



HUMAN RIGHTS COMMISSION OF SRI LANKA



**Recommended Guidelines to the State and
Law Enforcement Officials on Dealing with
Civilian Protests**

2023

Human Rights Commission of Sri Lanka

**Recommended Guidelines to the State and
Law Enforcement Officials on Dealing with
Civilian Protests**

2023

The 'Recommended Guidelines to the State and Law Enforcement Officials on Dealing with Civilian Protests' have been compiled, under section 10(d) of the Human Rights Commission of Sri Lanka Act, No.21 of 1996.

The Message of the Chairperson
Human Rights Commission of Sri Lanka

Safeguarding the right to peaceful protest enshrined in Article 14(1)(a) of the Constitution of the Democratic Socialist Republic of Sri Lanka, subject to the exceptions contained therein, is paramount to the Commission as well as to me personally. I believe it is crucial to bolster democracy in Sri Lanka, which will fortify the protection of human rights, as there is no doubt that democracy and human rights are intrinsically linked.

The Commission has been vigilantly monitoring the civilian protests in Sri Lanka, particularly those in 2022. In this regard, the Commission has heard complaints by protesters and conducted inquiries into the human rights violations which have occurred at protests. In addition to providing legal redress in these situations, the Commission resolved to take proactive measures to safeguard the right to peaceful protests and prevent the violation of fundamental rights enshrined in the Constitution at protests in the future. To that end, I take pride in recommends the ‘Recommended Guidelines to the State and Law Enforcement Officials on Dealing with Civilian Protests’ which the HRCSL urges law enforcement officials to adhere to and offers its’ They are based on national law and Sri Lanka’s international human rights obligations, which the State is responsible for giving effect to. Moreover, I firmly believe that implementing the recommended guidelines will achieve the above objectives to the fullest, together with the application and enforcement of existing law.

I take this opportunity to thank my fellow Commissioners, Ms. Anusuya Shanmuganathan, Ven. Kalupahana Piyarathana Thero, Dr. Vjitha Nanayakkara, and Dr. Nimal Karunasiri for their unwavering support. I would also like to extend my profound gratitude to Mr. Ranjith Uyangoda, Secretary of the Commission, Mrs. Hema Dharmawardena, Additional Secretary of the Commission, and all my staff at the Commission who worked tirelessly to make this endeavour a success.

.....
Justice Rohini Marasinghe
Chairperson
Human Rights Commission of Sri Lanka

Table of Contents

The Message of the Chairperson Human Rights Commission of Sri Lanka	iii
Table of Contents.....	v
I. OBJECTIVES OF THE RECOMMENDED GUIDELINES	1
II. SCOPE OF THE RECOMMENDED GUIDELINES	2
III. THE RIGHT OF PEACEFUL ASSEMBLY	3
I. The law only protects peaceful assemblies	3
II. All demonstrations are presumed to be peaceful.....	5
IV. RESTRICTIONS BY LAW ENFORCEMENT OFFICIALS ON THE RIGHT OF PEACEFUL ASSEMBLY	5
PART I: OBLIGATIONS OF THE STATE.....	7
I. General Obligations.....	7
II. Derogation from fundamental rights obligations	11
III. Burden of proof for restrictions.....	12
IV. Grounds for restricting the right of assembly.....	12
V. Categories of restrictions.....	14
VI. Use of force	16
VII. Notifications before protests	17
VIII. Treatment of vulnerable persons and special categories of persons	19
PART II: RECOMMENDED GUIDELINES TO LAW ENFORCEMENT OFFICIALS WHEN DEALING WITH CIVILIAN PROTESTS	20
I. Crowd control by law enforcement agencies	20
II. Duties of law enforcement officials	22
III. Chain of command	25
IV. Preparation & tactical options	30
V. Dealing with special and vulnerable groups at protests	36
VI. Dealing with criminal damage to state owned, public, or private property and its unlawful occupation	42
VII. Dealing with protests held when curfew or emergency laws are in effect.....	44
PART III: IMPLEMENTATION.....	45
ANNEXURES.....	47-49

“ Stifling the peaceful expression of legitimate dissent today can only result inexorably in the catastrophic explosion of violence some other day.”

“Democracy requires not merely that dissent is tolerated but that it be encouraged and that obligation of the Executive is expressly recognized by Article 4(d) so that the Police, too, must respect, secure and advance the right to dissent.”

(Amaratunga v Sirimal and Others (Jana Ghosha case) [1993] 1 Sri L.R., Mark Fernando J. Supreme Court, Sri Lanka)

I. OBJECTIVES OF THE RECOMMENDED GUIDELINES

1. To recognize the right of peaceful assembly, which is subject only to legitimate restrictions prescribed by law, that are necessary in a democratic society in the interest of national security or public order. **[Article 14 (1)(b) of the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka and Article 21 of the International Covenant on Civil and Political Rights (ICCPR)]**
2. To recognize the obligations of the State under the Constitution to promote and uphold the rule of law and to guarantee human rights and fundamental freedoms for all.
3. To recognize that everyone shall enjoy the right of peaceful assembly enshrined in the Constitution without discrimination or fear.
4. To ensure law enforcement officials act in accordance with national law and Sri Lanka’s international human rights obligations when dealing with peaceful protesters.
5. To recognize the duties and responsibilities individuals have towards each other, including the responsibility to promote and observe the rights recognised under the Constitution.

II. SCOPE OF THE RECOMMENDED GUIDELINES

1. These recommended guidelines reiterate the fundamental rights recognized and guaranteed by the Constitution of Sri Lanka in relation to the right of peaceful assembly.
2. It seeks to prevent and address violations which occur in the context of public protests and ensure accountability of the State in general and law enforcement officials in particular.
3. The framework contained in the recommended guidelines:
 - 3.1 Establish that protesters will not be subject to torture or cruel, inhuman or degrading treatment or punishment under any circumstance. **(Article 11 of the Constitution)**
 - 3.2 Establish that protesters are entitled to freedom from arbitrary arrest, detention, and punishment. **(Article 13 (1), 13(2), 13 (3), 13(4), 13(5), 13(6) of the Constitution).** The exercise of the rights guaranteed in Articles 13 (5) and 13(6) are subject only to restrictions as provided by law in the interests of national security.
 - 3.3 Establish that all persons are equal before the law and are entitled, without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds such as race, religion, language, caste, sex, political opinion, place of birth or any such grounds **(Article 12 of the Constitution)**
 - 3.4 Establish that every citizen has the right to freedom of expression; this right includes; freedom of peaceful assembly **(Art 14(1)(a)(b) of the Constitution)**
4. The recommended guidelines also ensure that no restrictions are placed on the exercise of the above rights other than those prescribed by law and necessary in the interest of national security or public safety, the protection of public health, the protection of racial and religious harmony, or the protection of rights and freedom of others. **(15(3) and (15 (7) of the Constitution)**

III. THE RIGHT OF PEACEFUL ASSEMBLY

1. The law only protects peaceful assemblies

1.1 The right to protest is a universally recognised human right, which includes the right to freedom of expression; freedom of peaceful assembly and association; the right to take part in the conduct of public affairs, right to freedom of thought, conscience and religion; the right to participate in cultural life, the right to life, privacy, liberty, and security of a person; and the right to non-discrimination enshrined in the Constitution. The right to protest is also essential to securing all human rights, including economic, social, and cultural rights.

1.2. International law recognizes that the right to peaceful protests may, in some instances, be limited. The burden is on the authorities to justify that the restriction is necessary and proportionate in pursuing a legitimate aim. No restrictions on the rights to freedom of expression, assembly, or association may be imposed unless the restriction is prescribed by law and pursues a legitimate aim such as national security (which may be invoked only to protect the country's existence or its territorial integrity against or political independence against a credible threat of or use of force from an external or internal source), public order, public health, public morals, and public safety (ICCPR).

1.3. The right to peaceful protest cannot be exercised using violence. Violence in the context of Article 14 of the Constitution would entail the use of physical force by the participants against others that are likely to result in injury or death, or severe property damage. **Mere pushing and shoving, obscene gestures, or disruption of vehicular or pedestrian movement or daily activities do not amount to violence [General comment No. 37 (2020) on the right of peaceful assembly (article 21)].**

1.4. Counter-demonstrations can occur when one set of protesters confronts another set of protestors. Both sets of protesters are within the ambit of the protection mentioned in Article 14 of the Constitution.

1.5. The question of whether the protest is peaceful is ascertained by reference to any violence that originates from the protesters. Violence or provocations caused to a

protest by law enforcement officials do not render the peaceful protest a non-peaceful protest. Similarly, any violence by the public or the members of a counterdemonstration aimed at the protesters does not render the protest non-peaceful.

1.6. Isolated sporadic violence or other unlawful acts committed by others do not make a protest unlawful as long as they remain peaceful in their intentions and behaviour.

1.7. If the initial group of protesters remain peaceful in their intentions or behaviour, even if outsiders with violent intentions who are not members of the initial group join, the rights of the initial group to protest cannot be taken away.

1.8. Where violence is manifestly widespread within the protest (not isolated), such participation will no longer be protected under Article 14 of the Constitution.

1.9. The participants carrying objects, such as gas masks, or helmets, should not be regarded as hostile. It has to be determined on a case-by-case basis dependent on legislation dealing with the possession of arms or whether there is reasonable evidence of violent intent and the risk of violence such weapons may present.

1.10 The authorities must produce **credible evidence** (reliable evidence) that before or during the event, those participants incite others to use violence, and that such actions are likely to cause violence, or that the participants had violent intentions and planned to act on them which makes violence on their part imminent.

1.11 Article 14(1)(b) of the Constitution only protects the right to peaceful assembly. It does not cover a demonstration where the participants have violent intentions. Intentionally breaking through the police cordon falls outside the notion of peaceful assembly” protected by Article 14(1)(b).

1.12 The fact that certain content or messages used by the protesters may provoke a strong reaction by non-participants does not mean an assembly is non-peaceful.

2. All demonstrations are presumed to be peaceful

- 2.1. The peaceful intention of the organisers and participants in a protest should be presumed unless there is convincing evidence of intent to use or incite violence.
- 2.2. If the protest was peaceful, even in instances where it had violated domestic law, the police must display tolerance.
- 2.3. It is recognized that there may be legitimate reasons for escorting protesters to the police station in instances where protesters refused to comply with a lawful order to cease unlawful conduct. However, compelling reasons must exist to arrest protesters and terminate the protest.
- 2.4. Where feasible, it may often be more appropriate to delay the arrest of assembly participants until after the event comes to an end for illegal acts that took place prior to or during the assembly.
- 2.5. Only individuals directly involved in illegal acts should be targeted for arrest and such persons must be released as soon as the reasons for their detention cease to exist.
- 2.6. Even short periods of detention will directly affect participants' right to assemble and their freedom of movement and may amount to a deprivation of freedom of movement under Article 14(1)(h) of the Constitution.

