



FIDH - International Federation for Human Rights

and its partner organization in Sri Lanka

Center for Human Rights and Development (CHRDR)

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Updated submission for the review of Sri Lanka's sixth periodic report

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This joint FIDH-CHRDR submission to the United Nations (UN) Human Rights Committee (CCPR)¹ focuses on the Sri Lankan authorities' systematic failure to comply with their obligations under Article 21 of the International Covenant on Civil and Political Rights (ICCPR) during Sri Lanka's *aragalaya* protest movement in 2022.² This submission documents the numerous and serious violations of the right to freedom of peaceful assembly and related abuses committed by the Sri Lankan authorities, in breach of their obligations under Articles 6, 7, 9, 14, 19, and 21 of the ICCPR.³

Use of force against peaceful assemblies

In numerous instances during the *aragalaya* protests, the authorities used force, including firearms, rubber bullets, teargas, water cannons, and batons, to disperse peaceful assemblies, in a manner that was inconsistent with international standards. In many cases, such actions amounted to serious violations of human rights, including the right to life.

Firearms kill, injure protesters

In at least two key incidents, law enforcement personnel used firearms to disperse protesters, resulting in the death of one person and injuries to many others. On 19 April 2022, in the first reported incident of the use of firearms against protesters since the start of the *aragalaya*, one person was killed by live ammunition fired by police to disperse a protest that took place

1 On 31 May 2022, FIDH and CHRDR made a joint submission to the Human Rights Committee, which covered a broader range of violations of the provisions of the ICCPR.

2 The leaderless protest movement, called the *aragalaya* ("struggle" in Sinhala), was a wave of sustained public protests that began in early and mid-2022 in response to the severe economic hardship experienced by all segments of society. The protests, which initially started in the country's capital, Colombo, quickly spread across the country. The protesters' key demands were the resignation of then-President Gotabaya Rajapaksa and the reform of the political system.

3 In 2022, Sri Lanka experienced an unprecedented economic crisis which spurred a series of protests around the country. The nationwide protest movement called on the resignation of President Gotabaya Rajapaksa, whose economic mismanagement was viewed as a key reason for the Country's economy collapse. The continuous protests effectively mobilized vast numbers of people and resulted in the resignation of the President, Prime Minister, and the entire cabinet of ministers.

in Rambukkana, Sabaragamuwa Province.⁴ On 9 July 2022,⁵ in the second reported instance of the use of firearms against *aragalaya* protesters, the army used live ammunition in order to disperse demonstrators who were attempting to break through the barricades erected near the President's official residence in Colombo.⁶ According to the National Hospital of Sri Lanka, three people received gunshot wounds.⁷

Teargas, water cannons used indiscriminately

Police frequently used teargas and water cannons indiscriminately against peaceful *aragalaya* protesters, without adhering to the prerequisites and modalities prescribed by relevant international standards. Between 31 March 2022⁸ and 16 January 2023, police used teargas and/or water cannons in at least 25 protests, mostly in Colombo.⁹

During many protests, including a protest in front of the Police Headquarters in Colombo on 9 June 2022 and the protests in several locations in Colombo on 9 July 2022, continuous rounds of teargas were used to disperse peaceful protesters. On 13 July 2022, a 26-year-old male protester died after developing breathing difficulties due to the repeated use of teargas by police to disperse demonstrators in front of the Prime Minister's office in Colombo.¹⁰ In numerous instances, police fired teargas directly at protesters.¹¹ Some protesters received medical treatment after being directly being hit on the head by teargas canisters.¹²

Polices often used water cannons in conjunction with teargas to disperse numerous peaceful demonstrations during which there was no serious public disorder or likelihood of loss of life or serious injury. Such demonstrations included: a 31 March 2022 protest in front of then-

4 A group of approximately 200 people who had gathered at a gas station to purchase fuel in Rambukkana, Sabaragamuwa Province, began protesting fuel shortages and demanded fuel at the price prior to its increase. As the crowd increased to around 2,000 people, police fired teargas and live ammunition to disperse them. One person, Chaminda Lakshan, died as a result of a gunshot wound. At least 14 others were injured, including five who sustained gunshot wounds.

