

# **VIOLENT SUPPRESSION OF PEACEFUL PROTESTS IN RESPONSE TO THE ECONOMIC CRISIS IN SRI LANKA: A CLOSE LOOK AT RAMBUKKANA**

**June 2022**



**By Sri Lanka Collective Against Torture (SLCAT)**

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# 1. Context

## 1.1 Economic crisis prompts island-wide civilian protests

Sri Lanka is presently experiencing an unprecedented economic crisis, as a result of the economic mismanagement by successive governments and poor fiscal policies and political instability created by the Rajapakse-led regime. The lack of foreign exchange to procure fuel, medicine and food has led to severe shortages in the country, leading to long queues for the purchase of essentials. At least eight persons have reportedly died in various parts of the country as a result of waiting in line for fuel for long hours<sup>1</sup>. Daily power cuts for several hours have been implemented across the country since March 2022. Inflation and cost of living has skyrocketed in Sri Lanka to record levels, which has resulted in citizens being pushed into poverty.

Sri Lankans have been engaged in continuous peaceful protests for the last few months, primarily against the impact of the present crisis, but also against poor governance, corruption and impunity and lack of accountability. The protestors demanded the resignation of the incumbent President Gotabaya Rajapakse, the Prime Minister Mahinda Rajapakse and other members of the Rajapakse family and their associates who occupied top government positions and are accused of engaging in corruption with impunity.<sup>2</sup> Following the resignation of all members except the President, the protests continue demanding his resignation.

Despite the largely peaceful nature of the people's protests the government has impeded the rights of citizens to peaceful assembly and free expression by taking steps that have led to the disruption of protests – including stationing security forces in the vicinity of the protests to intimidate, arbitrary arrests of protestors and reported cases of assaults of protestors and journalists, dismantling structures/signs that have been constructed by protestors, as well as attempts by government representatives to discredit the protests by claiming they are politically motivated, etc.<sup>3</sup> It is in this context, several incidents have taken place over the last three months that have led to killings, use of disproportionate force, assault in custody and inhuman, degrading treatment of protestors impacting the freedom of expression and the right to peaceful assembly. This report takes a close look at the violence by police officers in Rambukkana on 19 April 2022 which resulted in the killing of one person and injury to several others, to demonstrate that even in the face of a large body of publicly available material and findings revealed in court proceedings there has been no swift and effective action to secure accountability and non-recurrence.

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<sup>1</sup> 'Eighth Sri Lankan dies after waiting in line for fuel' *Economy Next*, 29 April 2022. <https://economynext.com/eighth-sri-lankan-dies-after-waiting-in-line-for-fuel-93673/>

<sup>2</sup> 'How Sri Lanka spiralled into crisis and what happens next' *Al Jazeera*, 11 May 2022. <https://www.aljazeera.com/news/2022/5/11/how-sri-lanka-spiralled-into-crisis-and-what-happens-next>

<sup>3</sup> 'Inside Sri Lanka's Unprecedented Mass Protests' *Foreign Policy*, 26 April 2022. <https://foreignpolicy.com/2022/04/26/sri-lanka-protests-rajapaksa-economic-crisis-colombo/>

## 1.2 A pattern of state violence to peaceful protest

### 1.2.1 State violence on 30 and 31 March 2022

On the evening of 30 March 2022, protestors gathered outside the residence of the President Gotabaya Rajapaksa, demanding his resignation. Curfew was imposed overnight as protestors continued to demand his resignation. By late night on 30<sup>th</sup>, protestors were pushing against barricades set up in front of the residence and pelting stones at the police. Police statements after the event alleged that the protestors were armed with steel bars, sticks and sharp weapons.<sup>4</sup> Police also alleged that two buses and a four-wheel drive were set on fire. Police responded with tear gas and water cannon.

54 persons were arrested<sup>5</sup> including journalists covering the event.

Those arrested were assaulted that night during and after their arrests<sup>6</sup>. Media reports carried images of the injuries sustained by journalists due to police assault.<sup>7</sup> Some also had their cameras smashed by police batons. Reports of journalists being hit on the head by police with batons have also emerged.<sup>8</sup> The President's media division attempted to cast aspersions on the protestors by stating that extremists were behind the protests and the police also commenced investigations into major media outlets in an attempt to pin the blame on the media for inciting violence.<sup>9</sup>

On 31 March, lawyers gathered in large numbers at the Mirihana Police station to provide legal assistance to those arrested. Several of those arrested were hospitalized as a consequence of being assaulted during and after their arrests. Those arrested were produced before the Magistrate late afternoon on charges including causing damage to public property. By this time video footage had emerged of police officers in riot gear standing idle while a man sets fire to a bus, giving rise to the speculation that the police themselves incited violence at a largely peaceful gathering.

On Saturday the 2<sup>nd</sup> of April, soon after the President declared a state of emergency in the country giving powers of arrest and detention to the military, a 28-year old social media activist was taken from his home and the police initially denied knowledge of his whereabouts. He was produced in

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<sup>4</sup> Al Jazeera. 31 March 2022. "Dozens arrested in Sri Lanka amid protests over worsening economy".

<https://www.aljazeera.com/news/2022/3/31/tear-gas-as-sri-lanka-protesters-try-to-storm-presidents-house>

<sup>5</sup> Daily News. 1 April 2022. "Mirihana Protest: 54 arrested". <https://www.dailynews.lk/2022/04/01/local/276300/mirihana-protest-54-arrested>.

<sup>6</sup> JDS. 2 April 2022. "Journalists reporting protest to oust Sri Lanka president beaten up 'black and blue'". <http://www.jdslanka.org/index.php/news-features/media/1082-journalists-reporting-protest-to-oust-sri-lanka-president-beaten-up-black-and-blue>

<sup>7</sup> RSF. "At least nine journalists injured during Sri Lanka protests".

<https://rsf.org/en/least-nine-journalists-injured-during-sri-lanka-protests>. IFJ. 4 April 2022. "Sri Lanka: Several journalists assaulted and detained during Mirihana protests". <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/sri-lanka-several-journalists-assaulted-and-detained-during-mirihana-protests.html>

<sup>8</sup> Global Voices. 17 May 2022. "Covering the economic crisis in Sri Lanka: The cost of pursuing journalism".

<https://globalvoices.org/2022/05/17/covering-the-economic-crisis-in-sri-lanka-the-cost-of-pursuing-journalism/>

<sup>9</sup> Global Voices. 17 May 2022.

the Mutuwal police station hours later after his family filed a complaint with the Human Rights Commission of Sri Lanka.<sup>10</sup> The arrest was made under Section 120 of the Penal code for “excite or attempt to excite feelings of disaffection to the State”.

### **1.2.2 State violence on 6 May 2022**

On 6 May protestors gathered on the road leading to Parliament in Battaramulla. While the protest was largely peaceful, police reacted with heavy-handed use of tear gas over several hours. The protests took place in the backdrop of an islandwide Hartal declared by trade unions in response to the worsening economic crisis in the country. At the parliament vicinity, the use of tear gas impacted journalists who were covering the event<sup>11</sup> as well as children,<sup>12</sup> and others who were participating peacefully in the protest.

As violence escalated with police attacking protestors with tear gas and water cannon, the President imposed a second state of emergency within five weeks in the country.<sup>13</sup> In this instance the police used disproportionate and non-targeted means such as tear gas, to respond to protestors who were attempting to approach Parliament road despite road blocks. Again, instead of facilitating the right to peaceful assembly, the police obstructed the right to peaceful protest and used excessive non-lethal force to make peaceful protestors disperse.

### **1.2.3 State violence on 9 May 2022**

On 9 May 2022, brutal violence was unleashed on peaceful and unarmed protestors by pro-government goons while security forces and police took inadequate measures to ensure the rights of peaceful protestors. Rajapaksa loyalists numbering around 3,000 persons (Rajapaksa loyalists) met at the residence of former prime minister Mahinda Rajapaksa before marching to the MynaGoGama, the peaceful protest site in front of the Prime Minister’s official residence, Temple Trees.<sup>14</sup> They smashed the temporary structures there and attacked protestors before marching to Galle Face where anti-government protestors had been camped out for weeks, peacefully calling primarily on the President, the Prime Minister and their supporters to resign.<sup>15</sup>

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<sup>10</sup> JDS. 2 April 2022.

<sup>11</sup> Global Voice. 17 May 2022. “Covering the economic crisis in Sri Lanka: The cost of pursuing journalism”. <https://globalvoices.org/2022/05/17/covering-the-economic-crisis-in-sri-lanka-the-cost-of-pursuing-journalism/>

<sup>12</sup> The Morning. 9 May 2022. “NCPA to look into kids hurt by tear gas”. <https://www.themorning.lk/ncpa-to-look-into-kids-hurt-by-tear-gas/>

<sup>13</sup> The Guardian. 6 May 2022. “Sri Lankan president calls second state of emergency in five weeks”. <https://www.theguardian.com/world/2022/may/06/sri-lankan-president-calls-second-state-of-emergency-in-five-weeks>. France 24. 6 May 2022. “Sri Lanka president declares state of emergency after protests”. <https://www.france24.com/en/asia-pacific/20220506-sri-lanka-police-fire-tear-gas-on-student-protesters-outside-parliament>.