IV. RESTRICTIONS BY LAW ENFORCEMENT OFFICIALS ON THE RIGHT OF PEACEFUL ASSEMBLY

1. Only in exceptional cases may an assembly be **dispersed**. Dispersal may be resorted to if the protest is no longer peaceful or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests. The conditions for the dispersal must be outlined in the Police Orders and Manuals subject to the fundamental rights prescribed in the Constitution.

2. Only a duly authorized officer may order the dispersal of a peaceful protest. The decision to disperse should be taken as a last resort guided by the principles of necessity and proportionality. It should be ordered by a competent authority only if an imminent threat of violence outweighs the right to protest.
3. Dispersal should never be ordered due to non-compliance with prior notification requirements or failure to comply with other legitimate prior restrictions on protests.
4. As far as practicable, law enforcement officials should communicate and explain any orders to disperse to the protesters. The protesters must be given sufficient time to disperse before there is any recourse to coercive means.
5. An assembly that remains peaceful which nevertheless causes obstructions to the public, i.e. blocking public roads, may be dispersed only if the disturbance is severe and sustained.
6. Where an order to disperse is taken in conformity with domestic legislation, necessary force may be used. The Police must endeavour to use necessary force only against those individuals engaged in the violence as much as possible. Firearms must never be used to disperse an assembly. If it is strictly necessary to use firearms to confront an imminent threat of death or severe injury, the law enforcement may use them against targeted individuals. Those using force must be accountable for each instance of the use of force.
7. Where law enforcement officials have decided on the use of force or **violence**, the authorities must ensure that adequate medical facilities are available for the treatment of casualties.
8. Indiscriminate firing and the use of fully automatic firearms when policing an assembly are unlawful.

PART I: OBLIGATIONS OF THE STATE

“The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state. Ideally, officers would not encounter verbal abuse. Communities would encourage mutual respect, and the police would likewise exhibit respect by treating people with dignity. But, particularly where officers engage in unconstitutional policing, they only exacerbate community opposition by quelling speech.”

(Supreme court U.S in City of Houston, Texas v Hill, 482 U.S. 451 (1987))

I. General Obligations

1. The State has the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of peaceful protests. It is the responsibility of the State, to ensure that the national framework for the exercise of the rights to freedom of peaceful assembly, expression, and association is in accordance with international human rights law.
2. As long as the protest remains peaceful, the State must facilitate the protest whether or not authorities agree with the goals and purposes of the protest. Any interference with such peaceful protest, including dispersal, should meet the strict test of necessity and proportionality stipulated in international human rights standards.
3. The State must ensure that the victims are allowed speedy access to effective remedies, including judicial remedies or national human rights institutions. Furthermore, where a violation has been established before the National Human Rights Commission, the authorities must inform the Commission within a reasonable time of the measures taken to give effect to its recommendation.
4. The State has the power to impose restrictions on a peaceful protest. However, the burden is on the authorities to justify the restrictions. The authorities must prove that the restrictions meet the requirements of both legality and proportionality. The interests of national security may serve as a ground for restriction if such restrictions are necessary to enable the State to protect the nation, its territorial integrity or political independence

against a credible threat or use of force. But where the deterioration is due to the suppression of human rights, the above reasons cannot be used to justify the restriction. Any restriction must have a legal basis in that it should be “prescribed by law. Its content must be “necessary in a democratic society”.

5. Restrictions must comply with International Human Rights norms and standards, including treaty obligations, in order to be permissible. Namely,

5.1. Restrictions must be **provided for in the law**. Restrictions must be imposed through law or administrative decisions based on law. It must be formulated with sufficient precision to enable individuals to foresee whether a particular action is in breach of the law and to assess the likely consequences of breach.

5.2. **Pursues a legitimate aim**- Restrictions must be necessary in a democratic society. The State must demonstrate that the restrictions imposed have the genuine purpose and demonstrable effect of protecting a legitimate aim. As such, restrictions could only be imposed for the protection of national security, public order, public health or morals, the rights and freedom of others, or public safety. National, political or government interest is not synonymous with national security or public order.

5.3. **Is necessary and proportionate to the legitimate aim**- Restrictions to the right to protest should be deemed necessary only if there is a pressing social need for the restriction. The party invoking the restriction must show a direct and immediate connection between the protest and the protected interest.

6. The State has the obligation to prove the precise nature of the threat and the specific risks such threat poses, when it invokes national security and protection of public order to impose restrictions on peaceful assembly. Mere reference to the general security situation of the country does not suffice to impose restrictions

7. While it is recognized that the State may restrict peaceful protesters from assembling in certain areas, such as particular buildings and streets, the application for such restrictions must conform with the law. The restrictions on “time, place, and manner” should meet the

previous strict test of necessity and proportionality. A blanket ban on all assemblies in a particular city is not justifiable as a general rule.

8. The requirement for prior authorisation for a peaceful protest does not give leave to violate Article 14 of the Constitution in the absence of such authorization. The rationale for the prior notification procedure is to allow State authorities to facilitate the exercise of the rights under Article 14 and to take measures to ensure the safety of the public and to protect public order and the rights and freedom of others.
9. The obligation of the State to protect peaceful assemblies includes the protection of participants from other individuals, including provocateurs, and counter-demonstrators, who aim at disrupting or dispersing such assemblies. Such individuals include those belonging to the State apparatus or working on its behalf. The counter-demonstrators may fall within Article 5 of the ICCPR, and the protection afforded in Article 21 of the ICCPR will not apply to them.
10. The principle of legality requires that the State develop a domestic legal framework for the use of force, especially potentially lethal force, that complies with international standards. The State must also have domestic legislation in place which fully comply with international human rights law and standards on policing, and ensure law enforcement officials comply with such legislation when policing protests. Domestic law must not grant officials largely unrestricted powers to use force or all necessary force to disperse a protest or 'shoot below the knee'; in particular, domestic law must not allow force against protesters on a wanton, excessive, or discriminatory basis.
11. Ensure all arrests, detentions and any subsequent trials must be carried out according to the law and procedure established by law. Those should be free from arbitrariness, in that the laws and their applications must be appropriate, just, foreseeable, and comply with the due process of the law, including the right to access a lawyer.
12. Mass arrests or detention should be avoided. Law enforcement officials should, in principle, avoid mass arrests, frequently considered arbitrary under international human rights law and contrary to the presumption of innocence.

13. The State should refrain from imposing measures that regulate or limit the free dissemination of information about protests via broadcast, print media and social media, the internet and other communication platforms. Any limitation in the interest of national security, public order, public health, public morals, and safety must be prescribed by law.
14. The State is permitted to derogate from international human rights commitment only in cases of public emergency threatening the nation's life. Any such derogation must be officially and lawfully practiced within the confines of national and international law. The State should not declare a state of emergency to limit protests.
15. The State should prohibit the deployment of the military armed forces for the policing of civilian protests, except as strictly allowed by the Constitution and other domestic legislation. They may be deployed for policing protests, only in exceptional circumstances, upon the request of civilian authorities.
 - 15.1. They may be deployed only as support for the police and are placed under the command of the police (S.95(3) of the Code of Criminal Procedure Act, No. 15 of 1979).
 - 15.2 They must fully comply with international human rights law and standards on policing and principles on the use of force and the standards set out in the recommended guidelines.
 - 15.3 Their operational procedures must completely shift from a combative approach (fight the enemy) to a law enforcement approach, avoiding the use of force by the change of equipment and correct use of equipment.
16. In the event a protest ends in violence, it is imperative for the State to acknowledge that it was due to the failure of the State to effectively facilitate the peaceful protest, prevent violence, and engage in conflict resolution with those who were likely or intending to engage in violence.
17. Domestic legal regimes on the use of force by law enforcement officials must comply with the requirements enshrined in international law.

18. Recognizing that States must not only refrain from applying unreasonable restrictions upon the right to assemble peacefully but also safeguard that right. However, the essential object of Article 14(1)(a) and (b) of the Constitution is to protect the individual against arbitrary interference by public authorities with the exercise of the rights protected and, in addition, a positive obligation to secure the effective enjoyment of these rights.

II. Derogation from fundamental rights obligations

1. The State may only derogate from its obligations guaranteed under Article 14 of the Constitution where the exigencies of the situation strictly require a state of emergency. When the exigencies cease, emergency powers must be withdrawn. In particular, the crisis or emergency must be actual or imminent, which affects the whole population and threatens the organized life of the community of which the State is composed.
2. Generally, emergency powers must be tailored to an immediate and urgent crisis. They shall not be used to limit legitimate dissent, protest, expression, and the work of society. The public must be made aware of the exigency of the situation.
3. While the State has a right to prohibit an assembly, it should be a measure of last resort. It should only be considered when a less restrictive response would not achieve the purpose pursued by the authorities in safeguarding other relevant rights and freedoms and public order. Any ban or prohibition of an assembly should be decided only on a case-by-case basis. Each assembly must be assessed using the framework of the legitimacy, necessity, and proportionality tests.
4. To justify a prohibition, the State must provide evidence that it has first attempted to facilitate the assembly or to impose less onerous restrictions. For example, where the State argues that it has inadequate resources to protect a peaceful assembly, prohibition may represent a failure of the State to meet its positive obligations.
5. The State must not impose a **blanket ban** on all assemblies. A blanket ban of all assemblies during certain times, or from particular locations or public places suitable for holding assemblies constitutes excessive restrictions violating the right to freedom of assembly.

Blanket bans may interfere significantly with the ability to hold assemblies within sight and sound of the intended audience.

Restrictions may be permitted in the context of combating terrorism and violent extremism. However, domestic legislation designed to counter terrorism and violent extremism must not impose any limitations on fundamental rights and freedom, including the right to freedom of peaceful assembly, that is not strictly necessary for the protection of national security and rights and protection of others.

III. Burden of proof for restrictions

1. Mere suspicions, fears, or presumptions are not sufficient to warrant the imposition of prior restrictions on assemblies. The mere probability of tension and heated arguments between opposing groups during a demonstration is not enough to justify the prohibition of an assembly.
2. The burden of proving the violent intentions of the protesters lies with the authorities.
3. The reasons for restrictions must be communicated to the organizers of assemblies in writing as early as possible. It must be communicated well in advance to allow the organisers to challenge the restrictions in a court of law prior to the event.