5 In the largest *aragalaya* demonstration, a crowd of protesters, estimated to number nearly one million, peacefully gathered near the Presidential Secretariat, the President's official residence, and the Prime Minister's official residence (commonly known as "Temple Trees") in Colombo to pressure then-President Gotabaya Rajapaksa to resign. The mass influx of people led to the protesters breaking through the barricades erected by police near all three locations. Water cannons, teargas, and live ammunition were used by law enforcement in attempt to deter the protesters from moving forward. Large groups of protesters subsequently managed to break through the barricades and proceeded to occupy all three sites.

6 Sri Lanka Army, *The Army sets the record straight about Saturday firing*, 10 July 2022; <https://www.army.lk/news/army-sets-record-straight-about-saturday-firing>

7 CNN, *At least 55 injured in protests, according to National Hospital of Sri Lanka doctor*, 9 July 2022; https://edition.cnn.com/asia/live-news/sri-lanka-protests-07-09-22-intl/h_ef205bf134b460054c7acb483faa520e

8 The first attack on peaceful protesters occurred on 31 March 2022. A candlelight vigil was organized at 6:30pm near the Jubilee Junction in Mirihana, Colombo, to protest against the economic mismanagement caused by then-President Gotabaya Rajapaksa's administration. At about 7:30pm, a large crowd joined the protest and started moving towards the President's private residence, which is located approximately two kilometers away. The police used teargas and a water cannon to disperse the protesters. Nine journalists were assaulted by police - including personnel from its Special Task Force (STF) - and the military. At least 53 people who participated in the protest were arrested, while 37 others were injured and hospitalized.

9 Based on FIDH's review of images of protests and eyewitness testimonies.

10 Daily Mirror, *26 year old protestor dies*, 13 July 2022; https://www.dailymirror.lk/latest_news/26-year-old-protestor-dies/342-241010

11 FIDH, *Interview with protest observer*, 29 September 2022, FIDH, *Interview with Colombo-based lawyer*, 14 September 2022; FIDH, *Interview with Colombo-based protester*, 12 October 2022.

12 News First, *JUST IN: Tear gas and water cannons being fired at protesters*, 31 March 2022; <https://www.newsfirst.lk/2022/03/31/just-in-tear-gas-and-water-cannons-being-fired-at-protestors/>

President Gotabaya Rajapaksa's private residence in Colombo;¹³ a 19 May 2022 Inter University Students' Federation (IUSF)¹⁴ protest march in Colombo;¹⁵ a 28 May 2022 protest in Colombo to mark the 50th consecutive day of *aragalaya* demonstrations;¹⁶ a 30 August 2022 IUSF protest march in Maradana, Colombo;¹⁷ and a 24 September 2022 Socialist Youth Union (SYU) protest in Colombo.¹⁸

Protesters attacked, beaten

Sri Lankan police and military frequently used baton charges to disperse protests and attacked participants who did not engage in violent acts.

During a 31 March protest in Mirihana, Colombo, military and police personnel - including members of the Special Task Force (STF), a police unit specialized in counter-terrorism and counter-insurgency operations¹⁹ - forcibly dispersed protesters. The police also violently attacked individuals over one kilometer away from where the initial protest had taken place.²⁰ On 9 May 2022, in Galle, Southern Province, police violently attacked several demonstrators at an *aragalaya* protest site.²¹ On 9 July 2022, during a protest outside the President's official residence in Colombo, police used batons to beat demonstrators.²² During the 22 July 2022 pre-dawn raid in Colombo, the authorities assaulted protesters to remove them from a room they had occupied in the Presidential Secretariat and to clear the protest site in the building's vicinity.²³ During this dispersal, the assembled military forces engaged in violent attacks on protesters, which possibly amounted to torture or cruel, inhumane, or degrading treatment.²⁴

Attacks on journalists

On numerous occasions, journalists who were covering the *aragalaya* protest were targeted by law enforcement officials, despite the fact that they wore identification or accreditation tags, were on official duty, or had informed the authorities that they were journalists.

