
National Police Commission: Study of Role and Complaint Investigation

Right to Life Human Rights Centre

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Foreword

The police play a vital and responsible role in ensuring the security of the country and its citizens. They are entrusted with various responsibilities, including maintaining state security, protecting the lives and properties of citizens, and maintaining law and order to create a peaceful and crime-free environment.

Countries that have police forces capable of fulfilling the aforementioned duties and responsibilities have often achieved significant social and economic development. Many individuals aspire to migrate to these countries, sometimes resorting to selling their assets or engaging in illegal methods, in order to pursue a better life. Such countries are commonly referred to as developed countries.

On the other hand, if a country's police force fails to fulfill its duties effectively, the country may experience a lack of development. In such cases, the prevalence of crime, corruption, and lawlessness can become rampant, leading to an unstable and disorderly state.

In the current context, there is a significant discussion surrounding the functioning of the Sri Lanka Police, an institution with a long history. This discussion focuses on various issues, such as instances of police officers involved in criminal activities and corruption, misuse of their authority, connections with known criminals, use of outdated and inhumane interrogation methods, wrongful prosecution of innocent individuals, and excessive use of force instead of employing minimum necessary force.

The seriousness of the issue was brought to light by the recent revelation that a group of officers from the Police Narcotic Unit are directly involved in drug trafficking within Sri Lanka.

The National Police Commission was established through the 17th amendment with the aim of ensuring an independent, impartial, and effective police service. The commission is entrusted with several key responsibilities, including investigating public complaints against the police, conducting inquiries into complaints against police officers, and overseeing appointments, promotions, transfers, and disciplinary actions within the police force.

The inaugural National Police Commission, which commenced its operations in 2002, played a crucial role in establishing a professional and respected police service that is independent from political influence. The commission took vital initial measures to ensure the autonomy and integrity of the police service. Its efforts were aimed at fostering public trust, enhancing professionalism, and strengthening the overall quality of the police force.

Unfortunately, with the advent of the new government in 2005, the independent commissions, including the National Police Commission, experienced a significant reduction in their powers and effectiveness due to the implementation of the 18th amendment. This led to the appointment of individuals aligned with the ruling party, turning the commissions into mere symbolic entities for almost a decade.

However, in 2015, the good governance government made efforts to reactivate and strengthen these commissions through the implementation of the 19th amendment.

In 2015, the fourth Police Commission played a crucial role in implementing reforms to establish an independent and efficient police service in Sri Lanka. They developed a set of principles to guide recruitments, promotions, and transfers within the police force. Additionally, they introduced a comprehensive code of ethics for police officers.

Due to the persistent disruptions in the functioning of the police service, it has regrettably become one of the most corrupt institutions in Sri Lanka today. This pervasive corruption has had a detrimental impact on society, leading to widespread bribery, crime, and corruption. The decline of the police service is also considered one of the contributing factors to Sri Lanka's current state of financial distress and economic challenges.

Therefore, it is crucial for all citizens to come together and strive towards making the police force efficient and independent for the progress of the country. This can be achieved through various measures such as equipping the police with advanced technology, implementing scientific investigation methods employed by developed nations, providing continuous training and education to enhance their skills, fostering a culture of ethics and professionalism within the police force, establishing a robust support system to address issues faced by police officers, and implementing a comprehensive performance evaluation system for police personnel.

In this endeavour, the National Police Commission bears the primary responsibility. Despite its existence for nearly two decades, it is essential to assess the progress made by the Commission during this period. Therefore, we have undertaken the task of compiling this report to better understand the functions of the National Police Commission and enhance the knowledge of our Human Rights Defenders.

The primary objective of this initiative is to establish effective collaboration and communication channels among the police, the National Police Commission, Human Rights First Aid Centres, and human rights defenders. Furthermore, we seek to garner public support in order to elevate the standards of the police service and advocate with relevant government entities for the necessary reforms.

I would like to express my gratitude and appreciation to Dinithi Supekshala, Rashmika Wijesinghe, Suranjan Prasad, Suneth Gajanayake, and the author of this report, Sumudu Basnayake, for their invaluable contributions to this project.