IV. Grounds for restricting the right of assembly

The Constitution lists several legitimate purposes for which restrictions on freedom of expression and assembly can be justified;

1. **National security:** It may serve as a ground for restriction only to protect the country's existence or territorial integrity against the use of threat or force from an external or internal source. There may, however, be no restriction on political speeches or expressions of public interest. Where the views expressed do not comprise incitement to violence or, justify the commission of terrorist offenses, the State must not restrict the right of the general public to be informed of such views, even on the basis of Article 15(7), for purposes of the protection of territorial integrity, national security, and the

maintenance of public order. The authorities may pursue the legitimate aim of protecting national security and preventing disorder, in relation to the slogans chanted in favour of illegal armed groups, which invariably will have violent connotations.

2. **Public Safety:** It may restrict the rights to freedom of assembly and association only against a specified and genuine danger to people's life, physical integrity, or serious damage to their property.
3. **Public order:** When it poses a serious threat to the very functioning of society. This does not permit dispersing an otherwise peaceful protest which causes an inconvenience or disruption such as heavy traffic congestion, unless the disruption is serious and sustained.
4. **Prevention of crime**
5. **Protection of serious threats to health:** To prevent the spread of disease or injury.
6. **Protection of rights and freedom of others:** Assemblies should not be aimed at the violation of the rights of others. This may relate to the protection of human rights guaranteed under the ICCPR of people not participating in the assembly. At the same time, assemblies are a legitimate use of public spaces and other spaces. Since they may inevitably disrupt ordinary life, such disruption must be accommodated unless they impose a disproportionate burden. In this case, the authorities must be able to provide detailed justification for any restriction.

For instance, the protesters demonstrating in front of the Attorney General's office or Court complex with obscene sculptures to draw attention to corruption and political control over the said office may be regarded as immoral and offensive and fall within the scope of pursuing the legitimate aim.

7. **Of meeting the just requirements of the general welfare of a democratic society/ Necessary in a democratic society:** any restrictions must therefore be necessary and proportionate in the context of a society based on democracy, the rule of law, political pluralism, and human rights. It is not sufficient for the restrictions to be merely

reasonable or expedient. They must also be the least intrusive among the measures that might serve the relevant protective function. Hence, political slogans chanted during lawful demonstrations cannot be interpreted as a call for violence or an uprising, attracting any restrictions.

V. Categories of restrictions

The restrictions imposed on an assembly should, in principle, relate to its time, place, and manner, not to the message being communicated.

1. Place of assembly

1.1. Restrictions may proportionally regulate, restrict or prohibit occupation of public spaces, such as main roads, or entities to essential facilities, while offering suitable alternative sites when possible.

1.2. The following areas may be restricted or prohibited;

1.2.1. Near dangerous production facilities or other facilities subject to special technical safety regulations.

1.2.2. On flyovers, near railway lines, oil, gas, or petroleum pipelines, or high voltage electricity lines.

1.3. The list of places where public events are prohibited may be designated by legislation demarcating the parameters of the zones.

1.4. However, blanket bans, including bans on assemblies at particular times, are disproportionate because they preclude consideration of the specific circumstance of each proposed assembly.

1.5. At the core of the right to freedom of assembly is the participant's ability to choose where they can best communicate their message to their desired audience. It would be disproportionate if authorities categorically excluded places suitable and open to the public as sites for peaceful assemblies. The use of such suitable sites must continually be assessed in light of the circumstances

of each case. The fact that a message could also be expressed in another place is insufficient to require an assembly to be held elsewhere, even if that location is within the sight and sound of the target audience.

1.6. If, however, having regard to all relevant factors of a specific case, the authorities reach the reasonable conclusion that it is necessary to change the place of an assembly, a suitable alternative place should be made available. Any alternate location must be such that the message the assembly seeks to convey may still be effectively communicated to those to whom it is directed. In other words, the assembly should still occur within the sight and sound of the target audience.

1.7. The protest organisers should be able to communicate their message effectively and must therefore, be facilitated within the chosen area. Unless compelling reasons exist to justify restricting protests, for example, in the interest of national security, public order, or the protection of the rights and freedom of others, the police must not suggest an alternative site even though the suggested site is close to the site initially proposed unless the aforementioned compelling reasons exist. Yet if a change is necessitated, alternate sites should be provided that are as close as possible to the initial proposed site.

1.8. An important consideration would be that if the protesters can effectively exercise their rights by other means or at another place, their rights may not be violated or restricted. In that case, the refusal of the police to allow the protest at the site already decided by the organizers for the protection and freedom of others may not amount to an unlawful restriction.

2. Content of the protest

2.1. Speech and other forms of expression enjoy protection under Article 14(1)(a) of the Constitution. Therefore, any restrictions on the assemblies should not be based on the content of the message they seek to communicate.

2.2. Criticism of government policies or State officials' actions should never constitute sufficient grounds for restricting a peaceful assembly. This also applies to assemblies expressing views that may offend, shock, or disturb the State or any sector of the population. Demanding territorial changes in speeches and demonstrations does not automatically threaten the country's territorial integrity and national security.

2.3. In a democratic society based on the rule of law, political ideas which challenge the existing order and whose realization is advocated by peaceful means must be afforded a reasonable opportunity of expression through the exercise of the right of assembly and other lawful means.

3. Symbolic displays of insignia and other objects at the protest

3.1. Display of flags, insignia, and other expressive items is protected communication.

3.2. Even where the insignia, uniforms, costumes, flags, banners, or objects (candles) displayed to remember a traumatic historical past should not be a reason to interfere with the right to freedom of assembly. But if such displays are prohibited by law, the officers must first attempt to confiscate the prohibited items while letting the assembly proceed, provided it remains peaceful. But where this leads to violence, or where the objects are closely associated with acts of physical violence, expressions of racism, or threaten religious harmony, the assembly may be restricted to prevent the occurrence or reoccurrence of such violence, etc.

VI. Use of force

1. Force is used only on an exceptional basis, ONLY after announcing the intention to use force clearly and allowing the participant sufficient time to exit the area.
2. The principles governing the use of force:

- 2.1. Force should only be applied to the minimum extent necessary, following the principles of restraint, proportionality, minimization of the damage, and preserving life, when dispersing an unlawful assembly.
- 2.2. Law enforcement officials should only employ force on an exceptional basis after announcing this by issuing an unambiguous warning and providing the individuals present with sufficient time to heed any police orders and exit the area.
- 2.3. It is recommended that at least three warnings be given before the use of force in the dispersal of an assembly.

VII. Notifications before protests

1. Rationale

- 1.1 The rationale for the notification requirement is to provide the authorities with an opportunity to comply with their constitutional requirement to respect and protect individual rights and freedoms and to take the necessary measures to ensure that the protesters and other people are safe.
- 1.2 Notification is not a violation of the constitutional right to protest. But authorisation or permit procedures do.
- 1.3 Notification is helpful as it allows authorities to minimize disruption to ordinary life, traffic disruption, or other security measures. Prior notification can prepare the police for other requirements, such as organizing the traffic, etc. The notice requirement should not be a de facto authorization procedure.

2. Existing legal provisions

- 2.1 Section 77(1) of the Police Ordinance, No.16 of 1865, as amended by Act No.41 of 1984 refers only to a notice in writing at least six hours before the procession which must be made known to the officer in charge of the nearest police station to the site of the protest.

2.2 Section 77(3) Police Ordinance, No.16 of 1865, as amended by Act No.41 of 1984 gives power to an officer, not below the rank of ASP, to prohibit the protest if he considers it expedient to do so in the interest of preserving public order.

2.3 The interpretation of Section 77(3) of the Police Ordinance, No.16 of 1865, as amended by Act No.41 of 1984 by the Supreme Court of Sri Lanka should be taken into account by the police when applying this provision. In *Saranapala v Solanga Arachchi, Senior Superintendent of Police and Others* [1999] 2 Sri L.R. 166 the Supreme Court held that the exercise of the power in section 77(3) is subject to the Constitution. The measures taken to maintain public order accordingly, must be unrelated to the suppression of free expression, and the incidental restriction on the exercise of free expression must be no more significant than is essential to the furtherance of public order. The Supreme Court had consistently interpreted this provision similarly over decades in *Fernando v Attorney General and Another* [1983] I Sri L.R. 374, *Gunanardena v Perera and Others* [1983] I Sri L.R. 305, *Amaratunga v Sirimal and Others (Jana Ghosha case)* [1993] 1 Sri L.R., and *Senasinghe v Karunatileke, Senior Superintendent of Police, Nugegoda* [2003] 1 Sri L.R. IT2. "Exceptions to Article 14(1)(a) must be narrowly and strictly construed for the reason that the freedom of speech constitutes one of the essential foundations of a democratic society, which, as we have seen, the Constitution in no uncertain terms, declares Sri Lanka to be". (Amerasinghe J. in *Sunila Abesekera v Ariya Rubasinghe, Competent Authority and others*, S.C. Application No. 1001 SLR 316).

3. Requirements to impose authorisation/permit restrictions

3.1. The requirement of authorisation is a de facto interference with the right under Article 14(1)(b) of the Constitution, and any such requirement should therefore:

- 3.1.1. Be prescribed by law
- 3.1.2. Pursue a legitimate aim
- 3.1.3. Be proportionate

3.2. The absence of prior authorization and the ensuing 'unlawfulness' of a protest does not give *carte blanche* to the authorities; the proportionality rule still restricts them.

Thus, the authorities must establish the reasons for not authorizing the demonstration in the first place, the public interest at stake, and what risks were represented by the demonstration. The method used by the police for discouraging the protesters, containing them in a particular place or dispersing the demonstration is also an essential factor in assessing the proportionality of the interference.

VIII. Treatment of vulnerable persons and special categories of persons

1. Recalling the obligation of the State to protect the right to the assembly by ratifying and giving effect to all relevant international human rights treaties through incorporation into domestic legislation, the State must address specific needs and challenges faced by vulnerable groups and special categories of individuals in the exercise of these rights.
2. Vulnerable groups of persons include women, children, the elderly, and persons with disabilities. Special categories of persons include the media, clergy, and bystanders.
3. This duty may require additional measures to be taken to facilitate the exercise of the right to freedom of assembly by those people.
4. The State must demonstrate a zero-tolerance approach to violence against vulnerable persons connected with an assembly by properly investigating all violations, prosecuting perpetrators, and ensuring effective remedies for victims.
5. Specific recommended guidelines on the treatment of these categories by law enforcement officials during the exercise of their right of assembly are contained in Part II (V).

