

Repression of Dissent

June 2023



Freedom Pride Parade, an intersectional pride march organised by LGBTQI+ activists who were part of the people's protests last year, was held in Colombo on 4th June 2023. Hundreds of LGBTQI+ community members and allies attended the event. Immediately after the event, Police started conducting an investigation into the parade, which they gave up later, according to the media reports. Photo Courtesy: Daily Mirror

Repression of Dissent in Sri Lanka in June 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 of 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Context: Even though the number of cases withdrawn by the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) has been reduced in this year according to their latest mid-year report, 88 cases out of total 198 cases have been withdrawn by the CIABOC, since January 2021. A significant number of these cases withdrawn were against politically exposed persons. New members and chairpersons were appointed to the Human Rights Commission and Election Commission. Sri Lankan LGBTIQ+ community and allies celebrated pride, organising various events around the country. Pride events were held in Colombo, Jaffna, Nuwara Eliya and other areas, while a private member bill to decriminalise homosexuality had been recently brought to the parliament. However, LGBTIQ+ activists faced several incidents of threats and intimidation while organising the pride events. Tamil estate workers in Hatton organised a protest march advocating on land rights and other issues faced by the Malayaha Community. Several civil society organisations issued a statement demanding to hurry up the investigations into various mass graves found around Sri Lanka. A few days later, another mass grave was found in Kokkuthoduvai area in Mullaitivu District. More details on two custodial deaths came up. An eyewitness gave a statement before the magistrate saying that he witnessed the female domestic servant who was found dead while in the custody of Welikada Police in May 2023, being assaulted by the Police officers. With regards to another custodial death in January 2023, Maligakanda magistrate ruled that the death of the suspect was due to an assault, and ordered the arrest of the Police officers who were responsible.

Case updates: Ministry of labour responded with regards to the removal of the only female member on the National Labour Advisory Council (NLAC). They justified their action claiming that the removal was done as her appointment did not meet the selection criteria for the NLAC membership that was recently implemented, which limits nominations of Council membership only for the most representative trade unions that were selected by the Ministry, and denied any gender-based discrimination in the process. Proposed Broadcasting Regulatory Commission Act (BRCA) has been widely criticised by activists and media rights advocates as an attempt to control the media industry, through a politically appointed body. The Justice Minister responded saying that the draft document they shared with the stakeholders was not a draft bill, but a set of proposals, and stated that the draft bill would be made only after having consultations with the heads of media institutions. However, the Broadcaster's Guild of Sri Lanka, writing a letter to the Minister of Media, called on the government to immediately withdraw the proposed draft bill. While arrested female standup comedian Nathasha Edirisooriya was further remanded until 5th of July, Bruno Divakara, the Youtube journalist arrested for allegedly aiding and abetting her was granted bail. The Supreme court held that more than 25 clauses in the Anti-Corruption Act (ACA) were inconsistent with the constitution. ACA was presented to the parliament soon after the government signed a loan agreement of 2.9 billion US dollars with the International Monetary Fund (IMF) which was required to address corruption vulnerabilities in the country. The Supreme Court granted leave to proceed with a Fundamental Rights petition against Senior DIG Deshabandu Tennakoon and other Police officers in relation to a case of arbitrary arrests of protesters during a peaceful protest held in Colombo in 2020.

Repression of Freedom of Expression: Freelance Journalists Pradeepan Thambithurai and Dharmalingam who video recorded the events when National People's Front (TNPF) leader Gajendrakumar Ponnablum was allegedly threatened by state intelligence officers were summoned and interrogated by the Special Crime Office of the Deputy Inspector General Office in Kilinochchi. They had been repeatedly questioned about how they obtained the video and how

they gathered information for news. Al Jazeera reporter Minelle Fernandez faced a water cannon attack while live reporting on a student protest held in Colombo suburbs. Journalist and media rights activist Tharindu Uduwaragedara was summoned and interrogated by the Criminal Investigation Department (CID) of Police regarding alleged contempt of court charges relating to the press conference they held condemning the arrest of standup comedian Nathasha Edirisooriya. On 26th of June, the CID arrested an active member of Aragalaya and social media activist Piyath Nikeshala, for live streaming the protests in front of then Prime Minister Ranil Wickramasinghe's house in July 2022, when it was set on fire by the protesters. Social Media Journalist Prasad Welikumbura was summoned to the Computer Crimes Division in relation to a video he had published in February 2023 that allegedly caused disrespect towards the military.

Repression of Freedom of Assembly: The government abandoned their initial plans to conduct an investigation against the organisers of the Freedom Pride Parade held on 4th June in Colombo. A senior Police officer and a politician have allegedly attempted to stop another pride walk that was held on 18th of June. Amidst these challenges, emerging trends of pinkwashing and attempts to exclude anti-government sentiments from certain pride events were also observed. A court order was issued preventing a protest in front of the National Election Commission organised by the members of National People's Power (NPP). On 7th June, Police fired tear gas and water at protesters who took part at a protest march organised by the Inter University Student's Federation, when they were passing the Nugegoda city in Colombo suburbs. Member of Parliament, and the leader of Tamil National People's Front (TNPF) Gajendrakumar Ponnambalam was arrested for allegedly obstructing Police officers a few days ago, when he had questioned the state intelligence officers in civil clothes to verify their identities. He was arrested in Colombo after coming to take part in the parliamentary proceedings, and taken to Jaffna to record a statement. In two separate instances, Police arrested a total of four other members of TNPF, including three women in relation to the same incident.

Repressive Legal and Policy actions: Contempt of a court, tribunal or institution Act was gazetted on 27th of June. The proposed act may have serious implications on the freedom of expression and other rights. Judicial Service Association of Sri Lanka (JSASL) wrote a letter to the President expressing their dissatisfaction regarding two recent judicial appointments that they considered to be contravening with the independence of the judiciary, and public confidence towards judiciary. Monthly gazette calling for the armed forces to maintain public order was issued, indicating the continuing trends of militarization. Another gazette notification was issued declaring supply of electricity, supply and distribution of fuel, and health related work as essential services. Declaring as essential services has been historically used by repressive governments to control and take action against labour strikes and trade union actions.