Phillip Dissanayake
Executive Director,
Right to Life Human Rights Centre

20/06/2023

Introduction

The establishment of independent commissions in Sri Lanka, including the National Police Commission, has been a long-standing public demand since the 1990s. The Act Number 1 of 1990 initially provided provisions for the establishment of the National Police Commission and provincial police commissions to oversee important areas such as law enforcement, government service, and anti-corruption efforts. However, the subsequent 17th amendment altered the provisions of the Act and established alternative oversight institutions.

With the establishment of the National Police Commission, the public had high expectations for a police force that would prioritize public welfare, demonstrate responsibility, and uphold the authority of the law.

The main objective behind the establishment of the National Police Commission in 2002 was to ensure the independence of the police force by preventing undue interferences or unlawful influences. The commission aimed to create an environment where police officers could carry out their duties impartially and without fear, and to foster a culture of respect for the authority of the law among officers from diverse backgrounds.

However, it is important to acknowledge that the functioning and effectiveness of the National Police Commission may have undergone changes over time, potentially leading to a shift in its original purpose and scope of work.

The Constitutional powers and duties of the National Police Commission are outlined in Article 155 of the Constitution. Furthermore, Article 155G(2) grants the commission the authority to examine, investigate, and redress public complaints filed by victims against police officers or the police service. Given this context, it was deemed necessary to conduct a study on the process, functioning, and effectiveness of the National Police Commission in handling public complaints. The purpose of this study was to fulfill the existing requirement and gain insights into the investigative procedures carried out by the commission.

This study primarily focuses on the establishment, development, composition, efficiency, and functioning of the Public Complaints Unit of the National Police Commission. It also examines the complaints received by the National Police Commission from Human Rights First Aid Centres located in six different districts. By analyzing this information, the report provides recommendations on enhancing the effectiveness and efficiency of the Public Complaints Unit of the National Police Commission. These recommendations are included at the conclusion of the report.

Purpose of the Study

The primary objective of this study was to assess the functioning and effectiveness of the National Police Commission. Furthermore, the study also examines the limitations of the Public Complaints Unit within the National Police Commission.

Limitations of the Study

This study focuses solely on the complaints received by the Public Complaints Unit of the National Police Commission. As a result, it does not cover complaints made directly to police officers associated with the National Police Commission.

Additionally, a significant limitation encountered during the study was the challenge of gathering information due to difficulties in maintaining contact with complainants who had filed their complaints through Human Rights First Aid Centres and subsequently lost contact with the coordinators of these centres.

Study Methodology

The methodology employed in this study involved collecting and consolidating information regarding the independence, functioning, and effectiveness of the National Police Commission from various sources such as media reports, newspaper articles, data obtained through the Right to Information Act, books, performance reports of the National Police Commission, and interviews. The collected information was then carefully analyzed for the purpose of the study.

In this study, primary data was collected from interviews conducted with individuals and complaints filed to the National Police Commission between May 2022 and February 2023. These complaints were received through human rights first aid centers located in the Gampaha, Matara and Deniyaya, Galle, Kurunegala, Trincomalee, and Monaragala districts.

In addition to the primary data, secondary data from various sources such as media reports, newspaper articles, books, and performance reports of the National Police Commission were also utilized. These sources provided valuable supplementary information for the study.

1. Background

Safety is an inherent right of every individual, and it is the responsibility of the government to establish mechanisms that ensure the protection of this right. One such mechanism is the police force, which is entrusted with the task of maintaining peace, upholding the law, and safeguarding the well-being of the public.

Given the significant power vested in the police, it is essential that there exists a system of checks and balances to ensure that this power is used responsibly and in accordance with the principles of democracy. This controlling authority acts as a safeguard to ensure that the exercise of police power is directed towards serving the public interest and promoting impartiality.

The National Police Commission plays a crucial role in supervising and overseeing the conduct of individuals within the police service, thus ensuring their accountability to the public. By establishing mechanisms for accountability, the Commission facilitates the assessment of the effectiveness of the police and the police service as a whole.

