

# Repression of Dissent

## May 2023



Comedian and activist Nathasha Edirisooriya was arrested for allegedly insulting Buddhism. The Police charged her under the ICCPR Act based on multiple complaints lodged by Buddhist monks.

**INFORM**

**Human Rights Documentation Centre**

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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:** Hearing the petition against the proposed private member bill seeking to decriminalise homosexuality, Supreme Court ruled the proposed bill is “not inconsistent with the Constitution”, showing the green light to the proposed decriminalisation process. Transparency International Sri Lanka (TISL) filed a petition with the Supreme Court, challenging the Anti-Corruption Bill, highlighting several key concerns including its impact on whistleblowers, the right to information and the freedom of expression etc. The Sri Lankan Foreign Minister, Ali Sabry stated that Sri Lanka will apply for the GSP (Generalised Scheme of Preferences) + trade facility for the European Union market under the revised criterion for the period between 2024 and 2034. Three commissioners of the Human Rights Commission of Sri Lanka complained to the constitutional council against its chairperson, Justice Rohini Marasinghe for allegedly acting in an arbitrary manner.

**Case updates:** the Mullaitivu Magistrate Court summoned a naval intelligence officer over threatening the Tamil Guardian Journalist Shammugan Thavaseelan in April 2019. The Colombo Fort magistrate's court ordered to revoke the travel ban imposed on former Prime Minister Mahinda Rajapaksa and three others in connection with the magisterial inquiry into the attack on Galleface protesters last year. A writ petition filed by several parties including the Ministers and government Parliamentarians against Police and military heads for their alleged failure to prevent violence following the attack on Galle Face protesters on May 9, 2022 was withdrawn by the petitioners following an undertaking given by the authorities to have a fresh inquiry. Dr. Shafi Shihabdeen who was previously unjustly suspended from his work, based on the allegations made by nationalist media for allegedly conducting illegal sterilisation surgeries without the consent, resumed his work at the same hospital. Colombo District Court has ordered the extension of an injunction order issued against the YouTuber and political vlogger Darshana Handungoda until May 24. The case against former Minister Mervyn Silva threatening journalists after forcibly entering state owned television channel premises in 2007, began its hearing 15 years after the incident.

**Repression of Freedom of Expression:** The Stand-up Comedian Natasha Edirisooriya was arrested by the Criminal Investigation Department and charged under ICCPR Act and other laws for allegedly insulting Buddhism. Bruno Divakara, the owner of the SL Vlog was arrested in relation to the same incident. Police spokesman SSP Nihal Thalduwage stated that attendees to the same comedy show will also be questioned and their statements will be recorded. The Criminal Investigation Department summoned the Youtuber Dharshana Hadungoda and recorded a statement regarding a video he had published regarding the compensation to the victims of X-press pearl ship maritime disaster.

**Repression of Freedom of Assembly :** A restraining order was issued by the Colombo Fort magistrate Court against an event organised to remember the first year anniversary of the 9th May 2022 attack against peaceful anti-government protesters in Galle Face, Colombo during anti-government protests last year. Police arrested Morin Noor, a female activist of Aragalaya and a victim of the 9th May attack who marched demanding justice for the assault, and arrest she faced last year. An event remembering the victims who died in the last phase of the Sri Lankan civil war held in Colombo was disrupted by a group of ultra-nationalist Sinhala-

Buddhists led by Buddhist monks. Police disrupted a protest organised by medical students of Colombo university on 16th May, a protest organised by Kelaniya University students on 18th May, and a protest organised by University of Peradeniya students on 23rd May, by firing tear gas and water at the protesters. On 11th May, Police and military were deployed surrounding the University of Colombo premises, as they had allegedly received intelligence information of a student meeting scheduled to be held there.

**Repression Activists and Whistleblowers:** Piyath Nikeshala, an active member of the Aragalaya movement was assaulted by a group led by a local politician and then arrested while receiving treatment at the National Hospital. Pathmanathan Sirojan, a staff member of the AHAM Humanitarian Resource Centre in Batticaloa was arrested by the police during a commemoration event held in Naripulhottam, Batticaloa for having a banner that contained the phrase “Tamil Genocide Memorial Day.” Human Rights lawyer and human rights activist Priyalal Sirisena has received death threats from an unknown caller on 25<sup>th</sup> May. A social activist in Colombo, Sujith Annamalei made a police complaint after a nationalist monk named Balangoda Kasappa Thero had made a public statement accusing him of being a part of an agenda to destroy Buddhism and culture, and demanding Police to arrest him.

**Repression of state officials:** A prison officer and his family members were allegedly threatened by unidentified armed men who demanded him not to interfere with drug trafficking in the prison premises. On 24th May, Parliament passed a motion to remove Chairman of the Public Utilities Commission of Sri Lanka (PUCSL) Janaka Ratnayake from his post.

**Legal and Policy Actions:** Opposition political parties criticised the proposed Broadcasting Regulatory Commission Act (BRCA) as an attempt to instigate fear among journalists, and media institutions. Proposed BRC has powers to take legal action against journalists resulting in their imprisonment, and impose fines, cancel licences and take other actions against the media institutions and journalists. Supply and distribution of petroleum products and fuel, and electricity supply and health services were declared as essential services. Declaration as Essential Services is a common tactic by the state to discourage the trade union actions such as worker strikes. President also issued the monthly gazette notification calling out for the armed forces under the public security ordinance. This provides additional powers to the military to intervene in civilian affairs.

