

Repression of Dissent

July 2023



Media Rights activist and journalist Tharindu Uduwaragedara was assaulted and then arrested by the Police while reporting a protest organised by a collective of trade unions. 28th July 2023, Colombo. Photo Courtesy: [the leader](#)

INFORM

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Repression of Dissent in Sri Lanka in May 2023.
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INFORM was established in 1990 to monitor and document human rights situation in Sri Lanka, especially in the context of the ethnic conflict and war, and to report on the situation through written and oral interventions at the local, national and international level. INFORM also focused on working with other communities whose rights were frequently and systematically violated. Presently, INFORM is focusing on election monitoring, freedom expression and human rights defenders. INFORM is based in Colombo Sri Lanka, and works closely with local activists, groups and networks as well as regional (Asian) and international human rights networks.

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1. Executive Summary

Context: Sri Lanka parliament approved a domestic debt restructuring plan. Fitch Ratings downgraded Sri Lanka's Issuer Default Rating (IDR) to 'C' (Near default) from 'CC' (Very high levels of credit risk). Trade unions protested against the proposed changes in the labour laws, and debt restructuring process that will affect the superannuation funds of employees. Bilateral talks were held between India and Sri Lanka on a range of issues including the implementation of 13th amendment of the Sri Lankan constitution relating to the devolution of power at the provincial level. Former Chief of Defence Staff Admiral Ravi Wijegunaratne received appointment as Sri Lanka's High Commissioner to Pakistan. He has been previously accused of human rights violations during Sri Lanka's civil war. Sri Lanka rejected the visa to the Canadian Tamil MP Gary Anandasangaree. Civil society organisations in the North and East issued statements expressing their dissatisfaction to the Proposed National Unity and Reconciliation Commission (NURC) and advocating for an international investigation process, as similar domestic mechanisms in the past have failed to bring justice. A group of Muslim MPs in the parliament submitted a letter to the Justice Minister opposing the proposed progressive amendments in the Muslim Marriage and Divorce Act (MMDA). A protest march was organised remembering the 200 years of history of Malaiyaha Tamils, and demanding their rights. Several events were organised remembering the 40th anniversary of Black July pogrom against Minority Tamils in July 1983. As two former LTTE members accused of terrorist attacks were granted presidential pardon, MP Namal Rajapaksa also requested presidential pardon to the handful of government military who are convicted for war crimes. A hartal was organised in the North and East, demanding an international inquiry into the recently discovered mass grave in Mullaitivu District. The Sri Lanka Human Rights Commission (HRCSL) stated that it is struggling to handle the 11,000 public complaints it had received, due to its shortage of staff.

Case updates: Former President Sirisena and others paid less than 9% of the total compensation to the victims of the Easter Sunday Bomb attack in 2018, by the end of the six months deadline as court ordered in last January. In relation to the case on the disappeared journalist Prageeth Ekneligoda in 2010, the attorney general requested court's permission to present additional evidence in relation to eight phone numbers, for which defence attorneys opposed. Next court hearing is to be held in September. Female stand-up comedian Nathasha Edirisooriya was granted bail by the Colombo High Court. The bail order included a much progressive interpretation of the ICCPR, considering broader aspects of international law. Colombo High Court dismissed the revision petition filed by journalist Tharindu Jayawardana seeking to invalidate an order issued by the Colombo magistrate court to conduct an inquiry on alleged contempt of court accusations in relation to the press briefing they held condemning the recent arrest of the female comedian. Former employee of the Swiss Embassy in Sri Lanka, Garnia Bannister Francis, was sentenced to two years rigorous imprisonment, suspended for a period of fifteen years, for allegedly making a false statement to the law enforcing authorities claiming that she was assaulted and sexually harassed by five unknown men, for being involved with the Visa process of an exiled Police officer. Student activist Wasantha Mudalige was arrested and granted bail for not appearing in a court case against him in relation to a protest he took part in three years ago. The magistrate revoked the travel ban imposed on the Senior Police officer, SDIG Deshabandu Tennakoon in relation to not preventing the mob attack on Galleface protesters in May 2022. A date was fixed for hearing the contempt of Court case against the MP Sanath Nishantha, the State Minister of Water Supply on 27th of September this year. The Supreme Court dismissed both Fundamental

rights petitions on attacks and arrests of participants of the Mirihana protest on 31st March 2022 that later led to Aragalaya anti-government protest movement, and not taking actions to prevent mob attack on Galleface protesters in May 2022, refusing to grant leave to proceed considering the initial objections raised by the state counsels. However, hearing a writ petition on attack on the Galleface protesters in May 2022, the Court of Appeal ordered the Inspector General of Police to appear at the courts. The Bribery and Corruption Commission informed the court that it expects to record a statement from the former President Gotabaya Rajapaksha in relation to the 17.85 million LKR cash found in the presidential premises by the protesters. MP Namal Rajapaksha and four other suspects requested the court to acquit them from the Money laundering case against them. The Attorney General informed the court that the proposed Private Member bill to reconvene local government bodies without holding elections, is unconstitutional. The Anti-Corruption Act was unanimously passed, as all 196 proposed amendments were included in the amended bill.

Repression of Media and Journalists: The Police physically assaulted and arrested the journalist and media rights activist Tharindu Uduwaragedara while covering a trade union protest in Colombo. Dharshana Handungoda, a Youtuber and a Journalist was summoned to the Financial Crime Division in Narahenpita in Colombo, linking him with another youtube channel that first published video of the controversial performance of the comedian who was arrested. He was also ordered by the magistrate court to hand over his electronic equipment to the CID of Police in relation to a statement he made in a youtube video accusing a few officials in the AG department for causing a delay in taking legal actions against the X-press pearl ship that sank in SriLankan waters in May 2021. The Colombo Mayor of the Colombo Municipal Council also made a complaint on alleged defamation against the same Youtuber in relation to another incident. A Regional Journalist of Lankadeepa newspaper was assaulted by two unknown men, while he was at his office providing information to the Police about a recent incident of some unknown persons breaking into his office.

Repression of Freedom of Assembly: A silent protest commemorating the Black July anti-Tamil pogrom in 1983 was disrupted by Sinhala nationalists and Police, while another protest march in Colombo remembering the Black July was also dispersed by the Police, who attacked the protesters with tear gas and water. A protest held in Colombo against the proposed labour law amendments and debt restructuring plan which involves using the superannuation funds, organised by a joint Trade union collective was dispersed by the Police attacking protesters with tear gas and water. Court orders were issued against three trade union protests, including this. Activist Maurine Noor was summoned to the CID several hours after her Fundamental Rights petition in relation to her arbitrary arrest during a protest in last May was granted leave to proceed.

Repressive Legal and Policy Actions: A circular issued by the Ministry of Health banned its employees from expressing opinions to the media without the approval of their department head. The circular also referred to the recent Supreme Court judgement which upheld the interdiction of Dr. Chamal Sanjeewa for revealing alarming rates of child malnutrition in the country. A gazette notification was issued making several public services as essential services, which is a known strategy for discouraging trade union actions such as labour strikes. The monthly gazette notification was issued calling for the Armed Forces by the President justifying and providing powers for increased military intervention in civilian affairs.