Democratic policing entails giving priority to human rights and the needs of the public. In Sri Lanka, there has been a longstanding public demand for the establishment of independent commissions, including the National Police Commission, dating back to the 1990s. Initially, the Act Number 1 of 1990 provided provisions for the creation of the National Police Commission and provincial police commissions to oversee important areas such as law enforcement, government service, and anti-corruption efforts. However, the subsequent 17th amendment introduced changes to these provisions and established alternative oversight institutions.

The establishment of the National Police Commission raised public expectations for a police force that would prioritize the well-being of the public, demonstrate accountability, and uphold the principles of law and order.

The establishment of independent commissions aimed to eliminate political interference, strengthen the rule of law, and promote good governance in the country. In 2002, the National Police Commission was established with the primary objective of ensuring the independence of the police force and preventing any undue influence or unlawful interference. The commission sought to create an environment where police officers could perform their duties impartially and without fear, while promoting a culture of respect for the authority of the law among officers from various backgrounds. The National Police Commission is vested with extensive powers related to the management of police officers and the investigation of complaints against the police force.

Under the 17th amendment, the National Police Commission operated as an effective oversight body, ensuring accountability in police operations. However, due to a constitutional crisis between the executive and the constitution, the commission's role

was weakened, and its members were appointed by the president, making it a nominal committee. Furthermore, the civil war that took place from 1980 to 2009, both in the southern and northeastern parts of Sri Lanka, further hindered the administration and allocation of financial resources. With the implementation of the 18th amendment in 2010, vertical oversight of the police was eliminated. The commission's oversight activities became limited to receiving public complaints against the police, with the reports being handed over to the Inspector General of Police (IGP) for investigation and follow-up. The commission did not have the authority to oversee the work of the IGP.

Under the influence of the civil war, the fourth commission appointed under the 19th amendment led to the militarization of the police force, shifting its focus away from being a community-oriented service. This militarization created a perception that there was little distinction between the military and the police, both during and after the civil war. Despite the relative peace achieved after the war ended in 2009, the police force failed to transition from its militarized nature to a modern community policing approach.¹

Under the 20th amendment, the power to appoint members to independent commissions, including the National Police Commission, was transferred from the Constitutional Council to the President. This change in the appointment process consolidated significant power in the hands of the President, which had implications for the independence of the commission and the police service as a whole.²

With the implementation of the 21st amendment, independent commissions were established, creating a legislative assembly within the parliament to exercise the President's powers with appropriate oversight and checks. In line with this, the appointment of members to the National Police Commission should also come under the purview of this legislative assembly.

1. Wiki, E. B. &. (2020, August 9). National Police Commission (Sri Lanka) - EverybodyWiki Bios & Wiki. EverybodyWiki Bios & Wiki.

2. <https://www.cpalanka.org/wp-content/uploads/2020/09/Sinhala-Summary-of-20th-Amendment-Proposal.pdf>

2. Role of the National Police Commission

The role of the National Police Commission encompasses several key responsibilities. These include: a) Making decisions related to all aspects of police officers, such as recruitment, promotions, and transfers, based on policies determined by the Cabinet; b) Enhancing the training, efficiency, and independence of the police force; c) Recommending the appropriate types of ammunition, weapons, and equipment needed by the National and provincial police divisions; and d) Developing ethics and disciplinary systems for police officers.

The current police commission is comprised of seven committee members who possess expertise in various fields such as police administration, state administration, law and legal procedure, society, human rights, and international relations. This balanced composition ensures that decisions made by the commission take into account the diverse aspects and complexities of policing and its impact on public well-being.

In contrast, the previous commission established under the 18th amendment faced limitations in terms of power, manpower, and resources during its six-year tenure. However, the current commission operates with a broader range of authority and capabilities, enabling it to address a wider spectrum of issues and effectively carry out its responsibilities.

The Constitutional powers and duties of the National Police Commission are outlined in Article 155 of the Constitution. According to Article 155G (1) a., the commission is responsible for the appointment, promotion, transfer, and disciplinary actions of all police officers, except the IGP. These powers should be exercised in consultation with the IGP. Additionally, Article 155G (17) (a) states that the National Police Commission should not undermine or diminish the authority and powers of the provincial commissions when they are established, or when exercising their own powers.