**Other Incidents:** While addressing the media, former Minister Mervin Silva threatened exiled religious leader pastor Jerome Fernando of physical assault, and accused him of being a part of a foreign conspiracy.

## 2. Context

**Decriminalisation of same-sex relationships:** On 9th May, the Supreme Court of Sri Lanka ruled that the proposed private member bill seeking to decriminalise homosexuality is “not inconsistent with the Constitution”, showing the green light to the proposed decriminalisation process. The bill was gazetted in mid-March, and presented to the Parliament in early April. In mid April, three individuals including a retired military person filed a petition against the proposed bill, claiming that bill would lead to sexual exploitation of children, dilute rule of law, increase the number of people living with HIV and contrary to the principles of Buddhism which the court found unfounded and not having any legal basis. LGBTIQ+ Rights activists and other civil society activists, health professionals, academics and others filed a number of intervening petitions supporting the bill.<sup>1</sup> Sri Lankan LGBTIQ+ Rights and civil society activists, and the International Commission of Jurists (ICJ) issued statements welcoming the determination of the Supreme Court that showed the greenlight to the ongoing legal change process.<sup>23</sup>

**Anti-corruption bill:** On 10th May, Transparency International Sri Lanka (TISL) filed a petition (SC SD 19/2023) with the Supreme Court, challenging the Anti-Corruption Bill, highlighting several key concerns. TISL stated that the bill could have a chilling effect on whistleblowing, the right to information and the freedom of expression, and could affect the concepts of transparency and accountability, as several provisions of the Bill are disproportionate.<sup>4</sup>

Speaking to the media, TISL stressed two serious concerns regarding the bill. It seeks to override all other written law, which includes the Right to Information Act. The proposed law also contains sections that require officials of the CIABOC to sign oaths of secrecy and therefore, the disclosure of information by CIABOC under the new law will only be possible with special permission from the Commission.<sup>1</sup>

**GSP+ trade facility:** The Sri Lankan Foreign Minister, Ali Sabry stated that Sri Lanka will apply for the GSP (Generalized Scheme of Preferences) + trade facility for the European Union market under the revised criterion for the period between 2024 and 2034. The average inflation rate was further reduced to 25% from 35% in the previous month according to the official government data.<sup>5</sup>

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<sup>1</sup> [http://www.supremecourt.lk/images/documents/sc\\_sd\\_13\\_2023.pdf](http://www.supremecourt.lk/images/documents/sc_sd_13_2023.pdf)

<sup>2</sup> <https://www.newsfirst.lk/2023/05/10/sri-lanka%E2%80%99s-lgbtiq-community-welcomes-strong-judgment-by-country%E2%80%99s-supreme-court/>

<sup>3</sup> <https://www.newswire.lk/2023/05/12/icj-welcomes-amendment-to-penal-code-decriminalizing-homosexuality/>

<sup>4</sup> <https://www.tisrilanka.org/tisl-files-a-petition-with-the-supreme-court-challenging-the-anti-corruption-bill/>

<sup>5</sup>

[https://www.cbsl.gov.lk/sites/default/files/cbslweb\\_documents/press/pr/press\\_20230531\\_inflation\\_in\\_2023\\_may\\_ccpi\\_e\\_0.pdf](https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/press/pr/press_20230531_inflation_in_2023_may_ccpi_e_0.pdf)

**Covid19:** 288 new patients, and 30 deaths related to Covid19 were reported in the month of May.<sup>6</sup> <sup>7</sup> The highest daily tally of COVID-19 new patients and fatalities for this year was reported on 20th May, registering 15 confirmed cases and three fatalities.<sup>8</sup>

**HRCSL:** Three commissioners of the Human Rights Commission of Sri Lanka complained to the constitutional council against HRCSL chairperson, retired Supreme Court Judge, Justice Rohini Marasinghe for allegedly acting in an arbitrary manner. HRCSL Commissioners, Ven. Kalupahana Piyarathana Thero, Dr. Nimal Karunasiri and Dr. Vijitha Nanayakkara in their letter addressed to the speaker of the Parliament, with copies to the Prime Minister and all members of the Constitutional Council claimed that Marasinghe continues to make decisions disregarding the opinions of the other members, including implementation of transfers and suspensions of employees, entry into contracts with outside agencies, and managing other financial matters. Also the letter stated "on several previous occasions, she had summoned various parties such as Parliamentarians and Ministers, and heads of security agencies to appear before the Commission at her discretion, citing it as the decision of the Commission."<sup>9</sup>

Rohini Marasinghe was instrumental in HRCSL summoning various heads of state institutions making them accountable for human rights violations allegedly committed by the officials working in the institution. Here are a few examples. In March 2023, HRCSL summoned Minister of Public Security Tiran Alles and senior police officers to inquire into attacks on protesters by the Police.<sup>1</sup> In the same month, HRCSL summoned Ministry Secretaries to inquire on the dismissal of Dr. Chamal Sanjeeewa, who lost his job after speaking to the media on rising trends of child malnutrition in the country. In January 2023, HRCSL summoned the Secretary to the Ministry of Power and Energy, and the Chairman of the Public Utilities Commission of Sri Lanka (PUCSL) to inquire on failure to prevent power cuts during the Advanced Level examination period as previously informed to the HRCSL. In November 2022.<sup>1</sup> HRCSL summoned the Secretary of the Ministry of Public Security and the Inspector General of Police to inquire about shooting by Police at protesters in Rambukkana.<sup>1</sup>