Other Incidents: Director of Police Special Investigation Unit who earlier refused to hand over cash found in the President's house to the Public Security as instructed by a Senior officer, and was subsequently threatened was transferred as the Director of Research and Development Division of the police department. Several websites expressed their concerns, whether the transfer was an act of retribution. Minister of Urban Development and Housing, Prasanna Ranathunga speaking at a SLPP party event said that anyone who harasses their party supporters would face retribution.

2. Context

Economic crisis: On 1st of July, Sri Lankan parliament approved a domestic debt restructuring plan, a prerequisite to continue a \$2.9 billion bailout from the International Monetary Fund (IMF).¹ Soon after, Fitch Ratings downgraded Sri Lanka's Long-Term Local-Currency (LTLC) Issuer Default Rating (IDR) to 'C' (Near default) from 'CC' (Very high levels of credit risk).² Trade unions protested against the proposed changes in labour laws, that will erode workers' rights and protections, and the debt restructuring process that will affect the superannuation funds including the Employee Provident Fund and Employee Trust Fund.^{3 4} ⁵ It has been proposed to use the Treasury bills held by the Central Bank and the treasury bonds held by superannuation funds to restructure the debt by lowering the interest rates charged on these bonds.⁶



Sri Lankan President Wickramasinghe met with Indian Prime Minister Narendra Modi to discuss bilateral cooperation across a number of sectors. Photo courtesy: Ada Derana

Bilateral talks between India and Sri Lanka: The 13th Amendment is an amendment to the Constitution of Sri Lanka, which provides devolution of power at the provincial level. This was never fully implemented due to strong opposition from nationalist politicians in the south. While the President held a meeting with Tamil Politicians on the matter before his Indian visit, the Tamil National Alliance, country's leading Tamil political party 'categorically rejected' the

¹ <https://apnews.com/article/sri-lanka-crisis-imf-restructuring-debt-9137189b08befe71ab1ce0ade9af26ad>

² <https://www.fitchratings.com/research/sovereigns/fitch-downgrades-sri-lanka-long-term-local-currency-idr-to-c-05-07-2023>

³ <https://island.lk/copf-discusses-effect-of-domestic-debt-restructuring-on-epf/>

⁴ <https://www.sundaytimes.lk/230716/business-times/dont-touch-epfett-protests-525170.html>

⁵ ඊ.ටී.එල්. සහ ඊ.පී.එල් වෙනුවෙන් ඇගයීම් සේවක සේවිකාවෝ පාරට. [Lankadeepa Online](https://www.lankadeepa.lk)

⁶ <https://www.industrialunion.org/sri-lanka-unions-protest-governments-debt-restructuring-and-labour-law-changes>

President's proposal to implement the 13th Amendment without devolving Police powers to the Provincial Councils.⁷

Admiral Wijegunaratne appointed as a High Commissioner: Former Chief of Defence Staff Admiral Ravi Wijegunaratne received appointment as Sri Lanka's High Commissioner to Pakistan.⁸ He has been previously accused of assisting a key suspect to abscond the arrest, and threatening witnesses of the case of 11 missing youth in 2008,⁹ and the assassination of Tamil MP Nadarajah Raviraj in 2006 from which he was acquitted in 2016.¹⁰

Sri Lanka rejects visa to the Canadian MP: Sri Lankan immigration rejected visa to Sri Lanka born Tamil Canadian MP Gary Anandasangaree, who was appointed as a cabinet minister a few weeks later. Rejecting his visa was an attempt to silence his criticisms against the Sri Lankan government, according to Anandasangaree.¹¹ Around two months earlier, the effigies of Anandasangaree and Canadian Prime Minister Justin Trudeau were burnt by sinhala nationalists, in the context PM Trudeau issued a statement on Tamil Genocide Remembrance Day.¹²

Proposed National Unity and Reconciliation Commission (NURC): Civil society activists and Victim Families of enforced disappearances during Sri Lanka's civil war issued statements expressing their opposition to the proposed NURC, stating that they do not have further trust in a domestic mechanism, but an international mechanism with the involvement of United Nations. The statements also pointed out that most of the recommendations of similar commissions set up in the past have not been yet implemented. Though NURC promises the involvement of foreign experts, they pointed out such attempts have also failed in the past and also mentioned the threats and intimidation against the witnesses, and civil society activists who demanded justice regarding disappearances, land grabbing and other issues in the North and East.^{13 14}

Muslim Marriage and Divorce Act (MMDA): MMDA is a family law that governs marriages and divorces, marriage registration and appointment of Quazi judges and operation of Quazi court system in Sri Lanka that is only applicable to Muslims in Sri Lanka. There are number of issues in the MMDA in relation to including gender-based discrimination, allowing child marriage, and not requiring the consent of the bride.¹⁵ Though Women's rights organisations have advocated for repeal and reform of these discriminatory provisions for a long time, the attempts have been unsuccessful due to patriarchal attitudes of the religious and political leadership in the Muslim community and other issues within the Sri Lankan legal reform

⁷ <https://www.thehindu.com/news/international/tamil-national-alliance-rejects-sri-lankan-presidents-offer-of-13th-amendment-minus-police-powers/article67095098.ece>

⁸ <https://www.independent.lk/admiral-ravi-w-receives-diplomatic-appointment/>

⁹ <https://www.ft.lk/news/Key-witness-giving-evidence-of-CDS--involvement-in-youth-abduction-case-receives-death-threats/56-663546>

¹⁰ <https://www.newsfirst.lk/2016/12/24/157769/>

¹¹ https://twitter.com/gary_srp/status/1679194641139105795

¹² <https://www.pm.gc.ca/en/news/statements/2023/05/18/statement-prime-minister-first-tamil-genocide-remembrance-day>

¹³ <https://srilankabrief.org/sri-lanka-victim-community-rejects-proposed-national-unity-and-reconciliation-commission/>

¹⁴ <https://srilankabrief.org/sri-lanka-north-east-coordinating-committee-urges-govt-to-scrap-proposed-reconciliation-commission/>

¹⁵ <https://www.mmdasilanka.org/faqs-about-the-mmda/>

system. On June 8th 2023, 18 Muslim Members of Parliament (MPs) writing a letter to the Minister of Justice Wijeyadasa Rajapakshe, opposed the progressive amendments that have been proposed to be included in the upcoming draft MMDA bill.¹⁶ In July, Muslim Personal Law Reform Action Group (MPLRAG) issued a statement condemning the move of the Muslim MPs to deny the rights of Muslim women in Sri Lanka.¹⁷

Malaiyaha Tamils: Remembering the 200 years of history of Malaiyaha Tamils, a protest march was organised from Talaimannar to Matale from 28th July to 12th August, demanding actions to ensure the rights of Malaiyaha Tamils, who have been historically marginalised, discriminated against, and subjected to labour exploitation, poor working and living conditions and other injustices. The protest path which is over 200 Km marks the path the ancestors of Malaiyaha Tamils walked by foot when the British brought them from India to work in the Sri Lankan plantations.^{18 19}