Furthermore, Article 155G(2) grants the National Police Commission the authority to examine, investigate, and redress public complaints filed by victims against police officers or the police service. When the commission decides to redress a complaint, they are required to promptly inform the IGP about their decision.³

If we pay attention to the vision and purpose of the National Police Commission, there are three key purposes:⁴

1. To create a professionally superior and satisfactory police service by implementing quality policies and good practices through effective and efficient management of Human Resources in the police service.

3. <https://www.parliament.lk/files/pdf/constitution-si.pdf>

4. Liyanaarachchi, J., & Dissanayake, D. (2020). ශ්‍රී ලංකාවේ ස්වාධීන රාජ්‍ය කොමිෂන් සභා: ඉතිහාසය, බලතල, ක්‍රියාකාරීත්වය සහ ස්වභාවය [Sinhala]. PAFFREL.

2. To respond to public interest and ensure accountability by expeditiously investigating public complaints against the police with a view of upholding human dignity and the rule of law without any undue prejudice, favouritism, or discrimination.
3. To adopt a holistic approach to improve the effectiveness and independence of the police service through close collaboration with other stakeholders, by planning and implementing various measures to create human security and prevent crime.

The vision of the National Police Commission is to create a safe and peaceful society through the establishment of a reliable, independent, and professional police service. Their mission is to transform the Sri Lanka Police into a service that upholds and protects human rights, ensures public accountability, promotes the rule of law, operates efficiently and transparently, and responds to the aspirations of the public.

2.1 Appointment of Officers

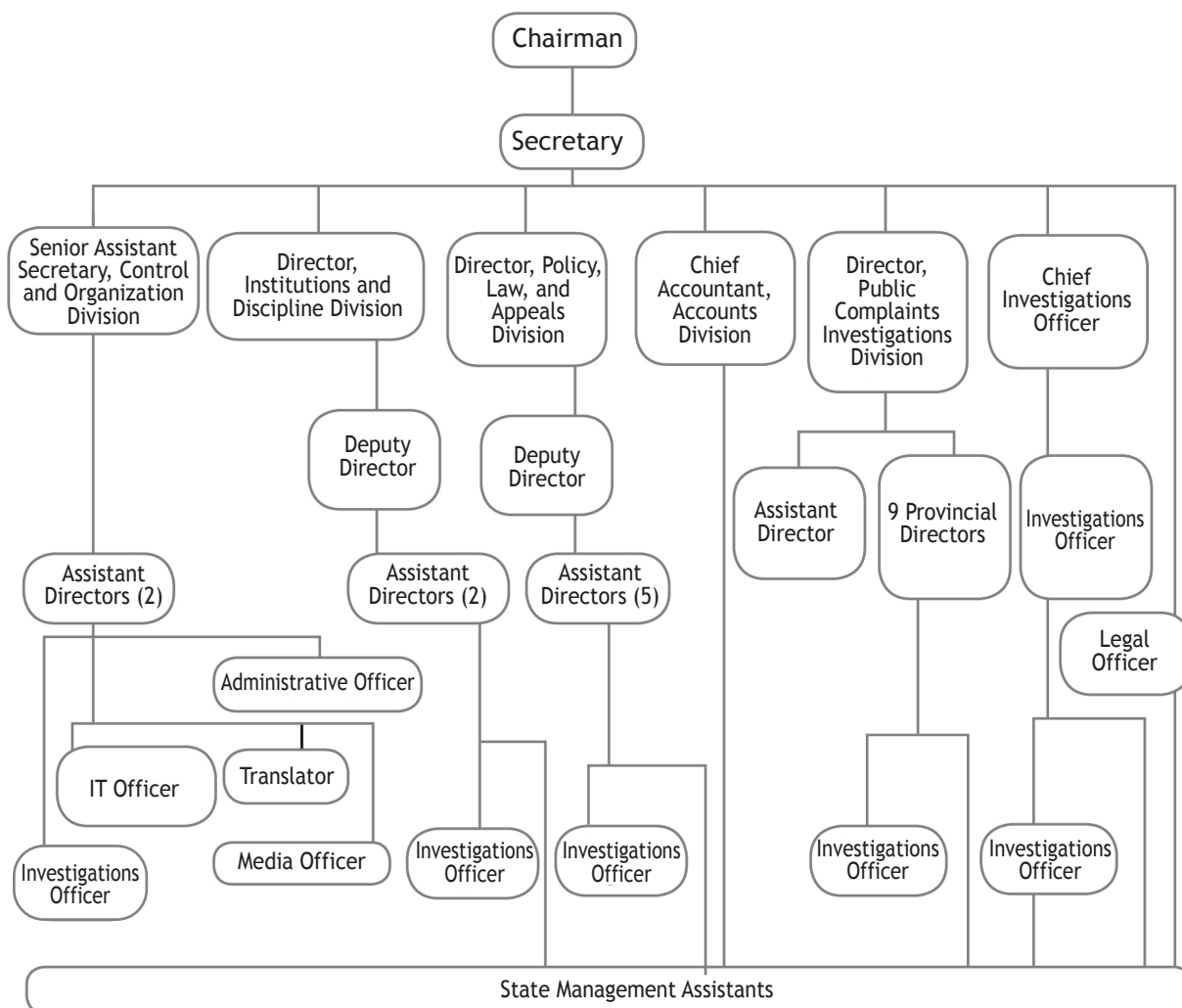
Members of the National Police Commission are recommended by the Constitutional Council. In accordance with Articles 103(1) and 43(b) of the constitution, the president is required to appoint these members based on the recommendation of the Constitutional Council. As stipulated in Article 41B(4) of the constitution, the president must make these appointments within 14 days upon receiving the recommendation. If the president fails to do so, the recommended individuals will be considered officially appointed on the 15th day.

