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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Movement against all Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Freedom of Assembly in the Democratic Republic of Sri Lanka¹

Introduction

Four years since the end of the war, restrictions on human rights and fundamental freedoms that were in place during the war in the name of ‘national security’ are largely unchanged.² The Government has systematically sought to suppress dissent and in particular, peaceful assembly, though this is a fundamental right guaranteed under constitution and an obligation under the international law.³ Dissidents of the government participating in peaceful assembly have been attacked, arrested, threatened, obstructed and subjected to intimidating surveillance of the Government through the police, military and other supporters.

The situation is worst in the Northern Province. Incidents of suppression – including those of mass protests by political parties, student groups, trade unions and civil society – have also been recorded from the capital, Colombo, Southern and Central parts of the island. Police have dispersed protests – sometimes violently and even looked on when violent mobs have / threatened to attack protestors;⁴ people have been stopped from attending gatherings;⁵ court orders are sought, and often obtained, to prevent rallies and marches from taking place;⁶ police permission is sometimes outright refused.⁷ Many assemblies which are deemed anti-Government are subjected surveillance by the state’s intelligence services.⁸ Organizers of protests and participants too, are attacked by those alleged to be Government groups and supporters before, during and after peaceful assemblies.⁹ People of the North

¹ Focusing on period between May 2012 and April 2013.

² Although the Emergency Regulations (ER) were lifted in August 2011, several of its provisions were introduced into the Prevention of Terrorism Act (PTA)² of 1979.

³ Article 14(1)(b) of the Constitution of Sri Lanka and Article 21 of the International Covenant on Civil and Political Rights (ICCPR)

⁴ Ramanan Veerasingham, *Police, army turn terror on Jaffna University students* - <http://www.jdslanka.org/index.php/2012-01-30-09-30-42/politics-a-current-affairs/223-police-army-turn-terror-on-jaffna-university-students> (last accessed 7 May 2013); Tamil Guardian, *SL military disrupts protest by Valikaamam IDPs* - <http://www.tamilguardian.com/article.asp?articleid=7050> (last accessed 8 May 2013).

⁵ WATCHDOG, *Police detains families of disappeared from Northern Sri Lanka and prevents peaceful protest and petition to the UN* - <http://groundviews.org/2013/03/07/police-detains-families-of-disappeared-from-northern-sri-lanka-and-prevents-peaceful-protest-and-petition-to-the-un/> (last accessed 7 May, 2013).

⁶ Rights Now Collective for Democracy, *Police use Court Order to block fisher people’s protest* - <http://vimarsanam-vimansa.org/report/police-use-court-order-to-block-fisher-peoples-protest/> (last accessed 7 May 2013).

⁷ TamilNet, *Police refuse permission for Jaffna protest* - <http://www.tamilnet.com/art.html?catid=13&artid=5995> (last accessed 7 May 2013).

⁸ Ramanan Veerasingham, *Protest rally in Jaffna against military aggression on students* - <http://www.jdslanka.org/index.php/2012-01-30-09-30-42/politics-a-current-affairs/227-protest-rally-in-jaffna-against-military-aggression-on-students> (last accessed 7 May 2013).

⁹ Binoy Suriyaarachchi and Aisha Nazim, *Sanjeewa Bandara remanded* - <http://www.ceylontoday.lk/51-13157-news-detail-sanjeewa-bandara-remanded.html> (last accessed 7 May 2013); Lankasri News, *Crude oil attack against Dimuthu Attygalle* - <http://www.lankasrinews.com/view.php?2024YZB222eYOBd2cea4mOJT4cedQMAAcadcKcMQMdad4HlAma043d5mY3e042B5m402> (last accessed 7 May 2013); Ceylon Today, *Jaffna land grab protest dispersed* - <http://www.ceylontoday.lk/51-8184-news-detail-jaffna-land-grab-protest-dispersed.html> (last accessed 7 May 2013); Dharisha Bastians, *Anti-impeachment lawyers being*

and East, are not permitted to peacefully commemorate, or even light a candle for the dead, or fallen LTTE cadres, particularly on May 18th (the day the war ended), or on November 27 (LTTE Heroes Day).¹⁰ Police has tried to block funerals of such as political prisoners killed in custody and opposition party members killed that are considered as creating a negative image for the government and they have ended up as “guarded” funerals under heavy military / police guard and surveillance.¹¹

Significant cases in the North and East

On November 27, 2013, students from the University of Jaffna (UoJ) who gathered at the female hostel to light lamps in commemoration of Maaveerar Naal (LTTE Heroes Day), were violently dispersed and threatened by the military. The following day, students from the UoJ staged a peaceful demonstration in protest of the harassment meted out to students on the 27th. This gathering too was brutally clamped down on by the riot police, resulting in student union leaders and student activists coming under heavy surveillance by Terrorist Investigation Division (TID).¹²