A long protest march was held demanding rights and dignity for Malaiyaha Tamils who have been subjected to historical discrimination and injustices. Courtesy: Daily Mirror

Black July Commemoration: Several events were organised in Colombo^{20 21} and Jaffna²² and other countries to remember the 40th anniversary of the Black July anti-Tamil pogrom that occurred in July 1983. It is estimated that around 3000 people were dead and up to 200,000

¹⁶ <https://www.mmdasrilanka.org/wp-content/uploads/2023/07/Muslim-Marriage-and-Divorce-Act.pdf>

¹⁷ <https://www.mmdasrilanka.org/statement-muslim-mps-betray-mmda-reforms-justice-for-sri-lankan-muslim-women-under-threat/>

¹⁸ <https://www.dailymirror.lk/news-features/Plight-of-Tamil-estate-workers-Malaiyaha-Communities-long-march-for-a-better-ticket-to-life/131-265037>

¹⁹ <https://www.ft.lk/columns/The-injustice-met-out-to-Hill-Country-Tamils-after-independence/4-750229>

²⁰ <https://www.thehindu.com/news/international/40-years-since-black-july-little-space-in-sri-lanka-to-remember-the-dead/article67131779.ece>

²¹ <https://lankanewsweb.net/archives/38258/syu-protest-remembering-black-july-photos/>

²² <https://www.tamilguardian.com/content/university-jaffna-students-commemorate-black-july>

people became homeless as a result of the pogrom. Two protests were held in Colombo. Even though a Presidential Truth Commission on Ethnic Violence established in 2001 investigated the incidents, none of its recommendations were implemented, except some financial compensation.²³ In Jaffna, university students organised another event to remember Black July, while a separate event was organised remembering the victims of Welikada prison massacre in Colombo.²⁴

Hindu religious event in an archaeological site prevented: A pongal event held by Tamil devotees at the controversial Kurunthamalai archeological and religious site in Mullaitivu that is claimed by both Hindus and Buddhists was disrupted by Buddhist monks and their supporters, despite a court order allowing the event. Lighting a fire to cook the pongal rice had not been allowed by the officials even though Tamil devotees claimed they had been previously given permission to light the fire without causing damage, or contamination to the site. Finally, Police ordered both groups to leave, and forcefully evicted some Tamil devotees who had refused to leave the site.²⁵ Social media posts on the incident showed long existing divisions between Tamil and Sinhala communities.²⁶

Presidential pardon to former LTTE members: President Ranil Wickremasinghe granted presidential pardon to former LTTE members Selliah Navaratnam, 69 years, who was sentenced to 200 years in prison for the 1996 Central Bank bombing that killed 91 people, S. Sanmugarajah, 56 years, who has been serving a life sentence for peddling goods to the LTTE.²⁷ Commenting on this at the parliament, MP Namal Rajapaksa requested Presidential pardon for “war heroes” a handful of military soldiers who have been sentenced for alleged war crimes.²⁸

Mass Grave: A hartal was organised in the North and East, demanding an international inquiry into the recently discovered mass grave in Kokkuthuduvai in Mullaitivu District.²⁹

Labour shortage in HRCSL: The Sri Lanka Human Rights Commission (HRCSL) stated that it is struggling to handle the 11,000 public complaints it had received, due to its shortage of staff.³⁰

²³ <https://srilankabrief.org/slb-update-freedom-of-expression-violations-in-the-month-of-black-july-2023/>

²⁴ <https://www.tamilguardian.com/content/40th-anniversary-welikada-prison-massacre-commemorated>

²⁵ <https://www.tamilguardian.com/content/sinhala-mob-attempts-block-pongai-celebrations-mullaitivu>

²⁶ <https://www.facebook.com/chanaka.pradeepcp/posts/pfbid02FMNypD8vC59jyWQuZ6oXWC8vpVFZzdmBPGqcs5G7WWjhppJisXteGE3ynoxmRjiHl>

²⁷ <https://www.newsfirst.lk/2023/07/21/presidential-pardon-for-ltte-member-guilty-of-1996-cbsl-bombing-that-killed-91-people/>

²⁸ https://www.dailymirror.lk/breaking_news/Namal-calls-for-Presidential-pardon-to-LTTE-cadres-and-soldiers-alike/108-263855

²⁹ https://www.dailymirror.lk/breaking_news/Recovery-of-skeletal-remains-Hartal-in-North/108-264119

³⁰ https://www.dailymirror.lk/breaking_news/Nearly-11-000-public-complaints-received-so-far-HRCSL-tells-President/108-264192

3. Case Updates

3.1. Compensation to Easter sunday bomb victims:

On 12th of January 2023, the Supreme Court of Sri Lanka ordered the former President of Sri Lanka Maithreepala Sirisena and top Defence ministry and intelligence officials to pay 311 million LKR (858,000 USD) within a period of 6 months, ending on the 12th of July 2023. Court found they were guilty for not taking actions to prevent the bomb attack, despite having clear intelligence information on the Bomb attack.³¹ Only 8.9% of the total compensation was paid by the deadline. Reportedly, the former Director of SIS, Nilantha Jayawardena has deposited the 5.5% of the total compensation he should pay, the day before the deadline. In July, Former President Sirisena informed the Supreme court that he had paid 15% of the total compensation he should pay and requested for a 10-year period to pay the remaining 85 million rupees of compensation in 10 instalments, claiming that he does not have an income to pay such a large amount.^{32 33}

Name	Ordered to pay	Paid	Percentage Paid
The former President, Mathripala Sirisena	100 million LKR	15 million LKR	15%
The former IGP Pujith Jayasundera	75 million LKR	1.7 million LKR	2.3%
The former Director of SIS, Nilantha Jayawardena	75 million LKR	4.1 million LKR	5.5%
The former Secretary, Defence Hemasiri Fernando	50 million LKR	1 million LKR	2%
The former CNI Sisira Mendis	10 million LKR	5 million LKR	50%
Sri Lankan State	1 million LKR	1 million LKR	100%
Total	311 million LKR	27.8 million LKR	8.9%

Table 1: Amounts ordered to pay and paid. Sources: Supreme Court judgement [SC FR 163/2019](#) and [Daily Mirror](#)

3.2. Disappearance and murder of journalist Prageeth Ekneligoda

The Attorney General Department requested the court's permission to present a list of additional evidence on eight phone numbers related to the case. The defence attorneys opposed the request, claiming that new evidence cannot be introduced after filing the

³¹ http://www.supremecourt.lk/images/documents/sc_fr_163_2019.pdf

³² <https://www.ucanews.com/news/sri-lanka-ex-prez-defaults-on-payouts-for-easter-attack-victims/101942>

³³ <https://www.dailynews.lk/2023/07/12/lawnorder/27037/former-president-has-paid-only-rs-15-mn-from-rs-100-mn-fine/>

indictments. The court postponed the hearing until 5th of September, expecting to deliver their decision into the request on the day.