For the position of the chairman of the National Police Commission, the Constitutional Council must provide three recommendations in a priority order to the president. The president is then required to appoint one of the recommended individuals as the chairman of the commission. If the president fails to make the appointment within 14 days, as stated in Article 41B of the constitution, the first person in the priority order from the recommended list will be officially appointed as the chairman on the 15th day.

One of the provisions that ensures the independence and impartiality of the National Police Commission is the requirement of specific credentials for its members. According to Article 155A(1) of the constitution, at least one of the members appointed to the commission must be a retired police officer who has served in the rank of Deputy Inspector General (DIG) or above.

Another provision that ensures the independence and impartiality of the National Police Commission is the criteria for determining the suitability of individuals to be appointed as members. Article 155A(2) of the constitution states that no person can be appointed or continue to hold office as a member of the Commission if they are a member of Parliament, a Provincial Council, or a local authority.⁵

5. Liyanaarachchi, J., & Dissanayake, D. (2020). ශ්‍රී ලංකාවේ ස්වාධීන රාජ්‍ය කොමිෂන් සභා: ඉතිහාසය, බලතල, ක්‍රියාකාරීත්වය සහ ස්වභාවය [Sinhala]. PAFFREL.



Source - Official Website of the National Police Commission 2020

2.2 Appointment of Directors of Provincial Police Commissions

Under Article 17A of the 17th amendment to the constitution, the National Police Commission is empowered to establish provincial commissions when exercising its powers.⁶

The directors of these provincial councils have the responsibility of receiving public complaints, conducting independent and impartial investigations, and providing redress to the victims at the provincial level. The process for investigating public complaints has been completely revamped, with the establishment of dedicated offices in each province to handle these complaints. The selection of provincial directors involves interviewing a pool of highly experienced retired government servants and senior police officers. Once selected, the provincial directors undergo a three-day workshop to familiarize themselves with the public complaints investigation procedure of the National Police Commission.

By November 2021, a total of ten provincial directors had been appointed. Due to the high number of public complaints received in the Western Province, two provincial directors were specifically appointed to oversee the complaints in this province.⁷

6. 17th amendment to the constitution

7. <https://www.dinamina.lk/2021/11/11/>

2.3 Composition

It is commendable to include a requirement that at least one of the members appointed to the National Police Commission must be a retired police officer who has served in the rank of Deputy Inspector General (DIG) or above. This ensures that the commission benefits from the experience and understanding of someone familiar with the Sri Lanka Police. Additionally, by not making the other six members permanent, it allows for the appointment of experts from various fields who can contribute their expertise to the commission's work.

