

Repression of Dissent

February 2023



Police arrested 17 protesters over conducting a protest against the President during his visit to Jaffna to participate at an opening ceremony of the Jaffna Cultural Centre, located in the former war affected Northern Province. Protesters had been arrested for allegedly being in the close proximity to the event, while the protest actually happened more than one kilometre away from the event. Photo Courtesy: Tamil Guardian

INFORM

Human Rights Documentation Centre

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Repression of Dissent in Sri Lanka in February 2023.

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INFORM was established in 1990 to monitor and document human rights situation in Sri Lanka, especially in the context of the ethnic conflict and war, and to report on the situation through written and oral interventions at the local, national and international level. INFORM also focused on working with other communities whose rights were frequently and systematically violated. Presently, INFORM is focusing on election monitoring, freedom expression and human rights defenders. INFORM is based in Colombo Sri Lanka, and works closely with local activists, groups and networks as well as regional (Asian) and international human rights networks.

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1. Executive Summary

Context: Report of the Universal Periodic review on Sri Lanka was adopted on 3rd February 2023. In the evening of the same day, protesters who held a protest in Colombo were attacked with water cannons, and tear gas by Police. Government held a pompous military parade celebrating its 75th Independence Day on 4th of February, amidst protests by civil society groups around the country against the government's spending on Independence Day celebrations, and not meeting long term demands of the people. A number of protests were held throughout the month mainly focusing on economic issues, but also against postponing elections by the government, and other issues. Many trade unions protested against the recent increase in personal income tax. The activists and survivors commemorated the 27th anniversary of the Kumarapuram massacre in 1996 in which 24 Tamil civilians were reportedly murdered by the military, and still remains in impunity. The Department of Immigration and Emigration issued the highest number of passports and also recorded the highest numbers in labour migration in the year 2022. The German Ambassador to Sri Lanka raised concerns that German companies operating in Sri Lanka would be compelled to withdraw their operations if the ongoing import ban continues.

Case updates: Inter University Student Federation (IUSF) Convenor, Wasantha Mudalige who was detained for several months under Prevention of Terrorism Act (PTA) and released on bail last month, accused several Police officers of having threatened him while he was being detained. On 06th February 2023, the fort Magistrate Prasanna Alwis lifted bail conditions imposed on twenty student activists, who were arrested and charged with illegal assembly, for taking part in a silent protest held three years ago in March 2020. Colombo magistrate Thilina Gamage rejected the request made by the lawyer representing former President Gotabaya Rajapakse, requesting to return him the cash found and handed over by the anti-government protesters when they took over the Presidential house on 9th July 2022. The Colombo chief magistrate ordered the Police to submit a progress report on the investigations on a protest march on violence against women organised by the chief opposition party in November 2022, in which police arrested 13 women politicians under the alleged charges of illegal assembly. As the writ petition by a former military officer against holding local government elections was taken for hearing at the Supreme Court, the finance ministry informed the court that they are unable to release funds for the election as government funding has been limited to essential services. The case was fixed for further support in May 2023. Another writ petition against holding elections by a political group of Matara Municipal Council, whose nominations were rejected, was dismissed by the Supreme Court. The Human Rights Commission of Sri Lanka (HRCSL) concluded that the Department of Government news has violated the rights of a journalist by not registering his news website, on the basis that the Defence Ministry did not provide a clearance.

Local government election: Citing financial crisis, President Ranil Wickramasinghe as the Minister of Finance issued circulars instructing government to limit expenditure to a list of essential services, which excluded election related expenses. Subsequently, the secretary to the Ministry of Finance and treasuries informed the National Election Commission (NEC) about their difficulties in releasing necessary funds for the local government election. The Government Printer said that the printing of the postal ballot papers has been delayed due to lack of Police protection provided and not receiving required funds for the purpose. Filing a

special motion before the Supreme Court, the NEC informed the court of its inability to hold the local government election in time due to the government's failure to allocate required funds. Subsequently Postal voting was postponed until a further notice.

Repression of Journalists: YouTuber and blogger Dharshan Hadungoda was arrested by the Criminal Investigation Department in relation to a video he had shared online regarding the violence on 9th May 2022, the day that pro-government mobs attacked the peaceful protesters, leading to a wave of attacks on the property of government politicians. Terrorism Investigation Department (TID) sent a summon notice to the chairperson of the International Broadcasting Corporation for Tamil (IBC), Baskaran Kandiah, ordering him to provide a statement.

Repression of freedom of Freedom of Assembly: Police dispersed a silent protest against the government's Independence Day celebrations with water cannons and arrested several protesters, as an unknown group created a tense situation at the location according to the Police. Police made several attempts to stop another protest against Independence Day celebrations, while it was moving through the Jaffna town. Two other protests organized by opposition political parties National People's Power (NPP) and Samagi Jana Balawegaya (SJB), mainly demanding not to postpone elections, were attacked with tear gas and water cannons by the Police. 28 injured and 1 person died during the NPP protest. 17 protesters along with the Tamil National People's Front (TNPf) Parliamentarian MP Selvarajah Kajendra and their legal advisor Lawyer Kanagaratnam Sugash were arrested over protesting against the President Ranil Wickremasinghe's visit to an event in Jaffna. A protest organized by Inter-University Bhikkhu Federation (IUBF) demanding to resume the work of Buddhist and Pali University that has been closed since December 2022, was dispersed using tear gas and water cannons. A different protest by a group of nationalist monks against the full implementation of the 13th Amendment of Sri Lankan constitution was obstructed by the Police. A court order was issued against a protest organized by the employees of banking, health, ports, power and energy sectors demanding the revision of the government's tax policy.

Other incidents: The office of the chairperson of the Public Utilities Commission (PUCSL) Janaka Rathnayaka was sealed by the Police claiming that unlawful activities against the government are happening there. Two days before their raid, the chairman disagreed with the government's recent increase of electricity tariffs that needed to go through PUCSL's approval process, and proposed an alternative system. Activist Chiranthana Amarasinghe was arrested while handing over an RTI request to the State Intelligence Services (SIS) headquarters and allegedly tortured while being held in detention by the Cinnamon gardens Police. Two gazette notifications were issued declaring essential services, a known strategy of preventing trade union actions. Monthly gazette calling out for armed forces to maintain public order was issued the same as the previous month. This provides powers for the military to intervene in civilian affairs.