3.3. Stand-up Comedian granted bail

On 4th of July, female stand-up comedian Nathasha Edirisooriya was granted bail by the Colombo High Court. She was arrested on 28th May, on charges of allegedly insulting Buddhism and promoting religious hatred, during one of her performances.³⁴



Nathasha Edirisooriya, after being released on bail, in front of Colombo Fort magistrate court.

As the Police charged her under the section 3 of the International covenant on civil and political rights (ICCPR) Act in Sri Lanka (similar to the Article 20 of ICCPR) dealing with “advocating for national, racial and religious hatred,” the magistrate court last month refused to grant her bail.³⁵ Subsequently, a separate case was filed at the Colombo High Court seeking her bail. In issuing the bail order, the High Court referred to a range of aspects including the objective of introducing the ICCPR Act in Sri Lanka,³⁶ UN Strategy and Plan of Action on Hate Speech,³⁷

³⁴ https://www.inform.lk/wp-content/uploads/2023/08/RoD_May23.pdf

³⁵ https://www.inform.lk/wp-content/uploads/2023/08/RoD_June23.pdf

³⁶ https://www.parliament.lk/uploads/documents/hansard/PUBDOC1377_document.pdf

³⁷

https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20PoA%20on%20Hate%20Speech_Guidance%20on%20Addressing%20in%20field.pdf

six-part threshold test mentioned in the Rabat Plan of Action,³⁸ and its relationship with the Article 19 of the ICCPR that is dealing with the Freedom of Expression.³⁹ The bail order stated that it is highly problematic how the suspect was accused under ICCPR contravening the norms of international law dealing with the Article 20 of the ICCPR, and further added that someone cannot be arrested for merely making a statement that hurts the feelings of a certain religious group.⁴⁰ Despite this progressive interpretation of the ICCPR in the bail order, the case against Nathasha Edirisooriya is expected to be decided by the Colombo Magistrate Court. Two days later, she was released on bail after presenting her before the magistrate court, along with the high court order.

3.4. Contempt of Court inquiry against activists who condemned arrest of the comedian

3.4.1. Revision petition dismissed

On 7th July, Colombo High Court dismissed the revision petition filed by journalist Tharindu Jayawardana seeking to invalidate an order issued by the Colombo magistrate to conduct an inquiry on five activists including Jayawardana who held a press briefing condemning the arrest of comedian Nathasha Edirisooriya.⁴¹ ⁴² ⁴³ The petitioners argued that the magistrate court does not have powers to issue such an order, as the contempt of court cases are heard by the Court of Appeal.⁴⁴ Last month the magistrate hearing the case against Nathasha Edirisooriya made the order, based on a request made by a lawyer who appeared on behalf of a complainant of the case against Edirisooriya, Sinhala Ravaya, a Sinhala Buddhist nationalist organisation.⁴⁵

3.4.2. CID questions Journalist Uduwaragedara

On 4th of July, Journalist Tharindu Uduwaragedara was questioned by the Criminal Investigation Department (CID) for his involvement in organising the press conference condemning the arrest of standup comedian Nathasha Edirisooriya. The Computer Crime Investigation Division questioned Uduwaragedara for around three hours and recorded a statement. Police have mainly questioned him on the motives of organizing the press conference.⁴⁶ The Federation of Media Employees' Trade Unions has issued a statement condemning the move.⁴⁷

³⁸ https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf

³⁹ <https://www.newswire.lk/2023/07/05/natasha-edirisooriya-case-full-judgement-of-high-court/>

⁴⁰ <https://www.newswire.lk/2023/07/05/natasha-edirisooriya-case-full-judgement-of-high-court/>

⁴¹ https://www.inform.lk/wp-content/uploads/2023/08/RoD_June23.pdf

⁴² <https://ceylontoday.lk/2023/07/07/hc-rejects-tharindus-petition/>

⁴³ <https://sinhala.srilankabrief.org/?p=44323>

⁴⁴ <https://ceylontoday.lk/2023/07/07/hc-rejects-tharindus-petition/>

⁴⁵ https://www.inform.lk/wp-content/uploads/2023/08/RoD_June23.pdf

⁴⁶ https://www.dailymirror.lk/worldnews/breaking_news/CID-quizzes-Journalist-Tharindu-Uduwaragedara/108-262411

⁴⁷ <https://srilankamirror.com/news/tharindu-summoned-to-cid-to-record-statement-over-natashas-case/>

3.5. Garnia Bannister receives a suspended sentence

Former employee of the Swiss Embassy in Sri Lanka, Garnia Bannister Francis, was sentenced to two years rigorous imprisonment, suspended for a period of fifteen years, for allegedly making a false statement to the law enforcing authorities. Furthermore, she was ordered to pay compensation of Rs.2 million to the government and imposed a fine of Rs.5,000 by the Colombo High Court.⁴⁸ In November 2019, she lodged a complaint that she was kidnapped and assaulted by five men in the Cinnamon Gardens, sexually assaulted and detained for several hours during which time she was questioned about the issuing of a visa to former CID officer Nishantha Silva who is currently in exile in Switzerland.⁴⁹ Several officers who worked with Nishantha Silva including the head of the Criminal Investigation Department, Shani Abeysekera who investigated emblematic human rights violation cases in Sri Lanka such as murders of journalists, and human rights defenders, have been facing legal charges, and arrest for allegedly fabricating evidence. Soon after her complaint, the Police arrested her for making a false statement, and she later pleaded guilty for the accusations.⁵⁰

3.6. Student activist arrested and granted bail

On 27th of July, former Inter-University Student Federation Convener Wasantha Mudalige was arrested for his failure to appear before the court in relation to a case involving a protest he took part in February 2020. He was granted bail on the following day. He has been charged with being a member of an unlawful assembly during a protest held opposite the University Grants Commission in Colombo on the 27th of February 2020, and for causing inconveniences.^{51 52}

3.7. The Magistrate revokes the travel ban imposed against SDIG Deshabandu Thennakoon.

On 7th July 2023, the travel ban imposed on SDIG Deshabandu Tennakoon in relation to the case on the attack on Galleface protesters by pro-government mobs in May 2022, was lifted.⁵³ Soon after the attack, a travel ban was imposed on Senior DIG Deshabandu Thennakoon along with 16 politicians including former Prime Minister Mahinda Rajapaksa, MPs Namal Rajapaksa, Johnston Fernando, Pavithra Wanniarachchi, Sanjeewa Edirimanne, Kanchana Jayarathne, Rohitha Abeygunawardena, C.B. Ratnayake, and 8 others.⁵⁴ In May 2023, the travel ban on four key politicians including Mahinda Rajapaksa was lifted by the court, as they had not been named as suspects in the case.⁵⁵ In June, the travel ban on MP Namal Rajapaksa, several others were also lifted.⁵⁶

⁴⁸ <https://www.dailynews.lk/2023/07/15/lawnorder/32270/swiss-embassy-staffer-bannister-gets-two-years-ri-fine-in-abduction-case/>

⁴⁹ <https://sundaytimes.lk/online/news-online/Swiss-embassy-abduction-case-Accused-sentenced/2-1142493>

⁵⁰ <https://www.swissinfo.ch/eng/politics/swiss-embassy-worker-arrested-in-sri-lanka/45438680>