Other incidents: Darshana Samarawickrama, the newly appointed chairperson of the Battaramulla Cooperative Insurance Company in Colombo district was shot by two unidentified men, while he was on his way to assume duties. A lawyer who works in Kebithigollewa magistrate court was assaulted by two men, while returning from his work. Poet Ahnaf Jazeem who was unjustly arrested and detained for more than a year for allegedly promoting extremism through his poetry has been again included in the list of designated persons linked to terrorism, by the Ministry of Defence.

2. Context

Rule of law:

Cases completed	2023 Jan-June ¹		2022 ²		2021 ³		Total
	Magistrate Court (MC)	High Court (HC)	MC	HC	MC	HC	
Convictions	3	2	3	17	2	9	36
Acquittals	2	23	4	27	2	16	74
Other/Withdrawn	0	2	25	21	22	18	88
Sub-Total	5	27	32	65	26	43	198
Total	32		97		69		198

Completed cases. The Commission to Investigate Allegations of Bribery or Corruption

The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) released their latest mid-year report up to June 2023. While the number of cases withdrawn have been reduced in this year, 88 cases out of total 198 cases have been withdrawn by the CIABOC, since January 2021. The majority of these cases were against the members of the Rajapaksa family, and high-profile politicians and government officers linked to the former government.⁴ Not obtaining the consent of the all three members of the CIABOC before taking the legal actions, was the reason to withdraw the cases in a considerable number of cases.

Only one woman was appointed to the HRCSL amongst its five members. Only three male members were appointed to the EC, out of the five members it should appoint. The first and only female member of the EC's history resigned from her position in January this year.

The President appointed new members and chairpersons to the Election commission (EC) and the Human Rights Commission of Sri Lanka (HRCSL). Justice L.T.B. Dehideniya, a retired Supreme Court Judge and R.M.A.L. Rathnayake, a former Additional Commissioner General of Elections became the new Chairpersons of the HRCSL and the EC respectively.⁵ Only one woman was appointed to the HRCSL amongst its five members. Only three male members were appointed to the EC, out of the five members it should appoint. The first and only female member of the EC's history resigned from her position in January this year.⁶ Sri Lanka's local government election has

¹ https://ciaboc.gov.lk/images/Reports/2023/Monthly_Progress_Report_English_-_January_to_June_2023.pdf

² https://ciaboc.gov.lk/images/pdf/2023/Monthly_progress_January_-_December_English.pdf

³ https://ciaboc.gov.lk/images/pdf/2022/4_ANNUAL_PERFORMANCE_REPORT_English.pdf

⁴ <https://sinhala.srilankabrief.org/?p=44172>

⁵ <https://www.news.lk/news/political-current-affairs/item/35436-president-appoints-new-members-to-election-human-rights-commissions>

⁶ <https://economynext.com/sri-lanka-president-accepts-resignation-of-election-commission-member-111555/>

been now delayed for more than a year⁷, while the Presidential election is scheduled to be held in September 2024. Former chairperson of the HRCSL faced significant internal challenges for summoning responsible high-profile politicians and officials in relation to investigations on human rights violations.⁸

LGBTIQ community: Sri Lankan LGBTIQ+ community and allies celebrated pride, organising various events around the country. Pride events were held in Colombo, Jaffna, Nuwara Eliya and other areas. Last month Sri Lankan Supreme Court (SC) declared that a proposed private member bill to decriminalise same-sex relationships does not violate the constitution, but actually enhances rights enshrined in the constitution, hearing a petition against the bill filed by a group of conservatives.⁹ However, no progress on the bill has been reported since the SC decision. Media reported about police investigations against the organisers of the Freedom pride parade and an attempt to stop Colombo Pride Walk held in Colombo.

Rights of Tamils: The 37th anniversary of the Seruvila-Echchalampattu (Verugal) Massacre was observed on 12th June 2023 at Punagar Village in Echchalampattu division of Trincomalee district by civil society organisations and relatives of the survivors.¹⁰ Tamil estate workers in the Hill country held a protest march and press briefing in Hatton on 21st of June, with the participation of over 20 organisations, highlighting land rights and other issues faced by the Malayaha community.¹¹



Magistrate observing the newly discovered Kokkuthoduvai mass grave site

⁷ <https://www.newsfirst.lk/2022/01/11/tenure-of-local-government-bodies-extended-to-march-2023/>

⁸ <https://srilankabrief.org/gotas-henchmen-right-to-ranil-rajapaksa-against-the-hrcsl-chair-justice-marasinghe/>

⁹ http://www.supremecourt.lk/images/documents/sc_sd_13_2023.pdf

¹⁰ <https://srilankabrief.org/a-memorial-service-held-on-37th-anniversary-of-seruwila-verugal-massacre/>

¹¹ <https://thetime.lk/?p=5258>

Mass graves: Though a number of mass graves have been found around in Sri Lanka, investigations have not led to justice in many cases.¹² It is estimated that 65,000 persons are missing in Sri Lanka due to various conflicts that occurred since 1983.¹³ On 22nd of June five civil society groups issued a press release calling for government action to investigate mass graves relating to those who disappeared during various civil conflicts in the country.¹⁴ A few days later, workers digging to lay water supply lines to Kokkuthoduvai Central locality in Mullaitivu District, found remains of another mass grave.¹⁵ On June 30, Magistrate Court Judge T Saravananarajah visited the site and ordered the exhumation process to be conducted on July 6th in the presence of a Judicial Medical Officer and other forensic experts. He also ordered the police to secure the site so as the remains are not disturbed.¹⁶

Updates on cases of custodial deaths: Colombo magistrate court heard the case of the custodial death of Rajakumari, a 42-year-old housemaid who died after being arrested by the Welikada police in Colombo on May 12. She had been arrested on May 11 based on a complaint made by her employer, claiming that she had stolen gold jewellery belonging to the employer. Rajakumari was pronounced dead on arrival at the Colombo National Hospital. Lawyer appearing on behalf of the victim's family stated that there were clear signs of an assault according to the preliminary medical report they have obtained. On 2nd June, the Police investigative team sought an order from the court to collect CCTV footage from the house where Rajakumari had worked as a domestic servant, as they had faced resistance from the house owners. The court gave permission to obtain the CCTV footage and also reports from the Colombo National Hospital.¹⁷ The next hearing of the case was held on 21st of June. A witness named Mahendran Suresh who got arrested along with Rajakumari testifying before Colombo Additional Magistrate stated that he witnessed the victim being beaten by the Welikada police officers while in custody, and also said she was in good health when she was arrested.¹⁸ The magistrate ordered the Police to submit a progress report on the investigations, at the next court hearing on 26 July 2023.¹⁹