2. Context



4th UPR review on Sri Lanka was held from 26th January to 3rd February 2023, in the United Nations Office in Geneva. Photo Courtesy: Sri Lanka Campaign

Universal Periodic Review (UPR) on Sri Lanka was held on 1st February 2023¹, where 106 countries provided 294 recommendations, and 12 countries submitted the questions in advance. Sri Lanka is expected to provide their responses on all recommendations before the next 53rd Human Rights Council session scheduled to be held in June, 2023. Qatar, Algeria and the United Kingdom acted as troika countries overseeing the process. 22 individual submissions and 24 joint submissions were made by civil society organisations.² The final draft report on Sri Lanka was adopted on 3rd February 2023.³ Recommendations included promotion of reconciliation, and transitional justice mechanisms to ensure rights of ethnic minorities, promotion of accountability including ending impunity on human rights abuses, strengthen independence of judiciary and other domestic institutions, repeal of Prevention of Terrorism Act (PTA), promotion of gender equality including non-discrimination, and decriminalisation of homosexuality, and ensuring right to peaceful protest among many other specific recommendations.

In the evening of the same day, protesters who held a protest in Colombo against Sri Lankan government's plan to celebrate the Independence Day with a pompous military parade on the following day, were attacked with water cannons, and some of them were arrested. On 3rd

¹ <https://media.un.org/en/asset/k1w/k1wp13b2p0>

² <https://www.ohchr.org/en/hr-bodies/upr/lk-stakeholders-info-s42>

³ <https://media.un.org/en/asset/k19/k19sdqs7p7>

and 4th February, several protests were held in Colombo⁴, Jaffna⁵ and other areas⁶ against expenditure of public money on a military parade, at a time Sri Lanka is going through the worst economic crisis. Despite media reports initially mentioning an estimated 200 million Sri Lankan rupees expenditure on the parade according to the Public Administration Ministry,⁷ the government later claimed only 11 million rupees were spent.⁸



Satyagraha protest held in front of Elphinstone Theatre in Maradana in Colombo, before being dispersed by the Police a few hours later. The placards say 'where is so called "independence"?' Photo Courtesy: [BBC World](#)

Number of protests were held throughout the month mainly focusing on economic issues, but also against postponing elections by the government, and other issues. On 8th of February, the Government Medical Officers Association (GMOA), the Federation of University Teachers' Associations (FUTA), and the water supply, petroleum and power supply sector trade unions declared a one day token strike against recent reforms in personal income tax policy and government's failure to address the shortage of medicine.⁹ ¹⁰ On 8th February, a collective of trade unions along with thousands of public servants from petroleum, ports, water supply, electricity, health and education sectors held a massive demonstration in Colombo against the tax reforms.¹¹ The tax reforms came into effect on 1st January 2023 that sought to increase the government's tax income, included reducing personal tax exemption amount from 3 million rupees of annual income to 1.2 million of annual income, and a mandatory deduction of Pay-

⁴ <https://www.sundaytimes.lk/230205/news/isolated-protests-across-the-country-mark-independence-day-510418.html>

⁵ <https://www.tamilguardian.com/content/black-day-tamil-homeland-tamil-jaffna-protest-sri-lankas-independence-day-celebrations>

⁶ <https://www.tamilguardian.com/content/black-flag-protest-mannar-sri-lankas-independence-day>

⁷ <https://www.newsfirst.lk/2023/01/13/independence-day-celebrations-to-cost-rs-200-mn/>

⁸ <https://sundaytimes.lk/online/news-online/PMD-clarifies-Independence-Day-cost/2-1140665>

⁹ <https://www.adaderana.lk/news/88227/collective-trade-union-action-underway-today>

¹⁰ <https://www.newsfirst.lk/2023/02/08/professionals-trade-unions-go-on-strike/>

¹¹ <https://www.themorning.lk/articles/gCZ4M3hxJraWLNMrWetV>

As-You-Earn (PAYE) taxes by the employer.¹² Subsequently, many professionals who were previously exempted from paying direct personal income taxes had to pay income taxes from their salaries, starting from this year. According to the government, only 2.6% of the Sri Lankan workforce are still subjected to the PAYE tax.¹³ On 9th February, the Alliance of Trade Unions and Mass Organization held another protest outside the Sethsiripaya building in Battaramulla in Colombo suburbs, where many key government offices are located, urging the government to provide relief by reducing prices of goods and fuel and to repeal Prevention of Terrorism Act (PTA).¹⁴ The trade unions of Sri Lanka Telecom also held a protest on the same day, against the new taxes and the increasing cost of living.¹⁵ On 9th of February, the Court of Appeal issued an interim order preventing the collection of the PAYE tax from the salaries of judges till the petition is supported, based on a previous petition filed on the matter by the Judicial Services Officers Union.¹⁶

On 9th February, the Minister of Foreign Affairs speaking to a newspaper reconfirmed the government's plan to decriminalise same-sex relationships, referring to the private member bill initiated by Sri Lanka Podujana Peramuna (SLPP) MP Premnath C. Dolawatte last year.¹⁷



Survivors and relatives of the victims of Kumarapuram massacre remembered the mass atrocity that remains in impunity for 27 years. Photo courtesy: theleader.lk

¹² <https://www.ft.lk/columns/lis-2023-a-Year-of-Taxation-Part-1/4-743817>

¹³ https://www.dailymirror.lk/breaking_news/Government-says-only-2-6-of-Sri-Lankas-total-workforce-subject-to-PAYE-tax/108-253960

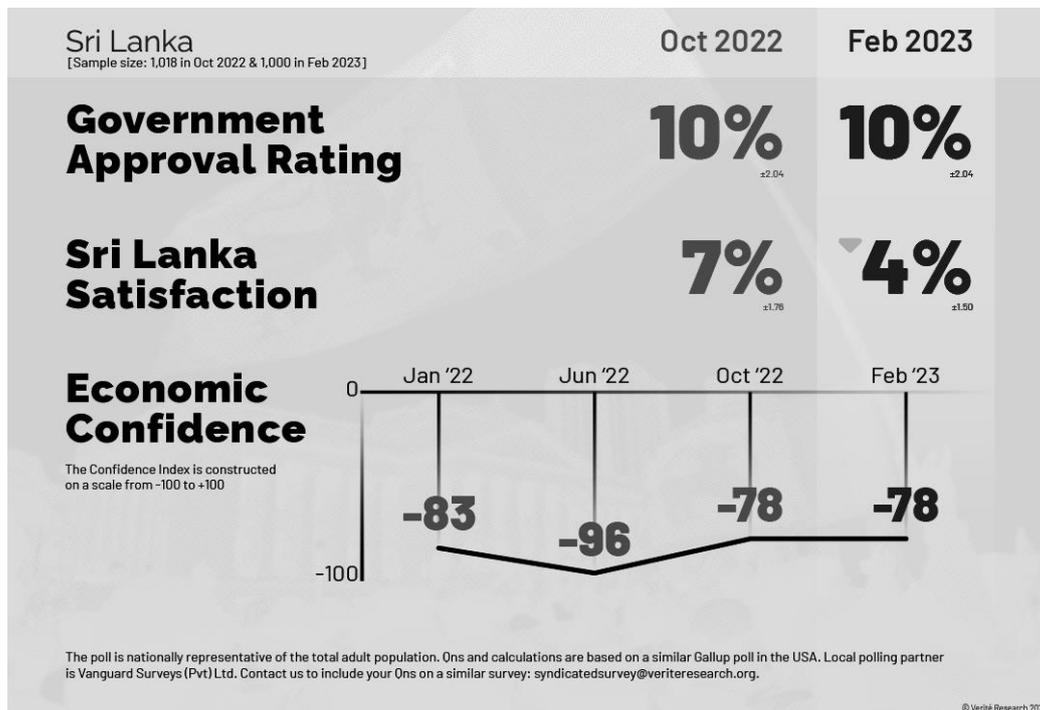
¹⁴ https://www.dailymirror.lk/caption_story/Resisting-the-government/110-253856