<sup>6</sup> [https://www.epid.gov.lk/storage/post/pdfs/en\\_644fc10bd41c2\\_sitrep-sl-en-01-05\\_10\\_23.pdf](https://www.epid.gov.lk/storage/post/pdfs/en_644fc10bd41c2_sitrep-sl-en-01-05_10_23.pdf)

<sup>7</sup> [https://www.epid.gov.lk/storage/post/pdfs/en\\_64771ead84326\\_sitrep-sl-en-31-05\\_10\\_23\\_1.pdf](https://www.epid.gov.lk/storage/post/pdfs/en_64771ead84326_sitrep-sl-en-31-05_10_23_1.pdf)

<sup>8</sup> [https://www.dailymirror.lk/breaking\\_news/Sri-Lanka-records-highest-single-day-COVID-19-cases-deaths-for-2023/108-259603](https://www.dailymirror.lk/breaking_news/Sri-Lanka-records-highest-single-day-COVID-19-cases-deaths-for-2023/108-259603)

<sup>9</sup> <https://www.themorning.lk/articles/XP9GnZxJjs596BkXWkv3>

## 3. Case Updates

### 3.1. Sri Lanka Navy officer summoned to the Mullaitivu court over threatening the journalist:

On 07<sup>th</sup> May, the Mullaitivu Magistrate Court summoned the naval intelligence officer over threatening the Tamil Guardian Journalist Shanmugan Thavaseelan. On 7<sup>th</sup> April 2019, Thavaseelan was covering a rally held by the Tamil Families of the Disappeared in Mullaitivu. During the protest, an unidentified individual who was filming the protest allegedly threatened the families of the disappeared and members of the press. Thavaseelan and others intervened to question the individual on his identity and why he was filming the demonstration on his phone. After crowds caught him when attempting to flee the site, he revealed that he was a naval officer. Thavaseelan was arrested after a few days based on a complaint made by the Naval officer and granted bail in late April 2019. On the 4<sup>th</sup> May, 2023 Mullaitivu Magistrate T. Saravananaraja adjourned the case after issuing summons to the petitioner - the naval intelligence officer to appear at the court on September 21.<sup>10 11 12 13</sup>

### 3.2. Court revokes travel ban on former President Mahinda Rajapaksha, and others

On 17<sup>th</sup> May, the Colombo Fort magistrate's court ordered to revoke the travel ban imposed on former Prime Minister Mahinda Rajapaksa and Parliamentarians Pavithra Wanniarachchi, Rohitha Abeygunawardena and former Provincial Councilor Kanchana Jayaratne in connection with the magisterial inquiry into the Galle Face attack. Court had earlier issued an order preventing former Prime Minister Mahinda Rajapaksa, MP Namal Rajapaksa and 15 others from leaving the country, following the mob attack that took place at Temple Trees and Galle Face on May 09, 2022.<sup>14</sup>

### 3.3. The case against former Minister Mervyn Silva for threatening journalists at SLRC:

On August 17, 2022, the CID arrested the former Minister Mervyn Silva and subsequently produced him before the magistrate court in relation to an incident that took place at SLRC in 2007, in which Silva had forcibly entered the SLRC premises and threatened the journalists. The arrest after 15 years since the incident seems to be politically motivated, in the context that the public were questioning the impunity of this incident, due to the arrests of Aragalaya activists for forcibly entering the SLRC premises during anti-government protests last year. When the case was taken for hearing on 23<sup>rd</sup> May 2023, it was fixed for further hearing on November 7 by the Colombo Chief Magistrate's Court.<sup>15</sup>

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<sup>10</sup> <https://english.theleader.lk/news/4504-navy-officer-summoned-by-mullaitivu-court-over-threatening-journalist>

<sup>11</sup> <https://www.tamilguardian.com/content/sri-lankan-naval-officer-summoned-mullaitivu-court-threatening-tamil-journalist>

<sup>12</sup> <https://www.inform.lk/wp-content/uploads/2019/10/Eng.Repression-of-dissent.INFORM-APR-JUNE-2019.pdf>

<sup>13</sup> <https://www.tamilguardian.com/content/tamil-journalist-brought-mullaitivu-court-after-sri-lankan-navy-complaint>

<sup>14</sup> [https://www.dailymirror.lk/breaking\\_news/Court-revokes-travel-ban-on-MR-others/108-259374](https://www.dailymirror.lk/breaking_news/Court-revokes-travel-ban-on-MR-others/108-259374)

<sup>15</sup> [https://www.dailymirror.lk/breaking\\_news/Forcibly-entering-SLRC-premises-Mervyn-Silva-appears-in-Court/108-259709](https://www.dailymirror.lk/breaking_news/Forcibly-entering-SLRC-premises-Mervyn-Silva-appears-in-Court/108-259709)



### **3.4. Writ petition against military and Police for their failure to prevent violence after May 9th attack was withdrawn:**

On 22nd May 2023, a writ petition filed by several parties including the Ministers and government Parliamentarians against former Army Commander General Shavendra Silva, IGP Chandana Wickremaratne and several others for their alleged failure to prevent violence following the attack on Galle Face protesters on May 9, 2022 was withdrawn by the petitioners following an undertaking given by the authorities to have a fresh inquiry into the incidents. In August 2022, a committee appointed by the President to investigate the incident submitted their final report to the President.<sup>16</sup> The Minister of Public security has assured petitioners that steps will be taken in terms of the applicable law, to have an inquiry or investigation conducted with regard to the matters set out in the Board of Inquiry. Based on this, petitioners withdrew their writ petition.<sup>17</sup>