On March 5, 2013, the police blocked more than 600 persons (11 buses), comprising families of the disappeared from all parts of the North, from coming into Colombo to participate in a peaceful protest the following day. The military was also standing by. The families (mostly women), were made to spend the night in Vavuniya, and assured that they could proceed to Colombo the following morning. This however was not to be, and the buses were not permitted to leave Vavuniya.¹³

On March 6, about 1500 members of the ‘Dead and Missing Person’s Parents Front’ (allegedly a group backed by the Government), comprising family members of disappeared Sri Lankan armed forces and of those forcibly recruited by the LTTE, were permitted to stage a protest in Colombo without obstruction.¹⁴ This shows how the Government is willing to permit assemblies in their favour.

hunted countrywide: Lawyers Collective - <http://www.ft.lk/2013/02/15/anti-impeachment-lawyers-being-hunted-countrywide-lawyers-collective/> (last accessed 7 May 2013).

¹⁰ International Crisis Group, *Sri Lanka’s North I: The Denial Of Minority Rights*, Pg. 14-15 - <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/219-sri-lankas-north-i-the-denial-of-minority-rights> (last accessed 7 May 2013); Ruki, *Three years after the war in Sri Lanka: To celebrate or mourn?* - <http://groundviews.org/2012/05/19/three-years-after-the-war-in-sri-lanka-to-celebrate-or-mourn/> (last accessed 8 May, 2013).

¹¹ Groundviews, *Ganesan Nimalaruban: A damning murder, funeral and silence* - <http://groundviews.org/2012/07/31/ganesan-nimalaruban-a-damning-murder-funeral-and-silence/> (last accessed 7 May 2013); Lanka Truth, *Govt. obstructions for funerals at Katuwana* - http://www.lankatruth.com/english/index.php?option=com_content&view=article&id=2623:govt-obstructions-for-funerals-at-katuwana&catid=42:smartphones&Itemid=74 (last accessed 8 May 2013).

¹² WATCHDOG, *The death of Freedom of Assembly, Expression and Religion in the North of Sri Lanka*, <http://groundviews.org/2012/12/01/the-death-of-freedom-of-assembly-expression-and-religion-in-the-north-of-sri-lanka/> (last accessed 4 May, 2013).

¹³ WATCHDOG, *Police detains families of disappeared from Northern Sri Lanka and prevents peaceful protest and petition to the UN* - <http://groundviews.org/2013/03/07/police-detains-families-of-disappeared-from-northern-sri-lanka-and-prevents-peaceful-protest-and-petition-to-the-un/> (last accessed 4 May, 2013).

¹⁴ WATCHDOG, *Police detains families of disappeared from Northern Sri Lanka and prevents peaceful protest and petition to the UN* - <http://groundviews.org/2013/03/07/police-detains-families-of-disappeared-from-northern-sri-lanka-and-prevents-peaceful-protest-and-petition-to-the-un/> (last accessed 4 May, 2013).

Meetings of the Tamil National Alliance, the major Tamil political party which has won all post war elections in the former war zone, have been repeatedly attacked, sabotaged and shut down mid-way, mainly by the armed forces.¹⁵ A rally which saw the attendance of Opposition Leader Ranil Wickremasinghe was also disrupted.¹⁶

Protest organizers were also targeted in the North. In October 2012, Central Committee Member of the Frontline Socialist Party (FSP), Dimuthu Attygalle had waste oil thrown on her by two unidentified persons, after participating in several Children's Day activities in Jaffna.¹⁷ Similarly in July 2012, there were two crude oil attacks on two leaders of the Tamil National Peoples' Front (TNPf), who were involved in organizing a peaceful protest against the brutal killing of Tamil prisoner Nimalarooapan, whilst in custody.¹⁸ All victims attributed the attacks to the government.

Significant cases in the Capital, Colombo

"Between September 2012 and January 2013, hundreds of lawyers, backed by Sri Lanka's 11,000-member Bar Association, participated in a series of demonstrations protesting against interference with the independence of the judiciary and to the impeachment of Chief Justice Shirani Bandaranayake in January 2013."¹⁹ On January 10, pole bearing goons, allegedly sent by the State, attacked peaceful protestors, again, in the presence of the police.²⁰ In addition, following these peaceful protests, many lawyers and civil society activists who participated, have been threatened and fear for their safety.²¹

On April 12, 2013, a peaceful candle lit vigil organized by the Facebook group Buddhists Questioning Bodu Bala Sena (BQBBS), to be held outside the BBS Head Quarters in