In January 2023, an Assistant Manager of the Narahenpita Vocational Training Authority (VTA) died while in Police custody. Police said that the suspect was arrested by the Police Narcotics Bureau (PNB) with 15 grams of heroin, and was shot when he attempted to escape.²⁰ In June, Maligakanda magistrate ruled that the death of the suspect was due to an assault, and ordered the arrest of the Police officers who are responsible. Accordingly, seven Police officers including a sub-inspector of the Police Narcotics Bureau have been arrested over the death of the suspect.²¹

¹² <https://english.ceylonnews.lk/complicity-of-sri-lankan-state-security-forces-exposed-in-exhaustive-mass-graves-report/>

¹³ <https://www.reuters.com/article/sri-lanka-rights-idINKCN0YU277>

¹⁴ <https://economynext.com/fresh-call-to-uncover-sri-lanka-mass-grave-secrets-124232/>

¹⁵ <https://twitter.com/JDSLanka/status/1674440026250174464>

¹⁶ <https://www.tamilguardian.com/content/human-remains-found-mullaitivu>

¹⁷ <https://economynext.com/sri-lanka-maid-death-in-police-custody-mystery-deepens-122344/>

¹⁸ <http://archives1.dailynews.lk/2023/06/22/local/306213/witness-says-he-saw-welikada-cops-assaulting-dead-domestic>

¹⁹ <https://www.adaderana.lk/news.php?nid=91428>

²⁰ <https://www.newswire.lk/2023/01/11/narahenpita-vta-official-dies-in-police-custody/>

²¹ https://www.dailymirror.lk/print/front_page/Death-of-Assistant-Manager-of-VTA-in-custody-Seven-PNB-officers-arrested/238-260802

3. Case Updates

3.1. Removal of the only woman on the National Labour Advisory Council (NLAC)

In May 2023, the Minister of Labour Manusha Nanayakkara stated that he had taken steps to remove Swasthika Arulingam, the only woman on the National Labour Advisory Council (NLAC) a tripartite, national-level body consisting of employers' organisations, unions, and the Government, convened to consult and cooperate on policies affecting workers. Arulingam had been appointed by the United Federation of Labour (UFL) as its permanent representative. The UFL is a federation of many Unions including the Commercial and Industrial Workers; Union (CIWU) of which Swasthika Arulingam is the current President. She had strongly advocated against policies to remove labour protections for women, and pushed for the inclusion of more Unions and particularly women-led Unions into the NLAC. In mid-May 2023, the Minister of Labour in a move to reconstitute the NLAC, imposed arbitrary criteria relating to Unions' membership in order to qualify for nominations and appointment.^{22 23} In response, the Ministry of Labour issued a statement saying that it had introduced a new selection criteria for the NLAC membership, allowing members to be appointed from most representative trade unions.²⁴ The statement further said only trade unions that were selected by the Ministry can nominate members for the NLAC and refused that there is any gender based discrimination.²⁵

3.2. Proposed Broadcasting Regulatory Commission Act (BRCA)

After a [draft document](#) of the Proposed Broadcasting Regulatory Commission Act (BRCA) was shared among the media institutions and other stakeholders, journalists, media rights groups, opposition political parties, and other civil society groups strongly criticised the Act as an attempt to control the media by the government. The Government stated BRCA has been drafted in line with the legal provisions that govern the same regulatory body in the UK.²⁶

Justice Minister says what has been drafted is a set proposals, not a draft Act: In responding to question posed by a journalist, on 2nd of June Minister of Justice Wijayadasa Rajapaksa who led the cabinet sub-committee that drafted the BRCA said, a final decision has not yet been taken to establish the Broadcasting Regulatory Commission, rather the cabinet sub-committee has only presented a set of proposals, to develop a standard mechanism to issue broadcasting licences as currently there is no uniformity in the process since licences to television and radio channels are currently issued under two separate laws. He insisted that the document that was shared by the Ministry was not a draft act, rather a set of proposals. He added that a suitable Act would be drafted after having consultations with the media institutions, and requested heads of media institutions to present their proposals. He

²² <https://www.ft.lk/front-page/Exclusion-of-women-from-National-Labour-Advisory-Council-comes-under-fire/44-748864>

²³ <https://www.themorning.lk/articles/WZ3iuJxVqtr4LS7IT0za>

²⁴ http://www.colombopage.com/archive_23A/May25_1684957844CH.php

²⁵ <https://www.newswire.lk/2023/06/02/labour-ministry-issues-clarification-on-nlac-appointments/>

²⁶ https://www.dailymirror.lk/print/front_page/Broadcasting-Authority-Bill-modelled-on-UK-law-Minister/238-260809

also said that the government has organised a special meeting with the heads of the media institutions on 7th of June, to discuss the matters further.²⁷

Cabinet sub-committee meets the Broadcaster's Guild of Sri Lanka: When the cabinet sub-committee had a meeting with the members of the Broadcaster's Guild of Sri Lanka at the parliament premises, Broadcaster's Guild has informed the cabinet sub-committee that they strongly reject the proposed Act and inform their proposals within two weeks after government provides them with a sinhala translation of the proposed act.²⁸ On 13th June, Minister Bandula Gunawardana speaking at a press briefing on cabinet decisions, said that the proposed document has been translated into Sinhala, while no mention was made whether it was translated into Tamil.²⁹ On 28th June, The Broadcaster's Guild of Sri Lanka, writing a letter to the Minister of Media, called on the government to immediately withdraw the proposed draft bill.³⁰

“If this purported broadcast bill is implemented, it would undoubtedly restrict the media space and herald dark days for freedom of expression, thought and conscience in our nation... The proposed media regulatory commission, which would be appointed solely by the President and under the government control, enforces a harmful regulatory mechanism and approach on the country's independent media.”