### **3.5. Dr. Shafi Shihabdeen resumes work at the Kurunegala hospital**

The Health Services Committee of the Public Services Commission has ordered the Health Ministry to reassign Dr. Shafi Shihabdeen who was previously accused of performing illegal sterilisation surgeries to the Kurunegala Teaching Hospital.<sup>18</sup> He was previously suspended from duty while working at the Kurunegala Teaching Hospital after Sinhala nationalist media reports fuelled by islamophobia accused him of conducting illegal sterilisation surgeries without the consent, and was reinstated at his position as the Senior House Officer in Gynecology and Obstetrics after court acquitted him of all charges.<sup>19</sup>

### **3.6. Injunction order against Youtuber further extended**

Colombo District Court has ordered the extension of an injunction order issued against the YouTuber and political vlogger Darshana Handungoda until May 24. Reportedly Handungoda had published a video accusing a few officials in the AG department for causing a delay in filing a legal case against the company that owned the X-press pearl ship that sank in Sri Lankan waters in May 2021, causing a huge damage to the marine environment. The injunction order prevents Handungoda from uploading videos in a manner that insults an Additional Solicitor General and a Senior State Counsel at the Attorney General's Department. When the case was taken for hearing at the Colombo District court on 10th May, Handungoda's lawyer informed the court that Hadungoda had published the relevant report in question with the intention of providing information to the public.<sup>20 21</sup>

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<sup>16</sup> <https://www.newsfirst.lk/2022/08/25/9th-may-military-lapses-committee-concludes-evidence-examination/>

<sup>17</sup> [https://www.dailymirror.lk/breaking\\_news/Failure-to-prevent-violence-after-May-9-Writ-petition-against-Shavendra-IGP-and-others-withdrawn/108-259647](https://www.dailymirror.lk/breaking_news/Failure-to-prevent-violence-after-May-9-Writ-petition-against-Shavendra-IGP-and-others-withdrawn/108-259647)

<sup>18</sup> [https://www.dailymirror.lk/breaking\\_news/Dr-Shafi-Shihabdeen-reassigned-to-Kurunegala-Hospital/108-259933](https://www.dailymirror.lk/breaking_news/Dr-Shafi-Shihabdeen-reassigned-to-Kurunegala-Hospital/108-259933)

<sup>19</sup> <https://colombogazette.com/2023/05/30/dr-shafi-shihabdeen-resumes-work-at-kurunegala-teaching-hospital/>

<sup>20</sup> <https://www.adaderana.lk/news.php?nid=90422>

<sup>21</sup> <https://www.youtube.com/watch?v=Rv8j68f-7i8>

## 4. Repression of Freedom of Expression

### 4.1. A stand-up comedian arrested for allegedly insulting Buddhism



The comedian Natasha Edirisooriya was arrested for allegedly insulting Buddhism. The Police charged her under the ICCPR Act based on multiple complaints lodged by Buddhist monks.

The Stand-up Comedian Nathasha Edirisooriya was arrested by the Criminal Investigation Department after a video of one of her performances done in early April, went viral after it was published in the social media in late May. Edirisooriya is one of the few practising women stand-up comedians in Sri Lanka who addresses issues concerning gender, sexuality, ethnicity and nation and other themes through her creative work. In the video that led to her arrest, she talked about conservative attitudes within the Sri Lankan education system that discourage conversations around sex and gender, and her experience as a student of a Buddhist ladies' college in Colombo. Then she talked about how parents compare their children with each other and how children feel about it. As Buddha is portrayed as the ideal image in the Sri Lankan Sinhala Buddhist society, she elaborated how peers of Prince Siddhartha might have felt, referring to Prince Siddhartha's extraordinary abilities such as walking soon after his birth.<sup>22</sup> While doing so, she used terms such as "Suddhodana's<sup>23</sup> little one" to refer to Prince Siddhartha which some people found to be a disrespectful way of referring to Buddha's childhood. The edited parts of her performance were released to social media platforms by nationalist groups, creating a lot of hate towards her in social media for

<sup>22</sup> Buddha's lay name was Siddhartha

<sup>23</sup> King Suddhodana, Buddha's father

which Police did not take any action. A number of Buddhist monks and nationalists made multiple complaints against her demanding Police to take legal action against her. As the situation was gradually worsening, she attempted to leave the country. She was arrested in the early morning of 28th May at the Katunayake airport departure terminal immigration premises. Soon after she was arrested Dan Priyasad, a Sinhala nationalist who has a history of being involved with ethno-religious violence and mob attacks against minorities, published Edirisooriya's personal address in social media encouraging people to attack her residence.

After she was presented before the Fort magistrate in Colombo, she was initially remanded until 7th of June.<sup>24</sup> Police charged her of committing an offence of "advocating for national, racial or religious hatred" under section 3 of the ICCPR Act of 2007 in Sri Lanka and deliberate intention of wounding religious feelings under Penal code. When charged under ICCPR Act, bail cannot be granted by a magistrate court, but a high court.<sup>26</sup>

#### **4.2. SL Vlog YouTube owner arrested by the CID:**

Bruno Divakara was arrested by the Computer Crimes Investigation Division of Sri Lanka Police for allegedly aiding and abetting the arrested comedian, as her performance was first released in his YouTube channel named SL Vlog.<sup>27</sup> An apology video made by the comedian was also released on his YouTube channel.<sup>28</sup>

