lankan authorities to protect and facilitate the right to freedom of peaceful assembly.
- Ensure that any bilateral law enforcement cooperation mechanisms or sales of less-lethal weaponry do not directly or indirectly contribute to human rights violations against protesters.
- Urgently review cooperation with the Sri Lankan government, including provision of training, law enforcement equipment and other security assistance to Sri Lanka law enforcement agencies, until officers responsible for unlawful use of force are thoroughly investigated and where appropriately brought to justice, robust accountability mechanisms are in place, and victims are entitled to obtain prompt reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.



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‘READY TO SUPPRESS ANY PROTEST’

SRI LANKA: UNLAWFUL USE OF WEAPONS DURING PROTESTS

During 2022 and 2023, Sri Lankans called for accountability for the prolonged economic crisis, corruption, human rights violations, and crackdowns on peaceful protest. Sri Lankan law enforcement authorities responded to unprecedented protests in Sri Lanka with unlawful use of less lethal weapons. This report details the pattern in the unlawful use of tear gas and water cannon and the misuse of batons with video evidence revealing that in at least 17 protests – more than half of the protests analysed – law enforcement fell well short of abiding by international law and standards. It also sets out how law enforcement authorities used tactics of obstruction, surveillance, and intimidation of protests, creating a chilling effect on the right to freedom of peaceful assembly. The suppression of protest must stop, and the government must ensure that law enforcement authorities adopt an approach to policing of public assemblies that complies with international standards and upholds the right to freedom of peaceful assembly in Sri Lanka.