<sup>14</sup> News First. 17 May 2022. “CID to record statements from 7 MPs regarding 9th May violence”. <https://www.newsfirst.lk/2022/05/17/cid-to-record-statements-from-7-mps-regarding-9th-may-violence/>.

<sup>15</sup> Al Jazeera. 9 May 2022. “Sri Lanka MP among five killed as violence escalates”. <https://www.aljazeera.com/news/2022/5/9/sri-lanka-govt-supporters-attack-protesters-demolish-tents>.

The Rajapaksa loyalists according to video footage that emerged on social media within minutes, are seen brutally attacking peaceful protestors with clubs and other weapons.<sup>16</sup> The pro-government groups set fire to tents on Galle Face used by the anti-government protestors<sup>17</sup> while police stood largely as by standers, ineffectively using water cannon and tear gas to control the situation.<sup>18</sup> Protestors visibly used pavements and the Galle face promenade to attack the peaceful protest site while water cannon was directed into empty streets. Protestors thereafter set fire to buses that had brought Rajapaksa loyalists into the city of Colombo, forced suspected Rajapaksa loyalists into the Beira lake close to the President's official residence Temple Trees, and anti-government vigilante groups set up impromptu roadblocks on the main arteries to the city, checking buses and vehicles for pro-government groups. Some of them were armed with steel poles and sticks. Despite curfew, these vigilante groups were seen in the early hours of 10 May as well, but by dawn had dispersed, and were replaced by heavy military presence in the city.

Homes and businesses of politicians and those connected with politicians were set on fire on the night of 9<sup>th</sup> May. 38 houses were burnt down and 65 houses of parliamentarians that night according to reports.<sup>19</sup> One member of parliament was killed when he was caught in clash with a group of protestors. A further two people were shot at during the incident, killing one 27-year old man and injuring another.<sup>20</sup> Eight people died in total and 232 were injured. 41 vehicles were set on fire, 61 damaged and 136 instances of property damage recorded.<sup>21</sup> On 10 May, shoot on sight orders were reportedly issued by the Ministry of Defense.<sup>22</sup>

The response of the police in this instance was totally inadequate given the extent of property damage and injuries caused by the clash between the Rajapaksa loyalists and anti-government protestors. The police did not take the reasonable and non-lethal measures to de-escalate the situation. The ineffective measures taken to prevent Rajapaksa loyalists from reaching GotaGoGama even after they smashed and attacked MynaGoGama, is indicative of police inaction to protect the rights of peaceful protestors and to protect peaceful protest sites. Instead of protecting peaceful protestors, the police evacuated political leaders who had incited the violence and permitted violent Rajapaksa loyalists to march from one protest site to another attacking peaceful protestors.

#### **1.2.4 Violence against ordinary people challenging unfair fuel distribution**

Ordinary people protesting or challenging unfair distribution of fuel at fuel stations faced beatings and attacks by both police and armed forces. In Athurugiriya on 17 June, people were attacked by

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<sup>16</sup> Human Rights Watch. "Sri Lanka: Government Backers Attack Peaceful Protesters". <https://www.hrw.org/news/2022/05/10/sri-lanka-government-backers-attack-peaceful-protesters>

<sup>17</sup> Time. 9 May 2022. Sri Lanka Imposes Curfew as Government Backers, Protesters Clash. <https://time.com/6174743/sri-lanka-curfew-protests/>

<sup>18</sup> Amnesty International. 11 May 2022. "Sri Lanka: New Emergency regulations and shooting orders threaten human rights". <https://www.amnesty.org/en/latest/news/2022/05/sri-lanka-new-emergency-regulations-and-shooting-orders-threaten-human-rights/>

<sup>19</sup> Global Voices. 9 May 2022. "Sri Lanka in crisis". <https://globalvoices.org/special/sri-lanka-in-crisis/>.

<sup>20</sup> Al Jazeera. <https://www.aljazeera.com/news/2022/5/9/sri-lanka-govt-supporters-attack-protesters-demolish-tents>

<sup>21</sup> Amnesty International. 11 May 2022.

<sup>22</sup> Amnesty International. 11 May 2022.

police after they challenged petrol shed staff after the shed ran out of fuel.<sup>23</sup> Ten persons were arrested by the police.<sup>24</sup>

On 18 June the army opened fire by shooting into the air at a fuel station in Vishwamadu, Muallaitivu in the North of the country, and beat people as they demanded fuel.<sup>25</sup> People demanding fuel also have pelted stones at the nearby army check point according to reports. Several persons were injured including four civilians and three army personnel. Two persons were arrested.

## 2. A close look at police violence against protests in Rambukkana

### 2.1 9 April 2022: Civilian protest against fuel price hike and shortage

At around 10:30 am, residents of the town of Rambukkanain the Kegalle district in the Sabaragamuwa Province of Sri Lanka, were reported to be engaged in a peaceful protest against the hike in fuel prices and the fuel shortage by erecting a vehicle blockade. A large crowd of protestors had assembled.<sup>26</sup>The Colombo-Kandy railway line was blocked by vehicles and protestors, reportedly resulting in the disruption of traffic.<sup>27</sup> Buddhist monks were also present at the protest and had stated to media that protestors were unarmed, and were not engaging in violence and had even offered food to the policemen.

Reports from the ground revealed that many shops and businesses had remained closed that day in Rambukkanato support the protests. People had reportedly been queuing to obtain fuel since 18 April and accused the staff at the fuel station of withholding stocks of fuel until the price of fuel was increased. The owner of the fuel station was reportedly the personal secretary of a local politician. Witnesses from the site revealed that two fuel bowsers had arrived by 4.30am on the 19th, but the fuel had reportedly not been accepted by the fuel station. At around 11.30am a fuel bowser that had arrived at the fuel station was stopped by protestors about 100 meters away from the fuel station. Protesters had reportedly ensured no harm came to the bowser.

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<sup>23</sup> Newswire. 18 June 2022. "10 arrested over Athurugiriya fuel station incident". <https://www.newswire.lk/2022/06/18/10-arrested-over-athurugiriya-fuel-station-incident/>

<sup>24</sup> Daily Mirror. 18 June 2022. "Six cops injured in Athurugiriya petrol shed clash: Nine arrested". [https://www.dailymirror.lk/breaking\\_news/Six-cops-injured-in-Athurugiriya-petrol-shed-clash-Nine-arrested/108-239314](https://www.dailymirror.lk/breaking_news/Six-cops-injured-in-Athurugiriya-petrol-shed-clash-Nine-arrested/108-239314).

<sup>25</sup> Global Times. 19 June 2022. "Sri Lanka troops open fire to contain fuel station riots". <https://www.globaltimes.cn/page/202206/1268455.shtml>.

<sup>26</sup> Facebook Live video: uploaded at 10:30 am, [https://m.facebook.com/story.php?story\\_fbid=1193359141404550&id=100006297004375&sfnsn=mo](https://m.facebook.com/story.php?story_fbid=1193359141404550&id=100006297004375&sfnsn=mo)

<sup>27</sup> 'Roads are being blocked due to fuel protests' *Lankadeepa*, 19 April 2022.

[https://www.lankadeepa.lk/main\\_picture/%E0%B6%89%E0%B6%B1%E0%B7%8A%E0%B6%B0%E0%B6%B1-%E0%B7%80%E0%B7%92%E0%B6%BB%E0%B7%9D%E0%B6%B0%E0%B6%BA%E0%B7%99%E0%B6%B1%E0%B7%8A-%E0%B6%AD%E0%B7%90%E0%B6%B1-%E0%B6%AD%E0%B7%90%E0%B6%B1-%E0%B6%B8%E0%B7%8F%E0%B7%80%E0%B6%AD%E0%B7%8A-%E0%B7%80%E0%B7%90%E0%B7%83%E0%B7%99%E0%B6%BA%E0%B7%92/11-611686](https://www.lankadeepa.lk/main_picture/%E0%B6%89%E0%B6%B1%E0%B7%8A%E0%B6%B0%E0%B6%B1-%E0%B7%80%E0%B7%92%E0%B6%BB%E0%B7%9D%E0%B6%B0%E0%B6%BA%E0%B7%99%E0%B6%B1%E0%B7%8A-%E0%B6%AD%E0%B7%90%E0%B6%B1-%E0%B6%AD%E0%B7%90%E0%B6%B1-%E0%B6%B8%E0%B7%8F%E0%B7%80%E0%B6%AD%E0%B7%8A-%E0%B7%80%E0%B7%90%E0%B7%83%E0%B7%99%E0%B6%BA%E0%B7%92/11-611686)

## 2.2 Riot police deployed

Around 1pm onwards, media reports revealed that police officers carrying batons and shields and wearing gas had reached the protest site.<sup>28</sup> STF officers carrying shields and batons are also visible in the media footage.<sup>29</sup> The Sri Lanka Collective Against Torture has verified videos that emerged from the site, where the protest appears peaceful. Protestors are seen blocking the RambukkanaKatupitiya road, blocking the road near the Rambukkana co-op fuel station and again at the intersection with the railway line. They burned tyres and blocked off incoming traffic on the same road at the intersection with the railway crossing, just before the RambukkanaSamurdhi bank. Image 1 below depicts the key locations where the incidents took place.