#### **4.3. The Police say attendees to the comedy show will be questioned**

Police spokesman, Senior Superintendent of the police Nihal Thalduwage stated that the Sri Lanka Police Computer Crime Investigation Division under the Criminal Investigation Department (CID) is investigating to identify and record statements from the audience who attended the stand-up comedy show that led to controversy.<sup>29</sup>

#### **4.4. CID record statement from a Youtuber:**

On 8th May, the CID summoned Youtuber Dharshana Hadungoda to record a statement regarding alleged defamatory remarks against the Attorney General Department in relation to a video commentary he had published on alleged delay in legal actions by AG department in relation to the compensation process of the X-press pearl ship maritime disaster. Handungoda had reportedly stated that officials are consciously delaying the legal processes, due to a possible personal benefit.<sup>30</sup>

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<sup>24</sup> [https://www.dailymirror.lk/breaking\\_news/Nathasha-Edirisooriya-remanded-till-June-7/108-259992](https://www.dailymirror.lk/breaking_news/Nathasha-Edirisooriya-remanded-till-June-7/108-259992)

<sup>25</sup> [http://www.colombopage.com/archive\\_23A/May29\\_1685324441CH.php](http://www.colombopage.com/archive_23A/May29_1685324441CH.php)

<sup>26</sup> <https://www.lawnet.gov.lk/wp-content/uploads/2016/12/INTERNATIONAL-COVENANT-ON-CIVIL-AND-POLITICAL-RIGHTS-ICCPR-ACT-NO-56-OF-2007.pdf>

<sup>27</sup> [http://www.colombopage.com/archive\\_23A/May29\\_1685324441CH.php](http://www.colombopage.com/archive_23A/May29_1685324441CH.php)

<sup>28</sup> <https://xposure.lk/%e0%b6%b6%e0%b7%b2%e0%b6%b1%e0%b7%9d-%e0%b6%af%e0%b7%92%e0%b7%80%e0%b7%8f%e0%b6%9a%e0%b6%bb-%e0%b6%bb%e0%b7%92%e0%b6%b8%e0%b7%8f%e0%b6%b1%e0%b7%8a%e0%b6%a9%e0%b7%8a/>

<sup>29</sup> [https://www.dailymirror.lk/top\\_story/Did-you-attend-Natashas-comedy-show-Police-will-quiz-you/155-260050](https://www.dailymirror.lk/top_story/Did-you-attend-Natashas-comedy-show-Police-will-quiz-you/155-260050)

<sup>30</sup> <https://www.dailynews.lk/2023/05/10/law-order/303027/cid-grills-youtuber-dharshana-handungoda-over-statement>

## 5. Repression of Freedom of Assembly

### 5.1. Restraining order issued preventing the 9<sup>th</sup> May commemoration:

On 9<sup>th</sup> May 2023, the Colombo Fort Magistrate issued a restraining order preventing the commemoration of the May 9<sup>th</sup> attack against peaceful anti-government protesters during people's protests last year. On 9<sup>th</sup> May last year, protesters who had been occupying Galleface protest site since previous month, were assaulted by the pro-government mobs who took part in a meeting with then Prime Minister Mahinda Rajapaksa. The court order further prohibited the protesters from entering the president's secretariat, the finance ministry, the president's house, and the prime minister's house (Temple Trees). The order was made on a request of the Colpetty Police in Colombo.<sup>31</sup>

### 5.2. Police arrests the activist for walking alone with a protest poster:

*Aragalaya Activist Morin Noor protesting alone, seeking justice for assault she faced on 9<sup>th</sup> May 2022, while*



*taking part in the Galle face Aragalaya protests*

Aragalaya activist Maurine Noor was arrested while trying to walk alone with a poster and the national flag demanding justice for last year's attacks against her. During the 9<sup>th</sup> May attack, Marine Noor was brutally assaulted by the pro-government mobs, as she was occupying the protest site "mainagogama" demanding the resignation of the Prime Minister, that was located next to the Prime Minister's office, Temple Trees. As Police stopped the protest claiming it is a disturbance to the public, she attempted to walk alone with the protest banner demanding justice to attack against her, and she was then arrested by the Maligawatta police and produced to the Aluthkade Magistrate on 10<sup>th</sup> May.<sup>32</sup>

<sup>31</sup> <https://www.newswire.lk/2023/05/09/court-order-related-to-may-09-commemoration/>

<sup>32</sup> [https://twitter.com/anuruddha\\_lka/status/1656126141948743683](https://twitter.com/anuruddha_lka/status/1656126141948743683)

### **5.3. Police used tear gas and water cannons to disperse the University of Colombo medical students protest:**

On 16<sup>th</sup> May Police fired tear gas and water against the protesting students of the Medical faculty of University of Colombo, who organised a protest against privatisation of medical education, and weakening free education and free healthcare. The police dispersed the protest near Horton Place in Colombo 07 area.<sup>33 34</sup>

### **5.4. Eight students' activists arrested during the protest**

On 18<sup>th</sup> May University of Kelaniya student union organised a protest demanding the release of detained student activists including the President of the Kelaniya Student Union, Kelum Mudanayake, and student activists Dilshan Harshana, and against the ongoing government repression and other issues in the country. The Police dispersed the protesters attacking them with tear gas and water, and arrested the convener of the Inter-University Student Federation Wasantha Mudalige and seven others. Police alleged that the protesters attempted to block the Colombo-Kandy main road in front of the university, and assaulted the Police officers injuring two of them, and obstructed their duties.<sup>35 36 37</sup>

