



2022 April 19
Violence in Rambukkana



RIGHT TO LIFE
HUMAN RIGHTS CENTRE

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Forward

Sri Lanka is at cross roads and 2022 marked a paradigm shift in politics, especially in terms of people's struggles. Widespread people's struggles against the economic difficulties they faced spread countrywide with the true support of the masses. They demanded a change in politics that had pushed the country into bankruptcy.

The government failed before the protests and anarchy prevailed in the country for a few months. Police were under pressure due to the mass scale of the spread of protests and were struggling to take the situation under control. Political authority seemed less oriented towards the usual tactics of suppression before the people's uprising, but occasional overpowering was visible.

The police shooting and assault that took place on April 19, 2022, in Rambukkana was heavily criticized. One death was reported and many were seriously injured.

In this report, which is a part of a trilogy of studies, we focus on the incidents related to the police firing in Rambukkana on April 19, 2022. The other two are the reports on the attack on the protest site near the Presidential Secretariat on May 9, 2022, and the report on the following retaliatory violence that started on the same day.

Rambukkana case study is very important due to the actions of the protestors, problems in police anti-subversive measures, extrajudicial killings, torture, the lethargy of the justice process and lack of redress.

This report discusses widely the incident, outlining the dynamics of violence and recommends solutions to the problem of police violence that is deep-rooted in the system.

Philip Dissanayake

Executive Director, Right to Life Human Rights Center

Executive Summary

Since March 2022, increasing numbers of citizens were joining protests calling for a change in the sociopolitical and economic systems that had led to an economic crisis in Sri Lanka. In the weeks before 19 April, what had begun as neighbourhood-centric small protests, had galvanized into a large number of people who began to organize into blocking roads, occupying public spaces and calling for the resignation of key political leaders.

The morning of 19 April dawned on Rambukkana, in the central regions of Sri Lanka in such a context. Petrol, diesel, kerosene and cooking gas were all in short supply and prices were scheduled to rise in the coming days. In Rambukkana a protest which began with a call for the supply of fuel by protesting motorists took a dark turn as police unleashed water cannons, tear gas, and finally live ammunition against protestors. The police brutality resulted in the death of one person and injuries to several including children.

In this report, the Right to Life Human Rights Center has returned to Rambukkana and documented the aftermath of the events of 19 April, based on the information available after about four months later. It reveals the extent of the suffering of ordinary people who suffered physical and mental harm as a result of police brutality and the lived experience of the consequences of the use of excessive force by families of those directly impacted. It also raises questions about state responsibility, the need for reparations to families and the question of policing in such situations and the training, discipline and reflection needed by the police force.

Methodology

The Right to Life Human Rights Center carried out around 100 interviews with men and women in Rambukkana. It also relied on secondary data from media reports, court documents and other documentation, to produce the findings in this report.

The Right to Life Human Rights Center is grateful to the families of victims and the victim-survivors who agreed to share their experiences with researchers for this report. They continue to demand justice for the damage incurred by the community as a result of the excessive use of force by the police.

Background

The key theme of the protest in Rambukkana on 19 April was driven by the shortage of fuel delivery, just as other ordinary people in parts of Sri Lanka took to the streets demanding the provision of essential items. In Rambukkana, people began gathering outside the main fuel dispensing outlet since around noon. Motorists including three-wheeler drivers who had queued outside the shed since early morning on 18 April were greatly inconvenienced when it was announced that the fuel had run out. Although they were promised that a fuel consignment would arrive on the night of 18 April, even as of midnight the bowser had not arrived. By the time it did arrive, the price of fuel had increased overnight and people queuing for fuel began to demand that it be sold at the old price. They began a peaceful protest close to the fuel shed. When the management of the shed refused this request, the protest grew, and protestors began to burn tyres in the middle of the road and to block the main road in front of the shed. Biscuits and water were distributed among protestors and the protest remained peaceful. Protestors then blocked the up-country railway line and resulted in around 16 train journeys being cancelled by railway authorities. This blockage of the railway line and the road also resulted in increased vehicular traffic in Rambukkana town and adjoining areas. Police forces and riot police began to arrive in the area. The protestors continued to block the road, the railway track and also to stop the fuel bowser that eventually arrived, across the railway track. An unidentified group also attempted to set fire to the fuel pump of the fuel shed.

The police first deployed tear gas against the protestors. This resulted in some protestors hurling stones at the police. Then Senior Superintendent of Police K.B.Keerthiratne had then allegedly instructed officers to use live ammunition to control the situation using 'minimum force'. As a result of the shooting which followed, K. D Chaminda Lakshan who had attempted to retrieve his motorcycle from the fuel shed, was shot in abdomen and died as a result of his injuries. A further 27 persons were injured including a child below the age of 18. Of the 27 persons injured, ten were police officers. The Inspector General of Police had stated that live ammunition was used after unidentified persons set fire to a three-wheeler in the vicinity, and also tried to set fire to the fuel bowser parked across the railway line, and a police baton charge was unable to control the situation. Authorities further justified the use of live ammunition on the basis that shooting in the air also could not control the situation, and that the command was to shoot below the knee.

The use of live ammunition is the last resort for ensuring public order in the context of a protest. In this instance, the threat of a large explosion was present given that unidentified persons tried to set fire to the fuel shed and also to a bowser carrying highly inflammable fuel. However, the steps taken by police officers show that they attempted a baton charge and firing of tear gas, and then immediately began to use live ammunition in a situation where protestors and ordinary persons on the streets were clearly at risk of injury and

death. Interviews conducted for this report revealed that police officers themselves were seen throwing stones at protestors.

The situation as verified by video evidence shows people running down the street and evidence of survivors also shows that some ran across the railway tracks to escape the police shooting. Some were shot nevertheless. The response of the police was also not only to maintain law and order and to de-escalate the situation but to take revenge or punish the protestors as is evident from the testimonies of some of the survivors. Those who were shot were told that they should suffer, and in some instances, police officers had obstructed those who were attempting to carry the injured to the hospital. Reports highlight that the police officers assaulted even the patients injured by police gunfire. This was corroborated by several victims and their families.

In this context, it is clear that the response of authorities exceeded the use of force permissible under international human rights law and in terms of the right to freedom of expression, association and assembly protected by the Constitution of Sri Lanka. As the following testimonies show, the family of Chaminda Lakshan who was killed by police fire in the incident, has suffered direct mental trauma and the loss of a breadwinner and remains without compensation seven months after the incident.

