

State response to the Right to Protest amidst the socio-economic and governance crisis

February 2023

Introduction

The year 2022 was marked by a number of protests across Sri Lanka, fuelled largely by demands for accountability and solutions for the dire economic crisis, and against the crackdown on protests by the state. The sustained citizen-led protest movement, the ‘aragalaya’ (‘the struggle’), led to the resignation of both the former President and Prime Minister, brothers Gotabaya and Mahinda Rajapaksa.

As has been the case in the past, the protest movement was met with disproportionate use of force and repression on the part of the state, sometimes leading to fatal consequences for peaceful protesters. President Ranil Wickremesinghe avowed a military crackdown and the implementation of emergency law to suppress the emergence of another ‘aragalaya.’¹ The irony in this statement is clear, as it is the ‘aragalaya’ that pushed his predecessor to resign, thus paving the way for Wickremesinghe’s presidency.

¹Ishara Mudugamuwa and Amali Mallawaarachchi, ‘No room for another ‘aragalaya’’ Daily News 24th November 2022 <https://www.dailynews.lk/2022/11/24/local/291784/no-room-another-%E2%80%98aragalaya%E2%80%99>

In November 2021, CPA published a comment on the state response to the right to protest in light of the COVID-19 pandemic.² CPA reiterates concerns regarding the illegality, disproportionality, and collateral purposes of various restrictions imposed on the right to peaceful assembly, association and free speech, as noted in its previous publication on the subject.

Furthermore, considering recent events including attempts to prevent protests and other forms of citizen mobilisation in 2023, CPA remains gravely concerned with the alarming rise in the repression of dissent. Just in the month of February this year, the law and order authorities attempted to prevent protests by obtaining court orders and used force to disperse those who were conducting a Satyagraha (peaceful sit in).³ Despite such limitations, it is heartening to see that Sri Lankans continue to engage in, and advocate for, the exercise of the right to protest.

²Comment: Legality of the State Response to the Right to Protest in the light of the Covid-19 Pandemic' Centre for Policy Alternatives 29th November 2021 <https://www.cpalanka.org/comment-legality-of-the-state-response-to-the-right-to-protest-in-the-light-of-the-covid-19-pandemic/>

³ 'Police attack peaceful protesters in Colombo protesting government's lavish Independence Day gala' News First 4th February 2023 <https://english.newsfirst.lk/2023/2/4/police-attack-peaceful-protesters-in-colombo-protesting-government-s-lavish-independence-day-gala>

Recent protests and the state response – A timeline

CPA has created a timeline that looks briefly at some of the key events that took place last year and this year in terms of the protests carried out across the island and the manner in which the State has responded. In a year where the people of the nation mobilised in a manner and frequency never seen before, it is impossible to fully document every protest or incident that took place, and what follows are just some of the significant highlights in terms of understanding the state response to protests.

Date	Event	State Response
31 st March 2022	Mirihana Protest A protest which began at Jubilee Junction in Nugegoda, culminated into a mass protest near the private residence of former President Gotabaya Rajapaksa in Mirihana. ⁴ Protesters aired grievances about the economic crisis and the resultant shortages of essential items, and called for the President's	Reports emerged of several persons including journalists being assaulted, with some being taken into custody by the Special Task Force (STF) following the protest. ⁸ In the immediate aftermath, the President's Media Division and the former Minister of Public Security alleged the involvement of extremist groups in the events of the protest ⁹ , and suggested that protesters

⁴ For a detailed account and timeline, see 'March 31 Protests and Aftermath: Updates' Groundview 2nd April 2022

<https://groundviews.org/2022/04/02/march-31st-protests-updates/> and 'Incident report: The Mirihana Protest, a timeline' Watchdog 1st April 2022 <https://longform.watchdog.team/observations/incident-report-the-mirihana-protest-summarized>

⁸ Sri Lanka: Several journalists assaulted and detained during Mirihana protests' International Federation of Journalists 4th April 2022

<https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-several-journalists-assaulted-and-detained-during-mirihana-protests.html>

⁹ Zulfick Farzan, 'Sri Lanka launches probe into extremist links on Mirihana Protest' News First 1st April 2022

<https://www.newsfirst.lk/2022/04/01/sri-lanka-launches-probe-into-extremist-links-on-mirihana-protest/>

	<p>resignation.⁵ This protest took place on the same day that parts of Sri Lanka faced a 13-hour power cut due to the economic crisis.⁶</p> <p>A State of Emergency was declared the next day.⁷ This was the first of three times a State of Emergency was declared last year.</p>	<p>would be charged under the PTA¹⁰, though this decision was not proceeded with, following heavy criticism. Legal action was pursued against those who were accused of damaging public property.¹¹ When the 53 persons arrested were produced in court, 100s of lawyers showed up in solidarity to represent them, and most of the 53 were granted bail.¹²</p>
<p>2nd – 3rd April 2022</p>	<p><u>Curfew ahead of People’s protest</u></p> <p>A ‘People’s protest’ was due to be held on Sunday, the 3rd April 2022.¹³ While the protest was not officially linked to any group or party, it was rumoured that thousands of frustrated citizens were due to show up at the protests.</p>	<p>The day before, in what seemed like an attempt to stop the protests, an island-wide curfew of questionable legality was declared for the duration of the weekend.¹⁴ On the 3rd of April, social media platforms were blocked across the island, apparently on the instructions of the Ministry of Defence, a move that even Namal Rajapaksa, who was the then State Minister for digital technology,</p>

⁵Massive protests near President’s private residence demanding Sri Lankan President to ‘go home’ Colombo Page 31st March 2022

http://www.colombopage.com/archive_22A/Mar31_1648747227CH.php

⁶ ‘Sri Lanka schedules power cuts up to 13-hours for March 31’ Economy Next 31st March 2022 <https://economynext.com/sri-lanka-schedules-power-cuts-up-to-13-hours-for-march-31-92282/>

⁷ Uditha Jayasinghe, ‘Sri Lanka imposes curfew after president declares state of emergency’ Reuters 2nd April 2022

<https://www.reuters.com/world/asia-pacific/tight-security-sri-lankas-capital-shops-open-after-state-emergency-order-2022-04-02/>

¹⁰Zulfick Farzan, ‘Mirihana protesters cannot be charged under PTA – Human Rights Commission’ News First 1st April 2022