## 2.3 Tear gas canisters fired

At around 5pm, it was reported that tear gas canisters were fired by police to disperse protestors after they had been protesting for nearly ten to fifteen hours. Tear gas canisters can be heard being fired in media footage from the scene, and protestors can be seen dispersing at the sound of canisters firing. Footage also shows police officers throwing tear gas canisters and the resultant gas fumes are visible.<sup>30</sup>

A news report stated:

“The police have fired tear gas to disperse protestors who have been blocking the level crossing in Rambukkana for more than 15 hours. People who were standing in long queues to obtain fuel since early this morning (April 19), staged a protest in Rambukkana, completely blocking the area. According to reports, the protestors had blocked all entry and exit roads to Rambukkana town, urging the authorities to provide fuel at previous rates.”<sup>31</sup>

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<sup>28</sup> ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 01:00 onwards, <https://fb.watch/cDy5XmpWEH/>

<sup>29</sup> ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 02:06 onwards, <https://fb.watch/cDy5XmpWEH/>

<sup>30</sup> ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 01:30 onwards: <https://fb.watch/cDy5XmpWEH/>; ‘Police fire tear gas at protestors in Rambukkana to clear the railway line’ *News First*, 19 April 2022. <https://twitter.com/NewsWireLK/status/1516386064147001347?s=20&t=aVX-yD9CeTZyozZWz0Ke5w>; ‘Clashes reported between the Police and protestors in Rambukkana after Police fired tear gas to clear the blocked railway line’ *News First*, 19 April 2022 <https://twitter.com/NewsWireLK/status/1516390818088558594?s=20&t=J7YUQ3CySLMRqJjla2gqg>

<sup>31</sup> ‘Police fire tear gas at protestors in Rambukkana’ *News First*, 19 April 2022. <http://www.adaderana.lk/news/81921/police-fire-tear-gas-at-protesters-in-rambukkana>

## 2.4 Reports of police opening fire

Several tweets were posted by journalists between 5pm – 6pm alleging live ammunition was being used against protestors at Rambukkana.<sup>32</sup> However, such reports remained unconfirmed until media footage from the scene was released. Footage released on social media by persons at the protest showed police officers running after a person and shooting them with a rifle in the back.<sup>33</sup> This clip was widely shared on the internet – the event does not appear to have taken place at the main protest site/road, but instead on a side/narrow road. Media footage also showed empty bullet shells on the ground<sup>34</sup>.

Figure 1: Google maps, satellite map of Rambukkana



Video footage verified by the Sri Lanka Collective against Torture found that the killing took place on the by-lane adjoining the Rambukkana Co-operative fuel station and leading to Mangala caterers. Screen grabs from the video showing a man fallen on the ground, by-standers shouting that a man was shot and two police officers approaching and checking his pulse can be verified as having taken place at this location, and depicted on image 2.

<sup>32</sup> “ Ruwan Wijewardane- Rambukkana anti-govt protests turns violent, two protestors shot by police are reported to be in critical condition” *Twitter*, 19 April 2022, <https://twitter.com/RWijewardane/status/1516386342711672832?s=20&t=8jjEQZtGH6fnT68W2pTQkg>

<sup>33</sup> ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 02:45 onwards- <https://fb.watch/cDy5XMPWEH/>

<sup>34</sup> ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 02:11 onwards- <https://fb.watch/cDy5XMPWEH/>

Figure 2: Google maps satellite imagery of location depicting by-lane where the person killed is seen lying on the road.



## 2.5 Initial reports and responses on 19<sup>th</sup> April 2022

### 2.5.1 Initial media reports

An article released shortly after the incident of live ammunition fired at protestors, on Sinhala media reported the following facts:

“One person was killed and 27 others were injured in a scuffle in Rambukkana town and are being treated at Kegalle and Rambukkana hospitals. Among the injured are ten policemen including an Assistant Superintendent of Police, who are receiving treatment at the Kegalle Hospital. It is reported that security forces have been deployed to ensure security in the area.

The director of the Kegalle hospital confirmed that one person has died. The police fired tear gas onto the demonstrators to disperse the crowd which had been protesting for more than fifteen hours. The police were then reportedly pelted with stones. Hospital sources said that four of the injured were in critical condition.”<sup>35</sup>

<sup>35</sup> ‘One killed, 27 injured in Rambukkana clash’ *Lankadeepa*, 19 April 2022. <https://www.lankadeepa.lk/news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B6%9C%E0%B7%90%E0%B6%A7%E0%B7%94%E0%B6%B8%E0%B7%92%E0%B6%B1%E0%B7%8A-%E0%B6%85%E0%B6%BA%E0%B7%99%E0%B6%9A%E0%B7%8A-%E0%B6%B8%E0%B6%BB%E0%B7%94%E0%B6%A7:-27%E0%B6%9A%E0%B7%8A-%E0%B6%B%E0%B7%9D%E0%B7%84%E0%B6%BD%E0%B6%A7/101-611716>

At around 7pm, an audio recording was issued by police spokesperson Senior Superintendent of Police (SSP) Thalduwa to the media describing the events that had unfolded at Rambukkana<sup>36</sup>. According to SSP Thalduwa (translation of Sinhala recording):

“A diesel bowser was made to stop across the railway tracks and the trains were obstructed. Police tried to advise protestors multiple times but the protestors didn't listen to them. The protestors tried to set the bowser on fire so police fired tear gas. When the police fired tear gas onto the protestors, they started attacking police with sticks and stones. To control the situation, the police opened fire and due to this shooting, a couple of people were injured and then they were admitted to Kegalle hospital for treatment. The Kegalle Hospital stated that 24 persons injured in the incident have been admitted to hospital and the condition of 3 of them is critical. Eight injured police officers have been admitted to the Kegalle Hospital.”

Video footage appeared on social media showing several persons with bleeding wounds and injuries at the protest site, with makeshift bandages wrapped on them to stop the bleeding.<sup>37</sup>

Two videos released by journalists show two persons lying motionless on the road. In one video, the onlookers are asking the police to take the person to hospital, while the police stand near the motionless body on the road, appearing to check for pulse before they allow onlookers to carry him and take him to seek medical attention<sup>38</sup>.

One injured person can be seen being carried by others and taken to the hospital on a bike, with another person holding him<sup>39</sup> in footage released on social media. Police officers can also be seen carrying an injured person, ambulance sirens can be heard<sup>40</sup>, and officers and civilians can be seen transferring injured persons into the ambulance<sup>41</sup> in media footage from the incident.

Footage was also released on social media showing injured persons inside the hospital, where several persons are laid on stretches nursing visible injuries.<sup>42</sup>

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<sup>36</sup> ‘Rambukkana incident: Police spokesman speaks (Audio)’ *News Wire*, 19 April 2022. <https://www.newswire.lk/2022/04/19/rambukkana-incident-police-spokesman-speaks-audio/>

<sup>37</sup> ‘Daily Mirror- Update: Video footage captured by protestors in Rambukkana’ *Twitter*, 19 April 2022. [https://twitter.com/Dailymirror\\_SL/status/1516426068953075718?s=20&t=Mp-5ua2\\_HRI8xb2oZRCSXg](https://twitter.com/Dailymirror_SL/status/1516426068953075718?s=20&t=Mp-5ua2_HRI8xb2oZRCSXg)

<sup>38</sup> ‘Manjula Basnayake- Why this disaster in Rambukkana’ *Twitter*, 19 April 2022. <https://twitter.com/BasnayakeM/status/1516410516503076865>

<sup>39</sup> ‘News Wire- One dead and seven protestors injured in clashes in Rambukkana’ *Twitter*, 19 April 2022. <https://twitter.com/NewsWireLK/status/1516399829835927555?s=20&t=qEQwU3Wo8u-3d1ZpeDk5Gw>

<sup>40</sup> ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 03:12 onwards <https://fb.watch/cDy5XmpWEH/>

<sup>41</sup> ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 03:50 onwards <https://fb.watch/cDy5XmpWEH/>

<sup>42</sup> ‘News Wire- More than 10 persons hospitalised in Rambukkana, several persons are in critical condition. Hiru reports one has died’ *Twitter*, 19 April 2022. [https://twitter.com/NewsWireLK/status/1516402209444958210?s=20&t=Mp-5ua2\\_HRI8xb2oZRCSXg](https://twitter.com/NewsWireLK/status/1516402209444958210?s=20&t=Mp-5ua2_HRI8xb2oZRCSXg); ‘Police open fire on Rambukkana protestors: One person killed’ *News First*, 19 April 2022, 05:10 onwards <https://fb.watch/cDy5XmpWEH/>