International law and domestic law framework on the right to protest

The International Convention on Civil and Political Rights (ICCPR) which Sri Lanka has ratified, provides clear obligations on the state to protect the right to freedom of expression, peaceful assembly and association. These rights are also enshrined in the Constitution of Sri Lanka in Article 14(1) (a), (b) and (c) and the only instances in which these rights can be prescribed by law are “in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence”. Freedom of association could also be prescribed in the interests of the national economy while freedom of assembly can only be prescribed in the interests of racial and religious harmony.

The UN Basic Principles on the Use of Force and Firearms (BPUFF) states clearly that law enforcement must have access to a range of less lethal weapons in order to fulfil their duties in line with human rights law standards and to minimize the use of force. This is so that they can use the minimum force required in order to maintain law and order and to differentiate between situations that require the use of force and those that do not. Weapons including less lethal weapons must be used against protestors only if it is legally permissible to do so (i.e. respectful of and protecting the right to freedom of expression, assembly and association), necessary and only if in pursuit of a legitimate aim. In this instance, while protecting the public from the harm that may be caused by fire by an unidentified group setting fire to a fuel bowser or a fuel shed is a legitimate aim, the use of lethal weapons to shoot at fleeing protestors and even bystanders is not necessary or proportional when considering the fact that the only weapons used by protestors were stones they had collected from the road or railway tracks. The instructions provided by police supervisors to shoot at the protestors to kill them are neither necessary, legitimate nor proportional to the harm that was to be avoided. Lethal weapons being used in this instance were also not with the aim of causing the least possible harm. In fact, the injuries of the victims show that the shooting was also above the knee and thus caused maximum possible physical harm to protestors, and caused one death. Shooting in the air is also hazardous and can cause deaths since the projectiles are not targeted and can harm anyone who stands in the way of it.

We also see in this instance that firing by police officers also appears to be at random, at a crowd of people fleeing in several directions. In the case studies below, victims were shot while approaching a fuel shed on a by-road, while crossing a railway track, and while fleeing along a main road. The fact that the shooting occurred while tear gas was also being used would in any event have obstructed the visibility of the authorities and made it harder to be accurate in the use of a lethal weapon. The shooting of victims above the knee points to the need for not only better training for officers if and when they are required to

use such weapons but also to understand that the use of lethal weapons is the last resort especially given the challenges involved in accurately reaching an intended target in such a volatile situation as an active protest. It is clear that lethal weapons should never have been used in this instance, and the death of K.D. Chaminda Lakshan was caused by the excessive, unnecessary and disproportionate use of force by the police.

With regards to the use of tear gas, it has been used excessively by Sri Lankan authorities in response to protests throughout the year. In fact, tear gas should be used rarely, and only if the crowd is so violent generally that it cannot be contained by targeting specific violent individuals alone. Even then, it should only be used after less harmful methods have been attempted. It should never be used when people are unable to leave the area. In this case, the police used tear gas and also began shooting live ammunition in the general direction of the protest, with reduced visibility due to the tear gas. This would have already put people in harm's way since those who were running away from the centre of the protest were also shot at. Medical care was also not available immediately as is clear from the testimonies of people who carried or commissioned private vehicles to carry the injured to hospitals.

Even more concerning are allegations by victims that the police themselves kicked injured protestors and delayed or did not support medical interventions. The primary obligation of authorities is to de-escalate the violence and to permit protestors to continue to exercise their right to freedom of expression and assembly. In this instance, the motivation of the police appears to have gone beyond the protection of public order, to taking vindictive revenge on those who were perceived as having participated in the protest.

The need for these cases to be carefully scrutinized and along with the judicial processes to investigate and prosecute those involved, there must also be attention paid to ensuring that reparations and compensation are provided to victims. As the case studies show, several victims have had to expend large sums for health care in the midst of an economic crisis and have suffered hardships due to fuel scarcity to even obtain follow-up medical care. The loss of a breadwinner for Chaminda Lakshan's family is one that cannot be valued. Their right to reparations for these losses is one that the state must prioritize.

In addition, the dire need for improved training and accountability within the police force is similarly clear. Despite years of training and capacity building within the force, this type of incident underscores the need for both recognition of exemplary, human rights-friendly officers, but also disciplinary processes for those who break the law and the regulations which govern law enforcement officers. The Sri Lankan authorities must ensure that this type of response to public protest is never repeated.

Case Studies

1. K.D. Chaminda Lakshan who was killed by police firing

42-year-old K.D. Chaminda Lakshan, who lived in Karandagasthanna, Narambedda, Hiriwadunna, Rambukkana, did various small-scale businesses for livelihood. He is the father of two children. His wife is Saman Priyangani and their two children are a 20 years old daughter and a son who is 15 years old.

The Police Media Spokesman Senior Deputy Inspector General of Police Ajith Rohana stated to the media that two cases are pending in the High Court against Chaminda Lakshan. He said that one case was pending in the Kegalle High Court against the deceased concerning killing a person using a firearm and detonating a grenade on February 4, 2010, in the Rambukkana police area. Police Media Spokesman also mentioned that another case was pending regarding a van being attacked and a person injured in the Rambukkana police division on January 8, 2017.

The casting of aspersions against the victim in this instance is similar to other situations where victims of extra-judicial killings by police in Sri Lanka have been portrayed in the media as convicts or criminals, which has little relevance to the extra-judicial execution or violence that impacted them.

1.1 Police intervention and illegal gunfire

According to the interim report of the expert committee appointed by the Ceylon Human Rights Commission to investigate the incident of police firing in Rambukkana on April 19, 2022, around 200 people living in and around Rambukkana queued their vehicles in the early hours of April 19, 2022, near a fuel station in the town. They had known ahead of time that the fuel bowser was about to arrive. When Bowser arrived at the railway station, people demanded that fuel be released at an earlier price and not at a higher price. This is the reason for the agitation.

The police observed a threat of protesters setting fire to the two bowers and the petrol station and the police argued that the protesters had also threatened to damage the train which was already blocked on the railway track. When the crowd did not disperse as required by the police by using tear gas, Senior Superintendent of Police K.B. Keerthiratne ordered to shoot the protestors below the knee. However, according to the testimony of the officers below, the shots were not fired as ordered. They decided their own to shoot the ground. The names of the police officers who had T56 firearms and fired them aiming the ground are as follows.

1. Police Constable (69336) H.S.P. Jayakodi

2. Police Constable (29116) Jeevan Lakmal Kapukotuwa
3. Police Constable (90427) Janaka Kumara

As stated in the departmental orders, if the officer arbitrarily decides to shoot at a point of his choice after being ordered to shoot below the knee, he is violating the orders of the Police Department.

However, the evidence of these police officers in this regard cannot be believed for the following reasons.