⁵¹ <https://www.adaderana.lk/news/92292/wasantha-mudalige-granted-bail>

⁵² <https://www.newsfirst.lk/2023/07/27/wasantha-mudalige-arrested-again/>

⁵³ https://www.dailymirror.lk/breaking_news/Galle-Face-attack-case-Court-revokes-travel-ban-on-SDIG-Deshabandu/108-262632

⁵⁴ <https://archives1.dailynews.lk/2022/05/13/law-order/278804/galle-face-attacks-travel-ban-mahinda-several-mps>

⁵⁵ <https://www.newsfirst.lk/2023/05/17/travel-ban-on-mahinda-rajapaksa-co-lifted/>

⁵⁶ <https://www.themorning.lk/articles/kfKim1mjaY3PmCa03BFU>

3.8. Contempt of court case against MP Sanath Nishantha

A date was fixed for hearing the contempt of Court case against the MP Sanath Nishantha, the State Minister of Water Supply on 27th of September this year. During a press conference held on 23rd August 2022, Nishantha criticised the judiciary and law enforcement for granting bail to anti-government protesters, and claimed that there is a lawless situation in the country. He said bail cannot be granted by the magistrate courts when a case is filed under the Public Property Act and Archeological Act and claimed those laws are not currently implemented.⁵⁷ In response to this statement, the Judicial Service Association of Sri Lanka (JSASL), the organization representing all the District Court Judges and Magistrates in the country and two lawyers namely, Priyalal Sirisena and Vijitha Herath filed contempt of court applications. On 5th of October, Court of Appeal issued summons on State Minister Sanath Nishantha, requesting him to submit reasons why he should not be punished with regard to contempt of court allegations, on 13th October 2022.⁵⁸ After, as he failed to appear at the court on the day, the court issued an arrest warrant against him. Filing a motion he appeared at the court on the same day and was released after stern warnings.⁵⁹ In February 2023, the Attorney General filed two charge sheets against State Minister Sanath Nishantha.⁶⁰ In May 2023, Priyala Sirisena, one of the lawyers who filed a petition received two threatening phone calls from unidentified persons who warned him to withdraw any actions taken against 'the Minister' and threatened him with consequences if he failed to comply.⁶¹

3.9. The Supreme Court dismissed the Fundamental rights petition filed by the Mirihana Protesters

The Supreme Court dismissed three fundamental rights petitions filed by protesters during the protest held near former President Gotabhaya Rajapaksa's private residence in Mirihana on 31st of March 2022, that later led to the Aragalaya protest movement last year. In their petitions, protesters informed the court that they were illegally arrested and tortured by the Police. However, the court refused to grant leave to proceed with the petitions considering the preliminary objections raised by the state counsel that included not filing the case within the required time period, causing damages to Police vehicles, and injuries to several Police officers, and an ongoing legal process into the incident.⁶² According to the Sri Lankan constitution Fundamental Rights petitions have to be filed within a period of one month since the violations had occurred.⁶³

⁵⁷ <https://youtu.be/reclQ4AOMNk?t=787>

⁵⁸ <https://www.newsfirst.lk/2022/10/05/appeal-court-issues-summons-on-sanath-nishantha/>

⁵⁹ <https://www.newswire.lk/2022/10/13/court-releases-sanath-nishantha-with-a-stern-warning/>

⁶⁰ <https://www.adaderana.lk/news.php?nid=88601>

⁶¹

https://www.ccbe.lk/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Sri_Lanka_-_Sri_Lanka/2023/EN_HRL_20230616_Sri_Lanka_Threats-and-intimidation-against-lawyer-Priyalal-Sirisena.pdf

⁶² https://www.dailymirror.lk/breaking_news/Protest-near-GRs-Mirihana-residence-SC-dismisses-protestors-FR-petitions/108-263297

⁶³ <https://www.parliament.lk/files/pdf/constitution.pdf>

3.10. Fundamental rights petition on attack to the Galleface protesters dismissed

The supreme court also dismissed another fundamental rights petition filed by a civil society organisation against Police not taking necessary actions to prevent the attack on Galleface protest in May 2022, considering the preliminary objections raised by the state counsel including the failure to come to the court within the required time limit, and alleged misrepresentation of vital facts. The Executive Director of the Right to Life Human Rights Centre, Phillip Dissanayake and another individual had filed this Fundamental Rights petition.

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3.11. Writ petition on attack to the Galle face protesters

On 31st of July, the Court of Appeal ordered Inspector General of Police Mr. C.D. Wickramaratne to appear before the courts in relation to a writ petition filed by an activist claiming that the Human Rights Commission has also recommended that the Inspector General of Police and the police be held responsible for not taking proper measures to prevent violent acts that occurred in the Galleface protest site, on 9th May 2022.^{65 66}

3.12. Bribery Commission to record a statement from Gotabaya Rajapaksha.

The Commission to investigate allegations of bribery or corruption (CIABOC) informs the Colombo fort magistrate that it expects to record a statement from the Former President Gotabaya Rajapaksha, with regards to 17.85 million Sri Lankan rupees cash found in the Presidential house by protesters, after he fled the country during anti-government protests. Former President Gotabaya Rajapaksha giving a statement to the CID claimed that the cash found in the Presidential house was given by a businessman attached to the Sri Lanka Podujana Peramuna (SLPP) to be distributed among the people whose houses were destroyed by the protesters. However, he has refused to provide the details of the businessperson who provided the money.⁶⁷

3.13. MP Namal Rajapaksha and others request to acquit them from the money laundering case.

MP Namal Rajapaksha and four other suspects requested the court to acquit them from the Money laundering case against them, claiming that the prosecution has failed to establish the commission of the offence charged against the accused in the indictment.⁶⁸ The Financial Crimes Investigation Division filed the case in 2016, over misappropriation of funds in the purchase of shares in the Hello corps incorporation pvt LTD, which had provided some

⁶⁴ https://www.dailymirror.lk/breaking_news/FR-petition-challenging-Galle-Face-incident-dismissed-by-SC/108-263477

⁶⁵ <https://mawrataneews.lk/news/court-of-appeal-summons-igp-c-d-wickramaratne-to-show-cause-on-gotagagama-attack-by-a-mob-i-sri-lanka-latest-news/>

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<https://www.lankadeepa.lk/news/%E0%B6%B4%E0%B7%9C%E0%B6%BD%E0%B7%92%E0%B7%83%E0%B7%8A%E0%B6%B4%E0%B6%AD%E0%B7%92-%E0%B6%85%E0%B6%B7%E0%B7%92%E0%B6%BA%E0%B7%8F%E0%B6%A0%E0%B6%B1%E0%B7%8F%E0%B6%B0%E0%B7%92%E0%B6%9A%E0%B6%BB%E0%B6%AB%E0%B6%BA%E0%B6%A7-%E0%B6%9A%E0%B7%90%E0%B6%B3%E0%B7%80%E0%B6%BA%E0%B7%92/101-637338>

⁶⁷ https://www.dailymirror.lk/breaking_news/Bribery-Commission-to-record-statement-from-GR/108-263490