13 News First, *JUST IN: Tear gas and water cannons being fired at protestors*, 31 March 2022;

<https://www.newsfirst.lk/2022/03/31/just-in-tear-gas-and-water-cannons-being-fired-at-protestors/>

14 The protests led by IUSF were linked to Sri Lanka's economic crisis, accountability for economic mismanagement, and good governance. The IUSF is a student-led body that mobilized thousands of students for months to take part in the *aragalaya* demonstrations. The IUSF has a 40-year history of mobilizing students of public universities around the country.

15 Ceylon Today, *Tear Gas, water cannon used to disperse IUSF protesters*, 20 May 2022;

<https://ceylontoday.lk/2022/05/20/tear-gas-water-cannon-used-to-disperse-iusf-protesters/>

16 Ada Derana, *Tear gas and water cannons fired to disperse protesters near WTC*, 28 May 2022;

<http://www.adaderana.lk/news/82739/tear-gas-and-water-cannons-fired-to-disperse-protesters-near-wtc>

17 Colombo Page, *Police fire tear gas and water cannons to disperse IUSF march*, 30 August 2022;

http://www.colombopage.com/archive_22B/Aug30_1661870295CH.php

18 NewsWire, *Police use tear gas and water cannons to disperse SYU protest (Video)*, 24 September 2022;

<https://www.newswire.lk/2022/09/24/police-use-tear-gas-water-cannons-to-disperse-syu-protest-video/>

19 Ministry of Defense, *STF has a major role in countering extremism and combating organised crimes - Defence Secretary*, 29 May 2020; https://www.defence.lk/Article/view_article/1638

20 Groundviews, *March 31 Protests and Aftermath: Updates*, 2 April 2022.

21 FIDH, *Interview with Galle-based protest organizer*, 16 September 2022.

22 FIDH, *Interview with Colombo-based academic*, 14 September 2022.

23 FIDH, *Interview with prominent protest organizer*, 13 September 2022, FIDH, *Interview with Colombo-based female protester*, 13 September 2022, FIDH, *Interview with Colombo-based journalists*, 13 September 2022; FIDH, *Interview with Colombo-based lawyer*, 14 September 2022.

24 Human Rights Watch, *Sri Lanka: Security forces assault peaceful protesters*, 22 July 2022;

<https://www.hrw.org/news/2022/07/22/sri-lanka-security-forces-assault-peaceful-protesters>

On 31 March 2022, during the protest in Mirihana, Colombo, nine journalists were attacked by STF personnel while they were covering the protest.²⁵ A journalist told FIDH that while he was covering the protest, the STF officers ran directly towards a group of journalists, cornered him using their shields, and beat his head with batons.²⁶ Another journalist covering the same protest was attacked and arrested by the police and was taken into custody at the Mirihana police station.²⁷

On 9 July 2022, during a protest in front of then-Prime Minister Ranil Wickremesinghe's private residence, eight reporters from the privately-owned national TV channel *News First* were attacked by police, including members of the STF.²⁸ A 23-year-old female reporter and three of her colleagues were beaten by batons and firearms in the attacks.²⁹ The female reporter suffered injuries to her head and back.³⁰ All four reporters wore recognizable *News First* t-shirts and were carrying journalist accreditation cards on them when the attack took place.³¹ Four other *News First* journalists who attempted to aid their injured colleagues were also assaulted by the police.³²

On 22 July 2022 during the pre-dawn military raid³³ on protesters in the vicinity of the Presidential Secretariat in Colombo, lawyers and journalists who tried to access the area or document the attacks on the protesters said they were violently assaulted by the military and unidentified men in full military attire wearing black balaclava.³⁴ According to a lawyer who spoke to FIDH, air force personnel blocked lawyers from accessing the cordoned off area, ordered them to leave the area, and not record their conduct. The lawyer related to FIDH that he was verbally abused and kicked by air force personnel and also witnessed air force officers attacking another lawyer and severely beating his head.³⁵ Law enforcement officials assaulted and arrested a lawyer as well.³⁶ On that night, at least five journalists were attacked by law