¹⁵ https://www.dailymirror.lk/caption_story/Another-protest-against-new-taxes/110-253853

¹⁶ <https://www.newsfirst.lk/2023/02/09/ca-extends-order-suspending-tax-on-judges-salaries/>

¹⁷ <https://www.themorning.lk/articles/DTIRaTHSwT1O8hESDdqF>

On 11th February 2023, the survivors, the relatives of the victims and activists commemorated the 27th anniversary of the Kumarapuram massacre.^{18 19} On 11th February 1996, 24 Tamil civilians were reportedly murdered including a 15-year girl child who was allegedly gang raped by Sri Lankan soldiers before being killed in Kumarapuram village in Trincomalee district. Many factors including years of court delays, incompetent investigations, destruction of evidence, intimidation of survivors and witnesses, transfer of the trial to a different area, and appointment of a Sinhala speaking jury trial and undue political influences finally led to the acquittal of all the accused in December 2016, with nobody being held accountable for the grave crime.²⁰



A poll found extremely low ratings on people's satisfaction with the government, economy and the country in general. Photo Courtesy: verite research

'Mood of the nation', a poll conducted by the verite research in February 2023 to assess the approval, satisfaction, and confidence of the nation in relation to the government, the country, and the economy, found extremely low ratings on all areas, with only 10% approving the way the government works, and only 4% being satisfied with general situation in Sri Lanka.²¹ The Department of Immigration and Emigration issued the highest number of passports and also recorded the highest numbers in labour migration in the year 2022.^{22 23} The German Ambassador to Sri Lanka issued a statement raising concerns that German companies operating in Sri Lanka would be compelled to withdraw their operations if the ongoing import ban continues.²⁴

¹⁸ <https://twitter.com/JDSLanka/status/1625058875643666432>

¹⁹ <https://english.theleader.lk/news/3686-calls-continue-for-retrial-into-kumarapuram-killings-in-1996>

²⁰ <https://pearlaction.org/wp-content/uploads/2017/03/impunity-reigns-in-sri-lanka.pdf>

²¹ <https://www.veriteresearch.org/insight/mood-of-the-nation-sri-lanka-february-2023/>

²² <https://www.dailymirror.lk/infographics/Record-number-of-passports-issued-in-2022/193-253251>

²³ <http://www.slbfe.lk/file.php?FID=696>

²⁴ <https://island.lk/german-companies-concerned/>

3. Case Updates

3.1. Student activist accuses that he was threatened while in detention

Speaking at a press conference on 1st february, Inter University Student Federation (IUSF) Convenor, Wasantha Mudalige who was detained for several months under draconian Prevention of Terrorism Act (PTA), accused several Police officers of having threatened him while he was being detained. On 18th August 2022 during a protest held at Colombo, he was arrested, along with 19 other protesters of whom 16 were released on the same day. Three suspects including Wasantha Mudalige the convener of Inter University Student Federation (IUSF), Galwewa Siridhamma Thero the convener of the Inter University Bhikkhu Federation (IUBF) Convenor, and Bhashantha Jeewantha Gunathilake, a member Kelaniya University Students Union, were detained under PTA.^{25 26} Mudalige was held in detention for around 6 months until February 2023, while two others were held in detention for around three months, and two months respectively.^{27 28}

Mudalige alleged that Assistant Superintendent of the Police (ASP) Mahinda Willoarachchi of the Special Unit of the Peliyagoda Police Station had made him death threats while he was being taken to be questioned at the Enderamulla Police station. Willoarachchi has allegedly threatened him saying that they want to murder him, even though the present situation in the country does not allow them to do so. Mudalige also said that the police intentionally did not allow his lawyers, family members, civil society activists and officers of Human Right Commission to see him, and also kept threatening him continuously, while being taken to various places without a clear purpose such as the basement of the Foreshore Police barracks and Kaduwela Nawagamuwa Devalaya parking area etc. He said that he is planning to take necessary legal actions on violating his fundamental rights while being held in detention.²⁹ Mudalige also accused that ASP Lasantha Ratnayake, who is an accused in the extra-judicial killing of underworld figure 'Army Suranga' in June 2006 and ASP Ajantha Rodrigo of the Riot Squad were assigned to create evidence against him.^{30 31} Speaking at a television programme, the Minister of Justice Wijayadasa Rajapaksha denied allegations made by Mudalige.³²

3.2. Bail conditions on 20 student activists lifted

On 06th February 2023, the fort Magistrate Prasanna Alwis lifted bail conditions imposed on twenty student activists, who were arrested and charged with illegal assembly, for taking part in a protest held three years ago. In March 2020, student activists started a satygraha silent protest in front of the Ministry of Higher Education building located in Ward Place in Colombo, demanding to stop suppression of student activists in the University Ruhuna including

²⁵ <https://www.inform.lk/repression-of-dissent-august-2022/>

²⁶ <https://www.newsfirst.lk/2022/08/22/wasantha-mudalige-and-two-others-to-be-held-for-90-days-under-the-pta/>

²⁷ <http://www.adaderana.lk/news/86328/ven-galwewa-siridhamma-thero-granted-bail>

²⁸ <https://www.newsfirst.lk/2022/10/07/lack-of-evidence-iusf-activist-released-after-50-days-in-detention/>

²⁹ <https://www.youtube.com/watch?v=PmVtl3UDRQk>

³⁰ <https://asianmirror.lk/news/item/34858-wasantha-mudalige-names-and-shames-two-cops-who-threatened-to-kill-him>

³¹ https://www.dailymirror.lk/breaking_news/Police-planned-to-kill-me-Wasantha-Mudalige/108-253471

³² <https://www.youtube.com/watch?v=I6TBNzPy6T0&t=2186s>

cancellation of studentship of some student activists. The student activists built a hut in front of the Ministry building, and started a continuous protest demanding a solution. On or before 27th of February 2020, Colombo magistrate court ordered to remove the protest hut and prevent the students from having the protest in front of the Ministry. As the student activists did not leave the protest according to the court order, on the following day Police arrested 22 students for allegedly violating the court order and being part of an 'illegal assembly.' They included convener of Inter University Student Federation (IUSF) Rathkarawwe Jinarathana Thero, Convener of General Students Association of Ruhuna University Weranga Pushpika, Convener of General Students Association of Rajarata University Wasantha Mudalige, Co-convener of General Students Association of Peradeniya University Mangala Maddumage, and Gihan Weerasekara and other student activists who participated in the protest with them.³³