One of the allegations against the National Police Commission is that by having an increased number of former police officers in its composition, it has become another branch of the police force. This sentiment has been echoed by the current Speaker of the Parliament, who has expressed concerns about the Commission's potential interference in police transfers. As the Chairman of the Constitutional Council, he has reminded the Commission members that they are retired DIGs and not currently serving officers. The alleged direct intervention in police transfers suggests an undue interference from the Commission.

One criticism regarding the effectiveness of the National Police Commission is that having an older committee has led to a lack of efficiency. The diverse backgrounds of the members also made it challenging to foster a sense of unity among them. This weakness may have contributed to a lack of respect for the Commission from the IGP and other high-ranking officers.⁸

2.4 Complaints that can be taken to the Police Commission by the Public

There are two primary avenues for the public to lodge complaints against a police officer or the police service. Firstly, an individual who has been victimized can file a complaint regarding the specific incident of victimization. Secondly, a representative or an organization representing the victimized party can file a complaint on their behalf to the National Police Commission.

The National Police Commission accepts complaints primarily against police officers who have engaged in injustices and illegal activities while performing their official duties. To facilitate the acceptance and investigation of public complaints, a dedicated Public Complaints Unit is established, led by a director. Additionally, nine provincial directors are appointed to oversee offices in each province. Investigation officers are also appointed in provincial offices to support the investigative process.

The public has the option to lodge complaints by visiting the commission in person, submitting written complaints, or sending complaints via email. Following the investigations, disciplinary actions are taken against Police Officers in Charge (OICs) and officers above the rank of Assistant Superintendent of Police (ASP) but below the rank of Chief Inspector (CI) by the Inspector General of Police (IGP) and the Public Service Commission. In cases where officers are found guilty of criminal offences, the IGP is recommended to take legal action against them. Furthermore, a Special Investigation Unit is established under the supervision of a police inspector to investigate cases related to the severe torture of individuals.

The National Police Commission has explicitly and transparently published a list of 25 types of complaints that are accepted by the commission against police officers:⁹

8. Liyanaarachchi, J., & Dissanayake, D. (2020). ශ්‍රී ලංකාවේ ස්වාධීන රාජ්‍ය කොමිෂන් සභා: ඉතිහාසය, බලතල, ක්‍රියාකාරීත්වය සහ ස්වභාවය [Sinhala]. PAFFREL

9. N. (2018, January 10). ජාතික පොලීස් කොමිෂන් සභාව ඔබ වෙනුවෙන් Roar සිංහලී <https://roar.media/sinhala/main/>

1. Human rights violations
2. Complaints against the action of a police officer causing torture and/or treating an individual inhumanely or disrespectfully and causing injury while in police custody.
3. A death of a person while in police custody
4. Complaints against a police officer for filing fake cases in court and presenting fraudulent documents and evidence.
5. An allegation that has gained public attention and widespread media coverage, leading to calls for an independent investigation.
6. Signal errors done by police officers
7. Directly intervening, intimidating, and threatening victims or witnesses either personally or through intermediaries during ongoing investigations, court cases, or disciplinary hearings.
8. Any attempt to tamper with or destroy evidence or reports, as well as coercing or intimidating medical officers or government officials to provide false reports or refrain from fulfilling their duties.
9. Abuse of power, neglecting official duties, and engaging in activities that can bring discredit to government service.
10. Incidents involving the shooting of individuals by police officers.
11. Unlawful arrests and detention of individuals by police officers.
12. Refusing to accept or document complaints from the public.
13. Engaging in assault, intimidation, abuse, or threatening behaviour.
14. Refusing, failing, or postponing the documentation of an issue.
15. Altering facts in documented statements.
16. Failing to continue reports due to erasing or other kinds of alteration.
17. Showing bias towards members of political parties when performing duties.
18. Denial of proper justice due to misconduct by a police officer.
19. Fatal accidents involving a police vehicle or a police officer.
20. The inefficiency of DIG divisions, district officers, OICs, and general police officers.
21. Deliberately presenting incomplete or defective criminal charges against accused individuals.
22. Unnecessarily delaying the provision of certified copies of police statements after the payment of general fees.
23. Discouraging complainants or witnesses from providing their statements.
24. Using abusive language, intimidation, or threats towards complainants or witnesses.
25. Displaying bias or inactivity when investigating complaints.