1. The police shot at the protestors and the medical reports indicated that the bullets had not hit the victims below the knee.
2. Additionally, the ballistics expert and the forensic expert who assisted the commission and the government analyst's report on this investigation have clearly stated that the argument of the police as false.

The committee also observed that the police fired tear gas to disperse the crowd and the crowd was gradually dispersing. However, the police did not continue the action until the tear gas was completely exhausted. As soon as the tear gas operation was stopped, the group again joined the protest. Instead of following the proper procedure laid down in departmental orders and police circulars, SSP Keerthiratne decided to order an unspecified large number of people to be shot below the knee.

The police have argued that SSP Keerthiratne had a reasonable fear about the threats to the safety of the two fuel bowsers and that there would be serious damage to people and property, so he ordered the firing. The committee came to a definite and final conclusion that the arguments of the police in this matter were baseless. The committee mentioned that this assumption was further confirmed when it was revealed during the trial that several protestors who had stayed away from the bowser parked on Madawala Road were also shot and injured.

1.2 Autopsy report

Forensic Medical Officer of Kegalle District General Hospital Dr. N.A.S.P. Wijeratne has been quoted below stating that the nature of the injuries of Kuruwitage Don Chaminda Lakshan. And the doctor has mentioned the following facts as the cause of Chaminda Lakshan's death.

1. Trauma caused by bleeding
2. Injuries to the blood vessels, muscles and ligaments of the abdomen and pelvis
3. A bullet fired from a firearm

Injuries

- 1) Fresh perforated laceration, 6.5cmx3cm in greatest dimension, spindle shape, obliquely situated (about 40 degree angle to the horizontal plane) over the front of the abdomen across the midline. The upper end of the wound is situated 7cm below and 2cm to the right from the umbilicus. There was no burning, blackening or tattooing around the skin of the injury. The distance from the upper end of the wound to the right heel was 92cm. There was shelving of the upper end and undercutting at the lower end. The wound extended as an oblique tract across the soft tissues of the abdominal wall. There was a full thickness elongated laceration of the rectus muscle, 9cmx5cm in greatest dimension, obliquely placed. The peritoneal cavity contained about 300ml of liquid blood. Transection of the sigmoid colon with laceration of the mesentery was observed about 12cm proximal to the recto-sigmoid junction. There was laceration of inner hip muscles and internal iliac blood vessels on the left side. A compound, comminuted depressed fracture was observed on the left iliac bone. Four metallic foreign bodies were recovered from the base of the above fracture.
- 2) Fresh, circular shape perforated laceration, 1.5cm diameter, situated over the right hip region. It is situated 15cm below and 12cm to the right from the umbilicus. The distance from the center of the wound to the right heel was 89cm. It was surrounded by an abraded margin. The wound then extended in a form of a tract obliquely downwards and medially through the sub-cutaneous tissues in to the superficial muscles of the right hip.
- 3) Fresh oval shape perforated laceration, 1cmx0.6cm, situated over the right upper thigh. It is situated 17cm below and 11cm to the right from the umbilicus. The distance from the center of the wound to the right heel was 83cm. It extended obliquely into the sub-cutaneous tissue level.

(Injuries cont. in Annexure 1)

Dr. N.A.S.P. WIJERATHNA
 MBBS, D.M., MD (Forensic Medicine)
 SLMC Reg. No. 17046
 Consultant JMO
 DGH Kegalle.

20. මරණයට හේතුව සහ අනෙක් අදාළ මත
 විෂය මත පරීක්ෂණ පිළිබඳව වෙනත් විෂය මත
 මතය සලකුණු කළහ
 Cause of death and other relevant opinion

- 1a – Haemorrhagic Shock
- 1b – Injuries to blood vessels, muscles, and bowels of the abdomen and pelvis
- 1c – Discharged bullet of a Firearm

Other opinions:

1. Injury no 1 is consistent with an entry wound caused by a bullet from a rif entered the body at an angle (Oblique discharge).
2. Direction taken by the bullet is from right to left and downwards when the
3. Range of fire is distant. However presence of clothing and intermediate ob estimation of range of fire.
4. Category of hurt of injury no 1 is fatal in the ordinary cause of nature.
5. Injuries no 2-8 are Non-grievous in nature.
6. Injuries no 2-8 could be caused by fragmentation of the projectiles from the ejected from intermediate objects.

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 Post-Mortem register Serial Number

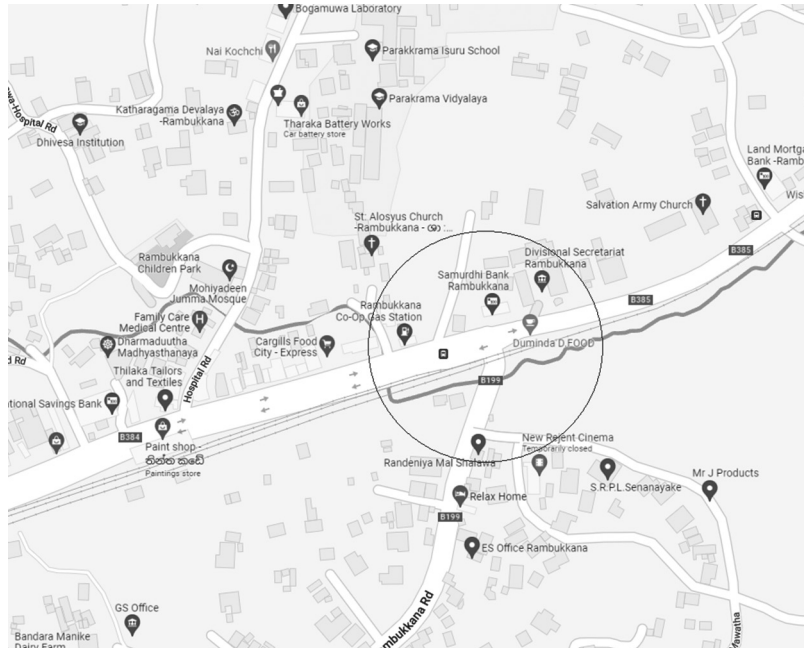
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අත්සන, අත්සන සහ විස්තර
 Signature, Qualification and Designation
 of Medical Officer

මරණ පරීක්ෂණ/මරණ පරීක්ෂණ කාර්යාලයේ විද්‍යාඥයා
 Forensic Pathologist/Forensic Pathologist's Office

1.3 Interpretation of conclusions of Kuruvitage Don Chaminda Lakshan's post-mortem

Based on circumstantial evidence, retrospective analysis of the scene configuration, and post-mortem report findings, the deceased remained on the other side of the gas station, behind the wire mesh fence separating the gas station and the byroad. The deceased did not pose a threat to the police. It is also observed that the deceased was shot directly from the side of the petrol station/main road i.e. the other side of the wire mesh fence. Therefore, the committee has emphasized that there is no fair reason for the police officer to shoot the deceased person based on the above reasons.