³⁴ Student Activist Wasantha Mudalige of Rajarata University now acts as the current convener of the IUSF, while former convener Jinarathana Thero has stepped down from the position. ³⁵ When the case was taken up before the Colombo Magistrate court on 6th of February 2023, the Magistrate ordered that the case be taken up on 29th May 2023, as the instructions from the Attorney General have not been received by the court. The court also lifted the bail condition imposed on suspects to appear before the Cinnamon Gardens Police Station once a month.³⁶

3.3. Colombo Magistrate court denies returning money to Gotabaya Rajapakse:

When the case about 17.85 million cash found in the Presidential Secretariat by protesters was taken up for hearing on 8th February 2023, Colombo magistrate Thilina Gamage rejected the request made by the lawyer representing former President Gotabaya Rajapakse, requesting to return the money to him. The former president, through his lawyer, informed the court that he left the country, following the instructions from the security forces, without collecting the money that belonged to him. Lawyers representing aggrieved parties argued that this money should be investigated under the bribery act and Prevention of Money Laundering act. They also requested the court to take action against Senior Deputy Inspector General of Police (SDIG) Deshabandu Tennakoon for threatening the Director of the Special Investigation Unit of the Police Department SSP Wickramasinghe in November 2022 through two telephone calls for not handing over money to a minister as he had instructed, for which SSP Wickramasinghe held that the court should decide, as there is an ongoing legal case on the matter. ³⁷ ³⁸

3.4. Court orders Police to submit progress reports on the case against women's protest

On 14th November 2022, Samagi Vanitha Balavegaya, the women's wing of Samagi Jana Balawegaya (SJB), the main opposition party of Sri Lanka organised a protest march on violence against women, with the participation of women politicians of the party. The protesters

³³ <https://www.newsfirst.lk/2020/03/02/22-university-students-remanded-for-violating-court-orders/>

³⁴ https://www.inform.lk/wp-content/uploads/2020/05/ROD_Feb-Apr_2020.pdf

³⁵ <https://www.themorning.lk/articles/sjzvpAVB0zemZuu8JgGk>

³⁶ <https://www.themorning.lk/articles/sjzvpAVB0zemZuu8JgGk>

³⁷ <https://www.themorning.lk/articles/QHCvBu9CJRJIqBOqMinz>

³⁸ https://www.dailymirror.lk/breaking_news/SIU-Director-informs-Court-he-was-threatened-by-Deshabandu-Tennakoon/108-252145

started from Independence Square and planned to march up to the United Nations Head Office in Colombo, calling to end violence against women marking the International Day for the Elimination of Violence against Women commemorated in November. When the protesters were passing President Wickramasinghe's private residence, the Police blocked the protesters and arrested 13 protesters, including National Organiser of the Samagi Jana Balawegaya Women's Wing former MP Hirunika Premachandra. They were granted bail on 15th November 2022.³⁹ When the case was called for hearing on 13th February 2023, the Colombo chief magistrate ordered the Cinnamon Gardens Police to submit a progress report on the investigations, as Police is yet to finalize the investigations. The Cinnamon Gardens Police alleged that the protesters organised a procession without prior permission and obstructed police officers from performing their duties while being members of an unlawful assembly.^{40 41}

3.5. The writ petition against holding local government election

In January 2023, a retired army Colonel W. M. R. Wijesundara filed a writ petition at the Supreme Court seeking an order to suspend upcoming local government elections taking into account Sri Lanka's economic situation.⁴² On 10th of February, Supreme Court postponed the writ petition for further support on 23rd February. On or before 15th February, the petitioner requested an earlier date for hearing the petition as the voting of postal election was initially scheduled to be held on 22nd February.⁴³ Subsequently the court decided to hear the petition on 20th February. When the case was taken up at the Supreme court on the day, the petitioner's lawyer informed the court that there is no necessity for supporting the motion, as the election has been postponed indefinitely and the case was again refixed for support on 23rd February.⁴⁴ On 23rd February, the court was informed that the Treasury Secretary had filed three affidavits informing that sourcing funds has become a challenge as the government has decided to give priority for the essential services. Counsel appearing for the Election Commission informed the court that the Commission would respond to the affidavits within a week's period, as election has been fixed for 9th of March. However, he further noted despite all efforts being made to conduct elections, the commission is unable to provide an assurance on holding elections as planned, mainly due to the failure of the Treasury to release funds in time and the inability of the Government Printer to print the polling cards. He also added that the decision of conducting the poll should not depend on the Cabinet or the Treasury, and interruptions by the government to hold elections are not acceptable. Additional Solicitor General Nerin Pulle, appearing on behalf of the Treasury Secretary informed the court that due to the current economic crisis, the drop of revenue and the circulars issued by the Finance Ministry it has become difficult to release the funds. When a judge questioned the Additional Solicitor General as to when the funds could be made available, he said he would have to consult his client to respond to the question. The court fixed the petition for further support on 11th of May 2023.^{45 46}

³⁹ https://www.inform.lk/wp-content/uploads/2023/02/RoD_Nov22.pdf

⁴⁰ <https://www.newswire.lk/2022/11/15/hirunika-14-other-protesters-released/>

⁴¹ https://www.dailymirror.lk/print/front_page/Court-calls-for-progress-report-on-Hirunika-and-others/238-254097

⁴² <https://www.ft.lk/news/Retired-Army-officer-files-writ-petition-against-holding-of-LG-polls/56-743772>

⁴³ https://www.dailymirror.lk/print/front_page/Writ-petition-against-holding-LG-Elections-Army-Colonel-seeks-early-Court-date/238-254153

⁴⁴ <https://counterpoint.lk/writ-petition-retired-colonel-will-taken-february-23/>

⁴⁵ https://www.dailymirror.lk/print/front_page/Writ-petition-against-holding-LG-Election-postponed-for-May-11/238-254761

⁴⁶ <https://sundaytimes.lk/online/news-online/LG-Polls-case-filed-for-May-11/2-1140888>

3.6. Supreme Court dismissed the petition against the Local Government Election by rejected candidates of the Matara Municipal Council:

The writ petition filed by an independent political group led by a rejected candidate named Chaminda Prasanga seeking an order against the election commission to hold the local government elections was dismissed by the Supreme Court on 17th February. This petition was filed by three candidates of an independent political group whose election nominations to compete for the Matara Municipal Council were rejected by the election officials.⁴⁷

3.7. Human Rights Commission concludes that government has violated the rights of a journalist by not registering a news website

The Human Rights Commission of Sri Lanka (HRCSL) concluded that the Department of Government news has violated the rights of a journalist by not registering his news website, as the Defence Ministry did not provide a clearance. Tharindu Jayawardena, a media rights activist and the chief editor of MediaLK website made a complaint to the HRCSL, on the difficulties he faced while registering his website at the Department of Government Information under the ministry of Mass Media. While registration is not legally mandatory, the government issued media identity cards are only provided to the government registered websites. His website www.medialk.com a sinhala language news website has been denied registration by the Department of Government information on the basis that the Defence Ministry has categorized it as having a 'general risk to national security' in a confidential report provided to the Department. The inquiry conducted by HRCSL concluded that the Ministry of Mass Media has violated the fundamental rights of the journalist, and recommended the Ministry officials to introduce a more transparent, collaborative and lawful mechanism to register the websites, with the collaboration of all the relevant public and private stakeholders in the media industry.⁴⁸ Speaking at a press conference, a group of media rights advocates stated that the entire process of registering websites has become an obstacle to free expression and rights of journalists and others.