### **5.5. Police fired tear gas at the protest organised by University of Peradeniya students**

On 23<sup>rd</sup> of May, Police dispersed a protest organised by the University of Peradeniya students attacking them with tear gas.<sup>38</sup> The protest was organised against the student repression, surveillance and other issues by the authorities. When the protesters entered the main road leading to Kandy town, Police blocked the road, and dispersed the protesters attacking them with tear gas.<sup>39</sup>

### **5.6. The military deployed surrounding the University of Colombo premises to prevent a student meeting**

Tightened security and heavy presence of military, and Police were seen around the University of Colombo premises and surrounding areas as the government had received unspecified intelligence information according to the Police media spokesperson Nihal Thalduwage.<sup>40</sup> However the military claimed it was just a security exercise. As information came out later, the government had received information that a large gathering of student activists was going to be held in the university premises, which they suspected to be a coup against the government. However, it was later revealed the whole saga was due to a food order university canteen had received, which was in fact for a meeting of new students and their parents.<sup>41</sup> Inter-University student federation commenting on this stated this was an indication of how the government uses national security claims to suppress the student movement.<sup>42</sup>

<sup>33</sup> <https://www.adaderana.lk/news.php?nid=90581>

<sup>34</sup> [https://www.dailymirror.lk/breaking\\_news/Water-cannons-used-to-disperse-Medical-Faculty-students/108-259313](https://www.dailymirror.lk/breaking_news/Water-cannons-used-to-disperse-Medical-Faculty-students/108-259313)

<sup>35</sup> [https://www.youtube.com/watch?v=c4q4AC5mE\\_Q](https://www.youtube.com/watch?v=c4q4AC5mE_Q)

<sup>36</sup> <https://www.newsfirst.lk/2023/05/19/sri-lanka-arrests-student-leader-again/>

<sup>37</sup> [https://www.dailymirror.lk/breaking\\_news/Wasantha-Mudalige-seven-others-arrested/108-259476](https://www.dailymirror.lk/breaking_news/Wasantha-Mudalige-seven-others-arrested/108-259476)

<sup>38</sup> [https://www.dailymirror.lk/breaking\\_news/Peradeniya-University-students-tear-gassed/108-259703](https://www.dailymirror.lk/breaking_news/Peradeniya-University-students-tear-gassed/108-259703)

<sup>39</sup> <https://www.adaderana.lk/news.php?nid=90742>

<sup>40</sup> <https://www.adaderana.lk/news/90506/heavy-security-presence-in-colombo>

<sup>41</sup> <https://economynext.com/sri-lanka-campus-canteen-triggers-colombo-security-alert-120522/>

<sup>42</sup> <https://www.themorning.lk/articles/64fckwZhvqcfFkw55UYw>



Police were deployed in the Art Faculty of the University of Colombo. Photo Courtesy: [Daily Mirror](#)

### 5.7. An extremist group disrupts the Mullivaikal commemoration:

On 19<sup>th</sup> May, a group of civil society activists held a commemoration event remembering those who lost their lives in Mullivaikkal in the eastern coasts of Sri Lanka during the last stages of Sri Lanka's civil war in 2009. The event was disrupted by Ravana Balaya, a Sinhala Buddhist extremist group who were carrying the posters that mention 'no to LTTE commemorations' framing the event as an event that glorifies LTTE.<sup>43</sup> Riot Police who arrived at the event dispersed the both groups including those who came to participate at the event.<sup>44 45 46</sup>



Mullivaikkal commemoration held in Borella town in Colombo. Few are holding protest posters that say "No LTTE commemorations." Courtesy: Meera Srinivasan

<sup>43</sup> <https://www.tamilguardian.com/content/sri-lankan-riot-police-deployed-after-sinhala-extremists-disrupt-mullivaikkal-commemoration>

<sup>44</sup> <https://www.newswire.lk/2023/05/18/mullivaikkal-commemoration-riot-police-deployed-in-borella-after-tense-situ/>

<sup>45</sup> <https://www.tamilguardian.com/content/sri-lankan-riot-police-deployed-after-sinhala-extremists-disrupt-mullivaikkal-commemoration>

<sup>46</sup> <https://twitter.com/saararr/status/1659077622402547712>

## 6. Repression Activists

### 6.1. Activist beaten up by a SLPP Municipal Councillor:



Mayor Chandika Abeyratne breaking the windows of Nikeshala's vehicle. Photo: [Sri Lanka Mirror](#)

On 10th May, Piyath Nikeshala, an active member of 'Aragayala' the people's protests last year was brutally assaulted by the Former Deputy Mayor of the Kaduwela Municipal Council, Chandika Abeyratne and several others who accompanied him. The incident occurred in the Samagi Mawatha area in Koswatta in the Colombo suburbs where Nikeshala lives. Nikeshala, who had been in his vehicle at the time of the attack, has managed to record the events of the attack. The attackers who have come in two vehicles have first blocked his way on the street, and broken windows of his vehicles, before pulling him out of the vehicle and further assaulting him. Nikeshala with sustained injuries due the assault was first admitted to the Thalangama Hospital and then transferred to the National Hospital of Sri Lanka in Colombo. The former deputy mayor Chandika Abeyratne has made a Police complaint against Piyath Nikeshala for allegedly scolding him while claiming to be an Aragayala activist, which has led to a brawl between them, according to him. He has also been admitted to the Mulleriya hospital in Colombo after making the complaint. Both of them have been arrested by Police while receiving treatment at the hospital. <sup>47 48 49</sup>

<sup>47</sup> <https://www.newsfirst.lk/2023/05/11/activist-piyath-nikeshala-arrested/>