<https://www.newsfirst.lk/2022/04/01/mirihana-protesters-cannot-be-charged-under-pta-human-rights-commission/>

¹¹‘Mirihana protest case: AG now decides to pursue charges against Satha Nalaka’ The Sunday Times 3rd July 2022

<https://www.sundaytimes.lk/220703/news/mirihana-protest-case-ag-now-decides-to-pursue-charges-against-satha-nalaka-487727.html>

¹² ‘Over 300 Sri Lanka lawyers flock to represent 53 arrested protesters’ 2nd April 2022 <https://economynext.com/over-300-sri-lanka-lawyers-flock-to-represent-53-arrested-protesters-92397/>

¹³ ‘Sri Lanka: Activists call for nationwide protests April 3’ Crisis 24 2nd April 2022 <https://crisis24.garda.com/alerts/2022/04/sri-lanka-activists-call-for-nationwide-protests-april-3-update-6>

¹⁴ Meera Srinivasan, ‘Sri Lanka imposes curfew until April 4 morning’ The Hindu 2nd April 2022

<https://www.thehindu.com/news/international/sri-lanka-imposes-36-hour-curfew-until-6-am-on-april-4/article65284341.ece>

		condemned on Twitter. ¹⁵
3 rd April 2022	<p><u>Defiant protesters take to the streets island wide</u> Despite the island-wide curfew and social media blockage, protesters stepped out onto the streets and carried out neighbourhood protests, largely in Colombo but across the island.¹⁶ In the morning of the same day, Opposition lawmakers too had protested at the Independence Square, rejecting the illegal declaration of a curfew.</p> <p>The declaration of curfew to impede the ‘People’s Protest’ clearly backfired, when thousands of people gathered in protest on the 4th of April, the Monday on which the weekend curfew was lifted.¹⁷</p>	While the state did not respond to many of the neighbourhood protests, tear gas and water cannons were used on university students protesting in Peradeniya. ¹⁸ The Opposition lawmakers’ protest was also stopped by the police. ¹⁹
9 th April 2022 onwards	<p><u>Formation of Gotagogama and Mynagogama</u> Protests fuelled by the declaration of curfew continued at several locations and protesters from all over the island consolidated and gathered at the Galle</p>	Between the 9 th of April when the site near the Galle Face Green was first occupied, and the 9 th of May, there were no serious incidents of violence against protesters at the site, though there was a significant military

¹⁵ ‘Namal says social media ban useless because of VPN’ Colombo Gazette 3rd April 2022 <https://colombogazette.com/2022/04/03/namal-says-social-media-ban-useless-because-of-vpn/>

¹⁶ ‘Photos: Sri Lanka protesters defy curfew after social media ban’ Al Jazeera 3rd April 2022 <https://www.aljazeera.com/gallery/2022/4/3/in-pictures-sri-lanka-protesters-defy-curfew-after-social-media>

¹⁷ ‘Anti-government protests continue in Sri Lanka island wide, Police fire water cannons and tear gas’ Colombo Page 4th April 2022 http://www.colombopage.com/archive_22A/Apr04_1649088932CH.php

¹⁸ Zulfick Farzan, ‘Tear Gas & Water Cannons to disperse student protest in Peradeniya’ News First 3rd April 2022 <https://www.newsfirst.lk/2022/04/03/tear-gas-water-cannons-to-disperse-student-protest-in-peradeniya/>

¹⁹ Zulfick Farzan, ‘SJB protests in Colombo; prevented from entering Independence Square’ News First 3rd April 2022 <https://www.newsfirst.lk/2022/04/03/sjb-protests-in-colombo-prevented-from-entering-independence-square/>

	<p>Face Green on the 9th of April to voice their demands including calling for the resignation of the then President Gotabaya Rajapaksa. They began to camp out at the site, which later gets dubbed Gotogogama.²⁰ For several months, 24/7 protests were carried out at this site.</p> <p>Later in April protesters also set up a site in front of the Prime Ministers official residence, Temple Trees, which they called Mynagogama.</p>	<p>presence seen in the area.</p> <p>Courts allowed both Gotagogama and Mynagogama to continue, on the condition that they did not inconvenience the public.²¹</p>
19 th April 2022	<p><u>Rambukkana Shooting</u> One person was killed, and more than 20 others were injured when police opened fire on protesters who were protesting shortages and the rising cost of fuel, in Rambukkana.</p>	<p>Curfew was imposed and STF personnel were dispatched to the area following the incident.²²</p>
5 th May 2022	<p><u>'HoruGoGama' protest</u> Student groups carried out a protest march which led to the Parliament, where they camped out and called for the resignation of all 225 Members of Parliament,</p>	<p>The students who were protesting, and others in the area were attacked with tear gas.²⁴</p>

²⁰ Teena Marian, 'Protesters set up camp in Galle Face to continue protests' News First 11th April 2022

<https://www.newsfirst.lk/2022/04/11/protesters-set-up-camp-in-galle-face-to-continue-protests/>

²¹ 'Sri Lanka court orders removal of Mynagogama site if protest doesn't remain peaceful' Economy Next 4th May 2022

<https://economynext.com/sri-lanka-court-orders-removal-of-mynagogama-site-if-protest-doesnt-remain-peaceful-93826/>

²²Buddhika Samaraweera, 'Protests see first death as Police open fire' The Morning 20th April 2022 <https://www.themorning.lk/protests-see-first-death-as-police-open-fire/>

²⁴ 'Sri Lanka Police tear gas university students protesting outside parliament' Colombo Page 5th May 2022

http://www.colombopage.com/archive_22A/May05_1651765982CH.php

	calling them ‘horu’ (rogues). ²³	
6 th May 2022	<u>State of Emergency declared</u> This was the second State of Emergency declared last year.	
9 th May 2022	<u>Attack on Gotagogama</u> Government supporters attacked peaceful anti-government protest sites in Colombo and elsewhere. Several hundred supporters of former Prime Minister Mahinda Rajapaksa arrived in buses from across the island and advanced to the Galle Face Green, where they attacked the protesters with clubs and other weapons, and set fire to tents in the protest sites Mynagogama and Gotagogama. ²⁵ Video footage that emerged showed brutal acts of violence being carried out on the Gotagogama protesters, as the law enforcement officers watched	In video footage that circulated, it emerged that these government supporters who attacked Gotagogama and Mynagogama had first been hosted at Temple Trees, where several senior government officials had made speeches and addressed the crowd. In some instances, it appeared that they were inciting them to carry out this violence, and later there were calls made for the arrest of Rajapaksa and other officials who incited the violence. ²⁹ A few days later, courts issued a travel ban on Rajapaksa and several others, while investigations into the incident were ongoing. ³⁰ Mahinda Rajapaksa resigned as Prime Minister later that day.