⁴⁷ https://www.dailymirror.lk/print/front_page/Writ-petition-against-holding-LG-elections-for-Matara-Municipal-Council-dismissed-by-SC/238-254360

⁴⁸ Tharindu Jayawardena vs Secretary of the Ministry of Mass Media. HRC 1044/21. Order issued by the Human Rights Commission of Sri Lanka dated 31st January 2023.

4. Local Government Election

The government made various attempts to postpone the local government election as the National Election Commission (NEC) announced already delayed elections to be held in March 2023.⁴⁹ While a retired army colonel filed a legal case against holding elections citing, multiple parties filed intervening petitions and Centre for Policy Alternatives filed a fundamental rights petition against the delay.⁵⁰



Sri Lanka Election Commission Building. Photo courtesy: Ada Derana

4.1. President excludes the Election Commission from essential services

President Ranil Wickramasinghe as the Minister of Finance, Economic Stabilization and National Policy has instructed the Treasury and Finance Ministry Secretary to only provide finance provisions to the essential Government expenses in order to maintain public services until the state revenue situation improves.⁵¹ The list of expenditures to be funded include salaries, debt servicing, pensions, medical supplies for hospitals, subsidies for low-income groups, scholarships, farmers' pensions, school nutrition programs, payments for war heroes and disabled soldiers, utility payments, food supplies for hospitals and prisons, among others, and does not mention about the election expenses, even though the election commission has requested from the treasury to release Rs. 770 million for Local Government Election expenditure for the month of February.^{52 53}

⁴⁹ <https://cmev.org/2023/02/19/cmevs-statement-on-the-violation-of-peoples-democratic-rights/>

⁵⁰ <https://cmev.org/wp-content/uploads/2023/02/Sinahala-Statement-CMEV-Court-case.pdf>

⁵¹ <https://pmd.gov.lk/president-instructs-treasury-to-only-provide-provisions-for-essential-public-expenditure/>

⁵² <https://www.themorning.lk/articles/dKG5FCfwUdtXD2YSYfvc>

⁵³ <https://www.treasury.gov.lk/api/file/1ba951e4-2cc4-488e-add5-c7c0491996b7>

4.2. Finance Ministry informs Election Commission on funding difficulties

The secretary to the Ministry of Finance and treasuries has informed the NEC about difficulties in providing necessary funds for the local government election due to the current economic crisis. The chairperson of the Election commission has been informed of this, during a meeting held with the Secretary of the Ministry of Finance and other officials at the Election Commission on 17th February. The Secretary has emphasised that funds could be only allocated for maintaining essential services list, as instructed by the circular issued on 02nd February. And the approval of the President Wickremasinghe in the capacity of Finance Minister should be obtained for releasing the funds.^{54 55 56}

4.3. Printing of postal voting ballot papers delayed

On 16th February 2023, Chief of the Government Printing Gangani Liyanage speaking to media said the main reason for delaying the printing of the postal ballot papers is insufficient Police security. On 13th February Liyanage sent a letter to the Election Commission requesting necessary funds to be allocated for printing the ballot papers, while also noting on the government's recent decision to curtail the government expenditures.^{57 58 59}

4.4. Election Commission files a special motion to inform election delay

On 18th of February, filing a special motion before the Supreme Court, the NEC informed the court of its inability to hold the local government election on 9th March as previously planned, due to the government's failure to allocate required funding.⁶⁰ After a retired army colonel filed a writ petition against holding elections in the context of the current economic crisis, at least 5 intervening petitions were filed in December and January by opposition political parties and their members requesting to hold elections without a delay.^{61 62} A month ago on 18th January, the Election Commission assured the Supreme Court that Local Government Election will be held on time, as the petitions named them as respondents.⁶³

4.5. Postal voting postponed until further notice

On 17th February, the NEC announced that Postal voting for the Local Government election would be postponed until a further notice, which was planned to be held from 22nd to 24th of February. Commissioner General of Elections Saman Sri Ratnayake stated that Postal Voting was postponed as the government printer failed to deliver the ballot papers on time and the new dates will be announced soon.⁶⁴

⁵⁴ http://www.colombopage.com/archive_23A/Feb17_1676656524CH.php

⁵⁵ <https://www.themorning.lk/articles/KdBPRezlcysU2e8vHX2H>

⁵⁶ <https://www.newswire.lk/2023/02/17/difficult-to-release-funds-finance-ministry-informs-ec/>

⁵⁷ <https://www.themorning.lk/articles/QqSGP8RHJ13QZ1fB9Xw3>

⁵⁸ <https://island.lk/police-leave-govt-press-security-to-its-own-devices/>

⁵⁹ <https://www.treasury.gov.lk/api/file/1ba951e4-2cc4-488e-add5-c7c0491996b7>

⁶⁰ <https://island.lk/ec-files-motion-in-sc-explaining-why-it-cannot-conduct-scheduled-polls/>

⁶¹ <https://counterpoint.lk/three-intervening-petitioners-reiterate-need-to-hold-elections-without-delay/>

⁶² <http://www.adaderana.lk/news/86772/opposition-mps-file-petitions-seeking-order-to-hold-lg-polls>

⁶³ <https://www.newsfirst.lk/2023/01/18/local-government-election-will-be-held-on-time-election-comm-gives-assurance-to-supreme-court/>

⁶⁴ <https://www.newsfirst.lk/2023/02/17/postal-voting-for-the-2023-local-government-election-postponed/>

5. Repression of Media and Journalists

5.1. YouTuber and blogger Dharshan Hadungoda arrested



Arrested Youtuber and Blogger Dharshana Hadungoda being taken to the court. Photo Courtesy: Sri Lanka Brief

YouTuber running the *SL Deshaya* YouTube Channel Dharshana Hadungoda was arrested by the Criminal Investigation Department (CID) of Police on 5th February, at the Bandaranaike International Airport, upon arrival from Dubai. He had been arrested on the charge of allegedly failing to record a statement with the CID regarding a video he had shared in social media for allegedly promoting the violence during the public unrest which occurred during May 9th. He was released on the 6th February after appearing before the Colombo Fort Magistrate Thilina Gamage. Next hearing of the case will be held on 17th February 2023.^{65 66 67}

5.2. Terrorism Investigation Department (TID) summons a media chief

On 23rd February Terrorism Investigation Department (TID) sent a summon notice to the chairperson of the International Broadcasting Corporation for Tamil (IBC), Baskaran Kandiah, ordering him to provide a statement to the TID's Kilinochchi office on 24th February regarding an investigation conducted by the anti-terrorism unit.⁶⁸ Details of the investigation are not mentioned.