<sup>48</sup> <https://twitter.com/NewsWireLK/status/1656296633842409472>

<sup>49</sup> <https://lankanewsweb.net/archives/33649/police-issue-statement-on-assault-on-aragalaya-activist-piyath-nikeshala/>

## **6.2. A man arrested over a Tamil genocide memorial banner:**

Pathmanathan Sirojan, a staff member of the AHAM Humanitarian Centre located in Batticaloa, has been arrested by the Ayithmalai police for holding a banner with the phrase “Tamil Genocide Memorial Day”. He was arrested on 16<sup>th</sup> during a commemoration event held in Nariputhottam, Batticaloa and was released on the same day.<sup>50 51</sup>

## **6.3. A human rights lawyer received threats:**

Human Rights attorney, civil rights activist, and writer Priyal Sirisena received death threats from an unknown caller on 25<sup>th</sup> May, for which he had filed a complaint with the Kurunegala Police. The unknown caller calling from a foreign number (00971566018309, of which country code belongs to the UAE) has threatened him not to interrupt the minister’s work and not to forget that he is travelling in public. Priyal Sirisena works as an attorney, writer, and civil rights activist for over 16 years. He is one of the petitioners in contempt of court case filed against the State Minister of Water Supply Sanath Nishantha.<sup>52 53</sup>

## **6.4. Social activists lodged a complaint regarding life threats:**

Social activist Sujith Annamalei has made a complaint to the Inspector General of Police regarding the comments made by Balangoda Kassapa Thero, accusing him of being a part of an agenda to destroy Buddhism. Annamalei requested the protection from Police as these comments might cause him, or his family a danger.<sup>54 55</sup>

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<sup>50</sup> <https://twitter.com/ambikasat/status/1658438853131399170?s=20>

<sup>51</sup> <https://www.tamilguardian.com/content/sri-lankan-police-arrest-tamil-man-over-tamil-genocide-memorial-day-banner>

<sup>52</sup> [https://www.dailymirror.lk/breaking\\_news/HR-Attorney-threatened-not-to-mess-with-the-Minister/108-259805](https://www.dailymirror.lk/breaking_news/HR-Attorney-threatened-not-to-mess-with-the-Minister/108-259805)

<sup>53</sup> <https://www.adaderana.lk/news.php?nid=88601>

<sup>54</sup> <https://www.youtube.com/watch?v=1Cv01ZEzLKc&t=592s>

<sup>55</sup> <https://xposure.lk/%e0%b7%83%e0%b6%b8%e0%b7%8f%e0%b6%a2-%e0%b6%9a%e0%b7%8a%e0%b6%bb%e0%b7%92%e0%b6%ba%e0%b7%8f%e0%b6%9a%e0%b7%8f%e0%b6%bb%e0%b7%93-%e0%b7%83%e0%b7%94%e0%b6%a2%e0%b7%92%e0%b6%ad%e0%b7%8a/>



## 7. Repression of State Officials

### 7.1. Unidentified armed individuals threatened the prison officer:

A prison officer working at the New Magazine Prison in Colombo has been assaulted and threatened with death at this residence in Minuwangoda on 12th May, by three unknown men who may be linked to drug trafficking. The attackers have demanded him not to interfere with drug trafficking into the prison premises. Prison spokesman Chandana Ekanayake commenting on the incident said that the armed men, who arrived at the prison officer's home wearing jackets and covering their faces, had threatened him, saying, "What kind of a person are you to stop heroin in the prison when no one can stop drug trafficking in the country?" They have also attacked the officer's mother, damaged his sister's mobile phone by smashing it on the floor, forced the officer to kneel down, while they have handcuffed and photographed him before leaving the house. <sup>56</sup>

### 7.2. A motion to remove the PUCSL chairperson was passed in parliament:

On 24th May, Parliament passed a motion to remove Public Utilities Commission of Sri Lanka (PUCSL) Chairman Janaka Rathnayake from his post. Rathnayake, on several occasions, openly criticised the government and its policies. <sup>57 58 59</sup> In February this year, his office was sealed by the Police when he was abroad, claiming that anti-government activities were happening in his office. In a number of instances, he disagreed with government decisions on large increases on public utilities such as electricity tariffs, and pushed for more transparency. Increases of pricing and other actions relating to public utilities are required to go through the approval process of the PUCSL.

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<sup>56</sup> [https://www.dailymirror.lk/breaking\\_news/Prison-officer-attacked-threatened-with-death/108-259144](https://www.dailymirror.lk/breaking_news/Prison-officer-attacked-threatened-with-death/108-259144)

<sup>57</sup> <https://island.lk/motion-to-remove-pucsl-chairman-passed-by-parliament/>

<sup>58</sup> [https://www.dailymirror.lk/breaking\\_news/Resolution-to-remove-PUCSL-Chairman-for-debate-on-24-May/108-259030](https://www.dailymirror.lk/breaking_news/Resolution-to-remove-PUCSL-Chairman-for-debate-on-24-May/108-259030)

<sup>59</sup> [https://www.dailymirror.lk/breaking\\_news/Parliament-votes-out-Janaka-Rathnayake/108-259789](https://www.dailymirror.lk/breaking_news/Parliament-votes-out-Janaka-Rathnayake/108-259789)

## 8. Legal and Policy Action

### 8.1. Proposed Broadcasting Regulatory Commission Act (BRCA)



*For many years, Media rights groups are still advocating to end impunity regarding the journalists who have been killed and assaulted due to their work. An event organised by the Free Media Movement in January 2023. Courtesy: Sri Lanka Mirror*