²³ Zulfick Farzan, ‘Latest township ‘HoruGoGama’ set up near Parliament’ News First 6th May 2022

<https://www.newsfirst.lk/2022/05/06/latest-township-horugogama-set-up-near-parliament/>

²⁵ ‘Sri Lanka: Government Backers Attack Peaceful Protesters’ Human Rights Watch 10th May 2022 <https://www.hrw.org/news/2022/05/10/sri-lanka-government-backers-attack-peaceful-protesters>. See also ‘CPA Letter to the IGP and AG requesting action on the violence against peaceful protesters on the 9th May 2022’ Centre for Policy Alternatives 26th May 2022 <https://www.cpalanka.org/wp-content/uploads/2022/05/Final-Letter-to-IGP.pdf>

²⁹ ‘Authorities urged to arrest Mahinda Rajapaksa’ Colombo Gazette 10th May 2022 <https://colombogazette.com/2022/05/10/authorities-urged-to-arrest-mahinda-rajapaksa/>

³⁰ Zulfick Farzan, ‘Travel Ban on Ex-PM Mahinda Rajapaksa and 16 others.’ News First 12th May 2022 <https://www.newsfirst.lk/2022/05/12/travel-ban-on-ex-pm-mahinda-rajapaksa-and-16-others/>

	<p>on.²⁶</p> <p>Some groups of anti-government protesters then retaliated, and violence escalated island-wide. The properties of several senior government officials including MPs were damaged or destroyed, and over 220 people were reportedly injured.²⁷</p> <p>Nine deaths were reported from that day,²⁸ including one Member of Parliament, though the circumstances surrounding his death are still not clear.</p>	<p>The police appeared to be by-standers who did little to prevent the attacks against the protesters in Galle Face Green.³¹ Tear gas was also used on the anti-government protesters. Later, when some groups of protesters were torching and attacking the residences of government officials, the military did little to intervene.</p> <p>The events were followed by a spate of arrests, reportedly close to 3,800 persons.³²</p> <p>On the 12th of May, in a move that surprised many, Gotabaya Rajapaksa appointed Ranil Wickremesinghe as Prime Minister.³³ Following his appointment, Wickremesinghe told the media that day that he would</p>
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²⁶ 'Thugs Attack Peaceful Protesters, GotaGoGama Destroyed' Groundviews 9th May 2022 <https://groundviews.org/2022/05/09/thugs-attack-peaceful-protesters-gotagogama-destroyed/>

²⁷ 'Sri Lanka: New Emergency regulations and shooting orders threaten human rights' Amnesty International 11th May 2022 <https://www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/>

²⁸ Zulfick Farzan, 'Sri Lanka; 9 dead, 41 vehicles torched in Monday's (9) violence - Defence Secretary' News First 11th May 2022 <https://www.newsfirst.lk/2022/05/11/sri-lanka-9-dead-41-vehicles-torched-in-mondays-9-violence-defence-secretary/>

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

³² Kasun Warakapitiya, 'May 9 violence and protests: 4000 arrested' The Sunday Times 11th September 2022 <https://www.sundaytimes.lk/220911/news/may-9-violence-and-protests-4000-arrested-494822.html>

³³ 'Sri Lanka names new prime minister in bid to address growing crisis' CNBC 12th May 2022 <https://www.cnbc.com/2022/05/13/sri-lanka-names-new-prime-minister-in-bid-to-address-growing-crisis.html>

		let Gotagogama continue, and that he would not let police harm the protesters. ³⁴
12 th May 2022 onwards	<u>The Batticaloa Walk for Justice commenced</u> The “Batti Walk for Justice” commenced from St. Sebastian’s Church amidst the nation-wide curfew. ³⁵	
9 th July 2022	<u>Occupation of the Presidential Secretariat and the President’s residence</u> As former Prime Minister Mahinda Rajapaksa had resigned on the 9 th of May and former Minister of Finance Basil Rajapaksa had resigned on the 9 th of June, a large protest was planned for the 9 th of July to demand the resignation of Gotabaya Rajapaksa. Thousands from all over the island made their way to the Gotagogama protest site, and mass citizen-led protests entered and occupied the Presidential Secretariat. Protesters also occupied the President’s official residence thereafter, and the Prime Minister’s official residence as well. ³⁶	On the 12 th of July, a few days after the occupation, the then-President Gotabaya Rajapaksa fled the country. ³⁷ While military force was used at first to block the occupation of these residences, eventually the protesters entered the premises and the military backed down. However, later in the evening, a group of protesters attacked the private residence of then Prime Minister Ranil Wickremesinghe, and military force was used against them, and many including several media personnel were injured. ³⁸

³⁴ Rebecca Pavey, ‘GotaGoGama will continue, I will not interfere’ – PM Ranil Wickremesinghe’ Ceylon Today 12th May 2022

<https://ceylontoday.lk/2022/05/12/gotagogama-will-continue-i-will-not-interfere-pm-ranil-wickremesinghe/>

³⁵ Sarala Emmanuel, ‘Sri Lanka: The Batti Walk for Justice: A resistance for fundamental system change’ Europe Solidaire Sans Frontières 31st July 2022 <https://www.europe-solidaire.org/spip.php?article63466>

³⁶ ‘Protesters breach Presidential Secretariat’ News Wire 9th July 2022 <https://www.newswire.lk/2022/07/09/protesters-breach-presidential-secretariat/>

³⁷ Tessa Wong and Matt Murphy, ‘Sri Lanka: President Gotabaya Rajapaksa flees the country on military jet’ BBC 13th July 2022