⁶⁵ <https://www.themorning.lk/articles/9MwP8wNZq6SzRRACqMa2>

⁶⁶ <https://www.newsfirst.lk/2023/02/06/social-media-activist-dharshana-handungoda-arrested/>

⁶⁷ <https://srilankabrief.org/sri-lankan-social-medie-activist-darshana-hadungoda-arrested/>

⁶⁸ <https://www.tamilguardian.com/content/sri-lankas-tid-summons-ibc-tamil-chairman>

6. Repression of Freedom of Assembly

6.1. Police disperse the silent protest using water cannons and tear gas

On 4th February 2023, the day following the conclusion of UPR on Sri Lanka, the government celebrated the 75th Independence Day, with a pompous military parade.⁶⁹ On 3rd and 4th February, several protests were held in Colombo⁷⁰, Jaffna⁷¹ and other areas⁷² against expenditure of public money on a military parade, at a time Sri Lanka is going through its worst economic crisis. Despite media reports initially mentioning an estimated 200 million Sri Lankan rupees expenditure on the parade according to the Public Administration Ministry,⁷³ the government later claimed only 11 million rupees were spent.⁷⁴



A group of protesters who held a satyagraha protest in Maradana were attacked with water cannons, and some of them were arrested. Video via [Twitter](#)

On 3rd February, a group of Aragalaya activists organised a Satyagraha, a silent protest near the Elphinstone Theatre in Maradana, in Colombo city, under the theme “where is so called independence?” showing their displeasure towards the Independence Day celebrations.⁷⁵ There was a large number of armed and police personnel continuing to patrol the area. The Fort Magistrate Thilina Gamage issued a court order preventing any demonstration march or any person from entering Galle Face and nearby areas. Also, he specifically forbade 27 activists including trade unionist Ceylon Teachers Union General Secretary Joseph Starlin and Frontline Socialist Party activist Duminda Nagamuwa from obstructing roads towards

⁶⁹ <https://www.aljazeera.com/news/2023/2/4/sri-lanka-marks-independence-day-amid-economic-woes>

⁷⁰ <https://www.sundaytimes.lk/230205/news/isolated-protests-across-the-country-mark-independence-day-510418.html>

⁷¹ <https://www.tamilguardian.com/content/black-day-tamil-homeland-tamils-jaffna-protest-sri-lankas-independence-day-celebrations>

⁷² <https://www.tamilguardian.com/content/black-flag-protest-mannar-sri-lankas-independence-day>

⁷³ <https://www.newsfirst.lk/2023/01/13/independence-day-celebrations-to-cost-rs-200-mn/>

⁷⁴ <https://sundaytimes.lk/online/news-online/PMD-clarifies-Independence-Day-cost/2-1140665>

⁷⁵ <https://mawratanews.lk/news/protest-against-to-the-government-president-the-police-block-the-protest-in-fort-protestors-sit-on-the-ground-in-front-of-elphinstone-in-maradana-video/>

Galle Face. Maligakanda Magistrate Lochani Abeywickrama issued a separate order preventing demonstrations around the Maradana area, however the court noted that peaceful protests were not banned by the order.⁷⁶ According to the Human Rights Commission who later conducted an investigation into the attack, an unidentified group who had arrived there had created a tense situation, after which Police have used tear gas and water cannons to disperse the peaceful demonstrators.⁷⁷ Police have arrested one woman and three men who were granted bail after being produced before the Maligakanda Magistrate Court.⁷⁸

6.2. Protest march from North to East against Independence Day celebrations held despite Police obstructions

Protesters walked from Jaffna to Batticaloa for four days from 4th February to 7th February, in protest of government Independence Day celebrations, and demanding to solve long standing issues of Tamil People. The protesters called 75th Independence day of Sri Lanka, a Black day for Tamils, and demanded justice for enforced disappearances, called for an international investigation into human rights abuses during the civil war, release political prisoners, repeal of Prevention of Terrorism Act, and return lands acquired by military etc.⁷⁹ On 4th February, shops in Jaffna town were also closed in support of the protest.⁸⁰ Police made several attempts to stop the protest while it was moving through the Jaffna town.⁸¹ Police also videoed and photographed the protesters, a known tactic to intimidate protesters as in some cases such footage have been used to take legal action against the protesters.

6.3. Police disperse the Opposition political party protest using tear gas and water cannons, causing death of one protester

On 26th February, The National People's Power (NPP) organised a protest march in the Town Hall area in Colombo demanding the government to hold the Local Government election without a delay, and against the increase in electricity bill and taxes.⁸² ⁸³ Police fired tear gas and water cannons at the Ibbanwala Junction near Town Hall in Colombo to disperse the protest.⁸⁴ Twenty-eight protesters were injured and one NPP candidate died after being hospitalised. The Janatha Vimukthi Peramuna General Secretary said in a press conference, the deceased, 61 year old Nimal Amarasiri was a candidate of Nivithigala Pradeshiya Sabha, Ratnapura District representing their party.⁸⁵

⁷⁶ <https://sundaytimes.lk/online/news-online/Court-order-issued-preventing-protest-marches-during-Independence-Day/2-1140633>

⁷⁷ <https://www.newsfirst.lk/2023/02/05/hrcsl-probes-attack-on-peaceful-protestors-in-maradana-on-eve-of-independence-day/>

⁷⁸ <https://www.asianews.it/news-en/Sri-Lanka-celebrates-75-years-of-independence-by-cracking-down-on-protesters-57679.html>

⁷⁹ <https://www.ft.lk/news/No-protests-allowed-to-disrupt-75th-Independence-Day-celebrations-in-Colombo-today/56-744922>

⁸⁰ <https://www.newswire.lk/2023/02/04/hartal-in-jaffna-against-independence-day-celebrations/>

⁸¹ <https://www.tamilguardian.com/content/black-day-homeland-tamils-jaffna-protest-sri-lankas-independence-day-celebrations>

⁸² <https://www.republicworld.com/world-news/rest-of-the-world-news/sri-lankan-police-fires-tear-gas-to-disperse-npp-protestors-demanding-local-govt-polls-articleshow.html>

⁸³ <https://srilankabrief.org/sri-lanka-police-admits-it-fired-tear-gas-against-npp-protest-outside-the-norms-hrc-sl-sent-a-questionnaire-to-igp/>