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- ¹⁵ Arthur Wamanan, *Security forces behind anti-TNA protest – Mavai* - <http://www.nation.lk/edition/news-online/item/16985-security-forces-behind-anti-tna-protest-mavai.html> (last accessed 8 May, 2013); Lankasri New, *Supporters of Pillaiyan attacked TNA members and Civilians at Valaichchenai* - <http://www.lankasrinews.com/view.php?202dBmYmdac4cQMAA434eaY4Y5B0e033JIOMocddcdmOIR1220e5B5Y4eae42oSMQC4cadaYmBdB02> (last accessed 8 May, 2013); Sri Lanka Mirror, *TNA suspicious over damage to platform* - <http://mirror.lk/news/4030-tna-suspicious-over-damage-to-platform> (last accessed 8 May, 2013); D.B.S. Jeyaraj, *"State Terrorists" Carrying Lion Flags Launch Stone Attack On TNA Meeting in Kilinochchi* - <http://dbsjeyaraj.com/dbsj/archives/19246> (last accessed 6 May, 2013).
- ¹⁶ T. Premnath, *Ranil demands inquiry into heckling during Jaffna protest*, The Sunday Times - <http://www.sundaytimes.lk/130217/news/ranil-demands-inquiry-into-heckling-during-jaffna-protest-33651.html> (last accessed 6 May, 2013).
- ¹⁷ Lankasri News, *Crude oil attack against Dimuthu Attygalle* - <http://www.lankasrinews.com/view.php?2024YZB222eYOBd2cea4mOJT4cedQMAAcadKcMQMdad4HlAma043d5mY3e042B5m402> (last accessed 8 May 2013).
- ¹⁸ TamilNet, *'Crude oil attacks' target TNPf organisers of civil protests: Gajendrakumar* - <http://www.tamilnet.com/art.html?catid=13&artid=35397> (last accessed 8 May 2013).
- ¹⁹ Amnesty International, *Sri Lanka's Assault on Dissent* - <http://www.amnesty.ca/research/reports/sri-lankas-assault-on-dissent> (last accessed 4 May, 2013).
- ²⁰ Colombo Telegraph, *Government's Plans Tomorrow Near SC: Halt Hate Campaign Against Judiciary – Lawyers Collective* - <http://www.colombotelegraph.com/index.php/governments-plans-tomorrow-near-sc-halt-hate-campaign-against-judiciary-lawyers-collective/> (last accessed 7 May, 2013); D.B.S. Jeyaraj, *Karu Jayasuriya Accuses Govt of Unleashing Goon Squads on People Protesting Impeachment of Chief Justice* - <http://dbsjeyaraj.com/dbsj/archives/14660> (last accessed 5 May, 2013); Lawyers Collective, *What happened today – situation report of Lawyers Collective* - <http://www.srilankabrief.org/2013/01/how-right-to-peaceful-assembly-was.html#more> (last accessed 8 May, 2013)
- ²¹ National Peace Council, *Lawyers and Civic Activists who Protested Against Impeachment Have Been Threatened and Fear for their Safety* - <http://dbsjeyaraj.com/dbsj/archives/15056> (last accessed 5 May, 2013).

Colombo was dispersed by the Police. Participants were threatened and five were arrested before being released due to pressure from others.²²

Over 1500 students who took to the streets in protest to the Government's attempt to privatise Universities, at Colombo Fort, in August 2012, was met with tear-gas and water cannons by the police and anti-riot squads.²³ In September 2012, the Convenor of the Inter-University Students Federation (IUSF), Sanjeewa Bandara, was arrested by the police in civil following another protest held in Colombo that day.²⁴

Significant cases – Central and Southern parts of the country

In April 2013, in Kotagala (Nuwara Eliya district in the central part of the country), a peaceful protest held by the Democratic People's Front (DPF) was disrupted by the pro-Government Ceylon Workers Congress (CWC), resulting in DPF Party Leader incurring injured.²⁵

In August 2012, a protest conducted by the Government Medical Officers Association (GMOA) in Badulla district, also in the central part of the country, was brought to an abrupt stop by police firing tear gas at the peaceful protestors, protesting against the alleged failure by the police to arrest a driver of a van which knocked down and killed a hospital worker.²⁶

Armed men suspected to be government sponsored goons killed two and injured four members of the Janatha Vimukthi Peramuna (JVP) at a party meeting in Hediwatte, Hambantota district in the Southern province (the President's hometown and strong-hold) in June 2012. Party members have stated that the attack "...was a direct attempt by the Government to scare the party from engaging in political activity in the district."²⁷

Police using judiciary to ban peaceful assemblies

Further to our written statement submitted to the 20th Session of HRC (A/HRC/20/NGO/55), we are alarmed to note that the police have continued to use the judiciary to ban peaceful assemblies. Several such incidents have been reported from Jaffna and Vavuniya in the Northern province in relation to events by political parties and Doctors, as well as in relation to a University students march from the Central Province to the capital, Colombo.²⁸

²² Ruki, *Protecting violent protesters and dispersing peaceful protesters: New role for Police and some Buddhists in Sri Lanka?* - <http://groundviews.org/2013/04/14/protecting-violent-protesters-and-dispersing-peaceful-protesters-new-role-for-police-and-some-buddhists-in-sri-lanka/> (last accessed 5 May, 2013).