⁶⁸ https://www.dailymirror.lk/breaking_news/Namal-and-others-request-to-acquit-them-from-money-laundering-case/108-263791

outsourcing services to the Sri Lankan Airlines. Purchase of shares has been done through a channel of companies including a company named Gowers cooperation pvt LTD, hiring a third company named Boston Capital pvt LTD expecting to start a windmill electricity project.^{69 70} The invested funds were supposedly earned through illegal means, while serving as a parliamentarian in 2013, while his father was also serving as the President of the country.^{71 72}

3.14. Delayed local government election:

The Attorney General informed the court, proposed private member bill to reconvene local government bodies without holding elections is unconstitutional. Sri Lanka has been postponing the Local government elections for more than one and half years, as the term of the local government institutions concluded in March 2022.⁷³ Though the Election Commission attempted to hold the elections several times, the government treasury refused to release funds citing the financial crisis in the country. Despite the Supreme Court of Sri Lanka (SC) having made an interim order preventing the Finance Minister and its secretary from withholding any funds allocated by the 2023 Budget for the Local Government Poll 2023, the necessary funds have not been so far released to hold the local government election. Last month, a private member bill was brought by the SLPP MP Jayantha Ketagoda to provide powers to the Minister to reconvene the local government institutions, for a period of 12 months, when the election cannot be held due to a crisis in the country.⁷⁴ 27 petitions were filed against the proposed bill. On 24th July, during a hearing of these petitions, the Attorney General's Department informed the SC that the proposed bill, which aimed to re-convene dissolved Local Government bodies without holding elections, is in violation of the constitution, and therefore it can be only passed through a special majority.⁷⁵

3.15. The Anti-Corruption Act

The Anti-Corruption Act was passed without a vote, as all the amendments proposed by the government, and opposition political parties were included in the amended bill. Both government and Opposition MPs submitted 196 amendments to the Bill which was debated for two days. Previously the Supreme Court informed the parliament 28 clauses in the proposed bill were inconsistent with the constitution.^{76 77}

⁶⁹ <https://www.sundaytimes.lk/160821/news/company-within-company-in-namals-hellocorp-205589.html>

⁷⁰ <https://www.newsfirst.lk/2018/02/20/case-filed-mp-namal-rajapaksa-taken/>

⁷¹ <https://www.adaderana.lk/news/50958/namals-case-to-be-heard-on-march-07>

⁷² <https://counterpoint.lk/money-laundering-case-namal-rajapaksa-magistrate-reminds-ag-expedite-case/>

⁷³ <https://www.newsfirst.lk/2021/12/10/nec-begins-preparations-for-local-government-elections/>

⁷⁴ http://documents.gov.lk/files/bill/2023/6/348-2023_E.pdf ; http://documents.gov.lk/files/bill/2023/6/347-2023_E.pdf ; http://documents.gov.lk/files/bill/2023/6/346-2023_E.pdf

⁷⁵ <https://www.ft.lk/news/AG-says-Ketagoda-s-motion-on-LG-bodies-unconstitutional/56-750992>

⁷⁶ <https://island.lk/anti-corruption-bill-passed-without-division/>

⁷⁷ <https://www.parliament.lk/news-en/view/3375>

4. Repression of Media and Journalists

4.1. Police assault and arrest journalist Tharindu Uduwaragedara

Around 3pm on 28th July, the journalist and media rights activist Tharindu Uduwaragedara was assaulted and arrested by the Police while covering a trade union protest held in the Borella area, in Colombo city. Officers pulled Uduwaragedara out of a trishaw while he was recording the protest sitting inside the trishaw and forced him into a police vehicle while he repeatedly identified himself as a journalist.⁷⁸ Two police officers have beaten him on the way to the Police station, and detained him without a charge and without providing access to medical care.⁷⁹ Tharindu Uduwaragedara is an Executive Committee Member of the Young Journalists' Association, has years of experience working in the press and now runs the Satahan Radio Youtube channel, which has over 171,000 subscribers. The Human Rights Commission of Sri Lanka issued a statement that their team visited the Borella Police station, while Uduwaragedara was being held in detention and recommended referring him to a judicial medical officer, currently conducting an investigation into the incident.⁸⁰ He was granted bail by the Colombo magistrate court on the next day.⁸¹ The Committee to Protect Journalists (CPJ), International Federation of Journalists (IFJ)⁸²Frontline Defenders⁸³ and a number of local media rights groups and activists condemned the arrest.⁸⁴

4.2. Dharshana Handungoda summoned to the Financial Crimes Division

Youtuber and Journalist Dharshana Handungoda was summoned to the Financial Crime Division in Narahenpita in Colombo in order to record a statement regarding the YouTube channel SL VLOG, which the Police believed to belong to Dharshana Handungoda which he refused. He acknowledged that he was a former staff member at the SL VLOG youtube channel. Comedian Natasha Edirisooriya was arrested after the video of her performance that led to controversy was published in SL VLOG. Despite Police already having arrested SL VLOG owner Journalist Bruno Diwakara, these new claims of linking Dharshana Handungoda with the case is a quite surprising move. Last February, Handungoda was arrested for allegedly posting controversial views on social media platforms, in relation to criticising the Attorney General Department officials for their alleged delay in taking legal actions on compensation process of MV X-Press Pearl Ship that sank in the Sri Lankan waters in May 2021.

⁷⁸ https://www.dailymirror.lk/breaking_news/Journalist-Tharindu-Uduwaragedara-beaten-arrested-by-police/108-264158

⁷⁹ <https://cpj.org/2023/07/sri-lankan-police-arrest-beat-journalist-tharindu-uduwaragedara/>

⁸⁰ <https://www.hrcsl.lk/wp-content/uploads/2023/07/HRCSL-Press-Notice-30-07-2023.pdf>

⁸¹ <https://www.newsfirst.lk/2023/07/29/tharindu-uduwaragedara-released-on-bail/>

⁸² <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-journalist-assaulted-and-detained-at-protest>

⁸³ <https://www.frontlinedefenders.org/en/case/unlawful-arrest-and-assault-against-human-rights-defender-and-journalist-tharindu-uduwaragedara>

⁸⁴ <https://www.newswire.lk/2023/07/28/fmm-condemns-arrest-of-journalist-tharindu-uduwaragedara/>

4.3. The court orders the Youtuber to hand over his digital equipment to the CID.

On 20th July, YouTuber and Journalist Dharshana Hadungoda was ordered by the magistrate court to hand over his camera, chip, and laptop to the CID of Police, in relation to an ongoing investigation against him. He is being investigated in relation to a video he had published reportedly 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 SriLankan waters in May 2021. Based on a complaint made by several officials in the attorney general department, Police arrested him previously, while court issued him injunction orders preventing him from speaking about the matter.⁸⁵