<https://www.bbc.com/news/world-asia-62132271>

³⁸ ‘Video: Lanka Journalists Attacked, Intense Street Battles Outside PM Home’ NDTV 9th July 2022 <https://www.ndtv.com/world-news/sri-lanka-crisis-on-camera-journalists-attacked-in-sri-lanka-amid-massive-protests-3143269>

17 th July 2022	<p><u>Declaration of State of Emergency</u> This was the third State of Emergency declared last year. It was brought into effect by Ranil Wickremesinghe who was acting President at the time.</p>	
22 nd July 2022	<p><u>Assault on the occupation of the Presidential Secretariat</u> On the 20th of July 2022, in a secret vote in Parliament, Ranil Wickremesinghe was appointed as President, replacing Gotabaya Rajapaksa. He was thereafter sworn in on the 21st of July.³⁹</p> <p>Meanwhile, the protesters had already withdrawn from the protest site opposite Temple Trees, and had announced their intention to withdraw from the Gotagogama protest site on the afternoon of the 22nd.⁴⁰</p>	<p>Soldiers destroyed tents at the GotaGoGama protest site, arrested several protest leaders and cordoned off the area. Reports emerged of peaceful protesters being brutally assaulted by the military.⁴²</p> <p>The Defence Secretary as well as media reports highlighted damage caused to property by the protesters.⁴³</p> <p>The police announced on 24th July that investigations are underway to identify all those who visited the Presidential Secretariat.⁴⁴ Accusations of trespassing,</p>

³⁹ 'Sri Lanka's newly elected President Ranil Wickremesinghe sworn in' The Hindu 21st July 2022

<https://www.thehindu.com/news/international/sri-lankas-newly-elected-president-ranil-wickremesinghe-sworn-into-office/article65665238.ece>

⁴⁰ Saroj Pathirana, 'Military raids Sri Lanka protest camps, leaders arrested' Al Jazeera 22nd July 2022

<https://www.aljazeera.com/news/2022/7/22/military-raids-sri-lanka-protest-camps-leaders-arrested>

⁴² ibid

⁴³ 'Defense Secretary observes damages to the Presidential Secretariat' Colombo Page 24th July 2022

http://www.colombopage.com/archive_22B/Jul24_1658675102CH.php

⁴⁴ 'Protesters disregarded multiple requests to vacate Presidential Secretariat: Police' Ada Derana 24th July 2022

<http://www.adaderana.lk/news/83831/protesters-disregarded-multiple-requests-to-vacate-presidential-secretariat-police>

	<p>However, despite this move by the protesters, in his first move as newly elected President, President Wickremesinghe deployed the military to retake the Presidential Secretariat. Peaceful protesters were caught completely off guard when heavy military force was used on them, close to midnight.⁴¹</p>	<p>theft, and damage to public property were levelled against the protesters, leading to arrests.⁴⁵</p>
12 th August 2022	<p><u>Protests by families of the disappeared</u> Families of the disappeared in Kilinochchi and Vavuniya marked 2000 days of continuous roadside protest.⁴⁶</p>	<p>Protests by families of the disappeared have continued to be met with surveillance, intimidation and use of force for many years. 2022 was not an exception.⁴⁷</p>
30 th August 2022	<p><u>Continued IUSF Protests</u> A protest march organised jointly by the Inter-University Student Federation (IUSF) and the Collective of Trade Unions and Mass Organisations was held near Technical Junction to demand that the government stop repression under the Prevention of Terrorism Act (PTA) and release arrested 'Aragalaya'</p>	<p>Police fired tear gas and water cannons to disperse the protest. Police and anti-riot units were seen chasing the protesters. The Police Media Spokesman said that 25 protesters were arrested.⁴⁹</p>

⁴¹ ibid

⁴⁵ 'Sri Lanka Police Arrest Man for Allegedly Stealing President's Flags' VOA 30th July 2022 <https://www.voanews.com/a/sri-lanka-police-arrest-man-for-allegedly-stealing-president-s-flags/6680136.html>

⁴⁶ 'No justice for Tamil families of the disappeared as they reach 2,000 days of continuous protest' Tamil Guardian 13th August 2022 <https://www.tamilguardian.com/content/no-justice-tamil-families-disappeared-they-reach-2000-days-continuous-protest>

⁴⁷ 'Injured and bruised – Sri Lankan police leave protesting Tamil mother in hospital' Tamil Guardian 22nd March 2022 <https://www.tamilguardian.com/content/injured-and-bruised-sri-lankan-police-leave-protesting-tamil-mother-hospital>

⁴⁹ ibid

	activists. ⁴⁸	
18 th November 2022	The IUSF launched a protest march to demand the immediate release of IUSF convener Wasantha Mudalige and Inter-University Bhikkhu Federation (IUBF) Ven. Galwewa Siridhamma Thero, intended to be held near the United Nations compound. ⁵⁰	The police fired tear gas and used water cannons to disperse the protesters. ⁵¹
8 th December 2022	Around 3,000 workers from Sri Lanka Telecom (SLT) and Sri Lanka Insurance Corporation (SLIC) protested in Colombo against privatisation. ⁵²	
15 th January 2023	A protest was held in Jaffna during the visit of President Ranil Wickremesinghe.	The police and military attempted to obstruct buses transporting protesters to the Nallur area in Jaffna. The protesters included university students and families of the disappeared. The police fired water cannons to disperse the protesters. ⁵³

⁴⁸ 'Police use tear gas and water cannons to disperse IUSF protesters' Daily FT 31st August 2022 <https://www.ft.lk/news/Police-use-tear-gas-and-water-cannons-to-disperse-IUSF-protesters/56-739289>

⁵⁰ 'Police fire tear gas to disperse IUSF protesters' Ada Derana 18th November 2022 <http://www.adaderana.lk/news/86224/police-fire-tear-gas-to-disperse-iusf-protesters>

⁵¹ ibid

⁵² 'Thousands of workers protest against privatisation in Sri Lanka' WSWs 9th December 2022 <https://www.wsws.org/en/articles/2022/12/10/nzb-d10.html>

⁵³ 'Police fire water cannons on Jaffna protesters' Colombo Gazette 15th January 2023 <https://colombogazette.com/2023/01/15/police-fire-water-cannons-on-jaffna-protesters/>