(A google map of the crime scene)

The committee observes that the police cannot confirm the legality of shooting the deceased.

Police officers did not follow a proper method in using firearms as a last resort in a crowd dispersal operation, and the death of Kuruvitage don Chaminda Lakshan was the result of the police acting in excess of their authority, especially when the deceased person did not pose a threat to the police officers and the police. and The committee also reported that the police could not legally justify the death.

The number of gunshot wounds to people near the protest site, especially from their back, indicates that police officers used excessive force.

1.4 Doubts about the independence of the officials investigating the incident

An independent committee of investigation headed by Major General (retired) Jagath Alwis, Secretary of the Ministry of Public Security, was appointed to investigate the manner in which the police handled the Rambukkana incident. The other members of the committee were,

- Secretary of State Ministry of Community Police Services S.T. Kodikara

- Additional Secretary of the Ministry of Public Security M.S.P. Suriyapperuma
- Defense Ministry Legal Adviser Major General (ret'd) E.S. Jayasinghe.

The Human Rights Commission of Sri Lanka pointed out that all the members of the Independent Investigation Committee appointed to investigate the actions of the police in connection with the Rambukkana shooting incident are from the state security. The Human Rights Commission of Sri Lanka emphasized that such a committee is not an independent board.

The Human Rights Commission informed the Inspector General of Police and the security forces to appoint other persons not related to the state security such as a retired judge, a president's counsel and a member of civil society to ensure independence and impartiality in respect of rule of law and protection of fundamental rights.

An investigation team consisting of 20 officers headed by Avissawella Senior Superintendent of Police Wasantha Kandewatta was appointed to carry out a full investigation into the Rambukkana incident.

1.5 The special investigation team appointed by the police for a thorough investigation

An investigation team consisting of 20 officers headed by Avissawella Senior Superintendent of Police Wasantha Kandewatta was appointed to carry out a full investigation into the Rambukkana incident.

Subject to the approval of the Inspector General of Police, this investigation team has been appointed by the Senior Deputy Inspector General in charge of Sabaragamuwa Province. Police Media Spokesman Senior DIG Advocate Ajith Rohana stated that this special team comprising of 20 officers including three Assistant Superintendents of Police has started investigations.

1.6 Case No B/2424/22

The police have reported the facts to the Honorable Magistrate of Kegalle Mrs. Vasana Navaratne through two B reports on 20.01.2020 regarding the death of Chaminda Lakshan, injuries to a number of people and damage to property during the protest that took place on 19.04.2022 in Rambukkana police area.

In one of the B reports, an eighteen-year-old school student, Pathirana Mudyanselage Kaweesha Navin Gunathilaka, was produced and reported under several charges including the Public Property Act. Attorney-at-law Chaminda Athukorala appeared for him and the suspect was granted bail.

The use of ordinary criminal laws to punish acts of civil disobedience can violate the right to freedom of expression and therefore such instances must be considered in light of the legitimate aim of exercise of the right to protest. In this instance, where the people were protesting the delays in provision of essential items like petrol and diesel, any charges for damage to public property must take account of the context in which such damage occurred, and whether prosecution is required in the public interest. Identification of the

suspects and the role they have played in such damage to public property must also be considered at the evidentiary stage. Unless the charges are prescribed by law, necessary and proportionate, no one should be held liable under criminal law for acts of civil disobedience carried out in the context of a public protest.

The Honourable Magistrate conducted all site investigations related to the conflict. Police officers and over a hundred lawyers participated in this and the site investigation lasted until around 7 p.m. Several eye-witnesses the series of incidents voluntarily appeared before the Magistrate and recorded statements.

The magistrate observed that the CCTV cameras were damaged in the places where the conflicts took place. She observed the scattered blood stains, the crime scenes and the three-wheeler that had caught fire.

The allegation that an offense was committed under Section 298 of the Penal Code, which was submitted to the Honorable Court with a request for spot investigation (culpable of negligent manslaughter - maximum penalty is five years rigorous imprisonment), was deleted by the police using correction fluid while Honorable Magistrate inspected the location during the investigation.

At this point, the behavior of the police was brought to the attention of the magistrate who immediately alerted the concerned officials. The police apologized for changing the B report which was in the custody of the court without the permission and promised to report the A report to the IGP for disciplinary action.

Stating that they doubt the police officers will carry out an impartial investigation regarding such a serious incident in a context such blunders occur, the lawyers asked the honorable court to remove these investigations from the police team currently conducting the investigations and order another police team to conduct these investigations.

And since it had already been admitted that the police used minimal force in the relevant incident, the lawyers also requested that the police officer who issued the order to shoot and the police officers who fired the guns should be included as witnesses in the autopsy regarding the deceased.

1.7 Eyewitnesses

When the magisterial inquiry regarding Chaminda Lakshan's death was held before Rambukkana Magistrate Wasana Navaratne, a witness who testified (referred to as the second witness in the media reports and whose name was not known) said before the court:

“At around 2 in the afternoon I went to purchase fuel. At that time, the fuel had not come on. There was a protest there. I also participated in it. The protesting group was where the two bowsers were parked. The police were initially on one side of the Kegalle road. In front of it, there were three policemen taking cover behind a three wheeler. I was in the middle between the protestors and the police.

“Among the police officers who were behind the three-wheeler, there was also a senior officer who was wearing the state emblem and two stars on his shoulders. After a while,

three people in civilian clothes came there. I didn't know who those people were. They hit the police with stones. Then that senior officer ordered to fire tear gas. After that, the three police officers fired tear gas.

“Then the senior officer said, ‘This will not work, shoot them dead.’ Then the police opened fire. I ran along the Madawala road. A lot of other people ran with me. The police chased after us and opened fire. The police shot us as we ran. I ran and stopped inside a temple.”

Testimony of eyewitness B. Indika

“The people who were protesting since morning blocked the road in Rambukkana. The agitators wanted to protest against the increase in the price of fuel, which is an essential commodity at a time like this. Ambulances and school buses were allowed to cross the road. We only asked to lower the price and to sell fuel at the old price. The agitators believed that the fuel bowser was deliberately delayed by the cooperative administration when it reached the Cooperative Services fuel station until the price increase was active. There was no racial discrimination in that protest. Even the doctors of Rambukkana Hospital joined the protest. Rambukkana police also supported the peaceful protest. After the second fuel bowser arrived, we submitted our request to the police. After the police rejected our request, we blocked the railway line with the browser and started the protest once again. We gave Bowsers full protection. No one was allowed to come near the bowser with a cigarette. The women of the village came and prepared food and drinks for the agitators on the spot. We also gave a part of the food to Rambukkana police officers. The agitators even gave food to the driver of the Bowser. We were preparing food when the tear gas firing started.