Editors Guild of Sri Lanka
28th June 2023

3.3. Arrest of Standup Comedian and SLVlog journalist

Female stand up comedian Nathasha Edirisooriya was arrested on 28th May, on alleged charges of insulting Buddhism and promoting religious hatred. On 31st May, Bruno Divakara who initially published the video of the standup comedy that led to controversy was also arrested under alleged charges of aiding and abetting Edirisooriya. Both of them were remanded until 7th of June.³¹

On 7th of June: Edirisooriya and Divakara were not presented before the magistrate, however the computer crimes unit of the Police making submissions said that their investigations have not yet concluded. He informed the court that there would be a public unrest, and influences can happen on ongoing investigations, if the suspects were granted bail. Counsel appearing on behalf of Edirisooriya argued that his client had not made disrespectful remarks on Buddha, while the counsel appearing on behalf of Divakara argued that his client had not aided and abetted the first suspect. The counsel appeared on behalf of the Buddhist monks who made the complaint against Edirisooriya, alleged that Rights activists Vidharshana Kannangara, Tharindu Jayawardena, Tharindu Uduwaragedara, Lakmali Hemachandra and Brito Fernando who held a press briefing condemning the arrest of

²⁷ https://www.moj.gov.lk/index.php?option=com_content&view=article&id=468:2023-06-05-03-38-02&catid=17&Itemid=208&lang=si

²⁸ <https://www.bbc.com/sinhala/articles/clwdjzwyv30>

²⁹ <https://www.newsfirst.lk/2023/06/13/broadcasting-regulatory-act-still-in-draft-stage-and-will-not-be-used-to-suppress-the-media-bandula/>

³⁰ <https://www.newsfirst.lk/2023/06/30/withdraw-the-bill-on-the-broadcasting-regulatory-commission-broadcaster-s-guild/>

³¹ <https://www.adaderana.lk/news/90954/sl-vlog-owner-bruno-divakara-remanded>

Edirisooriya have committed an offence of contempt of court, and asked court to take an appropriate action against them. The magistrate ordered the CID to conduct an investigation into whether speeches of the activists caused contempt of court. He ordered the suspects' Counsel to file written objections in court on June 16, and CID to report the progress of investigations on the same day. The case was postponed until 21st June.³²

21st June: While Youtube Journalist Bruno Divakara was granted bail, comedian Edirisooriya was further remanded until 5th of July. Magistrate held that the prosecution did not present sufficient facts to prove that the suspect Divakara had contributed to this crime, and ordered to release him on a cash bail of Rs. 50,000 and two sureties of two million rupees each. He was also banned from travelling abroad. Commenting on Edirisooriya, the magistrate said that she had deliberately avoided submitting copies of the script to the Censor Board, and her statements have created a disturbance among Buddhists. He further referred to state responsibility to protect Buddhism according to the constitution, and stated that he has decided that Buddha's childhood has been blasphemed by the statement made by Edirisooriya, held that there have been indications to believe of a probable provocation in the society.^{33 34}

3.4. Supreme Court decision on Anti-Corruption Bill

Sri Lankan parliament gazetted Anti-Corruption Bill in March and April,^{35 36} after the government signed a loan agreement of 2.9 billion US dollars with the International Monetary Fund (IMF) which required the crisis-hit nation to address corruption vulnerabilities.³⁷ Government claimed that Steps are being taken to pass the best anti-corruption law in South Asia.³⁸ The proposed bill addresses corruption in both the private and public sector, while previous law only addresses corruption in the public sector.³⁹ In May, while welcoming the long awaited bill, Transparency International Sri Lanka (TISL), Employees of the Commission to Investigate Allegations of Bribery and Corruption (CIABOC), Bar Association of Sri Lanka and three other parties filed petitions at the Supreme Court against the bill highlighting several key concerns.⁴⁰

There were three main arguments in the petitions that were filed: (1) vesting corporate personality on the proposed Anti-Corruption Commission (ACC) compromises its independence. (2) The terms and conditions of service of the current employees of the Commission to investigate Allegations of Bribery or Corruption (CIABOC) were being changed

³² https://www.dailymirror.lk/print/front_page/Natasha-and-Bruno-remanded-till-June-21-for-insulting-Buddhism/238-260671

³³ <https://archives1.dailynews.lk/2023/06/22/law-order/306197/sl-vlog-owner-bruno-divakara-bailed-natasha-further-remanded>

³⁴ <https://lankanewsweb.net/archives/36085/nathasha-edirisooriya-remanded-bruno-divakara-released-on-bail/>

³⁵ http://documents.gov.lk/files/bill/2023/4/311-2023_E.pdf

³⁶ http://documents.gov.lk/files/bill/2023/4/319-2023_E.pdf

³⁷ <https://economynext.com/sri-lanka-gazettes-new-anti-corruption-bill-after-imf-deal-117638/>

³⁸ <https://www.presidentsoffice.gov.lk/index.php/2023/03/23/steps-will-be-taken-to-pass-the-best-anti-corruption-law-in-south-asia-in-parliament-this-year/>

³⁹ <https://www.parliament.lk/en/committee-news/view/3315?category=33>

⁴⁰ <https://srilankabrief.org/sri-lanka-imf-backed-draft-anti-corruption-bill-gives-enormous-amount-of-power-to-politically-appointed-commissioners/>

to their detriment. (3) several clauses of the Bill were inconsistent with one or more provisions of the Constitution. (4) The Bill was not effective to combat bribery and corruption unless certain specified amendments were made.⁴¹

In their petition, TISL, referring to 37 clauses in the bill, stated that those clauses among other things were vague, and overboard, disproportionate, lacking in clarity, and provide insufficient protection to protect fundamental rights, accepted international norms and standards. The petition also pointed out powers of the ACC to keep certain information in secrecy, failure of public disclosure, ability to act without judicial oversight, granting bail only under exceptional situations, powers to withdraw the cases even in situation offences have been committed as violating fundamental rights guaranteed by the constitution.⁴² The petition filed by the CIABOC staff highlighted that it is dangerous to hand over enormous powers to the ACC as the commissioners appointed by the political authority. For example, while disciplinary control, promotions and transfers are currently regulated by the Public Service Commission (PSC), the new bill hands over these powers to the ACC.⁴³ The bill also empowers ACC to introduce codes of conduct that could go beyond measures aimed at preventing bribery and corruption and encroach onto commercial practices in a broader context. The Supreme Court held there was “much merit” in these submissions.⁴⁴ and held that more than 25 clauses in the bill were inconsistent with the constitution.^{45 46}