<p>3rd February 2023</p>	<p><u>Protests in Colombo</u> A group of peaceful protesters held a satyagraha in Maradana, protesting President Wickremesinghe’s decision to lavishly celebrate Independence Day amidst an ongoing economic crisis.⁵⁴</p>	<p>Colombo Fort Magistrate issued the order preventing the protesters from entering the Galle Face area where the 75th Independence Day ceremony will be held.⁵⁵</p> <p>In Maradana, police used tear gas and water cannons to disperse protesters in the satyagraha, and were seen chasing protesters down alleyways.⁵⁶</p> <p>Several protesters were also detained and were denied access to lawyers.⁵⁷</p> <p>The Human Rights Commission (HRCSL) reportedly began a preliminary investigation into the events.⁵⁸</p>
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⁵⁴ ‘Police attack peaceful protesters in Colombo protesting government's lavish Independence Day gala’ News First 4th February 2023
<https://english.newsfirst.lk/2023/2/4/police-attack-peaceful-protesters-in-colombo-protesting-government-s-lavish-independence-day-gala>

⁵⁵ ‘Court bans protests that interfere with National Independence Day event at Galle Face’ Colombo Page 3rd February 2023
http://www.colombopage.com/archive_23A/Feb03_1675448302CH.php

⁵⁶ ‘Police attack peaceful protesters in Colombo protesting government's lavish Independence Day gala’ News First 4th February 2023
<https://english.newsfirst.lk/2023/2/4/police-attack-peaceful-protesters-in-colombo-protesting-government-s-lavish-independence-day-gala>

⁵⁷ Dithmini De Silva, ‘Peaceful protesters detained last night denied access to lawyers – Saliya Pieris’ News First 4th February 2023
<https://www.newsfirst.lk/2023/02/04/peaceful-protesters-detained-last-night-denied-access-to-lawyers-saliya-pieris/>

⁵⁸ Sandro Sathyajith, ‘HRCSL Probes attack on peaceful protesters in Maradana on eve of Independence Day’ News First 4th February 2023
<https://www.newsfirst.lk/2023/02/05/hrctl-probes-attack-on-peaceful-protesters-in-maradana-on-eve-of-independence-day/>

<p>4th February 2023</p>	<p>Protests were scheduled to be held on the 75th Independence Day.</p> <p><u>Jaffna Protests on Independence Day</u></p> <p>The protest began outside the University of Jaffna, where black flags have been hoisted at the campus to mark the occasion.</p> <p>Businesses in Jaffna expressed their solidarity with the protesters by carrying out a hartal - a day-long shutdown- across Jaffna.⁵⁹</p>	
<p>11th February 2023</p>	<p>A black flag protest was held during the President's visit to inaugurate the Jaffna Cultural Hall.⁶⁰</p>	<p>Parliamentarian Selvarajah Kajendran and 17 others were arrested and were later released on bail. A court order had been obtained against the protest.⁶¹</p>

⁵⁹ "Black day for Tamil homeland!" - Tamils in Jaffna protest Sri Lanka's Independence Day celebrations' Tamil Guardian 4th February 2023 <https://www.tamilguardian.com/content/black-day-tamil-homeland-tamils-jaffna-protest-sri-lankas-independence-day-celebrations>

⁶⁰ 'MA Sumanthiran strongly condemns arrest of Selvarajah Kajendran' Tamil Guardian 12th February 2023 <https://www.tamilguardian.com/content/ma-sumanthiran-strongly-condemns-arrest-selvarajah-kajendran>

⁶¹ 'MP Selvarajah Kajendran released on bail' Colombo Gazette 12th February 2023 <https://colombogazette.com/2023/02/12/mp-selvarajah-kajendran-released-on-bail/>

Nature of restrictions

The year 2021 saw a number of trends related to repression of the right to protest under the guise of managing the spread of COVID-19. 2022 saw the misuse of emergency regulations, collateral use of other statutes, and a marked escalation in the use of force and arrests, to substantially restrict the right to protest. In addition to this, the pervasive climate of intimidation created by the military and/or police presence, coupled with the practice of questioning and arresting protesters, activists and lawyers by investigative officers, remain causes for grave concern.

As the Special Rapporteur on the rights to freedom of peaceful assembly and of association stated, “protests seem to be stifled through the use of an executive decision, rather than through engaging with the concerned communities about their dissatisfaction and reasons for protesting.”⁶²

Misuse of security laws

While the use of emergency law as a tool of repression is not a novel phenomenon, the imposition of the State of Emergency, Emergency Regulations, as well as the use of Prevention of Terrorism Act (PTA) provisions to arrest and detain protesters in the past year is symptomatic of the continuation of a controversial legacy, despite the change in government. The use of security and anti-terror legislation to suppress dissent has

⁶²Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule' Human Rights Council, A/HRC/50/23/Add.3 https://www.ohchr.org/sites/default/files/2022-06/A_HRC_50_23_Add3_AdvanceUneditedVersion.docx

alarming implications, such as equating the act of protesting to a public security threat or terrorist activity.⁶³

Public Security Ordinance

States of Emergency was declared thrice in 2022, with the emergency regulations being promulgated twice within the year.

On 1st April 2022, then President Gotabhaya Rajapaksa declared a State of Emergency, which was subsequently revoked on the 5th of April without promulgating Emergency Regulations.⁶⁴ On 6th May 2022, a state of emergency and a curfew were imposed again, and on 9th May, backdated emergency regulations were gazetted.

On 17th July 2022, Acting President (as he then was) Ranil Wickremesinghe declared a State of Emergency,⁶⁵ and on 18th July 2022, he brought into effect the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2022.⁶⁶

The proclamation on 1st April was revoked soon after it was declared, and was not tested before Parliament as per Article 155(6) of the Constitution, but on 7th April 2022, the Supreme Court granted leave to proceed in several Fundamental Rights Applications that challenged its legality. On 6th June 2022, the Centre of Policy Alternatives also filed a Petition in the Supreme Court challenging the second purported declaration of

⁶³Statement on the use of Detention Orders issued under the PTA by President Ranil Wickremesinghe' Centre for Policy Alternatives 24th August 2022 <https://www.cpalanka.org/wp-content/uploads/2022/08/CPA-statement-in-regard-to-the-use-of-PTA-to-issue-detention-orders.pdf>