25 Reporters without Borders, *At least nine journalists injured during Sri Lanka protests*, 7 April 2022; <https://rsf.org/en/least-nine-journalists-injured-during-sri-lanka-protests>

26 FIDH, *Interview with Colombo-based journalist*, 17 September 2022.

27 Ada Derana, *Several journalists including AD reporters injured during Mirihana protest*, 1 April 2022;

<http://www.adaderana.lk/news/81547/several-journalists-including-ad-reporters-injured-during-mirihana-protest>

28 International Federation of Journalists, *Sri Lanka: Journalists attacked during protest coverage*, 11 July 2022;

<https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-journalists-attacked-during-protest-coverage.html>

29 FIDH, *Interview with Colombo-based senior journalist*, 14 September 2022.

30 Committee to Protect Journalists, *Police attack News First journalists covering Sri Lanka protests*, 11 July 2022; <https://cpj.org/2022/07/police-attack-news-first-journalists-covering-sri-lanka-protests/>

31 FIDH, *Interview with Colombo-based senior journalist*, 14 September 2022.

32 FIDH, *Interview with Colombo-based senior journalist*, 14 September 2022.

33 In the early hours of the day after Ranil Wickremesinghe was sworn in as Sri Lanka's President, a military raid was launched to forcefully remove protesters from a room in the Presidential Secretariat and the protest camp in the vicinity of the building in Colombo. At about 1:00am, without prior warning, military and other unidentified personnel violently assaulted protesters, journalists, and lawyers during the raid. Nine people were arrested and at least 50 others were injured, including three who were hospitalized due to the excessive force used by the authorities.

34 FIDH, *Interview with Colombo-based protester*, 13 September 2022; FIDH, *Interview with prominent protest organizer*, 13 September 2022; FIDH, *Interview with protester*, 15 September 2022; FIDH, *Interview with Colombo-based protester*, 13 October 2022.

35 FIDH, *Interview with Colombo-based lawyer*, 14 September 2022.

36 Ceylon Today, *Lightning attack on GotaGoGama protesters*, 23 July 2022; <https://ceylontoday.lk/2022/07/23/lightning-attack-on-gotagogama-protesters/>

enforcement officials.³⁷ Two journalists who were assaulted told FIDH that they were hit on the head and back by military personnel when they tried to access the cordoned off area and live stream the attacks on the protesters.³⁸

Arrest and detention of protest organizers and participants

Police routinely arrested *aragalaya* protest organizers and participants. In most instances, the protesters neither engaged in violent behavior nor incited others to violence. In addition, authorities used anti-terrorism legislation to detain three student protesters for prolonged periods of time.

Organizers of student and youth protests were specifically targeted for arrest while mass arbitrary arrests took place during many peaceful *aragalaya* protests. On 18 August 2022, during an IUSF protest in Colombo, police arrested 16 demonstrators, including IUSF Convenor Wasantha Mudalige and Inter University Bhikkhus' Federation Convenor Venerable Galwewa Siridhamma Thero. On 30 August 2022, police arrested 27 participants of another IUSF protest in Colombo.³⁹ On 24 September 2022, during a protest organized by the SYU in Colombo, police arrested 84 participants, including SYU National Organizer Eranga Gunasekara.⁴⁰ On 18 October 2022, during an IUSF protest march from Kelaniya to Colombo, police arrested eight students, including Kelaniya University Student Union President Kalum Mudannayake.⁴¹

Terrorism legislation used to detain student protesters

The Prevention of Terrorism Act (PTA), a draconian piece of anti-terrorism legislation under which suspects can be detained for up to a year without judicial oversight, was used to arrest three IUSF students for their involvement in the *aragalaya* protests.