3.5. Supreme Court grants leave to proceed with FR petition against Senior DIG Deshabandu Tennakoon and other Police officers

The Supreme Court has granted leave to proceed with a fundamental Rights petition against Western Province Senior DIG Deshabandu Tennakoon and other police officers who arrested a group of protesters who took part at a peaceful protest held in Colombo over the murder of George Floyd in the USA. Twenty-four petitioners including Frontline Socialist Party Leader Kumar Gunaratnam, Duminda Nagamuwa and Attorney-at-law Nuwan Bopage filed these Fundamental Rights petitions against arbitrary, malicious and discriminatory actions of the police, for allegedly violating fundamental rights of Freedom from torture, Right to Equality, Freedom from arbitrary arrest and detention, and Freedom of speech, expression and assembly that are guaranteed by the Sri Lankan constitution.⁴⁷

⁴¹ <https://www.sundaytimes.lk/230611/news/president-will-be-brought-within-scope-of-new-law-74-page-sc-determination-on-the-draft-anti-corruption-bill-522568.html>

⁴² https://www.tisrilanka.org/wp-content/uploads/2023/05/TISL_ACB_Petition.pdf

⁴³ <https://srilankabrief.org/sri-lanka-imf-backed-draft-anti-corruption-bill-gives-enormous-amount-of-power-to-politically-appointed-commissioners/>

⁴⁴ <https://www.sundaytimes.lk/230611/news/president-will-be-brought-within-scope-of-new-law-74-page-sc-determination-on-the-draft-anti-corruption-bill-522568.html>

⁴⁵ <https://economynext.com/several-clauses-of-sri-lanka-anti-corruption-bill-inconsistent-with-constitution-sc-122679/>

⁴⁶ <https://www.parliament.lk/news-en/view/3277>

⁴⁷ https://www.dailymirror.lk/breaking_news/SC-grants-leave-to-proceed-against-Deshabandu-and-others/108-261629

3.6. Court issues arrest warrant on MP Wimal Weerawansa over his protest in front of UN office in Colombo in 2016

The Colombo Chief Magistrate's Court has issued an arrest warrant against MP Wimal Wimal Weerawansa for failing to appear before the court, when a case against him and others was taken for hearing on 19th June 2023. Weerawansa and seven others have been accused of taking part in an illegal assembly, and causing public nuisance as they held a protest campaign in front of UN office premises in Colombo, against the visit of United Nations Human Rights High Commissioner Prince Zeid Ra'ad Al Hussein in February 2016. MP Weerakumara Dissanayake, another accused of the same case failed to appear before the court, submitted a medical report claiming he failed to attend due to medical reasons. Other defendants of the case, MPs Piyasiri Dissanayake, Mohammed Muzammil, Jayantha Samaraweera and Rojer Senevirathne, had appeared in the court. Magistrate stated that a situation has arisen which seems that defendants alternatively avoid appearing before the court, making it impossible to hear the case, and warned that defendants would be arrested and kept in remand custody, if they behave in this manner. The case was ordered to be recalled on September 11, 2023.⁴⁸

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3.7. The former Colombo Municipal Councillor of the SLPP claims that they did not assault the protesters in Galle face

During an interview with a YouTube channel, former Municipal Councillor Mahinda Kahandagamage claimed that it was not Sri Lanka Podujana Peramuna Party (SLPP) supporters who attacked the anti-government protesters in Galleface on 9th May 2022, but a group of prison inmates. He further added that the attack on protesters was a conspiracy led by a powerful person behind it.^{51 52} Attack on peaceful anti-government protesters in Galleface by the pro-government mobs including Kahandagamage and others, after taking part at a meeting with then Prime Minister Mahinda Rajapaksa is a well-known incident. Agitated public supporting the protesters counter attacked the mobs, their vehicles and also destroyed the property of the government politicians, leading to country wide violence.

⁴⁸ <https://www.dailymirror.lk/article/Protest-outside-UN-Wimal-noticed-105696.html>

⁴⁹ <https://www.adaderana.lk/news.php?nid=91360>

⁵⁰ <https://www.dailymirror.lk/article/Protest-outside-UN-Wimal-noticed-105696.html>

⁵¹ https://www.lankahotnews.net/2023/06/video_25.html

⁵² <https://www.youtube.com/watch?v=NzjEBjSGQZ4>

4. Repression of Freedom of Expression

4.1. Two journalists were summoned to the Jaffna police:

On 21st of June, two freelance journalists Pradeepan Thambithurai and Dharmalingam Paramasivan from Jaffna and Kilinochchi respectively were summoned to the he special crimes branch to the office of the Kilinochchi Deputy Inspector General (DIG) and questioned them regarding an incident they reported. The Police have interrogated them for around 2 hours regarding their video footage of the incident in which state intelligence officials have obstructed a meeting organised by the Jaffna district MP and Tamil National People's Front (TNPF) leader Gajendrakumar Ponnambalam. The incident is mentioned in detail in the next section. The Police have repeatedly asked them to reveal their sources, and how they received video footage, which they had denied.^{53 54}

4.2. Rights activist and journalist summoned to the CID:

Journalist and media rights activist, Tharindu Uduwaragedara, received the summons on 28th June, asking him to be present before the CID on 4th July, regarding the press conference they held condemning the arrest of the standup comedian Nathasha Edirisooriya. After lawyers representing the Buddhist monks who made the complaint against the comedian informed that the group of activists including Uduwaragedara have allegedly caused contempt of court, the court asked the CID to investigate the matter.^{55 56}

4.3. Social media-based Journalist Prasad Welikubura summoned to the CID

On the 13th of June, Social media-based journalist and activist Parasad Welikubura was summoned to the social media unit of the Computer Crimes Division of Sri Lanka Police. He was questioned regarding a video he had tweeted in February 2023, in which several people were shouting at military vehicles, saying "the government has money to spend on these things, but cannot afford to pay for the medicine in government hospitals."⁵⁷ Police had questioned him how he received the video, why he published it as it allegedly creates negative attitudes towards the military among the public.^{58 59}

⁵³ <https://lankafiles.medium.com/tamil-journalists-intimidated-by-sri-lanka-police-over-news-coverage48b3e93849f>

⁵⁴

http://www.colombopage.com/archive_23A/Jun07_1686113595CH.php#:~:text=June%2007%2C%20Colombo%3A%20Leader%20of,Ponnambalam%20for%20obstructing%20Police%20duties.