²³ Aisha Nazim, *Uni student protest tear gassed* - <http://www.ceylontoday.lk/16-11833-news-detail-uni-student-protest-tear-gassed.html> (last accessed 8 May, 2013).

²⁴ Binoy Suriyaarachchi and Aisha Nazim, *Sanjeewa Bandara remanded* - <http://www.ceylontoday.lk/51-13157-news-detail-sanjeewa-bandara-remanded.html> (last accessed 7 May 2013).

²⁵ Sri Lanka Brief, *Another assault on Right to Peaceful assembly; Mano Ganeshan attacked. Thondaman's thugs attacked Ganeshan – Vasudeva* - <http://www.srilankabrief.org/2013/04/another-assault-on-right-to-peaceful.html> (last accessed 7 May, 2013).

²⁶ The Island, *GMOA call off planned strike* - http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=59145 (last accessed 7 May, 2013)

²⁷ Damith Wickremasekara, *Attack on meeting state terror: JVP* - http://www.sundaytimes.lk/120617/News/nws_02.html (last accessed 7 May, 2013)

²⁸ Tamilnet - <http://www.tamilnet.com/art.html?catid=13&artid=35378> (last accessed 8 May, 2013); Daily Mirror e-paper - <http://epaper.dailymirror.lk/epaper/viewer.aspx> (last accessed 8 May, 2013); Tamil Guardian - <http://www.tamilguardian.com/article.asp?articleid=5227> (last accessed 8 May,

Conclusion and Recommendations:

The Sri Lankan government appears to be systematically and deliberately doing everything within its power to ensure that dissent and peaceful assemblies are suppressed. Police had stood by and watched peaceful assemblies being attacked, actively participated in breaking up peaceful assemblies, together with the military and other government supporters and even released suspects handed over to them by citizens. The National Human Rights Commission has refused to respond to urgent appeals made through its hotline, not made any public statements nor attempted to investigate many of the serious threats to peaceful assembly, despite its powers and mandate to do so.

We call on the UN Human Rights Council to:

- Condemn all forms of suppression of the right to freedom of assembly in Sri Lanka and closely monitor progress in relation to the investigation and prosecution of those responsible
- Call on the Government of Sri Lanka:
 - To repeal the Prevention of Terrorism Act or bring it in line with international human rights standards and recommendations made by UN Human Rights Bodies including Treaty Bodies and Special Procedures²⁹
 - To uphold the fundamental right to free assembly enshrined in the Sri Lankan Constitution, by ensuring a conducive and safe climate for citizens to assemble
 - To ensure that participants of peaceful assemblies will not be subject to continued surveillance and threats to their personal security
 - To ensure that law enforcement authorities will only be called on to protect participants, but not to persecute/harass them
 - To not resort to the use of armed goons/thugs to intimidate assembly participants
 - To ensure that Police does not use the judiciary to ban peaceful assemblies
 - To conduct independent and immediate investigations into the incidents mentioned in the statement and all other such incidents, and prosecute those responsible for attacks on freedom of assembly
- Call on the National Human Rights Commission to respond promptly to calls made to its hotline and use its mandate and powers to investigate all reported allegations of the right to violations of freedom of assembly, including those mentioned in this statement

2013); The Island - http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=62365 (last accessed 8 May 2013)

²⁹ The UN Human Rights Committee, in its Concluding observations in 2003 (ref. paragraph 13, CCPR/CO/79/LKA) had urged the government to ensure that “all legislation and other measure enacted taken to fight terrorism are compatible with the provisions of the Covenant (ICCPR)” – <http://www1.umn.edu/humanrts/hrcommittee/srilanka2003.html> (last accessed 9 May 2013). Similarly, the UN Committee Against Torture in its concluding observations in 2011 had urged the government to “take all necessary measures to ensure that its legislative, administrative and other anti-terrorism measures are compatible with the provisions of the Convention (CAT), especially with article 2, paragraph 2. (Ref. paragraph 10, CAT/C/LKA/CO/3-4)