PART II : RECOMMENDED GUIDELINES TO LAW ENFORCEMENT OFFICIALS WHEN DEALING WITH CIVILIAN PROTESTS

I. Crowd control by law enforcement agencies

1. The authorities must take appropriate measures concerning lawful demonstrations to ensure their peaceful conduct and the safety of all citizens. Law enforcement authorities are under a compelling positive obligation to protect the demonstrators from violence. The police must deploy a sufficient number of police officers, to be positioned according to a plan at the site, and be well-informed of their duties.
2. Law enforcement can be charged with a crime when deadly force is used on a person.
3. In Sri Lanka, crowd dispersal duties are mainly twofold: police crowd dispersal and military crowd dispersal duties. The police crowd dispersal duties are contained in the Police Orders and the Code of Criminal Procedure Act.
4. The military must follow the principle of minimum force, and the police must use necessary force when required for a legitimate purpose during a protest. This threshold should always be applied when using force.
5. The intervention of the police to remove a roadblock erected by the demonstrators on the main road, is justified to facilitate the free movement of the people under Article 14 (1)(h) of the 1978 Constitution.
6. Less lethal weapons with broad area effects, like tear gas and water cannons, tend to have indiscriminate effects; when such weapons are used, all reasonable efforts should be made to limit risks such as causing a stampede or harming bystanders.
 - 6.1. The use of baton rounds, water cannons, and other forceful crowd control methods must be strictly regulated and recorded such as how many cans of tear gas, etc. were discharged.

- 6.2. Tear gas canisters should never be fired directly at or against a person.
- 6.3. Tear gas or water cannons should be used only for dispersal and never to secure compliance.
- 6.4. Tear gas or water cannons must never be used where people (bystanders, participants, both violent and peaceful) cannot leave the scene due to geographic or infrastructural barriers. They should only be used if violence has reached such a level that targeting individuals engaged in violence is not a possible or sufficient response.
- 6.5. The aforementioned must be used only after a verbal warning, with adequate opportunity for the protesters to disperse.
7. Given the extensive harm that batons, tear gas, other chemical agents, and water cannons cause, those should only be applied following a decision taken at the highest level of command and by police officers who have received extensive prior training on their proper use.
8. Even in instances where a protest turns violent, law enforcement must ensure the rights of protesters are protected, such as the right to life and liberty upon arrest, detention, and torture.
9. All use of force by law enforcement officials must be documented promptly in a transparent report. Where an injury occurs, the report should contain sufficient information to establish whether the use of force was necessary and proportionate by setting down details of the incident, including the reasons for the use of force.
10. Law enforcement must not physically pursue protesters fleeing the protest site.

11. Once the need for any use of force has passed, such as when a violent individual is safely apprehended, no other resort to force is permissible. Law enforcement officials may not use greater force than is proportionate to the legitimate objective of either dispersing a protest, preventing a crime, or effecting an arrest. Once the legitimate objective is realized, law enforcement officials must end the use of force immediately.

II. Duties of law enforcement officials

1. Distinguish between peaceful and non-peaceful participants. Only those participating in violence forfeit the legal guarantee prescribed in Article 14 of the Constitution. Individual wrongdoers must be targeted rather than all participants generally unless such a distinction is impossible due to the nature of the violence committed.
2. A human rights-based approach must be adopted in all aspects of planning, preparation, implementation, and debriefing (address changing situations) associated with facilitating protests. These are:
 - 2.1.knowledge of the groups involved;
 - 2.2.a commitment to facilitating the protest;
 - 2.3.recognition of the value of voluntary communication at all stages during the protest;
 - 2.4.identification of the diversity of the participants.
3. Law enforcement agencies must never use force at protests unless strictly unavoidable. If force is used, it should be applied to the minimum extent necessary, following the principles of restraint, proportionality, minimization of damage, and preservation of life. As potentially lethal weapons, firearms are not appropriate tactical tools for policing or dispersing protests and should be avoided. If force is used at a protest, it should trigger an automatic and prompt review.
4. Where injuries or deaths result from using force, an independent, open, prompt, and effective investigation must be undertaken, by a panel of individuals appointed for such purpose and who possess integrity and competence. Those officers responsible should be sanctioned appropriately, and victims should be informed about possible remedies.

5. Law enforcement officials should also be held liable for failing to intervene where such intervention may have prevented other officers from using excessive force. The burden of proving the violent intentions of the protest organisers lies with the authorities.
6. The government and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting to, or have resorted to the unlawful use of force and firearms, or if they did not take all measures to prevent, suppress, or report such cases.
7. Obedience to superior orders is not a defence if law enforcement officials knew that an order to use firearms resulting in a person's death or severe injury was manifestly unlawful, and had a reasonable opportunity to refuse to follow it.
8. The primary responsibility must rest on the superior who issued the above unlawful order.
9. Mass arrests and detention should be avoided as far as possible.
10. During assemblies, law enforcement officials have a duty to wear or display individual identification visibly. They should wear or display some form of identification, such as a nameplate or number on their uniform or headgear. Such identifying information should not be removed or covered during the event.
11. During police interventions, police officers shall generally be in a position to give evidence of their police status and personal identity, to ensure that the notion of personal accountability from a public perception does not become an empty notion.
12. Police must make every effort to identify the perpetrators of violence within law enforcement.
13. Police functions should not be delegated to third parties. Assemblies should routinely be policed by regular law enforcement officials. Members of the armed forces (including military police) who are not trained for such tasks must not be involved in order to avoid a possible escalation of violence. Internal security is a function of the police, and national

defence is a function of the armed forces, as it considers them to be two substantially different institutions in so far as the purposes for which they are created and their training and preparation are concerned. It is thus advised to avoid the intervention of the armed forces in matters of internal security since it carries a risk of human rights violations.

14. Authorities must ensure the availability of effective channels of communication for assembly organizers. Law enforcement officials must conduct sufficient outreach prior to assemblies taking place. They should contact any known assembly organizers in advance to learn more about how the organizers plan to conduct the assembly. Such outreach measures help establish trust and ensure no unexpected events at a later stage.
15. It is recommended for Law enforcement officials to designate a person or team to liaise with the organizers before and during the assembly. The relevant contact details of the police contact point should be widely advertised. That person or team should serve as a contact point and should not conduct other policing tasks, such as intelligence gathering, that could potentially restrict or affect the rights of the organizers or protesters and fuel mistrust.
16. Law enforcement officials should make every effort to reach a mutual agreement with the organizers of an assembly on the time, place, and manner of the event. Mediation procedures may be helpful to ensure that such dialogue results in a solution acceptable to all parties.
17. In the event the protesters refuse to comply with the orders of the police not to hold the demonstration in an unauthorized area but do not engage in acts of violence, the forceful intervention by the police officers is disproportionate and unnecessary to prevent disorder.
18. The authorities must take reasonable and appropriate measures to facilitate assemblies that are convened at short notice or in response to an urgent or emerging situation, including spontaneous assemblies and non-notified assemblies, as long as they are peaceful in intent and execution. A decision to ban assemblies solely because of the absence of the requisite prior notice, without any illegal conduct by the participants' amounts to a disproportionate restriction of freedom of peaceful assembly.

III. Chain of command

1. During a protest, especially one that requires the intervention of the tri-forces, as well as the police, the HRCSL emphasizes that efforts of crowd control at protests should be carried out at all times in strict compliance with a Security Plan.
2. It is crucial for a specific and identifiable chain of command. The chain of command in law enforcement organizations is a ranking structure used to assign responsibilities to different officials within the organization so that they may work together as one entity and facilitate better coordination.
3. Following are various methods by which the chain of command can be established and further strengthened in relation to the police and tri-forces.

i. Police

The Security Plan for a protest shall be supreme in determining the chain of command and measures to be taken for crowd control. It shall be unique to each protest depending on the circumstances (an example of the chain of command of a Security Plan is detailed in Annexure 1).

1. Co-ordination during the Protest

De-escalation should serve as a core principle of crowd management. It is therefore necessary to ensure co-ordination within the police and the tri-forces when engaging in crowd control.

1.1. Ensure that every police officer assigned to crowd management duty has received crowd management and de-escalation training in line with Part II of Police Order A19 and Chapter VIII and X of the Code of Criminal Procedure Act No.15 of 1979 as amended.

1.2. Ensure that a trained senior officer is assigned to the post of the commanding officer at the site of the protest to review and respond to the circumstances of the protest.

1.3. Officers deployed to carry out crowd control at the protest site to which they are assigned should be familiar with the geographic and demographic details of that area. Every method available should facilitate smooth and prompt communication between the commanding officers and those under their command.

1.4. There should be smooth and prompt communication of information about the protest between the police and tri-forces.

1.5. When the President's Security Division (PSD), Prime Minister's Security Division (PMSD), and the Minister Security Division (MSD) are involved in protecting the areas assigned to them, these divisions must coordinate with the police having jurisdiction over the area where the protest site is located.

2. Accountability during and after the protest

Officer accountability relating to crowd control is significant to strengthen accountability;

2.1. All personnel are required to be in uniform. Their badges, nameplates, and other personal and agency identifiers should always be clearly visible on the outside of each officer's helmet or uniform.

2.2. All officers should verbally provide their surname, badge number, rank, and law enforcement agency upon request.

2.3. An officer may record a protestor who is under reasonable suspicion for investigation purposes.

2.4. It is the responsibility of the highest-ranking commanding officer at the protest site, not below the rank of Inspector of Police as per section 95(1) of the Code of Criminal Procedure Act No.15 of 1979 as amended, to give orders relating to crowd control, upon careful consideration of the circumstances of the protest at any given time.

2.5. If at any point the commanding officer at the protest site cannot issue commands because of being incapacitated (e.g., being subject to assault), the ability to issue commands may be delegated to another senior commanding officer.

- 2.6. A commanding officer in the upper levels of the hierarchy who is not present at the protest site must be aware of the circumstances of the protest, regularly keep track of any requirements relating to personnel and equipment, and will be held accountable for the actions of the officer under his command issuing commands at the protest site.
- 2.7. If a junior official wishes to raise an issue or submit any new information relating to the protest (e.g., difficulties, the need for more personnel and equipment), he must communicate the issue to the officer immediately superior in rank to him by the hierarchy of seniority. This would go a long way toward ensuring that the chain of command remains unbroken.
- 2.8. Currently, according to Police Order No. A19, the police maintain a watch report, information book, and officer's report. In addition, it is also necessary to maintain detailed assessment reports in writing, including but not limited to the actual measures deployed out at the protest, their impact, the number of personnel and equipment, any specific incident of note that occurred, the aftermath, and any recommendations to improve crowd control at protests in the future.
- 2.9. The assessment report of a protest is recommended to be as follows:
- 2.9.1. The commanding officer at the site of the protest should complete a comprehensive After-Action Report (AAR), irrespective of whether a protest is peaceful or unlawful, with no exception.
 - 2.9.2. Further, any officer who opened fire, for whatever reason, regardless of its effect, should submit a report including but not limited to the rounds fired, the target, the reason for firing, the command issued to fire, if any, the identity of the officer who issued the command, and the identity of the senior most officer in command at the protest site.
 - 2.9.3. All written reports should be completed by the commanding officer on site as soon as possible after the event and handed over to his immediate superior, and through the hierarchy to the IGP or, at the very least, the Senior DIG of the relevant Province in order to ensure all high-ranking police officers have a detailed report of the occurrence.