⁵⁵ <https://twitter.com/Welikumbura/status/1674067631454691330>

⁵⁶ <https://www.facebook.com/uduwaragedara/videos/2591476514335379>

⁵⁷ <https://twitter.com/Welikumbura/status/1630620671465357312>

⁵⁸ <https://twitter.com/Welikumbura/status/1667435074357452800>

⁵⁹ <https://ceylonwire.lk/cid-interrogates-prasad-for-posting-a-video-about-the-army/>

4.4. International Media reporter also faced to the water cannon

Al Jazeera reporter Minelle Fernandez faced a water cannon attack while reporting live from a protest site that was held in Colombo.⁶⁰ On 7th June Inter-University Student Federation organised a protest from University of Sri Jayawardanapura in Nugegoda to Colombo.⁶¹ It was dispersed by the Police when it reached Nugegoda town.⁶²

4.5. Social Media activist Piyath Nikeshala arrested:

An active member of Aragalaya- anti-government protests last year and social media activist Piyath Nikeshala was arrested by the Criminal Investigation Department on 26th June as he had live streamed the protest in front of then Prime Minister Ranil Wickramasinghe's private residence in Colombo, when it was set fire by the protesters on 9th July 2022.⁶³ Police arrested him, after he was summoned to record a statement. He was granted bail after appearing before the Colombo Magistrate on 27th June. The court also imposed an overseas travel ban on him.^{64 65}



Piyath Nikeshala during Sri Lanka's people's protests in 2022. Photo courtesy: Pathum Kerner's Facebook.

⁶⁰ <https://twitter.com/AJEnglish/status/1666441657535930368>

⁶¹ <https://www.aljazeera.com/news/2023/6/7/tear-gas-water-cannon-fired-on-protesting-sri-lankan-students>

⁶² <https://www.newswire.lk/2023/06/07/police-use-tear-gas-water-cannon-to-disperse-protest-in-nugegoda/>

⁶³ <https://www.adaderana.lk/news.php?nid=91524>

⁶⁴ <https://www.newswire.lk/2023/06/27/aragalaya-activist-piyath-nikeshala-granted-bail/>

⁶⁵ <https://www.dailynews.lk/2023/06/27/local/306531/social-media-activist-piyath-nikeshala-arrested>

5. Repression of Freedom of Assembly.

5.1. Investigation against organisers of Freedom Pride Parade abandoned

On 4th of June, Freedom Pride Parade, an intersectional pride march was organised in Colombo, marching from Viharamahadevi park to Ceylon Mercantile Industrial & General Worker's Union's hall in Colombo, where they had a cultural concert. The event was organised by Generation Pride, an LGBTIQ+ group linked to people's protests last year. As organizers had sought Police permission weeks before the event, the permission was granted at the last moment.

On 5th of June, former BBC journalist, Ranga Srilal tweeted that there had been a discussion at the highest level at a ministry to target those who led the parade.⁶⁶ He later reported the government abandoned their plans, after both subtle and blunt warnings due to external pressure.⁶⁷

5.2. Colombo Pride Walk got almost stopped

A collective of LGBTIQ+ Rights organisations led by Equal Ground organised "Colombo Pride", a series of events including movie screenings, stage plays, a photography and art exhibition, a music and dance event, a pride march and a food festival, parties and other events to celebrate Pride. Journalist Ranga Srilal tweeted that Colombo Pride Walk got almost banned as a powerful minister, and SDIG Deshabandu Tennakoon in charge of Western Province had attempted to stop it, despite SDIG Tennakoon himself having granted permission earlier, and provided Police protection, based on a payment.^{68 69}



Colombo Pride Walk held on 18th of June in Colombo was organised by a group of LGBTIQ+ organisations led by Equal Ground. Photo Courtesy: Ranga Srilal/ [@rangaba](https://twitter.com/rangaba) Twitter

⁶⁶ <https://twitter.com/rangaba/status/1665684555834200064>

⁶⁷ <https://twitter.com/rangaba/status/1666033990971830276>

⁶⁸ <https://twitter.com/rangaba/status/1670321243311190016>

⁶⁹ <https://twitter.com/rangaba/status/1670321909618343937>

5.3. LGBTIQ+ Rights organisation says presence of an Aragalaya group won't be tolerated at their pride event



Freedom Pride Parade organised by Generation pride advocated on a broad range of socio-economic and political issues including the repeal of laws criminalising homosexuality. Photo Courtesy: Daily Mirror

In the context that the government has indicated their support to proposed decriminalisation of homosexuality, there were internal divisions among LGBTIQ+ groups on how they could accommodate anti-government sentiments within the movement. These divisions became public during the pride celebrations. The Generation Pride, a group which organised the historic pride march during last year's Aragalaya, also conducted a pride parade this year under the name of Freedom Pride Parade, an intersectional pride which carried many slogans and posters that were critical of government, advocating for more broader range of issues impacting LGBTIQ+ community beyond the demand for decriminalisation of homosexuality. Few days after the Freedom Pride Parade, Executive Director of Equal Ground Rosanna Flamer Caldera speaking to the Morning newspaper said the presence of an Aragalaya group in the pride parade they are organising would not be tolerated and that any such protesters would be asked to leave. Aragalaya group refers to those who participated in last year's anti-government protests. She further added Colombo Pride walk would be a peaceful celebration of gay pride, dissociating it from any protests or demands for rights, and it would include participation from diplomats, school children with their parents, and corporate representatives alongside members of the LGBTQ+ community.⁷⁰ After these comments were widely criticised in social media by activists, Equal Ground issued a statement clarifying that their comments

⁷⁰ <https://www.themorning.lk/articles/Jb8BS8MD8UGs35cykfUY>

were misinterpreted, and highlighting their support towards Aragalaya.⁷¹ In response to this, Generation Pride, the Aragalaya activists group that organised the Freedom Pride parade also issued another statement highlighting their stance, and explaining nuances on the matter.⁷² This incident though seems like an internal issue between two groups, broadly it indicates emerging trends of pinkwashing of the government within the queer rights movement in Sri Lanka.