On 18 August 2022, IUSF Convenor Wasantha Mudalige, Inter University Bhikkhus' Federation Convenor Venerable Galwewa Siridhamma Thero, and IUSF member Hashan Jeewantha were arrested and detained under the PTA. On 23 August 2022, the three student activists were subject to 90-day detention orders that were signed by President Ranil Wickremesinghe in his capacity as Minister of Defense.⁴²

The three students were arbitrarily detained and kept in solitary confinement in dark cells. While in detention, Venerable Galwewa Siridhamma Thero contracted dengue fever and had

37 International Federation of Journalists, *Sri Lanka: Security forces attack journalists and unarmed protesters*, 22 July 2022; <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-security-forces-attack-journalists-and-unarmed-protestors.html>

38 FIDH, *Interview with Colombo-based journalists*, 13 September 2022.

39 The Morning, *27 IUSF activists at PTA protest arrested*, 31 August 2022; <https://www.themorning.lk/27-iusf-activists-at-pta-protest-arrested/>

40 Ada Derana, *SYU's Eranga Gunasekara and 2 others granted bail*, 25 September 2022; <http://www.adaderana.lk/news/85146/syus-eranga-gunasekara-and-2-others-granted-bail>

41 News First, *IUSF demands the release of detained activists*, 19 October 2022; <https://www.newsfirst.lk/2022/10/19/iusf-demands-the-release-of-detained-activists/>

42 Ceylon Today, *President signs 90-day Detention Orders*, 23 August 2022; <https://ceylontoday.lk/2022/08/23/president-signs-90-day-detention-orders/>

to be hospitalized.⁴³ Due to insufficient ventilation and sunlight, Wasantha Mudalige suffered from a serious skin condition.⁴⁴

After 50 days of detention, on 7 October 2022, Hashan Jeewantha appeared before the Tangalle Magistrate's Court and was released without charge after the Terrorism Investigation Division (TID) informed the court that there was not sufficient evidence to continue detaining him.⁴⁵ On 23 November 2022, after over 90 days of detention, the Colombo Magistrate's Court granted bail to Venerable Galwewa Siridhamma Thero.⁴⁶ However, on the same day, he was remanded again by the Kaduwela Magistrate's Court until 6 December 2022 over his alleged involvement in another protest that took place in July 2022 near the Ministry of Education in Colombo.⁴⁷ On 6 December 2022 the Kaduwela Magistrate's Court released him on bail.⁴⁸ As of 30 January 2023, Wasantha Mudalige remained detained under the PTA.

Military deployed to police protests

In some cases, the military was deployed to control the *aragalaya* protests when there were no exceptional circumstances that justified the military's deployment. Military personnel were deployed to police assemblies that were predominantly peaceful and, in some cases, small-scale. In many instances, military personnel failed to adhere to international standards on the policing of assemblies by resorting to disproportionate and disproportionate force - a fact that could suggest a lack of appropriate human rights training.

In some cases, such as the 31 March 2022 protest in Mirihana, Colombo,⁴⁹ and the 22 July 2022 military raid on protesters in the vicinity of the Presidential Secretariat in Colombo,⁵⁰ the military was used to block and/or forcefully disperse peaceful protesters. In many instances members of the STF were also deployed to police assemblies. During the 31 March and 9 July protests, the STF targeted and assaulted journalists [See above, *Attacks on journalists*].

Police officers deployed for crowd control appeared to have not received adequate human rights training. They also appeared to lack training and sensitization to the specific needs of vulnerable groups at protests, including persons with disabilities and children. In various

43 Ceylon Today, *Siridhamma Thera down with dengue*, 27 October 2022; <https://ceylontoday.lk/2022/10/27/siridhamma-thera-down-with-dengue/>

44 The Morning, *IUSF and IUBF Convenors get skin disease, dengue*, 1 November 2022; <https://www.themorning.lk/iusf-and-iubf-convenors-get-skin-disease-dengue/>

45 News First, *Lack of evidence: IUSF activist released after 50-days in detention*, 7 October 2022; <https://www.newsfirst.lk/2022/10/07/lack-of-evidence-iusf-activist-released-after-50-days-in-detention/>

46 NewsWire, *Ven. Galwewa Siridhamma Thero released from detention*, 23 November 2022; <https://www.newswire.lk/2022/11/23/ven-galwewa-siridhamma-thero-released-from-detention/>

47 Colombo Times, *Ven. Galwewa Siridhamma Thero remanded again in another case*, 23 November 2022; <https://www.colombotimes.net/ven-galwewa-siridhamma-thero-remanded-again-in-another-case/>