“We gathered stones from the railroad and the people who were engaged in the struggle attacked the police with stones. At that time, the Special Task Force was also called to disperse the crowd and they attacked the protesters relentlessly. There was no shooting at the time of the attack and shooting followed the assault. The protesters ran along the main road towards Pinnavala. The person who was shot during the protest did not run towards Pinnawala. He ran towards the gas station. The police shot him in the stomach when he ran and fell near the gas station. There are eyewitnesses. The police first smashed the CCTV cameras of the petrol station. Then they tried to set fire to the gas station and put the blame on the agitators.”

Susantha Anura Kumara, who witnessed the incident, testified before the court

“Kirisuddha aka Chaminda Lakshan's bike was in sixth place of the queue. He was shot exactly 20 meters away from the shed. The three-wheeler on the other side of the wall caught fire. After that, they started shooting relentlessly. Then tear gas was fired.”

Testimony of the owner of the three-wheeler set on fire during the Rambukkan incident

“I started the protest. Four of us started the protest at the three-wheel park in the town. The crowd slowly gathered. We had to lead the struggle after a large crowd gathered as we never expected. The police remained with the protesters till noon. After that, some senior police officers of Kegalle Police came to the protest site. After the second fuel bowser arrived, I met the OIC and told him that they had hidden the fuel bowser until the price

hike effected and brought it late and requested to sell fuel at the same price. The OIC asked, 'Who are you to give me advice?' and threatened me. The traffic OIC too warned me to be careful because I was a three-wheeler driver. He said that the protests would not last long. I understood that the agitators would be attacked. I went to my brother's shop, took off the t-shirt I was wearing and asked for a new t-shirt. Wearing it, I came to the railway quarters where I had stopped my three-wheeler. At that time, the OIC of Rambukkana Police, who was nearby the Buddha statue, showed me to two officers dressed in black. Those people held short guns in their hands. When they came towards the three-wheeler, I jumped out and ran. I came from the backside of the old quarters and sat down near a jackfruit tree in close proximity to the three-wheeler. At that time, my brother was at his house watching what was happening from the window. Somehow five officers got there and the two who came first removed the tent at the fuel station and set the three-wheeler on fire with a lighter. I stayed in that position until the roof of the three-wheeler completely caught fire. Finally, I couldn't wait, so I jumped over the wall and went to sleep in the station's quarry. About two hours later, my brother called me and said that there was nothing left of the three-wheeler."

Comments of deceased Chaminda Lakshan's wife before the court on April 27

"I hope that justice will be done by the court. I don't know if that will happen. I am asking for compensation for the future of the two children. It should definitely be there. They will never be able to give the value of my husband."

Mrs. Saman Priyangani (2022), the wife of Chaminda Lakshan, filed a case against 11 defendants in the Kegalle District Court on July (18) and demanded Rs. 50 million compensation and legal fees and other relief as the court deem appropriate.

2. K.D. Ashen Chamikara Samaranayake, who was seriously injured in the police firing

Ashen Chamikara Samaranayake, a 24-year-old unmarried man living in Ihala Athwate Watta, Kiriwallapitiya, Rambukkana, has worked as an employee of Damro company.

About the incident on the 19th, Ashen states that he left home at around 7.45 that morning to attend an interview. But due to the unrest in Rambukkana town, tires were set on fire and all the roads were closed. He went to the gas station where the incident started with his friend. A.M. He left there at around 9.30 and came home and went to Rambukkana town again with his friends at around 11.00 am. According to him, by that time there was an increase in the number of people gathered. The police have come near the gas station. After that, people were evacuated from the fuel station i fear of arson. After that, only a few monks stayed inside. He says that when he walked towards the roundabout and came back, he saw the fuel bowser was parked blocking the railway crossing. Therefore the train was also stopped. Aaround 2.30 p.m. he came home. Then he received a phone call from a friend of his who works in the army and he said that the situation in Rambukkana town had escalated and the police were firing tear gas to drive away the people. At that time, their brother Asirumaya Samaranayake was working at the Cargills Food City located next

to the gas station. Although Ashen made several phone calls to contact him, it was not possible and after that Ashen returned to the town with his friend to pick up his brother around 3.45 p.m.

He gave the motorcycle to his friend and walked towards the Cargills shop. Police fired several tear gas and pelted rocks towards Ashen. After that, he washed his face and walked along the railway track. At that time and the police started pelting stones at him, he says. He too threw stones at police. Suddenly, he felt a bullet flying near him and within a few seconds, he turned around and started running. He was first shot in the right hand and after that, he was also shot in the leg while running towards the Food City. He said that he was about to faint near the petrol station and bystanders caught him. He stated that he did not remember exactly what had happened since then.

The shooting took place at around 04.00 and within five to ten minutes he was taken to Rambukkana hospital in a three-wheeler and as the situation was serious, he was taken to Kegalle hospital in a private van.

Doctors have said that the bones of the hand are broken apart and cannot be reset. On that day, the wounds were only stitched and bandaged and an operation was performed the next day. He has been receiving treatment in the hospital for about a week. He said that two days after coming home, he was re-admitted to the hospital due to the bleeding of the wound and surgery that lasted for more than 3 1/2 hours was performed. At that time, he received inpatient treatment in the hospital for about a week and returned home. Ashen said that as informed by the hospital, the wire needed to perform the surgery to fix his right hand should be purchased at his own expense, which will cost around 80,000 rupees. He has lost his job due to his inability to work.

3. D.G. Kamal Hemajith Kumara who sustained serious injuries

Mr. D.P. Kamal Hemajith Kumara, 41, is a mason by profession residing at Rambukkana, Yodhagama. He is married and the father of two children.

On April 19, before the Rambukkana shooting incident, he had arrived at the Rambukkana petrol station at around 10.30 a.m. to get fuel for his motorcycle. After knowing that there was no fuel in the filling station and a demonstration was held, he parked his motorcycle at the quarters of Rambukkana railway station and arrived in the demonstration site. After staying there for some time, Kamal also helped to cook noodles and distribute among the protesters. Food was shared with the police officers who were in the Rambukkana fuel station area and he said that the ambience was very peaceful. Then by 3.30 p.m., the group of police officers who were near the gas station had left. Meanwhile, another fuel bowser arrived in the fuel station. Kamal said that the situation turned heated when the people opposed police remove both bowser from the place.