2.9.4. If at any point an officer should uncover a discrepancy between the report and what occurred or a breach of duty, a complaint must be submitted for disciplinary inquiry against the officer involved, and legal action should be taken where necessary.

2.10. Any allegations of officers breaking ranks without the lawful command of their commanding officer or any other form of misconduct must be investigated through an internal disciplinary inquiry, and the offending officer should be subject to legal action.

ii. The Special Task Force (STF)

1. The purpose of establishing the STF of the Police was to carry out counterterrorist and counter-insurgency operations within the country. Therefore, the STF must be given further training on the protocols for protests composed entirely of civilians. Measures reserved for terrorists and insurgents should not be used on civilians.
2. Where the STF is deployed, they should be in identifiable uniform. Their badges, nameplates, and other personal and agency identifiers should always be visible outside of each officer's helmet or uniform.

iii. Tri-forces

1. When the tri-forces are called to effect crowd control at a civilian protest, it is essential to comply with sections 95 to 97 of the Code of Criminal Procedure Act No.15 of 1979 as amended.
2. Under section 95(3), where the police could not disperse an unlawful assembly unaided, a Magistrate, Government Agent of the district, or any police officer not below the rank of Superintendent of Police (SP) may call upon the tri-forces to effect dispersal of the same.
3. The Commission emphasizes that in accordance with section 96 of the Code of Criminal Procedure Act No.15 of 1979 as amended, any commissioned officer of the tri-forces may

disperse an unlawful assembly without the instruction of a Magistrate, Government Agent of the district, or any police officer not below the rank of SP, only in instances where the persons mentioned above cannot be communicated with. In such an instance, any commissioned officer of the tri-forces may disperse the unlawful assembly and arrest or confine any person for that purpose. However, when communication with these persons becomes practicable, the tri-forces shall **obey the instructions** of the Magistrate, Government Agent of the district, or any **police officer not below the rank of SP**. In this sense, the officers of the tri-forces obey the instructions of the police officer not below the rank of SP when communication is re-established.

4. The participation of the tri-forces shall be subject to the instruction of the police, except in the following instances,

- 4.1. When emergency law is in effect, as a result of the decision of the President of the Democratic Socialist Republic of Sri Lanka for the maintenance of public order, by section 2 of the Public Security Ordinance (although it is still recommended that crowd control be carried out in this instance in communication and coordination with the police)

- 4.2. Where the President, by Order published in the Gazette, calls upon the tri-forces for the maintenance of public order in the area where he believes circumstances endangering public security have arisen or are imminent, by virtue of section 12 of the Public Security Ordinance.

5. When the tri-forces participate in crowd control of civilian protests, a strong chain of command must be established for the tri-forces, in accordance with a unique Security Plan created to suit the circumstances of a particular protest. It is the Security Plan that is supreme in determining the chain of command, and measures of crowd control to be employed (an example of such a chain of command in military assistance to civil authorities is detailed in Annexure 2 below).
6. To strengthen the chain of command within the army, navy, and air force; and facilitate better coordination with the police when carrying out crowd control.

- 6.1. The tri-forces should be given intensive training on handling crowd control at civilian protests, emphasising the difference in the treatment of civilians as opposed to armed enemy belligerents.
- 6.2. Further, as per section 95(3) of the Code of Criminal Procedure Act No.15 of 1979 as amended, in carrying out the dispersal of the unlawful assembly, and any arrests and detentions as needed, they shall use force as is reasonably necessary to diffuse the situation.
- 6.3. The tri-forces should have a thorough knowledge of the chain of command of the police and their respective chains of command.
- 6.4. Better coordination and communication should be facilitated between the tri-forces and the commanding officers of the police.
- 6.5. If a junior officer wishes to raise an issue or submit any new information relating to the protest (e.g. difficulties, the need for more personnel and equipment), he must communicate the issue to the officer immediately superior in rank to him by the hierarchy of seniority. This would go a long way toward ensuring that the chain of command remains unbroken.
- 6.6. A report similar to the report recommended above for the police to compile should be made by the commanding officers of the army, navy, and air force at the site of the protest after the fact. It should be handed over to his direct superior, who should ensure the report reaches the highest level of the hierarchy, to ensure accountability.
- 6.7. Any allegations of officers breaking ranks without the lawful command of their commanding officer or any other form of misconduct must be investigated thoroughly. As needed, the offending officer should be subject to internal disciplinary/administrative action and legal action.
- 6.8. As a good chain of command is indispensable for implementing crowd control operations to maintain law and order, it is of the utmost importance that every officer from the police and the tri-forces be aware of the chain of command with absolute certainty. No excuses or compromises whatsoever should be made regarding this matter.

IV Preparation & tactical options

1. Prior Preparation for a Protest

Preparation prior to a protest is vital to ensure the safety of all involved, including the general public, and property in and around the protest site. It is the preparation stage that will most directly influence the nature of responses that may be taken by Police and Tri-Forces at the protest site and enable them to disperse unlawful assemblies lawfully and effectively. The Commission has identified the following criteria to be vital in preparing for a protest:

- 1.1. Coordinating and information sharing with other state departments and entities
- 1.2. Procuring and preparing necessary equipment
- 1.3. Predetermined responses
- 1.4. Gathering information on protests

2. Coordinating and information sharing with other state departments and entities:

2.1. Coordinating with medical services

- 2.1.1. Law enforcement officials should coordinate with the nearest hospital upon informing the hospital of the possibility of a violent protest.
- 2.1.2. Every effort should be taken to ensure that medical services, such as ambulances and paramedics, are stationed nearby, with unimpeded access to the protest site.
- 2.1.3. The officers at the protest site are obliged to call for medical assistance for persons injured at protests (whether they are injured by officers' use of force or otherwise).
- 2.1.4. Officers who fail to provide or request medical aid for persons who appear to be injured or say that they are injured (whether by the use of force by law enforcement officials or otherwise) will be accused of lack of humanity as per the Police Order A19 (where an injury occurs as a result of police firing), and should be subject to a disciplinary inquiry.

2.2. Coordinate with other governmental departments and agencies such as:

- 2.2.1. the fire department

- 2.2.2. water, electricity and telecommunication service providers
- 2.2.3. intelligence agencies
- 2.2.4. other relevant agencies

2.3. Information sharing:

- 2.3.1. to ensure that responses can be taken as soon as possible and practicable to disperse the unlawful assembly;
- 2.3.2. information regarding and associated with the protest must be obtained from multiple information sources to decide on the best Security Plan suited to the circumstances of the protest; and
- 2.3.3. the information thus collected by the police should be disseminated throughout the police force and shared with the commanding officers of the tri-forces as far as possible and practical.
- 2.3.4. Intelligence should be gathered through the analysis of information thus collected, in order to formulate a Security Plan unique to the circumstances of the protest.

3. Procuring and preparing necessary equipment

3.1. Equipment involved in benign crowd control methods, non-lethal weapons (e.g., water cannons, tear gas canisters), and lethal weapons should be readied for crowd control of an unlawful assembly.

- 3.1.1. Weapons in law enforcement shall be designed and produced to meet legitimate law enforcement objectives and to comply with international human rights law, as per the Office of the United Nations High Commissioner for Human Rights (OHCHR) 'Guidance on Less-Lethal Weapons in Law enforcement'.
- 3.1.2. To that end, weapons and equipment should also be subject to independent testing by the Government Analysts Department and health authorities if necessary. (e.g, particularly the chemical composition of tear gas)

- 3.1.3. Weapons and related equipment must be thoroughly examined to determine that they are in good condition (e.g. - not expired,) before being deployed at the protest site, in accordance with Police Order A19, 25.
- 3.2. Key staging areas should be established in and around the protest at which the following should be stored,
 - 3.2.1. Full civil disturbance gear (e.g.: shields, gas masks, batons, non-lethal and lethal weapons) to be used when a peaceful protest becomes an unlawful assembly. Until this state comes into being, lethal weapons should not be displayed or used, as it is likely to incite the crowd.
 - 3.2.2. Provisions for food and water (for drinking and for relief from the effects of tear gas)
- 3.3. Other types of equipment that are required should include, but are not limited to the following:
 - 3.3.1. Megaphones
 - 3.3.2. Flood lights (to be used at protests held at night)
 - 3.3.3. Proper equipment to conduct lawful arrests of unlawful protesters
 - 3.3.4. Backup vehicles and extra fuel
 - 3.3.5. Communication equipment
 - 3.3.6. Equipment in place to remove any blockades (e.g., vehicles, barrels) set up by civilians to restrict movement.
- 3.4. The police media division and Criminal Records Division (CRD) should send personnel to video the progress of the protest and provide a record of the sequence of events for the collection of evidence for later review.

4. Predetermined responses

- 4.1. Officers are advised to develop predetermined responses/options for specific criminal activity during the event, including but not limited to criminal damage to property, arson, looting, vandalism, physical assaults, emergent issues where

an officer or community member rescue is required, provided the responses are in accordance with the Code of Criminal Procedure Act No.15 of 1979 as amended.

4.2. Negotiation is only possible when the assembly remains peaceful. It is not an option where protesters breach the law.

4.3. A Security Plan must be formulated by the commanding officers.

4.4. Officers who have received specialized training in using non-lethal and lethal weapons should be deployed to the protest sites in adequate numbers to effect crowd control of the unlawful assembly present.

4.5. Arrangements must be made for dealing with special and vulnerable groups of persons at protest sites.

4.6. A special inquiry desk must be set up:

4.6.1. To provide information relating to the location of those arrested at police stations; and

4.6.2. To lodge complaints of torture or other forms of misconduct.

4.6.3. Such a desk must be maintained at the ASP's office (where an independent mechanism for investigating complaints and providing redress should be in place).

4.7. Perimeter security must be strengthened.

4.7.1. The police may set up appropriate barriers to protect the public and property, provided it does not unduly disturb the public by making specific locations practically inaccessible.

4.7.2. Provided it is not a security concern, a media statement should be made regarding the routes blocked by iron barriers in order for civilians to utilize alternative routes and plan their journeys accordingly.

5. Gathering information on protests

5.1. Information gathered about the protest will provide insights into crowd management measures to be deployed that require the coordination of the police and the tri-forces. Discussions should be held as far as possible with police stations having jurisdiction in the areas associated with the protest to determine their ability to respond.