48 News First, *Student leaders Wasantha Mudalige, Ven. Siridhamma Thero granted bail*, 6 December 2022; <https://www.newsfirst.lk/2022/12/06/student-leaders-wasantha-mudalige-ven-siridhamma-thero-granted-bail/>

49 Watchdog, *Incident report: The Mirihana protest, a timeline*, 1 April 2022; <https://longform.watchdog.team/observations/incident-report-the-mirihana-protest-summarized>

50 FIDH et. al, *Brutal attack against peaceful protesters by security forces*, 23 July 2022; <https://www.fidh.org/en/region/asia/sri-lanka/sri-lanka-brutal-attack-against-peaceful-protesters-by-security>

instances during the *aragalaya* protests, police and military personnel severely neglected to protect, and, in some cases, targeted persons with disabilities and children.

During the 22 July 2022 raid in and around the Presidential Secretariat in Colombo, military and other unidentified personnel attacked the tents used by members of the deaf community and war veterans with disabilities. Before they were assaulted, the deaf protesters had pointed to a sign board that indicated that they were deaf but the military proceeded to attack them.⁵¹ Similarly, three war veterans with disabilities were hit on the head and one of them was hospitalized.⁵² While dispersing a candlelight vigil on 9 October 2022, an infant and a child were dragged away by the police as their parents were being arrested.⁵³ In some cases, police used teargas indiscriminately against protesters, despite the presence of children near or at demonstrations.

Notification requirement used to stifle peaceful assemblies

Authorities often claimed *aragalaya* protest organizers failed to notify police of planned assembly and processions to prevent demonstrations from taking place. In many cases, authorities misconstrued the notification requirement under the Police Ordinance as an authorization procedure, in order to prohibit protests.

Section 77 of the Police Ordinance requires that written notice should be given six hours prior to the commencement of a procession in any public place.⁵⁴ On 30 August 2022, the police assaulted and arrested protesters to disperse a peaceful protest march in Maradana, Colombo, because there was no “prior permission” for the march.⁵⁵ On 10 October 2022, despite a prior written notification to the police of a planned protest march organized at Colombo’s Galle Face Green by lawyers and other professionals, police announced that the march was illegal.⁵⁶ On 2 November 2022, police erected barricades and prevented a large peaceful protest march from proceeding towards the Fort Railway station in Colombo, saying that permission for the procession had not been granted.⁵⁷ Protest organizers had notified the police in writing six hours prior to the protest march.⁵⁸

51 FIDH, *Interview with Colombo-based protester*, 12 October 2022.

52 FIDH, *Interview with protester*, 16 October 2022.

53 NewsWire, “*It is heartbreaking to see this young mother & child being treated like this*”, 9 October 2022; <https://www.newswire.lk/2022/10/09/it-is-heartbreaking-to-see-this-young-mother-child-being-treated-like-this-sajith-condemns-conduct-of-police/>

54 Police Ordinance No.16 of 1865, Section 77. The Police Ordinance is a British-era colonial piece of legislation that was promulgated in 1865.

55 News First, *25 IUSF activists arrested during protest*, 30 August 2022; <https://www.newsfirst.lk/2022/08/30/25-iusf-activists-arrested-during-protest/>

56 Daily Mirror, *Obstructing peaceful protest: SSP Roshan Dias and ASP Dilruk noted to appear in court as accused*, 21 October 2022; https://www.dailymirror.lk/breaking_news/Obstructing-peaceful-protest-SSP-Roshan-Dias-and-ASP-Dilruk-noted-to-appear-in-court-as-accused/108-247246

57 News First, *Colombo mass protest ends at the Police blockade*, 2 November 2022; <https://www.newsfirst.lk/2022/11/02/colombo-mass-protest-ends-at-the-police-blockade/>

58 News First, *Colombo mass protest ends at the Police blockade*, 2 November 2022; <https://www.newsfirst.lk/2022/11/02/colombo-mass-protest-ends-at-the-police-blockade/>

Protests disrupted, blocked

In many cases, instead of facilitating the exercise of the protesters' right to freedom of peaceful assembly, police disrupted, blocked, and interfered in *aragalaya* demonstrations.