At around 4.00 pm, the police fired tear gas as the people became agitated. Kamal observed while walking on the railway that the group had dispersed. However, police continued to shoot and fire tear gas. He saw a three-wheeler burning. He says that because his

motorcycle was near the burning three-wheeler, it was removed from the place and parked somewhere else. At 5.45 pm when he crossed the railway and crawled through the front net, he was shot. After that, several people who were near him took him to Rambukkana General Hospital on a motorcycle. He was later transferred to Kegalle General Hospital as his condition was serious. After that, he remained in the hospital for 16 days.

In this incident, Kamal Hemajith Kumara received very serious injuries from his chest to his navel and underwent surgery. His diaphragm has been sutured.

As a mason, he was a daily income earner and due to the aforementioned ailments, he is unable to engage in his daily work in a normal manner, and has received medical advice not to engage in nape work for more than a year nape. Since his wife is not employed, they are in trouble while the family live in a rented house with two school-going children aged 13 and 10.

On 18 July 2022, Mr. Kamal Hemajith Kumara filed a case against 11 defendants in the Kegalle District Court (Case No. 11412/22) for unlawfully, cruelly and maliciously shooting the plaintiff. The plaintiff stated that his right to defense was violated, his right to stand freely on the street was violated and declaring that the his right to work freely has also been violated. Accordingly, he requests the court to order the defendants to pay for the damages caused to the complainant due to the aforementioned illegal actions of the defendants. He seeks Rs. 20,297,000 as compensation.

4. Budhika Lakshan Edirisinghe who was seriously injured by the police shot

Viyannalage Buddhika Lakshan Edirisinghe, age 23, residing at E 2/1, Hadagama, Rambukkana, is a final year university student studying marine engineering. He lives at home with his sister, mother and father.

On the morning of April 19, he had left home on a motorcycle to drop his sister off at school. As he entered the town, he saw the crowd gathering and when he investigated, he came to know that a fuel crisis had occurred near the fuel station. Buddhika also participated in the protest and said that it happened in a very peaceful manner. Budhika and his parents also participated in that protest. He said that the day passed without any problem and the police were also present at the place.

Then he came home between 3.30 and 4.00 p.m. to have lunch and after that Budhika left with his cousin again to Rambukkana city on a motorcycle. On the way, they were stopped by the police and prevented from entering into the city. After that, they parked the motorcycle and walked towards the bowser. The behaviour of the police and the protestors was volatile and the police threw tear gas and stones at the protestors. The protesters too hurled stones and tear gas cans at the police. Budhika was also directly involved in this and he was in front of the bowser which was behind. When a tear gas exploded nearby, the group started running and Buddhika ran towards Madapata road. The police chased them and fired tear gas and stones. Budhika was 75 meters away from the main road at that time

and there was no hope of being shot. At one point he felt a pain as if an electric current was passing through his right leg. At the same time, he fell on the ground and with great difficulty hopped with one foot and moved from the place to the other side of the road in fear of he would be shot again. The police continued to fire tear gas and hurl stones and by that time Buddhika was sitting on the ground on the side of the road, unable to do anything even though his right leg was bleeding profusely. At that time, Asanga Nilan, who was injured by the police fire, also fell on his other side. At the same time, two masked police officers came and beat Buddhika with a baton on his back. He says the scars are still there. After being attacked like that, they said, "You stay there and suffer."

After they left, Buddhika stayed at the same place for about 20 minutes bleeding his leg. At that time, his cousin came to the place and together with a police officer and carried him to the side of the main road and made him sit on the ground. At that place too, a police officer kicked Buddhika's back and scolded him and told him to move to the middle of the road. But another senior official who was there told him not to do so because his leg was broken.

After these events, an ambulance arrived and his cousin was put him in it and sent him to Kegalle Hospital.

After being hospitalized, the wound was cleaned the same night and was kept in the hospital for about a week because the broken leg could not be reset until the wound was healed. He was sent home after a week and told to come back in three days. After three days, he underwent surgery and an iron rod was fixed in the bone of the leg. As the main bone was completely crushed, surgery was to be performed at the Kandy General Hospital to fix it.

The impact of the incident on his education and future was immense. For about four months, his university studies were completely stopped. At the time of the accident, he was scheduled to join the Port Technical Training on April 9 and could not attend it after the accident.

5. The 18-year-old schoolboy who was attacked by the police

Pathirana Mudianselage Kaweesha Naveen Gunathilaka, who lives in the village of Ambul Ambe, is an 18-year-old school student of Pinnawala Central College.

According to him, there was a protest in front of Rambukkana fuel station on April (19) and his cousin Buddhika Lakshan joined it. Later that afternoon, Kaweesha also went to the protest site. He claims that the situation was peaceful at that time. After having lunch Kaweesha and his brother returned to the place where the agitation was going on. By that time, the police had been called to the fuel station area and thinking that there would be no problem, Kaweesha and his brother entered the place. He mentions that before 10 minutes had passed, the police tried to disperse the protestors by firing tear gas and the protestors including Kaweesha and Buddhika were trapped in a road while police fired tear gas at them. At that time his cousin was shot and fell. Kaweesha made him seated on the roadside and moments later, the police came to the spot and chased away Kaweesha.

He saw his cousin and another person were beaten. Kaweesha informed a police officer that his cousin had been shot and both of them carried him away from the spot. Kaweesha put his brother in the ambulance with difficulty. Then the police beat up Kaweesha and pushed him into the police jeep. He was beaten inside the jeep too. After being taken to the Rambukkana Police, he was detained there for one and a half days and then produced before the court. He understood that many charges have been filed against him and he got an idea about those charges only after he was produced before the court. The case against him was scheduled to be called again on September 29.

6. M. G Sahan Hasitha, a 14-year-old school student was shot by the police

M.G. Sahan Hasitha, a resident of Hurimaluwa, Rambukkana, is a 14-year-old school student. According to His mother N. P. Sriyalatha, on April 19, Hasitha returned from school around 2.30 p.m. and went to Rambukkana town around 4.30 p.m. with a friend. At around 5.30 p.m., Sriyalatha heard that he was shot during the unrest near the Rambukkana fuel station. After that, she went to Kegalle hospital and learned that Sahan Hasitha had been shot in the arm and waist area and had undergone surgery. The gunshot fractured the bones in his arm and six stitches were applied to the wound in the groin area. After four days of treatment in the hospital, Sahan Hasitha returned to his home but undergoes treatments continuously because from time to time he sustains medical problems.