5.2. The Commission recommends that mobile officers (e.g., mounted on motorcycles or travelling by foot) highly trained in the lawful exercise of surveillance tactics should be stationed at protest sites in order to,

5.2.1. continually assess the situation and update information regarding the status of the crowd,

5.2.2. determine any additional personnel or other resources that may be required to control the crowd; and

5.2.3. communicate their findings to the commanding officers of the police and tri-forces so that they may determine the best course of action, on the most recent information available.

6. Deciding upon Specific Tactical Options

6.1. Commanders of the police and the armed forces have a broad spectrum of options to choose from when deciding upon the measures of crowd control to be taken at a protest site. Because of the changeable and unpredictable nature of protests, it is understandable that a rigid plan cannot be formulated on the measures of crowd control to be employed at the protest site. Therefore, commanders are advised to employ a flexible approach depending on the circumstances, and availability of resources and personnel.

6.2. However, in deciding upon using one tactical option, or multiple tactical options at the same or different times, the Commission recommends that the following considerations should be taken into account:

6.2.1. The aim behind using the specific tactical option

6.2.2. Indicators to measure the success of the tactical option

- 6.2.3. Factors that would hinder or help achieve the intended aim if the particular tactical option is used (such as personnel and other resources)
- 6.2.4. An assessment of the risks in using or withdrawing the tactical option (such as its effect on public safety, the safety of property, and police legitimacy)
- 6.2.5. The reasonableness and necessity of the use of the tactic in light of existing law, including the Constitution of the Democratic Socialist Republic of Sri Lanka, the Code of Criminal Procedure Act No.15 of 1979 as amended, and the existing guidelines directed at the police and armed forces in this regard.

V Dealing with special and vulnerable groups at protests

The police and tri-forces should make special provisions for special and vulnerable groups of persons attending protests. (See Part I (VIII) above for general state obligations un this regard)

i. Vulnerable Groups

Guided by the United Nations Office of the High Commissioner's Human Rights Guidelines for States on the practical implementation of the right to participate in public affairs, persons belonging to the following groups are considered vulnerable. Therefore, the Commission makes the following recommended guidelines for crowd control, where the following persons are predominantly present.

1. Women
2. Children
3. Elderly
4. Persons with disabilities

Recommendation in common for children, the elderly, and persons with disabilities:

Where practical, an area should be designated in the vicinity of the protest for these groups of persons to be able to stay safe from crowd control tactics involving non-lethal and lethal weapons. Basic first aid, food, and water should be made available to these persons.

1. Women

- 1.1. The officers must ensure that no discriminatory, disparaging, or derogatory words are used.
- 1.2. The officers must ensure that a reasonable proportion of female officers are dispatched to protest sites and that crowd dispersal tactics in relation to women are carried out by female officers as far as possible and practicable.
- 1.3. Whenever it is necessary to cause a woman to be searched at a protest, the search must be conducted by a female officer, in accordance with section 30 of the Code of Criminal Procedure Act No. 15 of 1979 as amended.

2. Children

The Commission asserts that children at protests should be afforded the highest level of protection, and it is crucial that:

- 2.1. Tear gas will not be used in areas known or believed to have children present. If the need to use such weapons arises, ensure that a warning is given to the crowd to disperse and give special attention to the dispersal any children who may be present.
- 2.2. Officers must receive 'psychological training' to protect and deal with children who may be separated from their parents.

3. Elderly

The elderly must be treated with respect, while taking into while considering their physical limitations.

4. Persons with disabilities

4.1. Persons with disabilities exercising their right of peaceful assembly must be treated with respect.

4.2. Steps should be taken to accommodate their unique physical and mental characteristics. The following measures are recommended in this regard:

4.2.1. Promote awareness among officers that persons with disabilities also participate in protests.

4.2.2. Recognize that persons with disabilities who are assisted by service dogs, canes, wheelchairs, or other technical aids should not be separated from them, either at the protest site or at the police station.

ii. Special Groups

The following groups of persons warrant the special protection and consideration of the police and tri-forces:

1. The Media
2. Clergy
3. Bystanders

1. The Media

1.1. The media has a pre-eminent role and performs essential functions in any State governed by the rule of law. The role of the media as a 'public watchdog' is to gather and impart information on matters of public interest- information the public has the right to know. The role of the media representatives is of particular importance in this context, since their presence is a guarantee that the authorities, the demonstrators, and the public at large can be held to account for their conduct, including the methods used to control or disperse the protesters, or to preserve the public order.

- 1.2. The media and other reports about an assembly are essential for the public, the organizers, and the participants of an assembly. Therefore, the possibility to monitor and report forms an essential part of the right to freedom of peaceful assembly. Monitors are defined as non-participant third-party individuals whose primary aim is to observe and record the actions and activities at public assemblies.
- 1.3. The Commission draws attention to General Comment No. 37 of the Human Rights Committee on the role of the media at protests. It states that ‘The role of journalists, human rights defenders, election monitors and others involved in monitoring or reporting on assemblies is of particular importance for the full enjoyment of the right of peaceful assembly.’
- 1.4. As provided by Article 14 (1) (a) of the Constitution of the Democratic Socialist Republic of Sri Lanka, media personnel are entitled to the right of freedom of speech and expression, including publication. Therefore, this right must be protected by law enforcement officials. It is crucial that the rights of media personnel at protest sites be adequately identified by the police and the tri-forces.
- 1.5. The Commission recommends the following measures to be adopted to allow media presence at protests to discharge their duties effectively:
- 1.5.1. Media personnel should only be prevented from observing and recording the policing operation if (exceptionally) their continued physical presence significantly hinders or obstructs law enforcement officials’ work. In such cases, media should be given clear instructions and sufficient time to disperse. Other opportunities should then be provided to enable them to continue to cover the assembly adequately. If the media representatives refuse to comply with a lawful dispersal order, the police may respond proportionately.
- 1.5.2. Media personnel and journalists should have and as far as practicable carry some identification to distinguish them from the participants in an assembly. This may include wearing some identifiable clothing or carrying an identification card that can be produced on demand.

- 1.5.3. In the case of violence against media representatives, as in all other instances of possible unlawful use of force, a thorough and independent investigation must be conducted, and, if warranted, criminal charges should be brought and all necessary steps should be taken to bring all perpetrators of crimes against journalists and other media personnel to justice.
- 1.5.4. The media's right to cover, film, and record protests should be protected.
 - 1.5.4.1. Officers shall not deny access to a protest site to identified media personnel of any news service (online, print, radio or television).
 - 1.5.4.2. Officers shall not assault, interfere or obstruct authorized media representatives from gathering, receiving, or processing information for communication to the public.
 - 1.5.4.3. Officers must ensure any media equipment brought to the protest site by media personnel is not tampered with or destroyed and that its use is not hindered in any way (e.g., covering a camera lens is unacceptable).
 - 1.5.4.4. Even after a dispersal order has been given, clearly identified media personnel shall be permitted to carry out their professional duties in the protest site, even where arrests are being made.
- 1.6. Officers should further accommodate the media to foster better relations with them and through them, the public by:
 - 1.6.1. Establishing procedures for media access through:
 - 1.6.2. Establishing a staging point for media representatives.
 - 1.6.3. Assistance with regard to media movement and the positioning of equipment.
- 1.7. Media at protests warranting this protection are media personnel who carry valid identification with them and present it to the police and tri-forces when respectfully asked to produce proof of identification (e.g. a person carrying media equipment alone is not entitled to the same protection).
- 1.8. Provocation by the media is not a defence for the police or tri-forces to assault media personnel.

1.9. It is crucial to be aware that nothing in the aforementioned recommended guidelines shall prevent the police and tri-forces in enforcing the law, if media representatives are engaged in activity that violates the laws of Sri Lanka.

2. Clergy

Members of the clergy participating in protests must be treated with the utmost respect their station deserves, provided they do not become violent.

3. Bystanders

3.1. It is acknowledged that differentiating protesters from bystanders is difficult, when there is a large volume of people in the area.

3.2. As far as practicable, bystanders should be allowed to move freely without hindrance.

It is recommended that:

3.2.1. Officers should take steps to allow bystanders to leave the crowd and find routes to safety away from the protest. These routes should be decided upon by officials during the stage of preparation.

3.2.2. Officers must communicate with the crowd through megaphones, stating the legal repercussions of engaging in an unlawful protest, in a manner that will be heard by bystanders as well.

3.2.3. Such warnings must be provided prior to using crowd control methods that are not benign, in order to ensure that bystanders will not be affected, or wrongly arrested by officers.

VI. Dealing with criminal damage to state owned, public, or private property and its unlawful occupation

i. Prevention of Unlawful Occupation and Criminal Damage to Property

The following guidelines are recommended to prevent the unlawful occupation of the property and criminal damage to property upon consideration of the circumstances that led to the destructive incidents on the 9th of May and the 9th of July 2022.

1. When the police obtain or receives information regarding a potential attack, such information must be treated as grave and a response must be given to individuals personally reaching out to the police.
2. A Security Plan must be made and a clear chain of command must be established immediately upon receiving information of the fact of the potential or actual occurrence of violence by the OIC of the police station having jurisdiction of the area.
3. The above must be shared through the chain of command up to the level of the Senior DIG overseeing law enforcement activities related to the relevant protest.
4. The assistance of the tri-forces must be sought by the police when the nature of the threat posed by the protesters requires it, in accordance with section 95(3) of the Code of Criminal Procedure Act No.15 of 1979 as amended. However, the tri-forces can participate in crowd control without such an invitation where a curfew or emergency law is in place in accordance with sections 2 and 12 of the Public Security Ordinance, and in accordance with Section 96 of the Code of Criminal Procedure.
5. Police units, together with tri-forces units (when required) consisting of officers of an adequate number to deal with the threat must be deployed.

6. The officers must as far as possible try to reason with the crowd, and persuade them to disperse. Failing which, the crowd must be reminded of the legal consequences of their intended actions.
7. The officers deployed to the scene must be adequately armed with benign control methods, non-lethal weapons, and lethal weapons to be used at the command of the commanding officer at the protest site.
8. The officers at the scene must not break rank, unless ordered to do so by the commanding officer at the scene.
9. Before being deployed the officers must be aware of the actions, they can lawfully take to prevent criminal damage to property, and the unlawful occupation of the property, without fear of legal repercussions (This should be incorporated into police training through awareness workshops).
10. An officer who breaches his duty to protect the property and refuses the order of a commanding officer should be identified and subject to disciplinary action and legal action.
11. When it is incumbent on the police and tri-forces to prevent criminal trespass, the unlawful occupation of premises, and property damage, a court order must be obtained from the Magistrate having jurisdiction in the area.
12. The court order must be presented to the protesters and the same should be released to the media to make the unlawful occupants aware of the time frame within which they must leave the premises before necessary force is employed. Provide multiple warnings of the same.

ii. Removal of Unlawful Occupants from Premises

1. When unlawful occupation has already occurred, the protesters are acting outside the ambit of the law.
2. Methods of crowd control may be employed to carry out the removal of unlawful protesters, with force only being used where it is reasonably necessary under the circumstances, within the ambit of the law.
3. Once it is apparent that the protesters are beginning to vacate the premises, the police and tri-forces must cease their efforts of evacuation and allow the protesters to leave as the operation for evacuation is now at an end.