In April 2023, responding to a question asked by an MP on licences of television and radio channels in Sri Lanka, the Minister of Media Bandula Gunawardana stated that a cabinet sub-committee led by Minister Wijayadasa Rajapaksa had been appointed to draft a Broadcasting Regulatory Commission Bill, that would address all these concerns.<sup>60</sup> Minister Wijayadasa added that the draft bill would be shared among the media institutions, and any other interested parties.<sup>61</sup> Accordingly the Ministry of Media shared a working draft of the [BRCA](#) In May 2023, among selected stakeholders including media rights groups. According to the Minister Wijayadasa Rajapaksha, this new piece of legislation is to be introduced with the aim of providing a legal framework that is acceptable to all sectors of the media industry—including broadcast media and other media institutions.

The Broadcasting Regulatory Commission (BRC) consists of five members including Secretary to the Ministry of Minister, Director General of Telecommunication and 3 other

<sup>60</sup> <https://www.parliament.lk/uploads/documents/hansard/1684398311094933.pdf> pages 2011-2015

<sup>61</sup> <https://srilankamirror.com/news/broadcasting-authority-bill-to-be-given-to-media-institutions/>

members appointed by the President with the approval of the constitutional council, which indicates that the political leadership of the government can pose a significant influence on the structure of the commission. The commission has powers to conduct investigations on reporting that allegedly affects national security, religious harmony, and the national economy. However, these areas have not been defined in the bill. The commission has powers to levy fines on journalists, cancel the broadcasting licenses of electronic media organizations and take legal action against journalists that could result in imprisonment upon conviction. Several opposition political parties expressed their opposition to the proposed bill. Former Secretary to the Ministry of Mass Media and current member of Parliament, Dr. Charitha Herath said that the government is trying to instigate fear among journalists, by introducing such legislation in order to fulfil their personal political agendas. MP M. A. Sumanthiran said that a similar attempt back in 1997 was defeated in court.<sup>62</sup> The Janatha Vimukthi Peramuna (JVP) led National People's Power (NPP) and the Samagi Jana Balawegaya (SJB) of the Parliamentary Opposition also said that they are taking every possible effort to stop the proposed bill.<sup>63</sup>

### **8.2. Several services declared as Essential Services:**

On 17th May, a special Gazette notification (2332/12) was issued, declaring the supply and distribution of petroleum products and fuel, electricity supply, and all labour related to health services as essential services.<sup>64</sup> 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

### **8.3. Calling out for the armed forces:**

On 19th May, a monthly 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).<sup>65</sup> 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.

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<sup>62</sup> <https://www.newsfirst.lk/2023/05/31/sri-lankan-govt-s-proposed-broadcast-act-gets-stiff-reception/>

<sup>63</sup> <https://www.themorning.lk/articles/CrIqI57M5Pr0iMvZhzmK>

<sup>64</sup> [https://www.dailymirror.lk/breaking\\_news/Gazette-notification-brings-fuel-supply-power-healthcare-under-essential-services/108-259433](https://www.dailymirror.lk/breaking_news/Gazette-notification-brings-fuel-supply-power-healthcare-under-essential-services/108-259433)

<sup>65</sup> [http://documents.gov.lk/files/eqz/2023/5/2332-36\\_E.pdf](http://documents.gov.lk/files/eqz/2023/5/2332-36_E.pdf)

## 9. Other

### 9.1. Former MP threatened to the Christian pastor publicly:

Addressing the media, Former Minister Mervin Silva threatened prophet Jerome Fernando who is currently overseas in exile to come to Negombo to get hammered or knocked by his men. Silva further added that people like Jerome should be expelled from the country for instilling hatred and communal disharmony, and also noted that some politicians and their relatives were followers of him.<sup>66</sup> Prophet Jerome made a controversial statement comparing Buddhism and Christianity, and stated that the Christianity should be given a greater value, as Jesus Christ is the light, while Buddha- the enlightened was looking for the light.<sup>67</sup> This led to a number of hate speech comments in social media and outside targeting Jerome, and many held that he should be arrested and filed charges under section 3 of the ICCPR act for allegedly “advocating for national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”<sup>68</sup> Filing a fundamental rights petition before the court, he sought an order preventing his arrest.<sup>69</sup> On 24th May, Attorney General informed the court that the CID has already initiated an investigation against Pastor Jerome Fernando over ‘his hateful remarks against religious harmony in the country’.<sup>70</sup>

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<sup>66</sup> [https://www.dailymirror.lk/breaking\\_news/My-men-were-waiting-for-Jerome-in-Negombo-to-hammer-him-Mervin-Silva/108-259931](https://www.dailymirror.lk/breaking_news/My-men-were-waiting-for-Jerome-in-Negombo-to-hammer-him-Mervin-Silva/108-259931)

<sup>67</sup> <https://www.youtube.com/watch?v=D0buoRZsiQ8>

<sup>68</sup> <https://www.lawnet.gov.lk/wp-content/uploads/2016/12/INTERNATIONAL-COVENANT-ON-CIVIL-AND-POLITICAL-RIGHTS-ICCPR-ACT-NO-56-OF-2007.pdf>

<sup>69</sup> <https://www.adaderana.lk/news/90822/pastor-jerome-files-fr-seeking-court-order-preventing-his-arrest>

<sup>70</sup> <https://counterpoint.lk/aq-informs-sc-investigation-pastor-jerome-fernando-progress/>