5.4. Police fired tear gas and water cannons at protesting students:



Police obstructed the IUSF protest march near Nugegoda. Photo courtesy: IUSF facebook page

On 7th June, Police fired tear gas and water cannons at protesters who took part at a protest march organised by the Inter University Student's Federation. The protest was organised demanding the release of arrested student activists, increasing the Mahapola Student Allowance, reducing the cost of living, repealing the Prevention of Terrorism Act among other requests. Police dispersed the protesters near Nugegoda, while they were marching towards Colombo city.⁷³

⁷¹

<https://www.facebook.com/EQUALGROUND/posts/pfbid0H4RkXVM4DoCu2eji4PyPACiqat37TEVQzbKSv7svhLWS41wphuBGk2p1QFxAJFpHl>

⁷²

<https://www.facebook.com/GenerationPride/posts/pfbid02Y3jpBW8vcR1oJeRskXw5RhZUeNdTbQGkNKHa6ecCwojzKDDP8RHi4tbDPZ7NtXGml>

⁷³ <https://www.newswire.lk/2023/06/07/police-use-tear-gas-water-cannon-to-disperse-protest-in-nugegoda/>

5.5. Court order issued preventing a protest in front of the National Election Commission

On 1st of June, National People's Power (NPP), a leftist political party organised a protest in front of the National Election Commission demanding to hold the Local Government Election, which has been delayed for over one and half years. The Police obtained a court order banning 26 persons including NPP Leader Anura Kumara Disanayake from holding any protests in the entire area surrounding the Election Commission office including Sri Jayawardenapura Kotte Road, Cotta Road, Nawala Road, Sarana Road, and the roads leading to the National Election Commission in Rajagiriya.⁷⁴

5.6. Jaffna MP allegedly threatened by Police during a meeting and later arrested for obstructing the Police:

On 7th June, Member of Parliament, Gajendrakumar Ponnambalam was arrested at his house in Colombo by the Maruthankerny Police station in Jaffna, for allegedly obstructing Police officers a several days ago. While the Police had summoned him to provide a statement at the Police, he had come to Colombo to take part at parliamentary sessions after informing the speaker of the parliament and the Officer-in-Charge (OIC) of the Maruthankerny Police station. A few days ago, while participating at a meeting with a sports club member in Maruthankerny in Jaffna, participants of the meetings had noticed three unidentified persons at the venue. As Gajendrakumar Ponnambalam had intervened to verify their identities, the strangers had attempted to flee the scene, while the crowd had captured one of them while others had fled. The person captured has been revealed to be a state intelligence officer. One person who fled the scene had threatened Ponnambalam pointing a gun at him before getting away.⁷⁵ After the incident, the Police had summoned Ponnambalam to record a statement at the Maruthankerny Police station in Jaffna on 8th June. Ponnambalam had refused to accept the summon notice as it was written in Sinhala language and he was unable to understand it. Then the Police had read the summon notices for him. After verbally informing the OIC of the Police station that he will attend the Police station once Parliamentary sessions are over, he had come to Colombo. However, as the Police filed a case against him at the Kilinochchi Magistrate court, the court ordered him to provide a statement at the Police station, and issued an order preventing him from travelling abroad. Following the magistrate's order, the officers of Maruthankerny Police station arrested him at his residence in Colombo, and took him to the Police station in Jaffna to record the statement.^{76 77 78 79 80} Intimidation, and surveillance on politicians and activists from minority communities by state intelligence services is a common pattern in the North and East.

⁷⁴ <https://english.newsfirst.lk/2023/06/08/police-secures-court-order-to-block-ijb-protest-opposite-election-commission>

⁷⁵ <https://www.tamilguardian.com/content/sri-lankan-police-intelligence-officer-wields-gun-tnpf-leader-following-commotion-meeting>

⁷⁶ <https://www.tamilguardian.com/content/tnpf-leader-gajendrakumar-ponnambalam-arrested-colombo>

⁷⁷ <https://www.tamilguardian.com/content/kilinochchi-magistrate-court-bans-tnpf-leader-foreign-travel>

⁷⁸ <https://twitter.com/GGPonnambalam/status/1667108177056526337>

⁷⁹ <https://twitter.com/TamilGuardian/status/1664673457513066496>

⁸⁰ <https://www.thehindu.com/news/international/sri-lanka-police-arrest-tamil-legislator-ponnambalam/article66942699.ece>

5.7. TNPf women's organiser arrested:

On 5th June, police arrested TNPf Vadamarachchi organiser Arulamthy, in relation to the same incident, that MP Ponnambalam was arrested. Two days before her arrest, two men who introduced themselves as military intelligence officers had threatened that she would be arrested soon. Around 6 am in the early morning of 5th of June, the Police arrested her at her residence. ⁸¹



TNPf Vadamarachchi organiser protesting against military occupied lands in the North and East.
Photo courtesy: Tamil Guardian.

5.8. Three other TNPf members arrested:

Three other members of the TNPf were arrested by the Kilinochchi Police on 15th June, after summoning them and two others to the Police station. Two of the arrestees were women. On 15th of June, the police summoned TNPf Women's Wing head Vasuki Sudhakaran, Secretary of the Women's Wing Kuruba Giritharan, its Jaffna organiser Theeban Dileeshan, and MP Gajendrakumar Ponnablam's driver Mr. Arasan, to record their statements on what happened when MP Ponnambalam encountered intelligence officials in civilian clothing on 2nd June. They were arrested after recording their statements. ⁸²

⁸¹ <https://www.tamilguardian.com/content/sri-lankan-police-arrest-tnpf-organiser-over-maruthankerny-incident>