VII. Dealing with protests held when curfew or emergency laws are in effect

1. Freedom of movement is guaranteed to all citizens under Article 14(1)(h) of the Constitution. However, it can be restricted for the purposes of national security in accordance with Articles 15(6) and (7) of the Constitution.
2. When curfew or emergency law is in effect in an area, and through reliable sources, it becomes apparent that a violation of the same may occur, the Commission recommends that:
 - 2.1. Even during a state of emergency security when setting up security checkpoints along roads, it is critical that this is not done in an arbitrary manner that would constitute a violation of the freedom of movement (*Rodrigo v Imalka, SI Kirulapone, SC (FR) No. 297/2007 S.C. Minute of 03.012. 2007*).
 - 2.2. The OIC of the police station having jurisdiction should delegate his officers to regularly patrol sensitive areas.

- 2.3. The OIC should thereby identify areas where incidents of mob violence or vandalism are likely to occur and bring it to the notice of the DIG of the Province, in order to facilitate inter district coordination.
- 2.4. All police officers should make maximum effort to broadcast through radio, television, and social media platforms, including official websites that mob violence of any kind will be met with serious consequences.
- 2.5. Police arrests of those violating curfew, and dispersal of unlawful assemblies even during curfew should be carried out in accordance with the Code of Criminal Procedure Act No.15 of 1979 as amended.
- 2.6. The tri-forces are able to carry out crowd control at protests held when emergency laws are in effect without the invitation of the Police, although it is advisable to do so in communication and co-ordination with the Police.

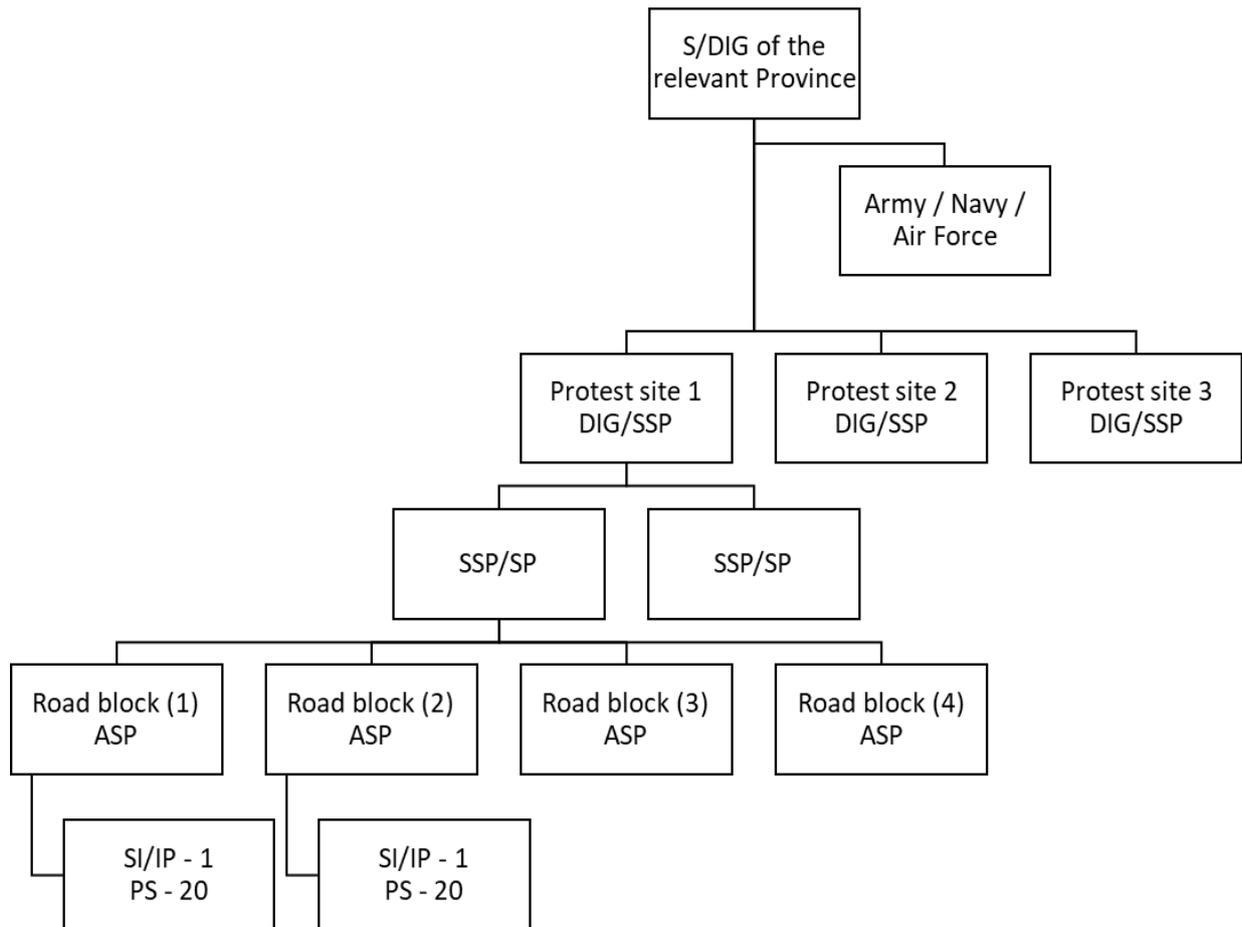
PART III: IMPLEMENTATION

1. It is recommended that the recommended guidelines of the Commission are taken into account by the police and tri-forces in discharging their duties at civilian protests.
2. It is recommended that these recommended guidelines be implemented in continued consultation with the Commission.
3. To that end, the following measures are proposed to facilitate implementation:
 - 3.1. The recommended guidelines of the Commission should be made freely available in Sinhala, Tamil, and English, in printed form, and on the official websites in a downloadable format.

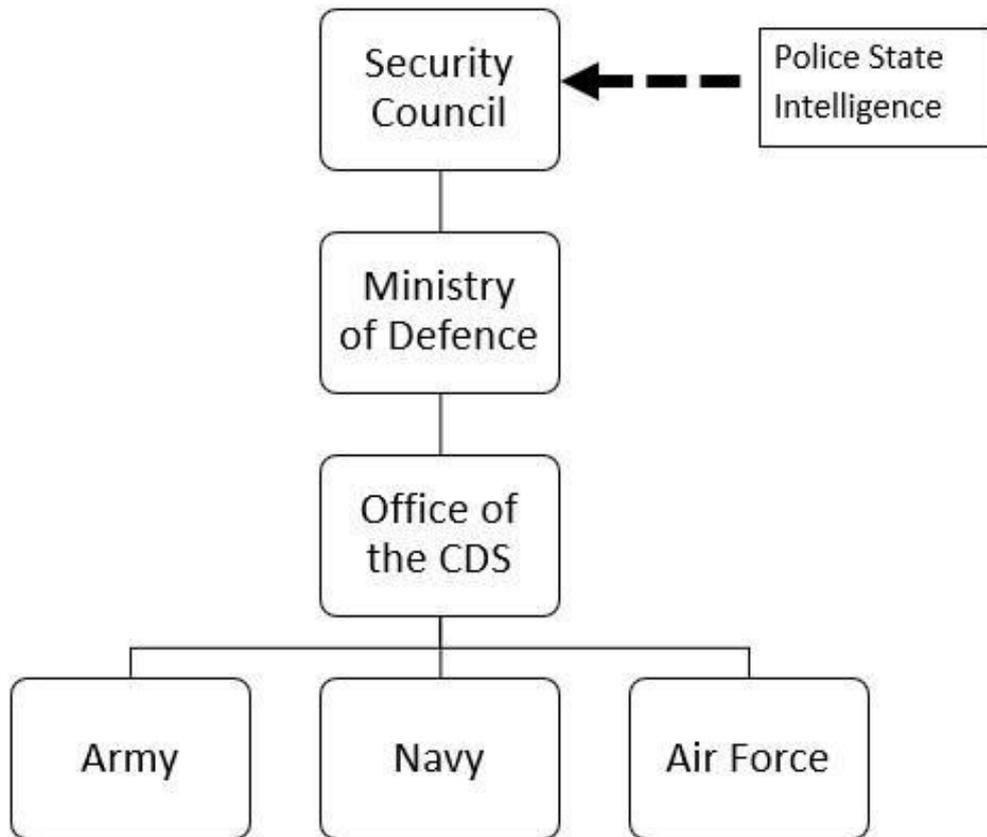
- 3.2. Formulating new guidelines for the tri-forces on crowd control at civilian protests, incorporating the aforementioned recommended guidelines, in consultation with the IGP, and the Commanders of the tri-forces.
- 3.3. Facilitate co-ordination with the Commission and the International Humanitarian Law (IHL) Departments of the police and tri-forces.
- 3.4. Carry out workshops and training sessions to raise awareness on the recommended guidelines.
- 3.5. Carry out refresher courses on a biannual basis on the recommended guidelines made.
- 3.6. Creation and dissemination of instructional leaflets on how to deal with special and vulnerable classes of persons at protests.
- 3.7. Creation of videos of 15 - 30 minutes duration, on various aspects of crowd control at protests, with their viewing being made mandatory to officials of the police and tri-forces.
- 3.8. Incorporate simulated civilian protest training into the training programmes of the police and tri-forces to fully understand the practical application of these recommended guidelines.

ANNEXURES

ANNEXURE 1



ANNEXURE 2



ANNEXURE 3

පොලිස්පති චක්‍රලේඛ අංක :- 2595/2016
පරපාලන චක්‍රලේඛ :- 12/2016

මගේ අංකය :- 950/98c/and/370/2016
පොලිස් මූලස්ථානය,
කොළඹ 01.

සියළුම:-
පෙන.නි.පො.ප වරුන්,
නි.පො.ප වරුන්,
අනාදෙන නිලධාරී (වි.ක.ග) කෙ.බ.මු
කොට්ඨාශභාර නිලධාරීන් (ක්‍රියාකාරී, ප්‍රදේශීය)
පො.අ වරුන්, ස.පො.අ වරුන් (ක්‍රියාකාරී, ප්‍රදේශීය)
මු.පො.ප/ ස්ථානාධිපති වරුන්

නීති විරෝධී රැස්වීමක්, කාරලිකාර ජනසමූහයක් විසුරුවා හැරීම සහ මහජන සාමය කඩවන අවස්ථාවකදී ප්‍රතිචාර දැක්වීම

නීති විරෝධී රැස්වීම්, කාරලිකාර ජන සමූහයන් විසුරුවා හැරීමේදී මෙන්ම නීති විරෝධී පෙරහැර විසුරුවා හැරීමේදී පොලිස් නිලධාරීන් අනුගමනය කලයුතු ක්‍රියා මාර්ග සම්බන්ධයෙන් ගරු නීතිපතිගේ අංක. 14925/16 දරණ 2016.09.19 වන දිනැති ලිපිය මගින් උපදෙස් ලබා දී ඇත. එම ලිපියේ සඳහන් උපදෙස් පහත පරිදි වේ.

