

01st August 2022

Hon. Attorney-General,
Hulftsdorp,
Colombo 12.

Dear Sir,

Request for action on the attacks against peaceful protestors on 21st of July 2022
and other incidents of violence

The Centre for Policy Alternatives (CPA) has monitored recent incidents of violence including incidents that targeted peaceful protestors, media personnel and lawyers including the events of 21st/22nd July 2022 with grave concern. We issued a statement containing our initial concerns on 22nd July 2022.¹ This letter raises several issues in relation to the inaction by the authorities and the need for action.

CPA hopes that your good office will take immediate action in relation to these issues. CPA notes there is a serious risk of breakdown of the rule of law due to the overbroad and illegal actions taken by the government. As the Chief law officer of the State, the Attorney General's Department would have a keen interest in ensuring the protection of the rule of law. Citizens' confidence in the legal system should be protected at all costs and to this end citizens have to see that the law is being implemented to all without discrimination or favour.

Based on media reports hundreds of military personnel and police blocked the access roads to Galle Face Green soon after midnight on 21st July 2021 preventing the public from entering the area.² Following this, the military and police armed with riot gear attacked the protest site, assaulting peaceful protestors (especially those trying to

¹ Centre for Policy Alternatives, 'CPA Statement In Regard To The Attack On Peaceful Protesters At Ggg On The 21st July 2022'. 22nd July 2022.
<<https://www.cpalanka.org/wp-content/uploads/2022/07/CPA-statement-in-re-to-attack-on-GGG-22nd.pdf>>

² Saliya Pieris on Twitter, 22nd July 2022
<<https://twitter.com/saliyapieris/status/1550298208454070272?cxt=HHwWgMCirbeA4oMrAAAA>>
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film the attack) and dismantling the tents. Video footage shows unarmed individuals/protesters being assaulted by security forces.³

The attack came just hours after protestors had publicly expressed their intention to leave the premises of the Presidential Secretariat.⁴

Journalists, lawyers and activists were denied access to the protest site while the attack was ongoing. A BBC video journalist was reportedly beaten by the military and his phone snatched by a soldier and videos deleted.⁵ Lawyers who sought to intervene in their professional capacity were also reportedly prevented from doing so by security forces. At least two were reportedly assaulted.⁶ Several journalists and at least one lawyer were arrested by the police.⁷

In the context of an unprecedented economic crisis which has resulted in sustained mass protests by the citizens of Sri Lanka, this attack has further undermined the peace and stability in the country. This in a context when Acting President (as he then was) Ranil Wickremesinghe declared a State of Emergency with effect from the 18th of July 2022, by way of Gazette Extraordinary No.2288/30. Thereafter, on the 18th of July 2022, he brought into effect the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2022 by way of Gazette Extraordinary No.2289/07. CPA has already noted concerns with these regulations.⁸

CPA has previously raised concerns about the use of Emergency Powers to suppress dissent and hinder the exercise of fundamental rights since the first wave of protests

³ Amnesty International, 'Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop', 22nd July 2022 <<https://www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/>>

⁴ The Morning, 'Protestors to vacate Presidential Secretariat in 'strategic step back'', 22nd July 2022. <<https://www.themorning.lk/protestors-to-vacate-presidential-secretariat-in-strategic-step-back/>>

⁵ BBC News, 'Sri Lanka: Forces raid anti-government protest camp', 22nd July 2022 <<https://www.bbc.com/news/world-asia-62260678>>

⁶ Mari on Twitter, 22nd July 2022. <https://twitter.com/EmDeeS11/status/1550262904150052864?ref_src=twsrc%5Etfw> ; 'Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop', Amnesty International, 22nd July 2022 <<https://www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/>>

⁷ 'Sri Lanka: Shameful, brutal assault on peaceful protestors must immediately stop', Amnesty International, 22nd July 2022 <<https://www.amnesty.org/en/latest/news/2022/07/sri-lanka-shameful-brutal-assault-on-peaceful-protestors-must-immediately-stop/>>

⁸ Centre for Policy Alternatives, 'Emergency Regulations promulgated in May and July 2022' 22nd July 2022. <<https://www.cpalanka.org/wp-content/uploads/2022/07/Emergency-Regulations-promulgated-in-May-and-July-2022-Edited.pdf>>

in April 2022.⁹ CPA reiterates that Emergency Powers must be used only in instances of genuine need to ensure public security and not to further the undemocratic ends of successive governments.

Furthermore, the exercise of Emergency Powers must be reasonable and proportionate and the attack on peaceful protestors who had already expressed their intention to leave the protest site fails to conform to the standards of reasonableness and proportionality. It is indisputable that these regulations have encouraged the unreasonable and disproportionate exercise of power.

Based on publicly available information, CPA notes that this attack has violated the following fundamental rights enshrined in the Constitution of Sri Lanka.

- Article 11- Freedom from torture or cruel, inhuman or degrading treatment or punishment.
- Article 12- Right to equality before the law and the equal protection of the law.
- Article 13- Freedom from arbitrary arrest, detention and punishment ensuring due process safeguards.
- Article 14- Freedom of speech, assembly, association, occupation, and movement.

The use of force by law enforcement officials are governed by the international human rights principles of legality, necessity, proportionality, and accountability.¹⁰ In a context where these principles were clearly not adhered to, CPA urges that at least the last of these principles be addressed, that of accountability. The failure to take appropriate disciplinary action against all instances of excessive use of force would entrench impunity and further destroy public trust in government, undermining the rule of law in Sri Lanka.

⁹ Centre for Policy Alternatives, 'Centre of Policy Alternatives Statement in regard to State of Emergency imposed by the President on the 6th of May 2022 in response to the Island-wide Protests.' 7th May 2022 <<https://www.cpalanka.org/wp-content/uploads/2022/05/CPA-statement-to-State-of-Emergency-6th-May.pdf>> ; Centre for Policy Alternatives, 'CPA Statement on the declaration of a State of Emergency on the 18th July 2022', 18th July 2022 <<https://www.cpalanka.org/wp-content/uploads/2022/07/Statement-re-the-declaration-of-a-state-of-emergency-on-the-18th-July-1.pdf>>

¹⁰ 'Use of Force, Guidelines for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials', Amnesty International <https://www.amnesty.nl/content/uploads/2017/01/ainl_guidelines_use_of_force_short_version_0.pdf?x79902>

CPA also urges that instructions be immediately issued to the police and military officers to adhere to the standards of necessity, proportionality and reasonableness and the fundamental rights guaranteed by the Constitution of Sri Lanka when exercising Emergency Powers, especially those relating to arrest and detention.

In this regard, we would appreciate your immediate attention and a response on steps taken to investigate and hold to account alleged perpetrators of this violence, preferably within two weeks.

In light of the public interest in this matter, this letter will be made public.

Thank you

Yours sincerely



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Executive Director

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