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Human Rights Commission of Sri Lanka

The Speech of the Chairperson of the Human Rights Commission of Sri Lanka at the launching event of the Recommended Guidelines to the State and Law Enforcements Officials on Dealing with Civilian Protests at Galle Face Hotel, Colombo on 12.05.2023¹

Let no man go in impunity for his treacherous deeds.

Voluntarily submitting him to the judgment of the law is one of the most significant tributes that Power ever pays to Reason. **Unquoted.**

(Justice Jackson, The Chief of Counsel, for the United States of America, in the Nuremberg Trials)

Today, on behalf of the Human Rights Commission of Sri Lanka, I am immensely proud to welcome the most distinguished guests, His Lordship

Justice *Yasantha Kodagoda*, *Judge of the Supreme Court*, Hon. Justice Asoka De Silva retired Chief Justice, Hon. *Karu Jayasuriya*, Mr. Sarath Jayamanna President's Counsel, the Air Force Commander, the UNDP -Ms. Asuza Kubota and I also welcome the representatives of Inspector

¹ These Recommended Guidelines were drafted over a period of, approximately one year, by the HRCSL in consultation with the Attorney General's office, number of legal scholars, law enforcement officials, and civil society representatives under the leadership of the Chairperson of the HRCSL.

General of Police, and Commanders of Army and Navy Commissioner of prisons representatives of the international community, Officers of the Police and the tri forces the members of the civil society, and my dear friends.

This evening we publicly launch our book on the

‘Recommended Guidelines to the State and Law Enforcement Officials on Dealing with Civilian Protests’.

I should mention however a preview has previously been shared with His Excellency the President Hon. Ranil Wickremasinghe for which gratitude has been shown.

*Today the Human Rights Commission is launching to the public at large these guidelines as the title would correctly indicate as “recommended guidelines. The **recommended** guidelines must transform at some point as guidelines and become enforceable under section 55 of the Police Ordinance. That is another process where the Human Rights Commission will call upon the representatives of the State, the Police, the tri-forces, specialized groups like the BASL, the Human rights activists, civil society, and the public at large to present their views. That is the point at which the public takes ownership of these guidelines and the IGP is called upon to adopt or consider adopting the guidelines under the police ordinance and make those guidelines binding rules. Today after the launch the recommended guidelines will be published on the web of the Human Rights Commission calling for the said observations*

To my fellow commissioner and the members of the Staff of the Human Rights Commission, I must say that whilst the country will neither **note** nor long remember what we say here, but they can never forget what we did here.

This book is at this time in the history of the country a robust and genuine testament to our commitment to protecting human rights as are enshrined both in our invaluable Constitution and in the Universal Declaration of Human Rights.

When the architects of our republic wrote the magnificent words of the

Constitution and a chapter on fundamental rights they were signing an affirmation that every Sri Lankan citizen irrespective of race religion gender and more was to fall heir to those rights.

The chapter on fundamental rights in our constitution is an affirmation that all, men, women and children be they from majority groupings or from any one of the many other remarkable and distinct minorities that comprise the citizens of our country - would be guaranteed the unalienable rights of life, Liberty and the pursuit of happiness, and equal protection of the law.

In every dark hour of our national life, a leadership of frankness and vigor was met with the people's understanding and support. These moments have enabled individuals and groups to express dissent and grievances, share views and opinions, expose flaws in governance and publicly demand that the authorities and other powerful entities rectify problems and are accountable for their actions.

Despite an end to almost three decades of violent civil war, in 2009, when the nation should have been embarking on a journey to have achieved great success in totality, it appears another journey was embarked upon. In recent years the voice of protest has grown stronger. This is due in no small part to the increasing economic hardships nationally and the growing divide socially and economically throughout society. Alas, this is a phenomenon internationally and to which Sri Lanka is neither alone nor is immune. Through social media, in newspapers, and on the streets, a voice of concern and protest is noted domestically and with reverberations internationally.

In turn, the urgency of protecting fundamental rights, the rule of law, and democracy come to the fore as many of these fundamental rights are tied, as noted prior, to the economy that has, in recent years, faced challenges unlike at any other time in our nation's history.

Yet governments globally, and closer to home, through their police forces or other law enforcement mechanisms may be influenced too often to treat protests as either an inconvenience to be controlled or a threat to be extinguished. This is often done by exercising what to many is seen as a more militarized police force, one using armored vehicles, truncheons, tear gas, and water cannons.

In essence, the police response to what is initially a peaceful protest is seen by many as unlawful thus necessary to be restricted with a heavier hand.

Noting the above recently, I have begun to think further about the connection between fundamental rights and the urgency in Sri Lanka for truth and reconciliation commission and what such a commission could look like.

Comparable have been established in countries as diverse as Canada where a commission was created to facilitate reconciliation among former students of Indian residential schools their families, their communities, and all Canadians and in particular, for the government to be held to account for the hurt inflicted over more than a century. In South Africa, the Truth and Reconciliation Commission was established to lay the foundation to help heal the country and bring about a

reconciliation of its people by uncovering the truth about human rights violations that had occurred during the period of apartheid. Comparable commissions have been established in countries as diverse as Philippines, Columbia, Liberia, and East Timor to mention but a few.

The key is, however, for the whole of society including government leaders, politicians, business and civil society actors and law enforcement officials of all stripes to accept the necessity

that truth and reconciliation often have at their heart the fundamental rights and freedoms of the citizens of the nation and beyond. As touched on above, governments often fail to learn from history that **it is** through public and non-violent protest that many of the most important changes in the world have occurred: from the satyagraha movement and the end of colonial rule in India, through the civil rights movement in the US, the Solidarity Movement in Poland, the contributions of non-violent protest in ending apartheid in South Africa, and more recently the protests in Iran.

Non-violent public protest has been at the root of some of the most remarkable human rights efforts globally.

These protests have often become turning points in world history

While many protests do not achieve their aims, they do leave a mark on society, often inspiring other demonstrations around the globe and across the decades.

The protest known to all as Aragalaya: was such a protest. This was a most an important time for all Sri Lankans and one that brought about a change in

government and provided all Sri Lankans with a moment of hope, a moment of potential to heal from what they felt was wrong in a society where many held a feeling that the condition of the nation would be much improved in no small part due to the airing of their voice, their grievances, and through peaceful protest.

. Rhetoric or such other underhanded tactics further, separate people, and inflame situations. Rather, it is incumbent upon all in positions of authority and responsibility, particularly our elected officials and leaders in business and civil society, to use their power, perceived and real, for the amelioration of all Sri Lankans.

The book launched today is meant to contribute to the governance and protection of fundamental rights, to maintaining democracy and the rule of law, and more specifically the role the State and law enforcement play in dealing with civilian protests.

On a final note, let me quote the late Coretta Scott King: “Freedom and justice cannot be parceled out in pieces to suit political convenience. I don’t believe you

can stand for freedom for one group of people and deny it to others.”

Over the tenure of my time as chairperson of the Human Rights Commission, I have been immensely proud of our efforts and accomplishments to now. Noting this I say to my staff, that you have been courageous, fearless, and a great source of strength to me. I am profoundly grateful for all your efforts and look forward to continuing with you on this journey one that I am not prepared to compromise as we endeavor to protect the fundamental rights of all its citizens.

THANK YOU.

Justice Rohini Marasinghe
Chairperson
Human Rights Commission of Sri Lanka

12.05.2023