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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Press Notice No: HRC/P/E/i/12/03/23

Press Notice

The Human Rights Commission of Sri Lanka (HRCSL) notes that every citizen is entitled to the freedom of Assembly and expression and that this right has been exercised by different groups in the country, including trade unions, professional bodies, students and individuals. It has been alleged in several complaints that in several instances where such rights were exercised, law enforcement officers have resorted to the use of tear gas, water cannon and carrying wooden rods as a crowd control mechanism to disperse protesters.

The Commission as the key oversight body to promote and protect human rights in Sri Lanka, views this situation as one that warrants scrutiny, to ensure that the exercise of the right to protest and the restrictions imposed thereon are fully compatible with the relevant provisions of the Constitution and international human rights obligations of Sri Lanka.

The Commission per the mandate conferred on it under the Human Rights Commission of Sri Lanka Act No. 21 of 1996 (HRCSL Act) has initiated its inquiries and investigation process. The inquiries will ascertain whether the crowd control procedures adopted by law enforcement officers are in line with the constitutional provisions, international human rights obligations of Sri Lanka and basic principles of respecting human dignity. The Human Rights Commission of Sri Lanka is inter alia required to

“inquire into and investigate complaints regarding infringements or imminent infringements of fundamental Rights... (section 10)

The Commission may, on its own motion or a complaint made to it by an aggrieved person or group of persons or a person acting on behalf of an aggrieved person or a group of persons, investigate an allegation of the infringement or imminent infringement of a fundamental right of such person or group of persons caused by the executive or administrative action. (section 14) Several complaints have been received by the Commission regarding alleged infringements of fundamental rights by the police, in the course of attempts to prevent protests from being carried out around the Universities of Colombo and Kelaniya on 7th March and 8th March 2023.

Accordingly, the HRCSL is required by law to inquire into such alleged infringements of fundamental rights. Ordinarily, in the first instance, the investigations are handled by the Inquiries & Investigation Division of the HRCSL, which accordingly commenced an investigation. The HRCSL is vested with the power to inter alia,

(a) Investigate any infringement or an imminent infringement of fundamental rights in accordance with the succeeding provisions of the Act.

(h) do all such other things as are necessary or conducive to the discharge of its functions.

(vide Section 11)

In order to conduct such an inquiry, the HRCSL also inter alia,

(c) to summon any person residing in Sri Lanka, to attend any meeting of the Commission to give evidence or produce any document or other thing in his possession, and to examine him as a witness or require him to produce any document or other thing in his possession.

(vide section 18)

However, while the HRCSL possesses full power and authority to summon any person residing in Sri Lanka to give evidence and produce documents, with regard to the aforesaid incident, **at this stage**, the HRCSL, through its Secretary, **merely requested the Minister under whose purview the Sri Lanka Police falls, to attend the HRCSL to provide certain clarifications.** The HRCSL is optimistic that the discussion with the Minister would help to adopt a mechanism to prevent the violations of fundamental human rights in the future and recommend human rights-compliant guidelines for the crowd control during the protest.

The HRCSL also observes that in terms of Article 4(d) of the Constitution of the Democratic Socialist Republic of Sri Lanka, the fundamental rights which are by the Constitution declared and recognised shall be respected secured, and advanced by all organs of the government.

Thus the HRCSL wishes to clarify that certain reports circulating to the effect that summons had been issued on the said Minister are inaccurate and that no such summons has been issued at this stage. This statement is made to clarify the erroneous statements carried out in the media.

As such, the HRCSL is confident that all members of the Executive would act in the spirit of cooperation with the HRCSL in ascertaining factual matters relevant to the events of the 7th and 8th March 2023.

Chairperson
Human Rights Commission of Sri Lanka

12. 03. 2023