⁶⁴'Emergency Regulations promulgated in May and July 2022' Centre for Policy Alternatives 17th August 2022 <https://www.cpalanka.org/wp-content/uploads/2022/07/Emergency-Regulations-promulgated-in-May-and-July-2022-Edited.pdf>

⁶⁵ Gazette Extraordinary No.2288/30

⁶⁶ Gazette Extraordinary No.2289/07

Emergency and the regulations promulgated in early May.⁶⁷ In August 2022, the Centre for Policy Alternatives challenged the third purported declaration of Emergency and the regulations promulgated in July, by President Wickremesinghe.⁶⁸

Prevention of Terrorism Act

Meanwhile, the PTA was used to arrest and detain protesters in recent months. The PTA has a long and controversial history of being used by successive governments to restrict the fundamental rights of citizens, and there have been consistent calls to repeal this draconian law.⁶⁹

Last year, the Human Rights Commission of Sri Lanka (HRCSL)⁷⁰ as well as the Bar Association of Sri Lanka (BASL)⁷¹ on various occasions warned against the use of the PTA to arrest protesters, and more recently, the Prime Minister reportedly assured that the draconian statute would not be used.⁷²

⁶⁷Emergency Regulations promulgated in May and July 2022' Centre for Policy Alternatives 17th August 2022 <https://www.cpalanka.org/wp-content/uploads/2022/07/Emergency-Regulations-promulgated-in-May-and-July-2022-Edited.pdf>

⁶⁸ 'The Centre for Policy Alternatives and Dr. Paikiasothy Saravanamuttu vs. The Attorney General [SC FR 262/ 2022]' Centre for Policy Alternatives 8th August 2022 <https://www.cpalanka.org/the-centre-for-policy-alternatives-and-dr-paikiasothy-saravanamuttu-vs-the-attorney-general-sc-fr-262-2022/>

⁶⁹Statement on the use of Detention Orders issued under the PTA by President Ranil Wickremesinghe' Centre for Policy Alternatives 24th August 2022 <https://www.cpalanka.org/wp-content/uploads/2022/08/CPA-statement-in-regard-to-the-use-of-PTA-to-issue-detention-orders.pdf>

⁷⁰ Zulfick Farzan, 'Mirihana protesters cannot be charged under PTA - Human Rights Commission' News First 1st April 2022 <https://www.newsfirst.lk/2022/04/01/mirihana-protesters-cannot-be-charged-under-pta-human-rights-commission/>

⁷¹ 'BASL slams govt over abuse of PTA to arrest and detain protesters' Ada Deranan 23rd August 2022 <http://www.adaderana.lk/news/84491/basl-slams-govt-over-abuse-of-pta-to-arrest-and-detain-protesters>

⁷² 'PM assures PTA will not be used to arrest protesters' Colombo Gazette 31st August 2022 <https://colombogazette.com/2022/08/31/pm-assures-pta-will-not-be-used-to-arrest-protesters/>

However, amidst domestic and international scrutiny,⁷³ Convener of the Inter-University Student's Federation (IUSF) Wasantha Mudalige and other student activists were arrested by the Police on 18 August 2022 after a protest in Union Place in Colombo.⁷⁴ Thereafter, it was reported on the 22nd that the President and Defence Minister Ranil Wickremesinghe has granted approval to detain and interrogate Wasantha Mudalige, as well as activist Hashantha Jeewantha Gunathilake and Ven. Galwewa Siridhamma Thera for a period of 90-days under the PTA.⁷⁵ On 6th December, more than 3 months later, Wasantha Mudalige and Siridhamma Thera were reportedly granted bail by the Kaduwela Magistrate's Court.⁷⁶ However, it was reported on 17 January 2023 that Wasantha Mudalige had been further remanded until 31st January 2023 by the Colombo Magistrate's Court.⁷⁷ He was held in custody for longer than 150 days under the PTA⁷⁸ and was released on bail on the 31st of January 2023.⁷⁹

Official Secrets Act

On 23rd September 2022, President Wickremasinghe designated specific areas in the Colombo District as "High Security Zones," purportedly under the archaic Official Secrets Act of 1955. The zones designated by way of a gazette included areas near the

⁷³ 'Sri Lanka faces international censure over arrests' France 24 22nd August 2022

<https://www.france24.com/en/live-news/20220822-sri-lanka-faces-international-censure-over-arrests>

⁷⁴ 'IUSF Convener Wasantha Mudalige arrested' News First 18th August 2022

<https://www.newsfirst.lk/2022/08/18/iusf-convener-wasantha-mudalige-arrested/>

⁷⁵ 'Wasantha Mudalige, and two others to be held for 90-days under the PTA' News First 22nd August 2022 <https://www.newsfirst.lk/2022/08/22/wasantha-mudalige-and-two-others-to-be-held-for-90-days-under-the-pta/>

⁷⁶ 'Wasantha Mudalige and Ven. Siridhamma Thero granted bail' Ada Derana 6th December 2022

<http://www.adaderana.lk/news/86639/wasantha-mudalige-and-ven-siridhamma-thero-granted-bail>

⁷⁷ 'Wasantha Mudalige remanded further' Ada Derana 17th January 2023

<https://www.adaderana.lk/news.php?nid=87660>

⁷⁸ 'End Arbitrary Detention Of Student Activist: Wasantha Mudalige Held 150 Days Under Draconian PTA' Colombo Telegraph 16th January 2023 <https://www.colombotelegraph.com/index.php/end-arbitrary-detention-of-student-activist-wasantha-mudalige-held-150-days-under-draconian-pta/>

⁷⁹ 'Wasantha Mudalige released from terror charges' News Wire 31st January 2023

<https://www.newswire.lk/2023/01/31/wasantha-mudalige-released-from-terror-charges/>

Parliament, Presidential Secretariat and the Prime Minister's office,⁸⁰ which were among popular sites for public protests. The regulations required prior written permission from the Inspector General of Police (IGP) or Senior Deputy Inspector General of Police in charge of Western Province to be obtained to conduct public gatherings or processions within these High Security Zones.