Protesters were prevented from holding protests in public places. In Galle, Southern Province, on 29 and 30 June 2022, army personnel disrupted two peaceful protests that took at the Galle Fort ramparts.⁵⁹ On 9 October 2022 and 9 November 2022, during two protests at Colombo's Galle Face Green, a public seaside promenade, police harassed participants in peaceful candlelight vigils and forced them to move from the event's intended location.⁶⁰

In several instances, police invoked the Police Ordinance to prevent protesters from using sound amplifying equipment and producing music as part of their demonstrations.⁶¹

Failure to protect protest participants

On 9 May 2022, pro-government elements launched an unprovoked violent attack on peaceful protesters in front of the Prime Minister's official residence and then at Galle Face Green in Colombo. A similar attack on *aragalaya* protesters occurred in Kandy, Central Province.⁶² According to eyewitness accounts and video footage of the Colombo incident, police were present at the sites of the attacks, witnessed the attacks taking place, but failed to intervene to stop the violence.⁶³

Recommendations

- Recognize that assemblies are presumed to be lawful and peaceful, in accordance with international human rights standards.
- Ensure that government laws, policies, and practices are consistent with Sri Lanka's obligations under Article 21 of the ICCPR and relevant international standards on the right to freedom of peaceful assembly.
- Ensure that all restrictions on the right to freedom of peaceful assembly are: prescribed by law; necessary in a democratic society; and proportionate to the aim pursued. Any restrictions should be subject to an independent, impartial, and prompt judicial review.

59 The Morning, *Army says Galle Fort protest disrupted to make sure batsmen not distracted*, 1 July 2022; <https://www.themorning.lk/army-says-galle-fort-protest-disrupted-to-make-sure-batsmen-not-distracted/>

60 FIDH, *Interview with protester*, 10 November 2022; The Morning, *IGP urged to arrest cops who obstructed protest*, 11 October 2022; <https://www.themorning.lk/igp-urged-to-arrest-cops-who-obstructed-protest/>

61 For example, on 7 October 2022, police prevented protesters in Nugegoda, Colombo, from singing and playing music through portable speakers because no prior permit for the use of the equipment had been obtained. Similar obstructions for the use of sound amplifying equipment occurred during a 7 November protest at Galle Face Green in Colombo. Section 80 of the Police Ordinance No. 16 of 1865 prescribes that a permit is needed to use a loudspeaker, megaphone or other instrument producing, reproducing or amplifying sound.

62 FIDH, *Interview with Kandy-based lawyer*, 11 September 2022; FIDH, *Interview with Kandy-based senior lawyer*, 11 September 2022.

63 FIDH, *Interview with Colombo-based protester*, 13 September 2022; FIDH, *Interview with Colombo-based protester*, 13 September 2022; 13 September 2022; FIDH, *Interview with prominent protest organizer*, 13 September 2022.

- Refrain from using national security legislation, including the Prevention of Terrorism Act, to criminalize protest organizers and participants for the legitimate exercise of their right to freedom of peaceful assembly.
- Refrain from deploying members of the armed forces, counter-terrorism police units, or unidentified personnel for the policing of assemblies.
- Ensure that any use of force to disperse assemblies is in accordance with international human rights law and standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials, including through the provision of relevant training.
- Conduct periodic human rights training to law enforcement officials, with the assistance of relevant domestic and international human rights bodies, on the policing of assemblies.
- Ensure that the prior notification process under the Police Ordinance is not used as a *de facto* authorization system to regulate the exercise of the right to freedom of peaceful assembly.
- Consider amending the notification requirement for processions under the Police Ordinance in order to facilitate spontaneous or urgent protest marches.
- Guarantee that law enforcement officials policing assemblies respect and ensure the rights of journalists, lawyers, medical personnel, and assembly observers.
- Ensure that participants in assemblies who have suffered violations of their right to freedom of peaceful assembly have access to effective remedies, as guaranteed by Article 2(3) of the International Covenant on Civil and Political Rights.