4.4. Colombo Municipal Councillor's complaint against the Youtuber

On 23rd July, the Mayor of the Colombo Municipal Council Rosy Sennayake also lodged a complaint against the Youtuber Darshana Handugoda at the Criminal Investigation Department (CID), over the video published in the SL Deshaya Youtube Channel. Handungoda published a video criticising the high cost of renovating the mayor's official residence, and non-payment of utility bills of the residence.⁸⁶ He also published a phone call recording in which the mayor acknowledges that the Chief of Presidential Staff and Senior Adviser on National Security to the President Sagala Ratnayake had contacted the Criminal Investigation Department, before encouraging her to make the complaint.⁸⁷

4.5. A regional journalist was assaulted



Journalist receiving treatment at the hospital. Photo courtesy: Lankadeepa

Dinesha Upendra, Kuliapitya Regional Journalist of Lankadeepa newspaper was assaulted by two unknown men, while he was at his office. Few days before the attack, an unidentified person had broken into his office, about which he had made a Police complaint. When the Police came to inquire about the complaint, a group of people had come there and video recorded the event. When the journalist has inquired about their identity, they have assaulted the journalist. Subsequently he was admitted to the Kuliapitiya Teaching Hospital, in Kurunegala district.⁸⁸

⁸⁵ <https://www.youtube.com/watch?v=VgtVo8umlac>

⁸⁶ https://www.youtube.com/watch?v=o_oG_dTWS1Y&t=718s

⁸⁷ <https://www.youtube.com/watch?v=irWWNfvoOTM&t=762s>

⁸⁸ [කුලියාපිටිය ප්‍රදේශීය මාධ්‍යවේදියාට පහරදීම](#)

5. Repression of Freedom of Assembly

5.1. Black July remembrance in Colombo disrupted by Sinhala nationalists and Police

On 23rd July North and South Brotherhood organised a silent protest commemorating 40 years of Black July. Black July was an anti - tamil pogrom that occurred Island wide in July 1983. After 13 government soldiers were killed by the Tamil rebels, Sinhala mobs attacked, burned, destroyed and looted the houses and business places belonging to minority Tamils.⁸⁹ A Sinhala ultra nationalist group named Ravana Balaya, which aligns with the Sinhala Buddhist extremist group Bodu *Bala Sena* (BBS) members, obstructed the protest. In a video, one person shouted at the participants demanding not to celebrate tigers, referring to LTTE, the Tamil rebel group who fought a war against the Sri Lankan state, during the period following the Black July. As the Police attempted to control the situation, the group of nationalists asked the Police to disperse the both groups. Soon after, Police dispersed the event. Several protesters including activist Sandya Eknaligoda were injured when Police pushed them off, ordering them to leave.^{90 91 92 93} A few days later, Sandya Eknaligoda and several others made a complaint at the Human Rights Commission of Sri Lanka (HRCSL) in relation to their rights violations.⁹⁴



As the riot police dispersed the event by pushing off the protesters violently, activists Sandya Eknaligoda, lawyer Srinath Perera fell to the ground. Photo Courtesy: Ishara Kodikara

⁸⁹ https://en.wikipedia.org/wiki/Black_July

⁹⁰ https://www.facebook.com/watch/?ref=embed_video&v=337255998743480

⁹¹ <https://twitter.com/lankafiles/status/1683166144952147969>

⁹² <https://twitter.com/melanirgk/status/1684414842973876225>

⁹³ <https://www.tamilguardian.com/content/sinhala-extremist-group-disrupts-black-july-commemoration-colombo>

⁹⁴ <https://twitter.com/lankafiles/status/1685133797220634625>

5.2. Black July protest march dispersed by the Police

Another protest march remembering the Black July was held at the Lipton Circus in Colombo, organised by the Youth for change movement attached to the Frontline Socialist Party was dispersed by the Police attacking them with teargas and water cannons.

5.3. Protest organised by joint Trade union collective in Borella

Police disperse the protest: On 28th July, using tear gas and water attacks, Police dispersed the joint trade union protest held in Borella town in Colombo organized by a joint trade union collective including the Workers' Struggle Centre. The protesters protested against the proposed labour law amendments and domestic debt restructuring plan which involves lowering the interest rates of superannuation funds.⁹⁵

Court order: On 28th July, the Maligakanda magistrate court issued an order banning the protest based on a request of the Maligakanda Police.^{96 97} The court order prevented 11 activists from taking part or organising protests in several areas in the Maradana Police division, including Deans road, Kinsey road, and area surrounding the Colombo National Hospital, from 10.30 am on 28th July to 10.00 am on the following day.⁹⁸

5.4. Colombo Fort Magistrate issues an injunction order against another protest organised by the trade unions collective

On 25th July Fort Magistrate, Thiliina Gamage issued an order preventing 11 trade union activists from holding demonstrations in the area from Colombo railway station to CTO junction and from entering key government buildings in the area including the Presidential Secretariat, President House, Finance Ministry, Central Bank, and Police Headquarters. The protest was organised by the Workers' Struggle Centre, affiliated to the Frontline Socialist party, Janatha Vimukthi Peramuna and several other trade unions. This order was issued by the magistrate as per the request of the Fort Police for supposedly causing inconvenience to the pedestrians and motorists.^{99 100 101}

5.5. Court order preventing another trade union protest in Maradana

On 31st July, Maligakanda Magistrate issued another order preventing a protest organised by the Inter- Companies Employees Union. The order was issued against its Convenor Wasantha Samarasinghe, and the leader of National People's Power political party, Anura Kumara Disanayake, and some members of the NPP preventing them from holding any demonstrations in the area from technical Junction to Colombo Fort Railway Station, from 12 noon on 31st July to 10 am on the following day. This order has been issued as per a request made by the Maradana police.¹⁰²

⁹⁵ <https://economynext.com/sri-lanka-copf-tackles-lack-of-consent-of-epf-beneficiaries-on-ddr-124788/>

⁹⁶ <https://srilankabrief.org/sri-lanka-police-fire-tear-gas-to-disperse-worker-protest/>

⁹⁷ https://www.dailymirror.lk/worldnews/breaking_news/Joint-Trade-Union-protestors-tear-gassed-in-Borella/108-264128

⁹⁸ https://www.dailymirror.lk/breaking_news/Court-issues-order-against-holding-protest-in-Maradana-area/108-264122

⁹⁹ වෘත්තීය සමිති සාමාජිකයින්ට කොළඹ පාරවල් තහනම්

¹⁰⁰ http://www.colombopage.com/archive_23B/Jul25_1690265332CH.php

¹⁰¹ <https://www.adaderana.lk/news/92205/court-order-issued-over-protest-planned-by-trade-unions-in-colombo>

¹⁰² <https://www.themorning.lk/articles/93K6wGDZZSJcRho5CHuX>

5.6. Activist Maurine Noor summoned to the CID several hours after her Fundamental Rights petition granted leave to proceed

On 22nd July 2023, the supreme court granted leave to proceed with the fundamental petition filed by Maurine Noor regarding her arrest by the Police in last May, for holding a one-person protest in commemoration of the first-year anniversary of the attacks she faced when pro-government mobs attacked the anti-government Aragalaya protest site in May 2022.¹⁰³ Several hours following this Supreme Court order, the Cyber Crimes Division of the Criminal Investigation department of Sri Lanka Police handed over summons to her to appear at their office on 25th of July, in relation to an investigation that they did not mention the details.¹⁰⁴