7. Sahindu Rangana injured in police firing

E. G. Sahindu Rangana residing at F 6/20, Munkotuwa, Rambukkana, is 18 years old. He has studied only up to G.C.E. Ordinary Level. On April 19, he came home after finishing his work and returned to the Rambukkana fuel station with Sahan Hasitha at around 4.30 p.m. with the hope of getting fuel for the motorcycle. By that time, there was unrest and Sahan and Sahindu was pushed to Madawala Road with the other protestors. He says that Sahan Hasitha was shot first, and Sahindu was also shot when he went to see his friend's condition. Then he fell unconscious. Sahindu has undergone two surgeries to heal the wounds caused by police firing. He had internal injuries in his abdomen and a blood clot stuck in his leg. The surgeries for them were done in Kegalle and Kandy hospitals. He has been hospitalized for a month and a day and doctors have advised him not to engage in heavy work for about a year.

Sahidu Rangana has filed a case against 11 defendants in the Kegalle District Court on 18 July 2022 saying that as a result of the illegal actions of the defendants, the plaintiff suffered physical and mental pain, mental intimidation and threat to his life. He seeks Rs. 20 million as general damages and punitive damages and as special damages Rs. 245,000.

8. R.E.A. Chaminda Kumara Rajapakse, who was shot and injured

Mr. Chaminda Kumara Rajapaksa, 37, residing at 27/179, Diyasunnatha, Rambukkana, works as a health care assistant. He is a married father of one child.

Chaminda Kumara has been attending work after the funeral of his cousin that took place on 18th April in Rambukkana. During the Rambukkana incident on April 19, tear gas fired by the police fell on an adjacent place to his cousin's house where he was staying. He came out of the house at around 4 pm to see what was happening around. A few minutes later, Chaminda Kumara was shot in the abdomen. Then two people who were there took him to a lorry with deceased Chaminda Lakshan, who was shot and injured then, and two other injured people and they were taken into the hospital. First, they were admitted to Rambukkana Hospital and then transferred to Kegalle Hospital.

9. W. D Milanga Hansaka Wickramasuriya who was shot and injured

19-year-old W. D Milanga Hansaka Wickramasuriya was working as a shop assistant in the area before the incident.

On April 19, he and some of his friends went to the place where the protest was held and he was first tear gassed. Then he washed his face and about to return home, as he was shot in the leg. His mother stated that he had a broken bone in his ankle.

Response from the international and local civil society

The excessive force used by authorities against civilian protestors in Rambukkana and the resulting death and injuries were widely condemned by local and international civil society and by diplomatic missions in Sri Lanka.

The Human Rights Commission of Sri Lanka and the Bar Association of Sri Lanka also called for independent investigations.



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இலங்கைச் சட்டத்தரணிகள் சங்கம்
BAR ASSOCIATION OF SRI LANKA

19.04 2022.

STATEMENT BY THE BAR ASSOCIATION OF SRI LANKA ON THE INCIDENT AT RAMBUKKANA

The BASL is shocked and saddened at the loss of life in the incident this evening at Rambukkana where the police are alleged to have shot at protestors. An independent investigation must be done and the Government must ensure that the police and armed forces act with utmost restraint in the light of the genuine grievances of protestors. We are saddened that previous warnings made by us as far back as January 2022 went unheeded by the authorities. Our members will continue to do their utmost to safeguard the rights of the people of this country. A detailed statement will follow.

SALIYA PIERIS, PC
PRESIDENT
BAR ASSOCIATION OF SRI LANKA

ISURU BALAPATABENDI
SECRETARY
BAR ASSOCIATION OF SRI LANKA

Actions by the Human Rights Commission of Sri Lanka regarding the Rambukkana incident

The Human Rights Commission's team of officials arrived at the scene of the crime scene on April 20, 2022 and conducted preliminary investigation on site. On 24 April 2022, the Minister of Public Security requested the Human Rights Commission to conduct an independent inquiry into the shooting incident and appointed a multidisciplinary panel of experts with a mandate to conduct an independent inquiry under Section 14 of the Human Rights Commission of Sri Lanka Act No. 21 of 1996. This panel of experts has held several sessions they have submitted their report.

Also, Human Rights Commission of Sri Lanka recorded statements from the Inspector General of Police Chandana D. Wickramaratne, Central Provincial Senior DIG, Central Province DIG, Kegalle Senior Superintendent of Police, Kegalle and Rambukkana Police Station Officers-in-charge regarding the shooting incident in Rambukkana area.

Parliament Debate

Public Security Minister Prasanna Ranatunga made a statement in Parliament on April 20, 2022, regarding the Rambukkana incident. A heated debate arose based on that statement.

Expressing regret over the incident, the minister said that the agitators protested for nearly 10 hours, disrupting the normal life of the people. He said that the rioters set fire to three-wheelers and when a bowser with 33,000 liters of fuel was about to be set on fire, the police controlled it according to their powers. He said that the firing took place after all possible measures were taken to control the agitators. He also said that in 2021, 151 people were burnt due to a fire in Sierra Leone.

Opposition leader Mr. Sajith Premadasa, who spoke rejecting the minister's statement, pointed out that the police had not used minimum force. He pointed out that the fuel bowser was held for hours until the price changed.

Mr. Kanchana Wijsekara, the Minister of Power and Energy, tabled the information document containing the time of departure of the fuel bowser from the terminal. It stated that the bowser bearing the number WP LX 2735 left the Muthurajawela terminal at 8.20 a.m. on April 19th and it was carrying fuel to the Rambukkana Cooperative Society fuel station and two other sheds. He also said that the bowser reached Rambukkana at 11.20.

MP Ranil Wickramasinghe pointed out that the deceased Chaminda Lakshan was a supporter of former UNP MP Sandith Samarasinghe and that he was not involved in acts like arson. He also pointed out that these protests were not organized by anyone.

According to the Minister of Highways Kanaka Herath, who addressed the Parliament as an MP representing the Rambukkana area, the protest started at around 1.30 in the morning. He pointed out that some groups had brought 50 to 100 trishaws from different areas and blocked the roads around the fuel station and made it impossible for the police to get there. However, he said that even by 11.30 in the morning there was no problem, but a group worked to divert the protest, and he did not know that group.

Kegalle District Member of Parliament Kabir Hashim, who objected to that statement, said that there is a video with evidence that the police themselves set fire to the three-wheeler.

MP Bharthi Dushmantha Rambukkana accused Basnayake, Chairman of the Rambukkana Multi-purpose Cooperative Society, of deliberately delaying the bowser and refusing to sell oil at the old price.