⁸² <https://twitter.com/TnpfOrg/status/1669304292891582466>

6. Repressive Legal and Policy actions.

6.1. Contempt of Court, Tribunal or Institution Act

Contempt of Court, Tribunal or Institution Draft Act was gazetted on 27th of June 2023, on the order of Minister of Justice, Prison Affairs and Constitutional Reforms.⁸³ The act criminalises (1) bringing disrespect to a court, tribunal or judicial Institution, and (2) interfering or bringing prejudice to an ongoing legal case. The offences include willful disobedience, willful breach of an undertaking, publishing false information, scandalising or lowering the judiciary authority, or dignity of a court, tribunal, or institution, interfering with judicial proceeding, interfering or obstructing the administration of justice, using or bringing any audio or visual recording equipment or publishing or transmission of any audio or visual recording, exciting dissatisfaction in the minds of public, casting public suspicion on the administration of justice etc. The act uses broad, vague terminology that could be easily misused to control or repress dissent, and media. As the scope of the act covers all types of judicial institutions including those appointed by the political leadership such as Presidential Commissions, even free speech against injustices made by such institutions would not be possible after passing this act.⁸⁴ None of the Sri Lankan courts do official audio-visual recordings of the court sessions, and neither journalists are not allowed to record court hearings under any condition.

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of June 23, 2023

SUPPLEMENT

(Issued on 27.06.2023)



CONTEMPT OF A COURT, TRIBUNAL OR INSTITUTION

A

BILL

to provide for the uniform application of the law relating to the contempt of a court, tribunal or institution; to provide for the procedure in punishing the contempt of a court, tribunal or institution; and to provide for matters connected therewith or incidental thereto

*Ordered to be published by the Minister of Justice, Prison Affairs and
Constitutional Reforms*

Gazette of the Contempt of Court, Tribunal, or Institution

⁸³ http://documents.gov.lk/files/bill/2023/6/349-2023_E.pdf

⁸⁴ https://sinhala.srilankabrief.org/wp-content/uploads/2023/07/Comtempt-of-Law-349-2023_S-1.pdf

6.2. Judicial Service Association expresses dissatisfaction on two recent appointments

In a letter addressed to President Ranil Wickremesinghe, the Judicial Service Association of Sri Lanka (JSASL) representing all the District Court judges and Magistrates in the country, has expressed their dissatisfaction regarding two recent appointments of high court judges made 5th of June. They stressed that appointing former Chief of Staff and Deputy Secretary General of Parliament Tikiri Jayathilaka⁸⁵ and Senior State Counsel at the Attorney General's department Nayani Nirmala Kasthuriratne⁸⁶ as High Court judges could negatively affect public confidence in the judiciary and rule of the law in the country and detrimental independence of the judiciary.⁸⁷ The JSASL maintained that Jayathilaka's exposure to a non-legal institution was deemed to be a disqualification to reassume duties as a member of the judiciary at any future stage. It further noted that the officer from the Attorney General's Department appointed is a very junior officer in comparison to the judicial officers who are next in line in judicial seniority.⁸⁸

6.3. Calling for armed forces

Same as in the previous months on 20th June, 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).⁸⁹ 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. The history of public security ordinance goes back to the British Colonial era as it was introduced as the final law of colonial rule in an attempt to suppress and control political dissent.⁹⁰

6.4. Declaration of essential services

On 17th of June, a gazette notification was issued by the president declaring the supply of electricity, the supply or distribution of petroleum products and fuel, and all health services as essential, under the Section 2 of the Essential Public Services Act, No. 61 of 1979.⁹¹ Declaration as essential services has been historically used by repressive governments in Sri Lanka to prevent trade union actions. This draconian law allows imposing 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, though we have not seen use of this law in such a drastic scale in the recent past.

⁸⁵ <https://www.parliament.lk/news-en/view/3247>

⁸⁶ https://web.archive.org/web/20230127050158/https://www.attorneygeneral.gov.lk/?page_id=1222

⁸⁷ <https://srilankabrief.org/sri-lanka-judges-express-dissatisfaction-over-two-appointments-to-high-court-by-president/>

⁸⁸ <https://www.ft.lk/news/Judiciary-left-disgruntled-over-two-recent-appointments-to-HC/56-749355>

⁸⁹ http://documents.gov.lk/files/egz/2023/6/2337-09_E.pdf

⁹⁰ <https://www.icj.org/wp-content/uploads/2012/05/SriLanka-emergencylaws-advocacy-2009.pdf>

⁹¹ http://www.documents.gov.lk/files/egz/2023/6/2336-78_E.pdf

7. Other Incidents

7.1. Newly appointed chairperson of cooperative insurance company shot:

Darshana Samarawickrama, the newly appointed chairperson of the Battaramulla Cooperative Insurance Company was injured in a shooting incident on 3 June, when he was going to assume duties as the new chairperson. Previously, he has acted as a member of the board of directors in the same company.^{92 93}

7.2. A lawyer in the Padaviya area assaulted:

A lawyer has been assaulted in Padaviya area, while returning home after his work at the Kebithigollewa magistrate court. Two men have assaulted him after blocking his way at the Aliwanguwa junction in Padaviya area in Anuradhapura district.⁹⁴

7.3. Poet Ahanaf Jazeem again included in the designated persons list on terrorism:

Ahanaf Jazeem is a poet and teacher who was arrested on 16th May 2020 and unjustly detained for over a year under the Prevention of Terrorism Act (PTA) for allegedly promoting terrorism through an anthology of poetry called *Nawarasam* (the nine emotions)⁹⁵ has been again included in the designated persons list on terrorism as decided by the Ministry of Defence under Regulation 4 (7) of the United Nations Regulations 1 of 2012. His name was first added to the list of designated persons last year,⁹⁶ and also included in this year's list, under the gazette issued on 8th June 2023.^{97 98}

⁹² https://www.dailymirror.lk/print/front_page/Battaramulla-Cooperative-Insurance-Company-head-shot/238-260500

⁹³ <https://www.adaderana.lk/news.php?nid=91198>

⁹⁴ කැබිනිට්ගෙදැරුවේ නීතිඥයකුට පහරදීම - Lankadeepa Online.

⁹⁵ <https://www.amnesty.org/en/documents/asa37/4119/2021/en/>

⁹⁶ http://documents.gov.lk/files/egz/2022/8/2291-02_E.pdf

⁹⁷ <https://twitter.com/sanjayawilson/status/1681521435091640320>

⁹⁸ http://documents.gov.lk/files/egz/2023/6/2335-16_E.pdf