### 2.5.2 The Human Rights Commission of Sri Lanka calls for special report

At around 8pm, retired Supreme Court Judge Rohini Marasinghe, the Chairperson of the Human Rights Commission of Sri Lanka (HRCSL) made a statement to the media that a special team had been appointed by the Commission to investigate the Rambukkana shooting incident.<sup>43</sup>

### 2.5.3 Allegations against police on social media

A series of videos filmed by persons in the area were circulated on Twitter alleging involvement of police officers in events that led to the escalation of the situation at Rambukkana:

- i. One video showed persons in the area, reporting that they saw police officers light a three-wheeler on fire and run away. The video was uploaded on Twitter between 8-9pm, but presumably filmed earlier, as it is day time in the video.<sup>44</sup>
- ii. Another video circulating on social media showed police officers assaulting a person in Rambukkana. Many police officers can be seen in the video; three police officers can be seen assaulting and pushing a man around, and then pulling him by the hair towards and into the police vehicle. The video was uploaded on Twitter between 8-9pm, but presumably filmed earlier, as it is day time in the video.<sup>45</sup>
- iii. A witness was reported to have said to the media that a person associated with Mr. Dilum Amunugama (Minister of Transport) had tried to set fire to the fuel station and that he and others had put off the fire. He had also stated that the Secretary of Minister Amunugama was staying at a hotel called Villa Pinnawela nearby. The same witness said that “they” (presumably police) had threatened to hang him in a room and beat him if he informed the Magistrate about this. A video was circulating on social media that showed a group of protesters putting out a fire at the Rambukkana fuel station.<sup>46</sup>

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<sup>43</sup> ‘Rambukkana shooting: HRCSL calls for special report’ *News First*, 19 April 2022. <https://www.newsfirst.lk/2022/04/19/rambukkana-shooting-hrcsl-calls-for-special-report/>

<sup>44</sup> ‘IsharaDanasekara- #Rambukkana incident- A police men set fire to this (threewheeler) & ran, he came from this side, these boys saw him, this brother saw him. Video released by a citizen circulates in #SocialMedia. Police media spokesperson said earlier that protesters set fire to the threewheeler’ *Twitter*, 19 April 2022. <https://twitter.com/IsharaDanasekar/status/1516435732516147203>

<sup>45</sup> ‘News Wire- Video circulating in Facebook, Sri Lanka Police brutally assaulting protesters’ *Twitter*, 19 April 2022. [https://twitter.com/NewsWireLK/status/1516436047407636484?t=luPzOJqX\\_OFSxBACZ\\_MwbQ&s=08](https://twitter.com/NewsWireLK/status/1516436047407636484?t=luPzOJqX_OFSxBACZ_MwbQ&s=08)

<sup>46</sup> ‘News Wire- Video footage shows a group of protesters putting out a fire at the Rambukkana fuel station’ *Twitter*, 19 April 2022. <https://twitter.com/NewsWireLK/status/1516455383375626244>

#### 2.5.4 Police curfew declared in Rambukkana

At around 8:30 pm, a police curfew was declared in the town of Rambukkana until further notice.<sup>47</sup>

#### 2.5.5 Statements issued by senior government officials

At around 10:30 pm, media reports emerged of a statement issued by the Inspector General of Police (IGP) Mr. C. D. Wickramaratne:

“The Inspector General of Police (IGP) reveals that the Police had to use minimum force against the protesters in Rambukkana today. In a statement, the IGP said that the police resorted to minimum force to prevent a group from setting fire to a bowser containing 30,000 litres of fuel. The measures were taken to prevent huge damages that may have been caused as a result, he said. The IGP also said that steps are being taken for a Police Headquarters level investigation to ascertain if the Police had used excess force when dispersing protestors at Rambukkana. One person has died and several people are in a critical condition after the Police opened fire to disperse a group of protesters who were engaged in a peaceful protest demanding for fuel.”<sup>48</sup>

Further, the Secretary to the Ministry of Public Security, Maj Gen (ret) Jagath de Alwis stated that steps are being taken to conduct an investigation to determine whether the police had used excessive force when dispersing protestors at Rambukkana.<sup>49</sup>

### 2.6 Developments on 20 April 2022

#### 2.6.1 Committee appointed by Ministry of Public Security

Media reports revealed the following statement by the Secretary to the Ministry of Public Security, Maj Gen (ret) Jagath de Alwis, was issued the day after the events at Rambukkana:

“A three-member committee has been appointed to look into whether the police used excessive force in suppressing the Rambukkana protest, said Maj. Gen. (retd) Jagath Alwis, Secretary to the Ministry of Public Defense. He said that a Secretary to a State Ministry, an Additional Secretary to the Ministry and the Legal Adviser to the Ministry of Defense have been appointed to this committee. The Secretary to the

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<sup>47</sup> ‘Curfew imposed on Rambukkana until further notice’ *Lankadeepa*, 19 April 2022. [https://www.lankadeepa.lk/latest\\_news/%E0%B6%B1%E0%B7%90%E0%B7%80%E0%B6%AD-%E0%B6%AF%E0%B7%90%E0%B6%B1%E0%B7%94%E0%B6%B8%E0%B7%8A-%E0%B6%AF%E0%B7%99%E0%B6%B1%E0%B6%AD%E0%B7%94%E0%B6%BB%E0%B7%94-%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1%E0%B6%A7-%E0%B6%87%E0%B6%B3%E0%B7%92%E0%B6%BB%E0%B7%92-%E0%B6%B1%E0%B7%93%E0%B6%AD%E0%B7%92%E0%B6%BA/1-611729](https://www.lankadeepa.lk/latest_news/%E0%B6%B1%E0%B7%90%E0%B7%80%E0%B6%AD-%E0%B6%AF%E0%B7%90%E0%B6%B1%E0%B7%94%E0%B6%B8%E0%B7%8A-%E0%B6%AF%E0%B7%99%E0%B6%B1%E0%B6%AD%E0%B7%94%E0%B6%BB%E0%B7%94-%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1%E0%B6%A7-%E0%B6%87%E0%B6%B3%E0%B7%92%E0%B6%BB%E0%B7%92-%E0%B6%B1%E0%B7%93%E0%B6%AD%E0%B7%92%E0%B6%BA/1-611729)

<sup>48</sup> ‘Rambukkana shooting: IGP’s statement’ *News Wire*, 19 April 2022. <https://www.newswire.lk/2022/04/19/rambukkana-shooting-igps-statement/>

<sup>49</sup> ‘IGP issues statement on police shooting during Rambukkana protest’ *News Wire*, 19 April 2022. <http://www.adaderana.lk/news/81926/igp-issues-statement-on-police-shooting-during-rambukkana-protest>

Ministry of Public Defense further stated that on this occasion, all the people are requested to take action to maintain peace and refrain from acts of violence.”<sup>50</sup>

### 2.6.2 The situation at Rambukkana on 20th April

A news article that appeared on Sinhala media described that security was increased at the fuel station in Rambukkana where the incident occurred and additional teams were deployed at the police station. Despite the curfew that was in place, people of the area engaged in a protest for about two hours.

The Kegalle Police Scene of Crime Officers (SOCO) arrived at the scene and commenced investigations.<sup>51</sup>

A young person had been arrested by police in connection with the incident and a number of lawyers had arrived at the police station to represent him.<sup>52</sup>

Casualties reported from the previous day included thirteen people who had been injured when the police tried to disperse protestors at Rambukkana and were receiving treatment at the Kegalle Hospital. According to the hospital director, three persons were in critical condition. At least fifteen police officers had also suffered injuries and were receiving treatment. One person had been rushed to the hospital after police opened fire; he had reportedly died upon admission and he was identified as 41-year-old Chaminda Lakshan, from Narambedda.<sup>53</sup>

### 2.6.3 Rambukkana incident discussed in Parliament

It was reported by the media that when Parliament was convened the day following the Rambukkana incident, members of the opposition party Samaji Jana Balawegaya (SJB) engaged a protest in Parliament against the shooting at Rambukkana that resulted in the death of a young man.<sup>54</sup>

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<sup>50</sup> ‘A three member committee to probe the Rambukkana incident’ *Lankadeepa*, 20 April 2022 [https://www.lankadeepa.lk/latest\\_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B7%83%E0%B7%92%E0%B6%AF%E0%B7%8A%E0%B6%B0%E0%B7%92%E0%B6%BA-%E0%B7%83%E0%B7%9C%E0%B6%BA%E0%B6%B1%E0%B7%8A%E0%B6%B1-%E0%B6%AD%E0%B7%8A%E2%80%8D%E0%B6%BB%0%E0%B7%92%E0%B6%B4%E0%B7%94%E0%B6%AF%E0%B7%8A%E0%B6%9C%E0%B6%BD-%E0%B6%9A%E0%B6%B8%E0%B7%92%E0%B6%A7%E0%B7%94%E0%B7%80%E0%B6%9A%E0%B7%8A/1-611748](https://www.lankadeepa.lk/latest_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B7%83%E0%B7%92%E0%B6%AF%E0%B7%8A%E0%B6%B0%E0%B7%92%E0%B6%BA-%E0%B7%83%E0%B7%9C%E0%B6%BA%E0%B6%B1%E0%B7%8A%E0%B6%B1-%E0%B6%AD%E0%B7%8A%E2%80%8D%E0%B6%BB%0%E0%B7%92%E0%B6%B4%E0%B7%94%E0%B6%AF%E0%B7%8A%E0%B6%9C%E0%B6%BD-%E0%B6%9A%E0%B6%B8%E0%B7%92%E0%B6%A7%E0%B7%94%E0%B7%80%E0%B6%9A%E0%B7%8A/1-611748)