Legal proceedings

Senior Superintendent of Police K.B. Keerthiratne and three police officers were arrested. They were remanded and later released on bail. The Criminal Investigation Department reported to the court that they had recorded statements from 125 police officers and 113 civilians regarding this incident.

Current situation

Although the protest in Rambukkana on April 19, 2022 and the events related to it were reported through all print and television media, none of the media is currently following up news concerning the trials and investigations. Civil society organizations also seem to have forgotten about it. Only a small number of organizations are regularly in contact with the victims of this incident.

No investigation reports related to this have been made public.

Steps taken by the government regarding the deceased or injured

The government or any other relevant authority has not provided any relief or compensation to the victims who died or were injured during the incident that took place in Rambukkana on 19 April 2022. But according to the victims, they have received some relief from a private donor.

Conclusion

There are many government parties related to the violence that happened in Rambukkana on April 19, 2022. The country's economy was severely destabilized, and fuel queues were common across the country.

The Rambukkana area had not received fuel for many days. When the fuel was finally received, the price had been greatly increased.

Octane 92 petrol was hiked to Rs 338 a litre, Octane 95 petrol to Rs 373 a litre, auto diesel to Rs 289 a litre and super diesel to Rs 329 a litre. During this price hike, a litre of Octane 92 petrol was increased by Rs 84, a litre of Octane 95 petrol was increased by Rs 90, a litre of auto diesel was increased by Rs 113 and a litre of super diesel was increased by Rs 75.

An opinion had spread among the people that the petrol station belonging to the Rambukkana Multi-Purpose Cooperative Society, which is related to the government, had purchased the fuel bower earlier and hidden it until the price increased. But, according to documents tabled in Parliament, that is a misconception. The petrol station management is not allowed to sell fuel at low prices.

However, it does not seem that there was a desire to understand these facts among the protesters. They refused to take the fuel at the new price even though they had received it at the petrol station which had not received fuel for many days.

However, at that time, the country did not have structures capable of intelligently managing such situations arising due to the widespread discontent among the public due to the economic crisis, shortage of essential commodities, rising prices, long queues etc. It is no secret that certain forces used this situation for political gains.

However, the allegations against the police regarding the Rambukkan incident are serious. In addition to the problems in the implementation of police powers regarding the protest, the police are also accused of contributing to the outbreak of violence.

Investigations into the Rambukkana incident seem to have become insignificant due to the strength of the chain of events that followed in Sri Lanka. However, the findings of this inquiry will be important in reiterating the responsibility for professionalism in the way the police deal with public protests. Also, it is extremely important to identify the offending parties and punish them according to the law, and pay compensation for the victims and survivors.

There is a serious problem that can be observed from the side of civil society and mass media. That is, they should focus on the responsibility of following up on such serious incidents.

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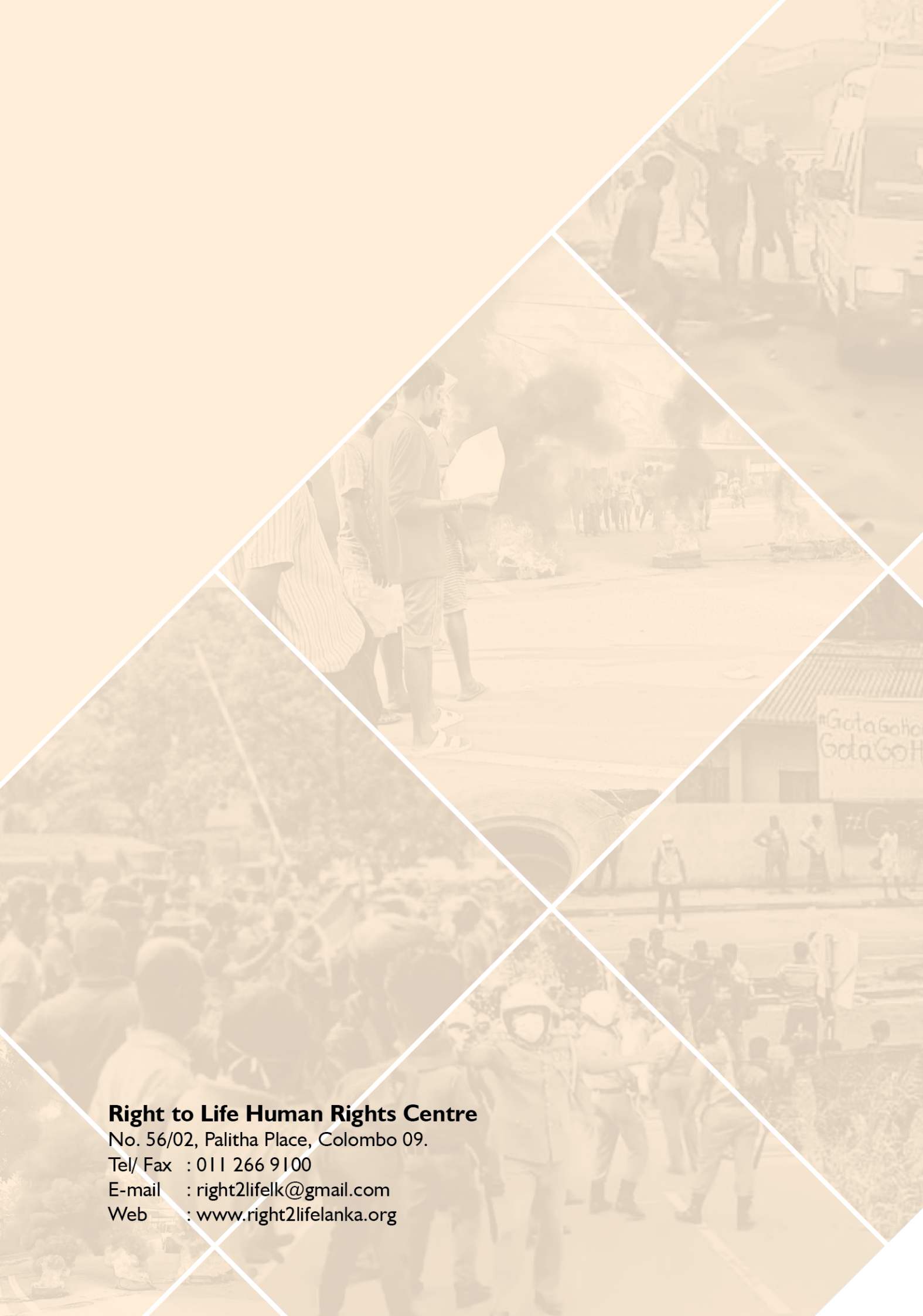
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