[illegible]

Summon notice given to Maurine Noor by the Police. Photo Courtesy: Prasad Welikumbura via twitter

¹⁰³ https://www.inform.lk/wp-content/uploads/2023/08/RoD_May23.pdf

104 <https://twitter.com/Welikumbura/status/1682330796542111744>

6. Repressive Legal and Policy Actions

6.1. A circular issued by the Ministry of Health warns its employees not to express opinions to the media without approval of their head

On 21st July, a Public circular letter: 02-106/2023 that addressed to all health officials including the heads of Provincial and regional health institutions, issued by the Secretary to the Ministry of Health, warned that the public officials cannot make statements to the media without obtaining the approval of their department heads.¹⁰⁵ The statement referred to the relevant sections in the Establishments Code for the Sri Lankan government employees¹⁰⁶ which separates government officials into two distinct categories as government officials those who are entitled and not entitled to political rights. The employees who are not entitled to political rights, cannot make statements to the media with few exceptions,^{107 108 109} though these regulations were not strictly implemented until recent times. The statement also referred to the recent supreme court judgement in May 2023 which dismissed the Fundamental Rights Petition filed by medical doctor Chamal Sanjeewa for his interdiction from his employment, on the basis of making a statement to the media on the alarming rates of child malnutrition which he observed; and previously issued circulars relating to the same matter: Public Administration Circular Letter : 04/2022 which restricts public officials from expressing opinions in the social media,¹¹⁰ Public Administration Circular: 04/2015 which restricts public officials from issuing statements to the media.¹¹¹ In response to this circular, a group of 25 trade unions submitted a letter to the Secretary of Ministry of Health requesting a dialogue between the officials and the trade unions,^{112 113} and also announced a token protest on 3rd August.¹¹⁴

In October 2022, Medical doctor Chamal Sanjeewa, the President of the Medical and Civil Rights Professional Association of doctors (MCPA) was interdicted from his employment on the basis he made a statement to the media revealing the alarming rates of child malnutrition in the country, based on a survey he conducted in several villages in Hambantota District. He filed a Fundamental Rights petition against his interdiction in December 2022, at the Supreme Court of Sri Lanka. On 26th of May 2023, a two judges panel held that he had failed to establish that his fundamental rights have been violated as “specific provisions have been made on releasing of official information to the mass media or the public and publication of books, articles etc. under the XLVII section 6 and 7 of the Establishment Code respectively.”

[SC/FR Application No. 371/2022, Supreme Court](#)

¹⁰⁵ http://www.health.gov.lk/moh_final/english/public/elfinder/files/StaffNotices/2023/02-106-2023.pdf

¹⁰⁶ Section 3.2 of the chapter XXXI of the Establishment Code [Volume 1](#). Sections 6 and 7 of the Chapter XLVII, [Volume II](#) of the Establishments Code

¹⁰⁷ [https://www.pubad.gov.lk/web/images/contents/e_code/establishments-code-volume-i-2013\(s\).pdf](https://www.pubad.gov.lk/web/images/contents/e_code/establishments-code-volume-i-2013(s).pdf)

¹⁰⁸ [https://www.pubad.gov.lk/web/images/contents/e_code/establishments-code-volume-ii-1999\(e\).pdf](https://www.pubad.gov.lk/web/images/contents/e_code/establishments-code-volume-ii-1999(e).pdf)

¹⁰⁹ <https://www.pubad.gov.lk/web/images/circulars/2019/E/1559799027-06-2019-e.pdf>

¹¹⁰ <https://www.pubad.gov.lk/web/images/circulars/2022/E/1664281780-04-2022-l-e.pdf>

¹¹¹ <https://www.pubad.gov.lk/web/images/circulars/2015/E/1563955966-04-2015-e.pdf>

¹¹² <https://mawrataneews.lk/news/paramedics-trade-union-writes-to-the-health-ministry-secretary-condemning-his-recent-circular-and-requesting-a-meeting-i-sri-lanka-latest-news/>

¹¹³ [සෞඛ්‍ය ලේකම්වරු එරෙහිව සෞඛ්‍ය වෘත්තීය සමිති 25ක් - Lankadeepa Online](#)

¹¹⁴ <https://www.adaderana.lk/news/92330/health-professionals-to-strike-against-ministrys-circular-on-thursday>

6.2. gazette issued making several public services as essential service

On 17th July, a gazette was issued stating that all the services connected to the supply of electricity, the supply or distribution of petroleum products and services and all the services of the health sector as essential services.¹¹⁵ Declaring essential services is a long-known tactic that the government has been using to repress the trade union actions including labour strikes. Recently similar gazettes have been issued each month, since January this year.

6.3. Calling for armed forces

The monthly gazette notification was issued calling for the Armed Forces, by the President under the powers provided in the Section 12 of the Public Security Ordinance. This provides justification for the increased military intervention in civilian affairs, including use of military force to repress protests etc.¹¹⁶

¹¹⁵ http://documents.gov.lk/files/egz/2023/7/2341-03_E.pdf

¹¹⁶ http://documents.gov.lk/files/egz/2023/7/2341-49_E.pdf

7. Other Incidents

7.1. The Police officer who refused to hand over cash found at the President's house to the Minister transferred.

Director of Police Special Investigation Unit Senior Superintendent of Police D S Wickramasinghe who was allegedly threatened by the Western Province DIG for not handing over the cash found at the Presidential house to the Minister of Public Security in last January,¹¹⁷ has been transferred as the Director of Research and Development Division of the police department with immediate effect. When anti-government protesters took over the Official Presidential Residence in July 2022, they handed over 17.5 million Sri Lankan rupees of cash that they found in the Presidential premises, to the Police. Though DIG Deshabandu Tennakoon, a Senior Police Officer who has strong links with the Rajapaksa family instructed the SIU director instructed him to hand over the cash to the Minister of Public Security Tiran Alles, who is in charge of the Police, he instead handed over the cash to the court. Sri Lanka Brief and other websites expressed their doubts, whether the transfer of SIU director was an act of retribution for not obeying the instructions of the Senior Police officer.^{118 119}

7.2. Minister warns those who harass their party supporters would face retribution

On 17th July, Minister of Urban Development and Housing, Prasanna Ranathunga speaking at a SLPP party event said that anyone who harasses their party supporters would have to pay with interest.^{120 121}

¹¹⁷ https://www.dailymirror.lk/breaking_news/SIU-Director-informs-Court-he-was-threatened-by-Deshabandu-Tennakoon/108-252145

¹¹⁸ <https://srilankabrief.org/the-director-of-siu-sri-lanka-police-who-complained-against-sdig-deshabandu-transferred/>

¹¹⁹ <https://thetime.lk/?p=5847>

¹²⁰ පොහොට්ටුවට පාව දැම්මොත් පොලියත් එක්ක ගෙවන්න වේවි

¹²¹ <https://www.dailymirror.lk/dm-videos/Prasanna-issues-warning-Harass-our-supporters-and-pay-with-interest/111-263296>