<sup>51</sup> ‘Rambukkana is now calm’ *Lankadeepa*, 20 April 2022. [https://www.lankadeepa.lk/latest\\_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B6%AF%E0%B7%90%E0%B6%B1%E0%B7%8A-%E0%B7%83%E0%B6%B1%E0%B7%8A%E0%B7%83%E0%B7%94%E0%B6%B1%E0%B7%8A/1-611790](https://www.lankadeepa.lk/latest_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B6%AF%E0%B7%90%E0%B6%B1%E0%B7%8A-%E0%B7%83%E0%B6%B1%E0%B7%8A%E0%B7%83%E0%B7%94%E0%B6%B1%E0%B7%8A/1-611790)

<sup>52</sup> Ibid

<sup>53</sup> ‘#Rambukkana Shooting: 20-man police team probing incident; BASL urges NO interference with witnesses’ *News First*. 20 April 2022. <https://www.newsfirst.lk/2022/04/20/rambukkana-shooting-20-man-police-team-probing-incident-basl-urges-no-interference-with-witnesses/>

<sup>54</sup> ‘Parliament heats up over Rambukkana incident’ *Lankadeepa*, 20 April 2022. [https://www.lankadeepa.lk/latest\\_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B7%83%E0%B7%92%E0%B6%AF%E0%B7%8A%E0%B6%B0%E0%B7%92%E0%B6%BA%E0%B6%A7-%E0%B6%B8%E0%B7%90%E0%B6%AD%E0%B7%92%E0%B7%83%E0%B6%B6%E0%B7%9A-%E0%B6%8B%E0%B6%AB%E0%B7%94%E0%B7%83%E0%B7%94%E0%B6%B8%E0%B7%8A-%E0%B7%80%E0%B7%99%E0%B6%BA%E0%B7%92/1-611759](https://www.lankadeepa.lk/latest_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B7%83%E0%B7%92%E0%B6%AF%E0%B7%8A%E0%B6%B0%E0%B7%92%E0%B6%BA%E0%B6%A7-%E0%B6%B8%E0%B7%90%E0%B6%AD%E0%B7%92%E0%B7%83%E0%B6%B6%E0%B7%9A-%E0%B6%8B%E0%B6%AB%E0%B7%94%E0%B7%83%E0%B7%94%E0%B6%B8%E0%B7%8A-%E0%B7%80%E0%B7%99%E0%B6%BA%E0%B7%92/1-611759)

Opposition MP Kabir Hashim revealed that he had received information that members of the military had visited the home of the Rambukkana victim and requested the family to not proceed with funeral arrangements along with the villagers.<sup>55</sup>

Opposition MP Harin Fernando quoted a social media post allegedly published by the Army Commander, Shavendra Silva, which stated that the man killed in Rambukkana was an aide affiliated with UNP and SJB political parties, and asked if this was the reason why he had been killed.<sup>56</sup>

MP Prasanna Ranatunga, Minister of Public Security made a statement in Parliament regarding the Rambukkana incident; excerpts from his statement were reported as follows:

“Minister Ranatunga stated that the Rambukkana demonstrators were trying to set to fire to a 33,000 litres fuel bowser, and said that if the fuel bowser was burned there would be no Rambukkana today.”<sup>57</sup>

“He further stated that the government, including the President, would like to express its regret with regard to the Rambukkana incident, to the House and the people of the country, as well as to the family of the person who died in the incident and to those who were injured during it, while also hoping for their quick recovery. He also expressed his regret to the police officers who were injured and hospitalized while attempting to maintain law and order during the events.

Minister Ranatunga stated that protests have been carried out across the country over the past couple of days and that they are a government that has accepted the people’s right to protest. However, he said that they are also a responsible government that understands the need to maintain and safeguard the daily-to-day lives of the average citizens who are not engaging in protests.

He accused the opposition parties of organizing and giving leadership to the protests across the country and said that those who gave leadership to these protests are also responsible for this situation. He said the police took every possible action to control the situation during the incident in Rambukkana and charged that the

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<sup>55</sup> ‘Military visits Rambukkanavictims home, not allowing villagers to conduct funeral: Kabir Hashim’ *The Morning*, 20 April 2022. <https://www.themorning.lk/military-visits-rambukkana-victims-home-not-allowing-villagers-to-conduct-funeral-kabir-hashim/>

<sup>56</sup> ‘Kalani Kumarasinghe – MP @fernandoharin quotes from a social media post allegedly published by Army Commander Shavendra Silva. According to the post he reads, the man killed in #Rambukkana was an aide affiliated with UNP & SJB. "Was this the reason to kill him? he questions. #SriLanka’ – *Twitter*, 20 April 2022. <https://twitter.com/KalaniWrites/status/1516647377406287873>

<sup>57</sup> ‘If the oil bowser had caught fire there would be no Rambukkana today’ *Lankadeepa*, 20 April 2022 <https://www.lankadeepa.lk/news/%E0%B6%AD%E0%B7%99%E0%B6%BD%E0%B7%8A-%E0%B6%B6%E0%B7%80%E0%B7%94%E0%B7%83%E0%B6%BB%E0%B6%BA%E0%B6%A7-%E0%B6%9C%E0%B7%92%E0%B6%B1%E0%B7%92-%E0%B6%AD%E0%B7%92%E0%B6%B6%E0%B7%8A%E0%B6%B6%E0%B7%8F-%E0%B6%B1%E0%B6%B8%E0%B7%8A-%E0%B6%85%E0%B6%AF-%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1%E0%B6%9A%E0%B7%8A-%E0%B6%B1%E0%B7%91/101-611763>

protesters had blocked roads and railway tracks for nearly ten hours while behaving in a violent manner.”<sup>58</sup>

#### **2.6.4 Magistrate court proceedings – allegations against the police**

During the court proceedings regarding the Rambukkana shooting, it was alleged by lawyers present at the scene that police officers had deliberately changed certain sections of the B report using correctional liquid.

It was argued that police officers had initially submitted facts regarding the incident in an A report to the court, when facts regarding a shooting incident/death of an individual must be presented to the court via a B report. Thereafter, the magistrate ordered the police officers to submit a B report. The B report that was first prepared by the officers mentioned Section 298 of the Penal Code, which applies to death caused by negligence not amounting to culpable homicide. A police officer had then tried to use correctional liquid to blot out Section 298 in the report submitted to the court.<sup>59</sup>

A senior police officer apologized to the Kegalle Magistrate in court for using correction fluid in the B report and the Kegalle Magistrate announced that the IGP will be informed of the matter.<sup>60</sup>

The BASL announced they would observe magistrate court proceedings of Rambukkana shooting.<sup>61</sup>

#### **2.6.5 Magistrate conducts an inspection on the site**

The Kegalle Magistrate had reportedly arrived to Rambukkana to conduct an inspection and interview witnesses at the site. During the inspection process, statements had been recorded by the Magistrate from three witnesses.

A lawyer informed the Magistrate that a police officer had tried to intimidate one of the witnesses after they had provided evidence. The Magistrate ordered the police to refrain from exerting any influence over witnesses to the incident and ordered the police officer in question to be summoned before her.<sup>62</sup>

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<sup>58</sup> ‘Public Security Minister’s statement in parliament on Rambukkana incident’ *Ada Derana*, 20 April 2022. <http://www.adaderana.lk/news.php?nid=81936>

<sup>59</sup> ‘Ajith Rohana’s impartiality questioned’ *The Morning*, 22 April 2022. <https://www.themorning.lk/ajith-rohanas-impartiality-questioned/>

<sup>60</sup> ‘#Rambukkana Shooting: Cops use correction fluid on report submitted to court, Magistrate orders NOT to influence witnesses’ *News First*, 21 April 2022. <https://www.newsfirst.lk/2022/04/21/rambukkana-shooting-cops-use-correction-fluid-on-report-submitted-to-court-magistrate-orders-not-to-influence-witnesses>

<sup>61</sup> ‘BASL to observe court proceedings of Rambukkana shooting’ *The Morning*, 20 April 2022. <https://www.themorning.lk/basl-to-observe-court-proceedings-of-rambukkana-shooting/>

<sup>62</sup> ‘#Rambukkana Shooting: Cops use correction fluid on report submitted to court, Magistrate orders NOT to influence witnesses’ *News First*, 21 April 2022. <https://www.newsfirst.lk/2022/04/21/rambukkana-shooting-cops-use-correction-fluid-on-report-submitted-to-court-magistrate-orders-not-to-influence-witnesses>