⁸⁴ <https://www.adaderana.lk/news/88683/nearly-20-injured-and-hospitalized-during-npp-protest->

⁸⁵ <https://www.newswire.lk/2023/02/27/npp-candidate-has-died-in-yesterdays-police-assault-npp/>



Protesters being attacked with tear gas. Photo courtesy: [Sri Lanka Brief](#)

On the demonstration day the Maligakanda Magistrate Court issued a restraining order against individuals including JVP leader Anura Kumara Dissanayake, preventing them from entering the Hospital Square area in Colombo 07 on a request of Maradana Police. Earlier that day Fort Magistrate also issued an order preventing the protesters from entering the Ministry of Finance, President's House, Presidential Secretariat between 1pm to 8 pm.⁸⁶ However no court order had been issued preventing the protest in the area that was attacked by the Police according to the inquiry conducted by the Human Rights Commission of Sri Lanka (HRCSL).⁸⁷ On 28th February, the HRCSL called Inspector General of Police Chandana Wickremaratne to submit a report on the incident within 24 hours and started an inquiry into the incident.⁸⁸

6.4. Police obstructs the protest march by Chief Opposition party

On 20th February, Main Opposition political party Samagi Jana Balawegaya (SJB) organized a protest march in Colombo against the postponing elections. The protest was dispersed by the Police using tear gas and water cannons, near the Technical Junction in Maradana in Colombo.

⁸⁶ <https://www.adaderana.lk/news/88679/another-court-ordered-issued-over-npps-protest->

⁸⁷ <https://www.hrsl.lk/wp-content/uploads/2023/02/HRCSL-Press-Notice-27022023-sinhala.pdf>

⁸⁸ <https://island.lk/police-attack-on-npp%E2%80%88protest-hrc-orders-igp-to-submit-report/>



Police attacked the protesters with water cannons and tear gas while it was also raining. Photo courtesy: newswave.lk

Earlier that day, Police requested court orders banning the protest march from two magistrate courts. While one court granted an order preventing the protest, the latter dismissed the request of the Police. The Fort Magistrate in Colombo issued an order prohibiting SJB from holding the protest as it could cause inconvenience to the pedestrians or vehicular traffic. The court order also prohibited them from entering the President's House, President's Office, the Finance Ministry or the Galle Face area.^{89 90} On the same day the Colombo Chief Magistrate dismissed the request made by the police requesting an order to prevent the SJB rally from entering several roads in Cinnamon Gardens Police jurisdiction.⁹¹

6.5. Police arrest Tamil political party members for protesting against the President

On 11th February, 17 protestesters along with the Tamil National People's Front (TNPf) Parliamentarian MP Selvarajah Kajendra and their legal advisor Lawyer Kanagaratnam Sugash were arrested over protesting against the President Ranil Wickmarsinghe's visit to the opening ceremony of the Jaffna Cultural Centre. Police Spokesman Senior Superintendent of Police (SSP) Attorney Nihal Thaldewa said that they were arrested on the charges of unlawful assembly and contempt of court. They all were released on bail for 0.3 million rupees for each on the same day night.^{92 93}

⁸⁹ <https://www.adaderana.lk/news/88518/police-fire-tear-gas-at-sjb-protest-in-colombo->

⁹⁰ <https://www.newsfirst.lk/2023/02/20/court-blocks-sjb-seniors-from-entering-protest-area/>

⁹¹ <https://www.newswire.lk/2023/02/20/court-rejects-police-request-to-stop-sjb-prot/>

⁹² <https://www.tamilguardian.com/content/tnpf-mp-released-bail-after-being-arrested-protesting-visit-sri-lankan-president>

⁹³ <https://www.tamilguardian.com/content/tnpf-mp-kajendren-arrested-alongside-peaceful-protesters>



Police arresting a protester. Courtesy: Tamil Guardian

TNPF party Leader and MP Gajendrakumar Ponnambalam later speaking to media said that the court order was not handed over to the protesters before arresting them, as per the usual procedure. He further said the only apparent breach that the Police claimed to have happened was that the protesters were within 500m of the particular event, which was one of the conditions of the court order, and he said that the protest happened over a kilometre away from the venue of the event, therefore no breach of the court order occurred.⁹⁴

6.6. Police fire tear gas and use water cannons to disperse the protest by Inter-University Bhikku Federation

On 22nd February, Inter-University Bhikkhu Federation (IUBF) held a protest at Pitipana Junction, Homagama demanding to re-open the Buddhist and Pali University that has been closed since December 2022.⁹⁵ ⁹⁶ University administration accuses students of engaging in an unlawful demonstration, obstructing the duties of police officers, and aiding and abetting some other ragging incidents, while some of them have been arrested and legal actions taken against them. The Police fired tear gas and water cannons to disperse the protesters. The Buddhist Pali University was closed on 19th December 2022 by the Cabinet of Ministers following a discussion with all the Mahanayake Theros, and University administration without a further notice. In February 2023, the university was partially opened and began teaching only for first year students of undergraduate programs.⁹⁷ ⁹⁸

⁹⁴ <https://www.themorning.lk/articles/SXqVMrMKtZQR7A4w8Zfg>

⁹⁵ <https://www.sundaytimes.lk/221218/columns/rowdy-behaviour-by-student-monks-and-others-buddhist-and-pali-university-closed-506078.html>

⁹⁶ https://www.dailymirror.lk/breaking_news/Police-fire-tear-gas-use-water-cannons-to-disperse-IUBF-protest-in-Homagama/108-254650

⁹⁷ <https://www.themorning.lk/articles/3jgCrJQQp18BpQv9jivi>

⁹⁸ http://www.colombopage.com/archive_23A/Feb17_1676652723CH.php

6.7. Protest by nationalist monks obstructed by Police

On 8th of February, a protest by a group of nationalist monks against the full implementation of the 13th Amendment of Sri Lankan constitution was obstructed by the Police at Polduwa junction near Sri Lankan parliament. The 13th Amendment was passed in 1987, which established Provincial Councils and recognized minority Tamil language as an official language in Sri Lanka, in a bid to recognize rights of Tamil minorities including power sharing at provincial council level. The Amendment remains partially implemented as the nationalist forces in the South have continuously disagreed on power sharing at provincial level especially in relation to establishment of Provincial Police stations, and land commissions. Last month, the President promised full implementation of the 13th Amendment speaking at the All-Party Leaders Conference on Reconciliation.⁹⁹ Police arrested Balangoda Kassapa Thera and an individual identified as Kamantha Thushara for staging a satyagraha blocking the Parliament road.^{100 101}