At the outset, it was apparent that the regulations were clearly incompatible with the Act which was drafted for the purpose of protecting state secrets. The designations were clearly an attempt to restrict protests, stifle dissent, and set a dangerous precedence.⁸¹ Several fundamental rights petitions were filed against the designation and the gazette was subsequently revoked on 1st October 2022.⁸²

Misuse of other laws

The year 2022 saw the trend of misusing existing laws for the purpose of suppressing dissent, and an uptick in legal reprisals against protesters. Notably, following the initial protests in late March, the Senior Police Spokesman announced that the arrested suspects who allegedly caused damage during the protests will be charged "under the Public Property Act and Common law of the country."⁸³

In the subsequent months, the Public Property Act was invoked yet again to arrest protesters based on allegations of causing damage to public property during the

⁸⁰ Gazette No 2298/53 of 23 September 2022 http://documents.gov.lk/files/egz/2022/9/2298-53_E.pdf

⁸¹ CPA statement on High Security Zone Order No. 1 of 2022' Centre for Policy Alternatives 25th September 2022 <https://www.cpalanka.org/wp-content/uploads/2022/09/CPA-Statement-High-Security-Zones-Official-Secrets-Act-Regulation-Final.pdf>

⁸² 'Gazette on high security zones revoked' Ada Derana 1st October 2022

<http://www.adaderana.lk/news/85280/gazette-on-high-security-zones-revoked>

⁸³ Sri Lanka's violent protest costs Rs.39 mln; protesters to be charged under common law-police' Economy Next 1st April 2022 <https://economynext.com/sri-lankas-violent-protest-costs-rs-39-mln-protesters-to-be-charged-under-common-law-police-92386/>

occupation of public buildings and spaces, displaying a tendency toward using the statute to penalise protesters. The difficulty of obtaining bail for those arrested under the Public Property Act has been emphasised by lawyers representing the arrested protesters.⁸⁴

In keeping with the broader trend of legal sanctions against protesters, the police have also continuously sought injunctions against the holding of protests and demonstrations.⁸⁵ In addition to this, the Penal Code,⁸⁶ the Code and Criminal Procedure and the Police Ordinance⁸⁷ have been routinely used to arrest protesters.

Arbitrary arrests and intimidation

An alarming number of arrests have been made during and following protests last year. In some cases, due process guarantees mandated by the law have not been afforded to the arrested protesters.⁸⁸ For instance, IUSF activist Veranga Pushpika was reportedly taken away forcibly while he was travelling in a bus by police officers in civilian clothes who arrived in a blue-coloured jeep.⁸⁹ Moreover, on 4th February 2023, reports emerged of peaceful protesters from the previous day being detained and denied due process guarantees such as access to a lawyer.⁹⁰

⁸⁴ Kasun Warakapitiya, 'May 9 violence and protests: 4000 arrested' Sunday Times 11st September 2022 <https://www.sundaytimes.lk/220911/news/may-9-violence-and-protests-4000-arrested-494822.html>

⁸⁵ Siranjani Kumari, 'injunction order issued preventing holding of demonstrations near Parliament, surrounding roads' Daily News 8th December 2022 <https://www.dailynews.lk/2022/12/08/law-order/292695/injunction-order-issued-preventing-holding-demonstrations-near>

⁸⁶ 'Mirihana protesters to be charged under Penal Code & Public Property Act' The Morning May 2022 <https://www.themorning.lk/mirihana-protesters-to-be-charged-under-penal-code-public-property-act/>

⁸⁷ 'Police explain why protesters were arrested' News Wire 24th September 2022 <https://www.newswire.lk/2022/09/24/police-explain-why-protesters-were-arrested/>

⁸⁸ 'Sri Lanka: Penalized for Protesting: Sri Lanka's Crackdown on Protesters' Amnesty International 8th September 2022 <https://www.amnesty.org/en/documents/asa37/5986/2022/en/>

⁸⁹ 'Police arrest IUSF activist Veranga Pushpika' Daily Mirror 27th July 2022 https://www.dailymirror.lk/top_story/Police-arrest-IUSF-activist-Veranga-Pushpika/155-241908

⁹⁰ Dithmini De Silva, 'Peaceful protesters detained last night denied access to lawyers - Saliya Pieris' News First 4th February 2023 <https://www.newsfirst.lk/2023/02/04/peaceful-protesters-detained-last-night-denied-access-to-lawyers-saliya-pieris/>

Some protesters were arrested for reasons lacking in legal basis, such as handing over money found at the President's residence to the police,⁹¹ or sitting on the President's chair.⁹² It is apparent that the intent is to criminalise and discourage acts of civil disobedience and intimidate protesters.⁹³

A lawyer representing arrested protesters has also spoken of instances where the police would request identification parades from the Magistrate in order to prolong the detention of arrested protesters and require them to be remanded for a week.⁹⁴

Legal reprisals against protesters, activists and lawyers are also used as a tactic of intimidation. In November, Attorney-at-Law Nuwan Bopage, who represents student protesters arrested under the PTA, was named as the 59th suspect in a case based on the allegation of illegally entering the President's residence.⁹⁵ Additionally, activists, journalists and others have been called in for questioning by the Criminal Investigations Department (CID) in an effort to intimidate them. In November, the CID reportedly launched an investigation into journalist Tharindu Jayawardhana over a social media

⁹¹'Sri Lankan court orders police to produce Rs 17.8 million found inside President's House' The Print 28th July 2022 <https://theprint.in/world/sri-lankan-court-orders-police-to-produce-rs-17-8-million-found-inside-presidentsouse/1059282/>

⁹² Indika Ramanayake, 'ජනපති නිල පුටුවේ වඩි වූ කතුන් දෙකක් අල්ලයි' Lankadeepa 10th August 2022 https://www.lankadeepa.lk/latest_news/%E0%B6%A2%E0%B6%B1%E0%B6%B4%E0%B6%AD%E0%B7%92%E0%B6%B1%E0%B7%92%E0%B6%BD%E0%B6%B4%E0%B7%94%E0%B6%A7%E0%B7%94%E0%B7%80%E0%B7%9A-%E0%B7%80%E0%B7%8F%E0%B6%A9%E0%B7%92-%E0%B7%80%E0%B7%96%E0%B6%9A%E0%B6%AD%E0%B7%94%E0%B6%B1%E0%B7%8A%E0%B6%AF%E0%B7%99%E0%B6%9A%E0%B6%9A%E0%B7%8A%E0%B6%85%E0%B6%BD%E0%B7%8A%E0%B6%BD%E0%B6%BA%E0%B7%92/1-617903