Accusations were also made by residents against the police, alleging the police had tried to wash off the blood stains on the road.<sup>63</sup>

Kegalle Magistrate VasanaNavaratne had reportedly also arrived at the Kegalle Hospital and conducted preliminary inquiries into the death of the victim. The post-mortem examination of the victim was scheduled to be held at the Kegalle Hospital.<sup>64</sup>

#### **2.6.6 Press conference by police spokesperson Ajith Rohana**

A press conference was held by Senior Police Spokesman SDIG Ajith Rohana regarding the progress of investigations into the Rambukkana incident. Following are the key points made in the press conference as reported by media:

- i. A special police team was appointed by the Senior DIG in charge of Sabaragamuwa Province, on the instruction of the IGP, in order to conduct investigations. The team consists of one SSP, three Assistant Superintendents of Police (ASP) and another sixteen police officers. The time comprises twenty police officers and is headed by SSP WasanthaKandewatte, the SSP and division in charge of Seethawakapura-Awissawella police division.
- ii. The police had submitted a report to the Kegalle Magistrate's Court under Section 22 of the Criminal Procedure Code in order to conduct an inquest in respect of the dead body, under provisions of Chapter 30 of the Criminal Procedure Code.
- iii. Notes made by police officers who participated in the operation at Rambukkana outlined that they had used reasonable force in accordance with the provisions of Sections 89 to 99 of the Penal Code. Additionally, provisions under Section 107 of the Criminal Procedure Code, Section 56 of the Police Ordinance and Chapter 8 of the Criminal Procedure Code were reportedly followed. He also stated that there was a note by police officers who were present at the scene that an attempt was made by protestors to set fire to a fuel bowser, and a filling station. He stated that if the fuel bowser had been set on fire, it could have led to a disaster and turned the town into rubble.<sup>65</sup>
- iv. SDIG also mentioned that the person who died in the incident had two cases of homicide against him pending in court.

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<sup>63</sup> "Terror at Rambukkana: Court Denies Police Report. On-Site Probe Continues" *Lanka News Web*, 20 April 2022. <https://lankanewsweb.net/archives/9352/terror-at-rambukkana-court-denies-police-report-on-site-probe-continues-photos/>

<sup>64</sup> 'Rambukkana is now calm' *Lankadeepa*, 20 April 2022. [https://www.lankadeepa.lk/latest\\_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B6%AF%E0%B7%90%E0%B6%B1%E0%B7%8A-%E0%B7%83%E0%B6%B1%E0%B7%8A%E0%B7%83%E0%B7%94%E0%B6%B1%E0%B7%8A/1-611790](https://www.lankadeepa.lk/latest_news/%E0%B6%BB%E0%B6%B9%E0%B7%94%E0%B6%9A%E0%B7%8A%E0%B6%9A%E0%B6%B1-%E0%B6%AF%E0%B7%90%E0%B6%B1%E0%B7%8A-%E0%B7%83%E0%B6%B1%E0%B7%8A%E0%B7%83%E0%B7%94%E0%B6%B1%E0%B7%8A/1-611790)

<sup>65</sup> '#Rambukkana Shooting: Cops use correction fluid on report submitted to court, Magistrate orders NOT to influence witnesses' *News First*, 21 April 2022. <https://www.newsfirst.lk/2022/04/21/rambukkana-shooting-cops-use-correction-fluid-on-report-submitted-to-court-magistrate-orders-not-to-influence-witnesses>

- v. Statements are being recorded from injured persons. Thirteen persons had suffered injuries and had been admitted to the hospital, and twenty police officers had also reportedly been injured. These reportedly included one SSP, one ASP, a Sub-Inspector (SI), an Inspector (IP), six Sergeants and ten Police Constables.
- vi. SDIG Rohana stated that investigations were being conducted in a transparent manner and statements of all persons involved would be recorded. Further scientific, technical and circumstantial evidence in respect of the incident would also be collected. He stated that a request from the court was also made to order a Government Analyst to visit the scene and give his opinion in respect of the circumstances of the scene.
- vii. Responding to questions, he said that the investigating team will pay special attention towards the damage of property and that public property, private property and property belonging to certain institutions had allegedly been damaged during the incident and the total value of damages will be estimated. He also said that one person had been arrested in connection with the incident. He requested the people of the Rambukkana area to act in a peaceful manner.<sup>66</sup>

## **2.7 Developments on 21 April 2022**

### **2.7.1 Investigation by the Criminal Investigation Department**

The IGP had directed the Criminal Investigation Department (CID) to conduct an impartial, comprehensive probe into the death of an individual that occurred after police opened fire at protesters in Rambukkana to disperse them. The directives were given to the DIG in charge of the CID, W. Thilakaratne, as per a statement issued by the Government Information Department. It was further reported that the CID will take over the investigations pursuant to Article 125 of the Code of Criminal Procedure Act. The IGP had also reportedly instructed the CID to submit an interim report within a period of three days.<sup>67</sup>

### **2.7.2 Proceedings in the magistrate's court**

Media reports outlined the excerpts of the testimonies of witnesses who testified in court. It was also reported that Senior Deputy Solicitor General (SDSG) ShanilKularatne, appearing for the Attorney General, was present in court and when the Magistrate asked the SDSG who the Attorney General was representing at the inquest, the SDSG had responded that he was representing the police.

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<sup>66</sup> 'Special police team appointed to probe Rambukkana incident' *Ada Derana*, 20 April 2022. <http://www.adaderana.lk/news.php?nid=81937>

<sup>67</sup> 'CID directed to conduct comprehensive probe into Rambukkana incident' *Ada Derana*, 21 April 2022. <http://www.adaderana.lk/news.php?nid=81959>

1. *Witness testimony:*

“At first the police seemed to be on one side of the Kegalle road. In front of it, three police officers were hiding behind a three-wheeler. I was in the middle, between the protesters and the police. There were three police officers hiding behind a three-wheeler and a senior officer wearing the national emblem and two stars. After a while, three civilians arrived. I do not know who they are. The three pelted the police with stones. Then the senior officer said, 'Tear gas. Strike'. Then the three police officers fired tear gas while hiding behind the three-wheeler. Then the senior officer said 'this is not going to work, shoot and kill them'. Then the police opened fire. I ran along Madawala Road. A lot of other guys ran with me. The police chased us and shot us. The police shot at us as we ran. I ran and entered a temple and stopped”.<sup>68</sup>

2. *Testimony of Saman Kumari, the wife of the deceased Chaminda Lakshan*

“I have two children. My husband said he was going to the shed to refuel. Then someone called me and told me that your husband had been shot by the police. I went to Kegalle Hospital. I saw my husband in a hospital stretcher. Then I came home. While we were at home, an army truck carrying armed men came to our house. There were about twenty officers, among them were two star-studded officials. They told me, “We came to help you. We will do everything”. They brought a tent and built it. They brought us food and drink. After a while I told them that my husband had never worked in the military or in any of the security forces so I do not need your help. Then they left. That group came to our house this morning as well. I told them, "Sir, you don't have to stay." That tent is still there. My husband was shot and killed. This is not going to be the last death. They will shoot and kill more people. So do justice to my husband. They are murderers in star-studded uniforms”.<sup>69</sup>

### 2.7.3 Transfer of police officers

It was reported by the media division of the Police Department that the Officer in Charge (OIC) and the Superintendent of Police (SP) of Rambukkana Police and the SSP of Kegalle Police had been transferred with immediate effect. The purpose of the transfer was described as to allow the “aggrieved parties and witnesses in the Rambukkana police shooting incident to take part in the investigations and court proceedings independently”.<sup>70</sup>

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<sup>68</sup> “Shoot and kill them,” said an officer’ *Lankadeepa*, 21 April 2022. [https://www.lankadeepa.lk/latest\\_news/%E2%80%98%E2%80%98%E0%B6%95%E0%B6%9A%E0%B7%94%E0%B6%B1%E0%B7%8A-%E0%B7%80%E0%B7%99%E0%B6%A9%E0%B7%92-%E0%B6%AD%E0%B7%92%E0%B6%BA%E0%B6%BD%E0%B7%8F-%E0%B6%B8%E0%B6%BB%E0%B6%B4%E0%B6%B1%E0%B7%8A%E2%80%98%E2%80%98-%E0%B6%B1%E0%B7%92%E0%B6%BD%E0%B6%B0%E0%B7%8F%E0%B6%BB%E0%B7%92%E0%B6%BA%E0%B7%99%E0%B6%9A%E0%B7%8A-%E0%B6%9A%E0%B7%92%E0%B7%80%E0%B7%8A%E0%B7%80%E0%B7%8F/1-611862](https://www.lankadeepa.lk/latest_news/%E2%80%98%E2%80%98%E0%B6%95%E0%B6%9A%E0%B7%94%E0%B6%B1%E0%B7%8A-%E0%B7%80%E0%B7%99%E0%B6%A9%E0%B7%92-%E0%B6%AD%E0%B7%92%E0%B6%BA%E0%B6%BD%E0%B7%8F-%E0%B6%B8%E0%B6%BB%E0%B6%B4%E0%B6%B1%E0%B7%8A%E2%80%98%E2%80%98-%E0%B6%B1%E0%B7%92%E0%B6%BD%E0%B6%B0%E0%B7%8F%E0%B6%BB%E0%B7%92%E0%B6%BA%E0%B7%99%E0%B6%9A%E0%B7%8A-%E0%B6%9A%E0%B7%92%E0%B7%80%E0%B7%8A%E0%B7%80%E0%B7%8F/1-611862)

<sup>69</sup> Ibid

<sup>70</sup> ‘Three police officers transferred over Rambukkana incident’ *Ada Derana*, 21 April 2022. <http://www.adaderana.lk/news/81960/three-police-officers-transferred-over-rambukkana-incident>

#### **2.7.4 Release of arrested person on bail**

The 18-year-old student who was arrested in connection with the Rambukkana incident was released on two-person bails of Rs. 50,000 each.