6.8. Court order prevents protesters from entering the Fort police area.

A demonstration was staged near Fort Railway station on 22nd February by the employees of banking, health, ports, power and energy sectors demanding the revision of the government's tax policy.¹⁰² The Fort Magistrate court issued an order preventing the group of protesters from engaging in demonstrations from 1pm to 5pm in the Fort Police division, on a request made by the Colombo Fort Police, claiming that they have received information that the protesters were planning to march along several roads in Fort area and attempting to enter the President's Office. Hence, the Magistrate ordered the protesters not to block the roads causing inconvenience to the public and also ordered them not to enter the President's Office, President's House, Finance Ministry and Galle Face and not to cause any damages to the public properties.¹⁰³

⁹⁹ <https://thediplomat.com/2023/02/sri-lankan-president-pledges-full-implementation-of-13th-amendment/>

¹⁰⁰ <https://www.ft.lk/front-page/Anti-Govt-protests-against-taxation-and-13A-cause-chaos/44-745109>

¹⁰¹ <https://srilankabrief.org/anti-devolution-monks-march-against-full-implementation-of-13a/>

¹⁰² <https://www.adaderana.lk/news/88562/professionals-to-take-to-streets-today-against-tax-revision>

¹⁰³ https://www.dailymirror.lk/breaking_news/Court-orders-protesters-out-of-Colombo-Fort-area/108-254636

7. Other incidents

7.1. Police seals PUCSL chairperson's office



Chairperson of the Public Utilities Commission (PUCSL) Janaka Rathnayaka. Photo courtesy: Newswire

On 16th February Colpety police took over and sealed the office of the Chairperson of the Public Utilities Commission (PUCSL) as per an order issued by the Fort Magistrate Thilina Gamage.¹⁰⁴ The media spokesman of the Police, Senior Superintendent of Police (SSP) Nihal Thaldewa speaking to the media said that the office was sealed based on a tip off from a person that they cannot disclose, regarding unlawful activities that is happening within the PUCSL Chairman's office, that are harmful to the current government. He also said that the office will not be searched until its chairperson Janaka Rathnayake, currently overseas, returns to the country.¹⁰⁵ In January 2023, Rathnayaka stated that the government cannot increase the electricity tariffs in an ad hoc manner without the approval of the PUCSL. On 14th February, two days before sealing the chairperson's office, the electricity tariff system backed by the government that sought to increase an additional Rs. 288 billion annually was approved by the majority of the members, despite Rathnayaka who disagreed and proposed a lesser amount of increase.¹⁰⁶ ¹⁰⁷ After returning to the country, Rathnayake said that he will take legal action for recent price increase without his consent, and the appointment of a member with conflict of interest, violating the PUCSL Act.¹⁰⁸ ¹⁰⁹

¹⁰⁴ https://www.dailymirror.lk/print/front_page/Will-take-legal-action-in-next-couple-of-days-PUCSL-Chairman/238-255125

¹⁰⁵ <https://www.themorning.lk/articles/KnBsMaeK48gj0TyiCJuH>

¹⁰⁶ https://www.dailymirror.lk/breaking_news/Final-tariff-system-recommended-by-PUCSL-rejected-by-three-commission-members-Chairman/108-254172

¹⁰⁷ <https://island.lk/minister-pushes-for-power-tariff-hike-pucsl-chairman-refuses-to-budge/>

¹⁰⁸ https://www.dailymirror.lk/print/front_page/Will-take-legal-action-in-next-couple-of-days-PUCSL-Chairman/238-255125

¹⁰⁹ <https://www.newswire.lk/2023/03/17/pucsl-chairman-accuses-finance-ministry-sec-of-violating-law/>

7.2. Police arrest activist Chiranthana Amarasinghe



Chiranthana Amarasinghe with his lawyers after being bailed out. Photo courtesy: Achala Senavirathna

Civil Society Activist and President of the Ceylon Motorcyclists' Association Chiranthana Amarasinghe was arrested by the Cinnamon Gardens police on 27th February 2023, while attempting to hand over a right to information (RTI) request to the State Intelligence Service (SIS) concerning a report issued about him. Through RTI request, he has requested a copy of an intelligence report allegedly made by SIS that led to his arrest in November 2020 for criticising the President and mandatory cremation policy of COVID19 victims in Sri Lanka. He has filed a fundamental rights petition at the Supreme Court regarding his previous arrest. Though he has invited the journalists to cover the event of him handing over the RTI request to the SIS head office, the journalists have not been allowed to cover the event by security personnel there. Also, SIS officials have declined to accept his RTI request, arrested and handed him over to the Cinnamon Gardens Police station located in close proximity. He alleged that he was assaulted, stripped naked, sexually harassed and denied of medical treatment during the detention.^{110 111 112} He was produced before the Colombo Magistrate Prasanna Alwis on 27th February and granted bail for Rs. 50,000 surety bail. The Police accused him of acting against the Government with the intention of provoking the public, and the criminal coercion of Government employees. Magistrate denied the request made by the police to detain him further to be produced for a psychiatric evaluation.^{113 114}

¹¹⁰ <https://www.facebook.com/photo/?fbid=714178190536266&set=a.504675584819862>

¹¹¹ <https://fb.watch/jt7ZZRZy3c/>

¹¹² <https://fb.watch/jt7Z0HD1Q4/>

¹¹³ <https://counterpoint.lk/magistrate-says-not-necessary-produce-chirantha-psychiatrist-releases-bail/>

¹¹⁴ <https://www.themorning.lk/articles/Aep6HvoMzV5ETOTG1kFk>

7.3. Two gazettes issued declaring essential services

On 17th and 27th February, two gazette notifications were issued by the President declaring a list of services as essential services, under the Section 2 of the [Essential Public Services Act, No. 61 of 1979](#). Declaration as essential services has been historically used by repressive governments in Sri Lanka to prevent trade union actions. This draconian law allows to impose 2 to 5 years of rigorous imprisonment, forfeiture of property, and removal from professional registration against those who engage in trade union actions violating the President's order.¹¹⁵ On 17th February 2023, the President declared all services connected to supply of electricity, supply or distribution of petroleum products and fuel as essential services.¹¹⁶ On 27th February, the President again declared all services related to public transport, travel, including transportation of goods, as essential services.¹¹⁷

7.4. Calling out for Armed Forces for maintaining Public order

On 20th February, a gazette notification was issued by the President calling out the Armed forces for the maintenance of public order under the powers granted in the public Security Ordinance (Chapter 40). The gazette notification provides the powers for the armed forces to intervene in civilian affairs. The Sri Lanka government has been issuing similar monthly gazettes for several years now, indicating the continuing trend of militarization and shrinking civil space.¹¹⁸

¹¹⁵ However, we have not reported of any recent incidents of using this law in such a drastic manner.

¹¹⁶ http://documents.gov.lk/files/egz/2023/2/2319-80_E.pdf

¹¹⁷ http://documents.gov.lk/files/egz/2023/2/2321-07_E.pdf

¹¹⁸ http://documents.gov.lk/files/egz/2023/2/2320-12_E.pdf