⁹³ 'Sri Lanka: Penalized for Protesting: Sri Lanka's Crackdown on Protesters' Amnesty International 8th September 2022 <https://www.amnesty.org/en/documents/asa37/5986/2022/en/>

⁹⁴Kasun Warakapitiya, 'May 9 violence and protests: 4000 arrested' Sunday Times 11st September 2022 <https://www.sundaytimes.lk/220911/news/may-9-violence-and-protests-4000-arrested-494822.html>

⁹⁵Zulfick Farzan, 'Attorney Nuwan Bopage named suspect for illegally entering President's House' News First 11th November 2022 <https://www.newsfirst.lk/2022/11/11/attorney-nuwan-bopage-named-suspect-for-illegally-entering-president-s-house/>

post calling for public support to identify police officers abusing their powers during a protest.⁹⁶

The incidents of arrests and intimidation are occurring within the context of rampant militarisation which predates the protests of 2022. The military and police presence in Colombo and elsewhere during protests is therefore symptomatic of a broader trend.⁹⁷ In recent months, a large police presence has been observed in protest sites, and accounts of many police officers being present to arrest only a few protesters have emerged.⁹⁸ The overall conduct of the police shows clear abuses of power and instances of police brutality.

Conversely, there have been instances where the police were by-standers while government supporters and other pro-government elements assault protesters and destroy protest sites.⁹⁹

Disproportionality

Despite assurances of using ‘minimal force’, the responses of security forces towards protests display a clear escalation in the use of force. Soon after being appointed acting

⁹⁶ CID questions journalist for seeking info to identify Police officials to file FR’ News Wire 14th November 2022 <https://www.newswire.lk/2022/11/14/cid-questions-journalist-for-seeking-info-to-identify-police-officials-to-file-fr/>

⁹⁷ Comment: Legality of the State Response to the Right to Protest in the light of the Covid-19 Pandemic’ Centre for Policy Alternatives 29th November 2021 <https://www.cpalanka.org/comment-legality-of-the-state-response-to-the-right-to-protest-in-the-light-of-the-covid-19-pandemic/>

⁹⁸ ‘Sri Lanka: Penalized for Protesting: Sri Lanka’s Crackdown on Protesters’ Amnesty International 8th September 2022 <https://www.amnesty.org/en/documents/asa37/5986/2022/en/>

⁹⁹ ‘Sri Lanka: New Emergency regulations and shooting orders threaten human rights’ Amnesty International 11 May 2022 <https://www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/>

President, Ranil Wickremasinghe asked the military to do “whatever is necessary to restore order.”¹⁰⁰

On 19th April 2022, police opened fire on protesters in Rambukkana, killing one person and injuring more than 20 others.¹⁰¹ During the Magistrate Court proceedings¹⁰² regarding the incident, it came to light that the police B report had been amended, and eyewitnesses contradicted the police officers’ version of the events.¹⁰³

Video footage¹⁰⁴ and other evidence has been published online displaying numerous instances of the police and military officers assaulting, manhandling and using force on protesters.¹⁰⁵ Water cannons and tear gas have been routinely used by the police to disperse protests.¹⁰⁶ The conduct of the police includes many instances of violations of basic principles on the use of force and firearms by law enforcement officials.¹⁰⁷

¹⁰⁰ ‘Sri Lanka’s acting President, Ranil Wickremesinghe, tells military to do ‘whatever is necessary’ to restore order’ ABC Net 14th July 2022 <https://www.abc.net.au/news/2022-07-14/ranil-wickremesinghe-tells-sri-lanka-military-to-restore-order/101237112>

¹⁰¹ ‘Sri Lanka crisis: One killed after police fire live bullets at protesters’ BBC 20th April 2022 <https://www.bbc.com/news/world-asia-61151037>

¹⁰² The HRCSL also investigated the incident. The police investigation was later handed over to the Criminal Investigation Department (CID). See Wasantha Ramanayake, ‘Rambukkana eyewitnesses contradict police version of deadly shooting’ The Sunday Times 24th April 2022 <https://www.sundaytimes.lk/220424/news/rambukkana-eyewitnesses-contradict-police-version-of-deadly-shooting-480857.html>

¹⁰³ *ibid*

¹⁰⁴ VIDEO: Lawyer Nuwan Bopage is dragged away by police’ ABC Net 15th September 2022 <https://www.abc.net.au/news/2022-09-15/nuwan-bopage-is-arrested-in-sri-lanka/101437506>

¹⁰⁵ Guardian News, ‘Sri Lankan forces raid anti-government protest camp’ Youtube 22nd July 2022 <https://www.youtube.com/watch?v=AuXLzOuBchg>

¹⁰⁶ ‘Police attack peaceful protesters in Colombo protesting government’s lavish Independence Day gala’ News First 4th February 2023 <https://english.newsfirst.lk/2023/2/4/police-attack-peaceful-protesters-in-colombo-protesting-government-s-lavish-independence-day-gala>

¹⁰⁷ ‘Basic Principles on the Use of Force and Firearms by Law Enforcement Officials’ United Nations Office of the High Commissioner of Human Rights <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>

Implications

The state response to protests in 2022 has thus created a chilling effect to silence dissent, as the rapidly shrinking civic space and the criminalization of peaceful protesting create adverse implications by restricting the rights to assembly, association, and speech. The state has failed to provide sufficient reasons for restricting these rights, and such restrictions continue to be disproportionate, collateral or unlawful. Over time, these restrictions, along with frequent abuses of power by security forces, have become the norm that further contributes to the existing climate of impunity in Sri Lanka.

Meanwhile, many issues raised by the protesters remain unaddressed and citizens continue to bear the brunt of the rising cost of living and shortages in essential items. The volatility of the current situation is a cause for grave concern in light of the imminent humanitarian crisis which Sri Lanka may have to face. However, instead of addressing these and other critical issues, the government is preoccupied with perpetuating a climate of fear and intimidation and responding to the grievances of the people with reprisals and violence.

Sri Lanka has a rich history of peaceful protest, and despite recent restrictions and reprisals, citizens have continued to exercise their rights to assembly, association and speech. It is therefore imperative that the right to protest is protected, and citizens are given the opportunity and the space to express their grievances and voice dissent without fear of being silenced.