Kegalle Magistrate VasanaNavaratne also ordered that the student be produced before the Kegalle Judicial Medical Officer, and the case is set to return to court on April 28, 2022.<sup>71</sup>

### **2.8 Developments on 22 April 2022**

#### **2.8.1 Statement of Minister of Public Security in Parliament**

Minister of Public Security, Prasanna Ranatunga clarified his earlier remarks made in Parliament when inquired about his previous statement by MP Lakshman Kiriella.

“The Police cannot simply stand aside and watch if a bowser caught fire and many died, and if it did happen, the Police would have to field allegations as to why they simply stood aside and let 300 people die”. Minister Ranatunga further stated that “policemen who work for ten to fifteen hours a day are human too and need security as well.”<sup>72</sup>

#### **2.8.2 Magistrate court proceedings**

The second day of the court proceedings regarding the Rambukkana incident were held. Witnesses told the Kegalle Magistrate WasanaNawaratna that they had witnessed the police setting fire to the three-wheeler.

According to one witness: “A police officer set it on fire. There are ample videos showing a police officer setting it on fire. Even I can be seen in the video. The actions of the police will be revealed in the coming days”.

Another witness stated “A police officer and an STF officer arrived at the location. Three more people came behind them. The thin and tall person set-fire to the three-wheeler.”

Further, a witness had said to the Magistrate that a police officer had chased the victim Chaminda Lakshan along a by-road, and shot him while the victim attempted to protect a motorcycle that was parked on the road. He further stated, “I attended the protest. But Chaminda Lakshan didn’t participate in the protest. He was sick. He had undergone a plastic surgery on his head. I saw with my own eyes how the police officer shot him. They started attacking people by chasing them. They then opened fire.”<sup>73</sup>

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<sup>71</sup> ‘#Rambukkana Shooting: Teenage suspect released on bail’ *News First*, 21 April 2022. <https://www.newsfirst.lk/2022/04/21/rambukkana-shooting-teenage-suspect-released-on-bail/>

<sup>72</sup> ‘#Rambukkana: Prasanna defends previous statement in Parliament’ *News First*, 22 April 2022. <https://www.newsfirst.lk/2022/04/22/rambukkana-prasanna-defends-previous-statement-in-parliament/>

<sup>73</sup> <https://www.newsfirst.lk/2022/04/22/rambukkana-shooting-eye-witness-accounts-reveal-startling-details/>

### 2.8.3 Ada Derana media channel receives criticism

Contrary to the advice of the Magistrate, Sinhala media channel Ada Derana revealed the identity of the witnesses (including eye witnesses) of the Rambukkana shooting case on their media channel. The media channel received criticism on social media for not following the instructions of the Magistrate.<sup>74</sup>

### 2.8.4 Details of ammunition used at Rambukkana

The special police team appointed to investigate the Rambukkana shooting revealed that the firearms and ammunition used by the police officers during the protest included four T-56 firearms and thirty-five rounds of ammunition.<sup>75</sup>

### 2.8.5 IGP summoned before HRCSL

IGP C.D. Wickramaratne along with several other police officers was present at the HRCSL with regards to the inquiry into the shooting at Rambukkana.<sup>76</sup> At this inquiry, the IGP stated he did not give instructions to open fire at the protest. He also stated that he had ordered the police officers not to use firearms at any protest being held across the country.<sup>77</sup>

The IGP, Senior DIG for the Central Province, DIG for the Central Province, SSP for Kegalle, and the OICs for Kegalle and Rambukkana were all summoned before the HRCSL.

The HRCSL team appointed to conduct the special inquiry into the Rambukkana incident comprises SulariLiyanagama, Menaka Herath, Lal Weerasinghe, and A.S. Nilantha, and they had left for Rambukkana for the inquiry.<sup>78</sup>

### 2.8.6 Proceedings in Parliament regarding the Rambukkana incident

Public Security Minister Prasanna Ranatunga informed Parliament that preliminary investigations conducted by the police revealed that ASP C. W. C. Dharmaratne and SSP K. B. Keerthiratne had reportedly instructed police officers to open fire to control the situation in Rambukkana on 19 of April 2022.<sup>79</sup>

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<sup>74</sup> 'Ishara M. Jayasena- Without considering Hon. Magistrate advices #AdaDerana has revealed the identity of the witnesses (including eye witnesses) of Rambukkana shooting case.' *Twitter*, 22 April 2022. <https://twitter.com/IsharaMadhu/status/1517377014327480320>

<sup>75</sup> 'Special police team probing Rambukkana incident makes new revelation' *Ada Derana*, 22 April 2022. <http://www.adaderana.lk/news.php?nid=81977>

<sup>76</sup> 'IGP appears before HRCSL over Rambukkana incident' *Ada Derana*, 22 April 2022 <http://www.adaderana.lk/news.php?nid=81974>

<sup>77</sup> 'Kegalle SSP admits to giving orders to open fire at protesters' *Ada Derana*, 23 April 2022. <http://www.adaderana.lk/news/81991/kegalle-ssp-admits-to-giving-orders-to-open-fire-at-protesters>

<sup>78</sup> 'Who instructed to open fire during Rambukkana protest?' *News First*, 22 April 2022. <https://www.newsfirst.lk/2022/04/22/who-instructed-to-open-fire-during-rambukkana-protest/>

<sup>79</sup> Ibid

Further, Prime Minister Mahinda Rajapaksa admitted before Parliament that he did not attend the National Security Council meeting that had been convened after the Rambukkana incident and stated he was at fault.<sup>80</sup>

## **2.9 Developments on 23 April 2022**

### **2.9.1 Funeral of Chaminda Lakshan**

The final rites and funeral of Chaminda Lakshan, the victim of the shooting at Rambukkana were performed at his residence. The IGP had reportedly requested the Defence Secretary to deploy the tri-forces to the area until the conclusion of funeral proceedings.<sup>81</sup>

### **2.9.2 SSP of Kegalle police station admits to giving orders to open fire at protesters**

During the court proceedings, the SSP in charge of Kegalle affirmed to the magistrate that he had first ordered the police to fire tear gas at the protesters who were near the fuel bowser, blocking its path. According to him, firing of tear gas had allowed police to prevent the two fuel bowsers from catching fire as attempts were being made to set fire to two vehicles in the vicinity.

He stated he had first ordered police personnel to fire in the air when the protesters were reportedly attempting to set fire to a filling station, and the afterwards he had instructed the police to shoot below the knee to prevent major damage, after the protesters reportedly continued their attempts to start a fire. He also stated that the orders given by him, as the senior most officer at the scene at the time, were legal.

During the proceedings, the investigation team led by the SSP of Sitawaka police area said that statements were recorded from fifty-one civilians and CCTV footage from the site had been reviewed. Investigations disclosed that the Kegalle police station had issued four T-56 firearms with thirty rounds of ammunition for each weapon to control the situation. All of the weapons in question were presented in the court.

The magistrate asked police officers whether the person suspected of attempting to set fire to the fuel bowser had been located, but police officers responded they had not yet been able to find him.

The ruling with regard to the death of Chaminda Lakshan is scheduled to be delivered on the 27th of April.<sup>82</sup>

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<sup>80</sup> "Called to Security Council but did not go" *Lankadeepa*, 22 April 2022 <https://www.lankadeepa.lk/news/%E2%80%99%E2%80%99%E0%B6%86%E0%B6%BB%E0%B6%9A%E0%B7%8A%E0%B7%82%E0%B6%9A-%E0%B6%B8%E0%B6%AB%E0%B7%8A%E0%B6%A9%E0%B6%BD%E0%B6%BA%E0%B6%A7-%E0%B6%9A%E0%B7%90%E0%B6%B3%E0%B7%80%E0%B7%96%E0%B7%80%E0%B6%AD%E0%B7%8A-%E0%B6%9C%E0%B7%92%E0%B6%BA%E0%B7%9A-%E0%B6%B1%E0%B7%91%E2%80%99%E2%80%99/101-611891>

<sup>81</sup> 'Final rites of Rambukkana police shooting victim performed today' *Ada Derana*, 23 April 2022.