01. ඔබ දන්නා පරිදි, නීති විරෝධී රැස්වීමක් හෝ කාරලිකාර ජනසමූහයක් විසුරුවා හැරීම හෝ මහජන සාමය කඩවන අවස්ථාවක දී ප්‍රතිචාර දැක්වීම හෝ වැරදි සිදුවීම වැළැක්වීම මූලික පොලිස් රාජකාරි වේ.
02. පොලිස් නිලධාරීන් විසින්, නීති විරෝධී රැස්වීමක් විසුරුවා හැරීමට හෝ මහජන සාමය කඩවීම වැළැක්වීමට අදාළ සහ නිත්‍යානුකූල ක්‍රියා මාර්ග ගැනීම ඉතා වැදගත් වේ. යම් අවස්ථාවක දී වැළැක්වීමට ගන්නා ක්‍රියාමාර්ග අසාර්ථක වුවහොත් හෝ වැළැක්වීමට හැකියාවක් නොමැති වුවහොත් පමණක් මහජන සාමය ආරක්‍ෂාකර ගැනීම සඳහා අවශ්‍ය පියවර ගත යුතුය. නීති විරෝධී රැස්වීම් විසුරුවා හැරීම හෝ කාරලිකාර ජන සමූහයක් විසුරුවා හැරීම හෝ මහජන සාමය බිඳ වැටුණු අවස්ථාවක දී, නීතිය හා සාමය ආරක්‍ෂා කිරීම සඳහා සහ සමාජය යුරුකරණ කිරීම සඳහා අවස්ථානුගත පරිදි නීතියට අනුකූලව හා අදාළ ක්‍රියාවන්ට සමානුපාතික වන පරිදි ක්‍රියා මාර්ග ගත හැකිය.
03. මහජන සාමය බිඳ වැටීම් හෝ නීති විරෝධී රැස්වීම් බොහෝමයක් ආරම්භ වන්නේ, ජනතාව ඔවුන්ගේ මූලික අයිතිවාසිකම් ඔවුන් විඳින අවස්ථාවන්වල දී බව විශේෂයෙන් මතක තබා ගත යුතුය. නීතිය හා සාමය ආරක්‍ෂා කරන පොලිස් නිලධාරීන් චේතනාන්විතව හෝ කිසිම අයුරකින් මහජනතාවගේ මූලික අයිතිවාසිකම් කඩ නොකිරීමට වග බලා ගත යුතුය.
04. මහජන සාමය කඩවන අවස්ථාවල දී ක්‍රියා කිරීමට අදාළ නීතිය ප්‍රතිපාදන පොලිස් ආඥා පනතේ සහ අපරාධ නඩු විධාන සංග්‍රහයේ ඇත.
05. නීති විරෝධී රැස්වීම් විසුරුවා හැරීම හෝ මහජන සාමය ස්ථාපිත කිරීම සඳහා ශීඝ්‍ර ක්‍රියා මාර්ග ගත යුතු වන්නේ සඳ්භාවයෙන්, පොලිස් නිලධාරීන්ට ලබා දී ඇති නිත්‍යානුකූල බලතල වලට අනුකූලව වන අතර, එමගින් මහජනතාවගේ මූලික අයිතිවාසිකම් කඩවීමක් සිදු නොවිය යුතුය.
06. පොලිස් නිලධාරීන්ගේ ප්‍රමුඛතම රාජකාරියක් වන්නේ මහජන සාමය බිඳ වැටීම වැළැක්වීම සහ නීති විරෝධී රැස්වීම් සංවිධානය වීම වැළැක්වීමයි. ඔවුන්ගේ තොරතුරු හෝ විස්වාසනීය තොරතුරු මගින් හෝ පැමිණිල්ලක් මගින් නීති විරෝධී රැස්වීම් පිළිබඳ තොරතුරු ලැබුණු විගසම, එවැනි රැස්වීම් සංවිධානය වීම වැළැක්වීමට වහාම ක්‍රියාත්මක විය යුතුය. එම වැළැක්වීමේ ක්‍රියා මාර්ග මගින් මහජනතාවට සිදු විය හැකි අපහසුතාවය අවම විය යුතු අතර, මහජනතාවගේ මූලික අයිතිවාසිකම් නිත්‍යානුකූල ආකාරයට ඔවුන් විඳීම ද අවහිර නොවිය යුතුය.
07. මහජන සාමය බිඳ වැටීමක් හෝ නීති විරෝධී රැස්වීමක් සම්බන්ධයෙන් ප්‍රතිචාර දැක්විය හැක්කේ එවැනි රැස්වීමක් සංවිධානය වීම වැළැක්වීමට ගත හැකි සියලු ක්‍රියා මාර්ග අසාර්ථක වූ විට දී පමණි. බොහෝ අවස්ථාවල සාර්ථක සංකීර්ණ කටයුතු මගින් මෙවැනි රැස්වීම් සංවිධානය වීම වැළැක්විය හැකිය.

08. මහජන සාමය බිඳ වැටීමක දී හෝ එවැනි කුමන අවස්ථාවක දී වුවද බලය පාවිච්චි කිරීම අවසානවම විකල්පය විය යුතු අතර, අදාළ අවස්ථාවට සමානුපාතික ලෙස යද්ගාවයෙන් යුතුව, නීති විරෝධී රැස්වීම් හෝ කාර්මිකාර ජන සමූහය විසුරුවා හැරීමට, ජනතාව සහ දේපල ආරක්ෂා කිරීමට සහ මහජන සාමය ගොඩනැගීම සඳහා පමණක්ම බලය පාවිච්චි කිරීම සිදු කල යුතුයි.

09. ලංකා දණ්ඩ නීති සංග්‍රහයේ 138 වගන්තියේ සඳහන්ව ඇති නීති විරෝධී රැස්වීම් යන වරදේ නිර්වචනය පිළිබඳවද, අපරාධ නඩු විධාන සංග්‍රහයේ 95, 96, 97 වගන්ති වල ඇති නීති විරෝධී රැස්වීමක් විසුරුවා හැරීම පිළිබඳ විශේෂිත ප්‍රතිපාදන පිළිබඳව ද දැනුමක් ශීඝ්‍ර පොලිස් නිලධාරීන්ට තිබිය යුතුයි. නීති විරෝධී රැස්වීමක් විසුරුවා හැරීමේ දී එම ප්‍රතිපාදන යොදා ගත යුතු අතර, නීති විරෝධී පෙරහැර සම්බන්ධයෙන් ක්‍රියා කිරීම පොලිස් ආඥා පනතේ 77 වගන්තියේ ප්‍රතිපාදන අනුව සිදු කල යුතුය.

10. පොලිස් නිලධාරියෙකුට නීති විරෝධී රැස්වීමක් විසුරුවා හැරීමේ දී බලය පාවිච්චි කල හැකි වුවද හොඳ සංතිවේදන ක්‍රමයක් මගින් අදාළ ගැටලුකාරී වාතාවරණය නිරවුල් කර ගැනීමට උත්සාහ කල යුතුය. එම ක්‍රියාදාමය අසාර්ථක වුවහොත් පමණක් පුද්ගලයින්ගේ හැසිරීම සහ ප්‍රවණතාකාරී ක්‍රියාවලට එරෙහිව පොලිසිය ඒයින් බලය පාවිච්චි කිරීමට, සිදු වන බව දැනුම් දිය යුතුයි.

11. අදාළ ජන සමූහයේ, ඒ සඳහා අකමැත්තෙන් සහභාගි වන අය සිටි නම්, බලය පාවිච්චි කිරීමට පෙර විසිරී යාම සඳහා ඔවුන්ට අවස්ථාව ලබා දිය යුතු අතරම, එම පුද්ගලයින්ට යම් පීඩාවක් සිදු වීම වලක්වා ගත යුතුයි.

12. බලය පාවිච්චි කිරීමේ දී නියමිත ක්‍රමවේදය හා අනුපිළිවෙල භාවිතා කල යුතු අතර, අදාළ පිරිසට සහ අවට සිටින අය අවම හානියක් සිදු වන ආකාරයට ක්‍රියා කල යුතුයි. අවම හානියක් සිදු කරමින් බලය පාවිච්චි කිරීම අසාර්ථක වන අවස්ථාවක දී ඊට වඩා පීඩාවක් ගෙන දෙන ආකාරයෙන් බලය පාවිච්චි කල හැක. එසේ වුවද එය සමානුපාතික ලෙස යද්ගාවයෙන් යුතුව සිදු කල යුතුයි.

13. කිසිම හේතුවක් මත පුද්ගලයින්ට දඬුවම් කිරීමට හෝ වධ දීමට හෝ කෲර හෝ අමානුෂික ලෙස හෝ සමානුපාතික නොවන ලෙස හෝ බලය පාවිච්චි කිරීම සිදු නොකල යුතුයි.

ඉහත සඳහන් කරුණු උපරේද පංති වාර 03 ක දී කියවා ශීඝ්‍ර නිලධාරීන් දැනුවත් කල යුතු අතර, ඉන් අනතුරුව සෑම මසකටම වරක් නැවත නැවතත් මෙම වකුලේඛයේ සඳහන් කරුණු මතක් කර දිය යුතුයි. එමෙන්ම නීති විරෝධී රැස්වීම් හෝ පෙරහැරක් විසිරුවා හැරීමට පොලිස් නිලධාරීන් යොදවන අවස්ථා වලදී ද, ජ්‍යෙෂ්ඨතම නිලධාරියා විසින් මෙම වකුලේඛයේ සඳහන් කරුණු පිළිබඳව අදාළ නිලධාරීන්ට උපදෙස් ලබා දිය යුතුය.


පුජ්ජිත ජයසුන්දර,
පොලිස්පති
පුජ්ජිත ජයසුන්දර
පොලිස්පති
පොලිස් මූලස්ථානය
කොළඹ 01.

Human Rights Commission of Sri Lanka
No.14, R A De Mel Mawatha,
Colombo 04, Sri Lanka.

Telephone: +94 11 250 5451

Fax: +94 11 2 2505542

Email: sechrsl@gmail.com website: www.hrcsl.lk