<http://www.adaderana.lk/news/81993/final-rites-of-rambukkana-police-shooting-victim-performed-today>

<sup>82</sup> 'Kegalle SSP admits to giving orders to open fire at protesters' *Ada Derana*, 23 April 2022. <http://www.adaderana.lk/news/81991/kegalle-ssp-admits-to-giving-orders-to-open-fire-at-protesters>

### **2.9.3 A person was arrested for attempting to set fire to the fuel bowser at Rambukkana**

One person was arrested in connection with the alleged attempt to set fire to fuel bowser in Rambukkana during the protest in Rambukkana on 19 April. A video had been circulated on social media allegedly depicting the same man wearing a green T-shirt, and he could be seen crossing the railway tracks and throwing something in front of the fuel bowser and leaving the scene while the protest was ongoing.<sup>83</sup>

### **2.10 Developments on 27 April 2022**

#### **2.10.1 Kegalle Magistrate directs IGP to arrest police personnel involved in Rambukkana shooting**

The Kegalle Magistrate had held that the Rambukkana death was a result of the shooting and ordered the police personnel who had undertaken the shooting to be arrested and produced in court.<sup>84</sup>

According to a lawyer who was present at the court proceedings, an order was also made by the Magistrate, in response to an application made by the legal team to:

- i. Obtain telephones (official and private), and the telephone records of SSP Keerthiratne and obtain conversation recordings from the service providers. It had been already revealed that only the police were in possession of firearms and the SSP Keerthiratne had ordered the shooting.
- ii. Obtain the medico legal records of all persons who had suffered gunshot injuries
- iii. Produce the blood stained clothes worn by persons who were shot at the scene, including the deceased
- iv. Submit further B reports on injured persons
- v. Reports on which police officers had released the petrol bowser that had been interfered with.
- vi. Ordered the Government Analyst to examine the DVR recorders and report to the court.

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<sup>83</sup> 'CID arrests suspect over alleged attempt to set fire to fuel bowser in Rambukkana' *Daily Mirror*, 23 April 2022. [https://www.dailymirror.lk/top\\_story/CID-arrests-suspect-over-alleged-attempt-to-set-fire-to-fuel-bowser-in-Rambukkana/155-235579](https://www.dailymirror.lk/top_story/CID-arrests-suspect-over-alleged-attempt-to-set-fire-to-fuel-bowser-in-Rambukkana/155-235579)

<sup>84</sup> 'Kegalle Magistrate directs IGP to arrest police personnel involved in Rambukkana shooting' *Daily FT*, 27 April 2022. <https://www.ft.lk/news/Kegalle-Magistrate-directs-IGP-to-arrest-police-personnel-involved-in-Rambukkana-shooting/56-734017>

## 2.11 Developments on 28 April 2022

### 2.11.1 Police officers arrested

The CID arrested the former SSP for Kegalle, K.B. Keerthirathna who had ordered to open fire at the protestors in Rambukkana as well as the police officers who had undertaken the shooting, on orders of the Kegalle Magistrate.<sup>85</sup> A total of four police officers arrested in connection with the incident were remanded<sup>86</sup>.

## 3. Domestic and International frameworks protecting the freedom of peaceful assembly and the right to protest

Sri Lanka has an obligation under international human rights law to ensure that the right to life is protected. The Universal Declaration of Human Rights (Article 3) and the International Covenant on Civil and Political Rights (Article 6) recognizes the right to life. Although the Constitution of Sri Lanka does not recognize the right to life explicitly, it is recognized in judicial pronouncements.<sup>87</sup> The use of lethal force by law enforcement agencies is strictly regulated under international human rights law,<sup>88</sup> and lethal force may only be used after other alternatives have been exhausted and must correspond to the level of threat. It must be proportionate, necessary and legal.<sup>89</sup>

The right to protest peacefully is protected under both domestic law and international human rights law. Sri Lanka has a positive obligation to protect, promote and guarantee freedom of expression and right of peaceful assembly under both the Constitution (Articles 14(1)(a) and (b) and its international obligations under Article 21 of the International Covenant on Civil and Political Rights. The freedom of expression and assembly includes the right to protest. It is the responsibility of the state to facilitate peaceful protest including by traffic management, provision of medical services and cleaning up after a protest.<sup>90</sup> The blocking of streets and occupation of public spaces may take place during a protest as was the case in several of the incidents considered in this report. The use of force in any instance must be strictly proportional and be restricted to the use of non-

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<sup>85</sup> '#Rambukkana: CID arrests SSP Keerthirathna over shooting' *News First*, 28 April 2022. <https://www.newsfirst.lk/2022/04/28/rambukkana-cid-arrests-ssp-keerthirathna-over-shooting/>

<sup>86</sup> 'Rambukkana police shooting: Four cops including former Kegalle SSP remanded' *Ada Derana*, 29 April 2022. <http://www.adaderana.lk/news/82114/rambukkana-police-shooting-four-cops-including-former-kegalle-ssp-remanded>

<sup>87</sup> *Rathnayake Tharanga Lakmali v. Niroshan Abeykoon Inspector of Police Officer-in-Charge, Crime Branch, Embilipitiya Police Station Embilipitiya et al.* S.C. Minutes 17 December 2019. [https://www.supremecourt.lk/images/documents/sc\\_fr\\_577\\_2010.pdf](https://www.supremecourt.lk/images/documents/sc_fr_577_2010.pdf);

<sup>88</sup> Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169)(1979) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)

<sup>89</sup> General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights on the Right to Life. [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf)

<sup>90</sup> Civicus. "Toolkit: Your right to Protest". <https://civicus.org/protest-resilience-toolkit/your-right-to-protest/>

lethal force to the greatest extent possible. There could be situations where participants in the protest use violence, meaning they engage in the causing of injury, death or serious damage to property.<sup>91</sup> Law enforcement officers have a primary duty to facilitate and protect the safety and rights of those participating in protests.<sup>92</sup> Where law enforcement decides to intervene using force, any intervention must meet the principles of “legality, precaution, necessity, proportionality and accountability”.<sup>93</sup>

Use of force must only be used if other alternatives have been exhausted. Even where there is violence by some members of an assembly, the responsibility of authorities is to de-escalate the violent situation in order to allow peaceful protestors to continue with the exercise of their right to protest. Therefore, if the use of batons is unsuccessful to de-escalate violence during a protest, use of firearms as the next step would be unacceptable under international law since any use of force must be graduated.<sup>94</sup>

In Sri Lanka, SLCAT has observed that the Sri Lanka police has deployed excessive use of tear gas, batons, barriers welded with sharp spikes and then disguised with black tarp, use of both rubber bullets and live ammunition against peaceful protestors resulting in serious injury to protestors and even death in one instance. Children have also been impacted by the disproportionate use of tear gas and live ammunition, with one child in Rambukkana hospitalized with injuries due to use of force by police.

Extra judicial executions are deliberate actions by state officials or agents of the state, who deliberately kill someone without previous judgment affording all legal guarantees of due process and fair trial. In this case, the killing of Chaminda Lakshan in Rambukkana, may amount to an extrajudicial killing by the police.

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<sup>91</sup> General Comment No. 37 (2020) on Article 21 of the International Covenant on Civil and Political Rights in the Right to Peaceful Assembly (Article 21). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/018/13/PDF/G1601813.pdf?OpenElement>

<sup>92</sup> General Comment 37 (2020)

<sup>93</sup> General Comment 37 (2020) at p.12

<sup>94</sup> General Comment 37 (2020) at p.13

## 4. Conclusions

It is evident from the narration of facts alone, in the Rambukkana incident, that there was an arbitrary and illegal exceeding of police powers in the context of a peaceful protest by Sri Lankan citizens. The events that follow demonstrate the enormity of the challenges faced by those affected in terms of bearing witness to the event, even before court. The failure to swiftly take measures to provide protection to victims and witnesses, to respond in a timely manner to assist in recovery and instil a sense of security and safety amongst the people who experienced the violence, and to take and be seen to be taking measures to hold those responsible accountable are monumental failures by the State of its responsibility towards its citizens. The impunity that is extended by these failures is part of a culture of insecurity that peaceful protestors experience every day.

SLCAT observes that a climate of intimidation and repression has been deliberately created in the many actions by the police, and at times the military, in their response to peaceful protests.

SLCAT calls on the government of Sri Lanka to take immediate steps to ensure the safety of peaceful protestors in the country and to facilitate peaceful protests. As the economic crisis intensifies, protests are likely to escalate as people demand their basic human rights such as right food, health and an adequate standard of living including having access to fuel, cooking gas and medicines. Protests themselves may cause annoyance or disturbance, but it is the duty of the state to protect the freedom of expression and peaceful assembly.

The state must also ensure accountability for the unleashing disproportionate use of force and violence in the incidents described in this report. Due process, without delays, and fair trial must be followed in each instance.

Finally, it is the duty of the state to protect, promote and guarantee the basic economic rights of the people in terms of its international human rights obligations. The people's right to protest is being exercised due to the failure of the state to guarantee basic social and economic rights. Therefore, the state must, as a matter of priority, ensure that the basic human rights of its people, are guaranteed and protected.



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