These types of complaints should be submitted to the National Police Commission in written form.

2.5 Complaints to Police Officers

Additionally, police officers also have the opportunity to file appeals against higher-ranking officers regarding injustices they have faced. The National Police Commission accepts appeals related to promotions, transfers, disciplinary actions, and termination of employment. These appeals should be addressed to the Secretary of the National Police Commission and can be submitted either by registered post or by personally visiting the commission and obtaining a receipt. It is important to note that these appeals should be filed within six months from the date of the alleged injustice. Once an appeal is submitted, it will be reviewed by an appeal board appointed by the commission. If the appeal board finds substantial grounds for the grievance, they will conduct an investigation.

The appeal board has the authority to provide recommended relief as part of their decision on the grievance. However, if a police officer is not satisfied with the decision of the appeal board regarding promotions, transfers, disciplinary actions, or termination of employment, they have the option to further appeal the decision to the Administrative Appeal Tribunal.

The National Police Commission has the authority to review and modify orders based on appeals and can either continue the same investigation or initiate a new one. Similarly, the Administrative Appeal Tribunal has the power to amend, modify, or affirm any order or decision made by the commission. It is important to note that the National Police Commission is accountable to the parliament, and as such, it is required to submit an annual report detailing its activities during the year to the parliament.¹⁰

2.6 1960 Hotline Service

The efficiency of the police service is often measured by its ability to respond promptly to public complaints. This is a widely accepted standard globally. In Sri Lanka, the police department's 119 hotline is often overwhelmed with complaints, leading to delays in service provision. However, the parallel hotline 1960 established by the National Police Commission has been designed to address public requirements and provide a quicker response to complaints.

In response to the significant number of complaints received by the police from across the country on a 24/7 basis, there was a need for a well-organized system to handle these complaints efficiently. The establishment of the 119 hotline was a proactive step taken to ensure that investigations could be conducted promptly without unnecessary delays.

On November 18, 2004, the 119 hotline was launched in the Command Information Division of the police, following the concept introduced by the then IGP Chandra Fernando. Under this system, police officers receive complaints through the 119 hotline and categorize them into three different categories based on the nature of the complaint. This allows for a quick and appropriate response to the complaints received.

10. N. (2018, January 10). ජාතික පොලිස් කොමිෂන් සභාව ඔබ වෙතුවෙයි - Roar සිංහල <https://roar.media/sinhala/main/>

1. Quick action for a message
2. After an incident, additional assistance is provided to the complainant to address their concerns or needs.
3. Actively receiving and documenting confidential information, particularly in cases related to illegal drug trafficking.

In some cases, the 119/118 hotlines, which operate in a similar manner, have reported instances of inactivity. As a result, the parallel hotline 1960, which operates alongside the 119/118 hotlines, has been introduced to the public as an intermediary independence service.¹¹

2.7 Remedies for Complaints

After submitting complaints to the commission using this method, they will be forwarded to the director responsible for investigating complaints. Once the investigation is complete, following remedies will be implemented as deemed necessary.¹²

1. Taking necessary actions to fulfill the rights of the victims.
2. Referring the case to the Inspector General of Police (IGP) to initiate disciplinary measures against officers who have violated disciplinary rules.
3. Notifying the Public Service Commission to initiate disciplinary actions against officers who have violated disciplinary rules.

2.8 That the Police Commission cannot be Influenced

No individual or entity, except in legal matters, possesses the authority to directly or indirectly influence or impede the decisions made by the commission. Any attempt to do so will be deemed a criminal offence, punishable by a fine of Rs. 100,000 or a minimum of seven years of imprisonment, or both. Furthermore, only the Supreme Court and the Administrative Appeal Tribunal are empowered to question or investigate decisions or orders issued by the commission. No other court or tribunal is granted the right to challenge the decisions made by the commission.¹³

2.9 The Intervention of the Inspector General of Police

Article 155B. (5) of the constitution states that “The Inspector-General of Police shall be entitled to be present at meetings of the Commission, except where any matter relating to him is being considered. He shall have no right to vote at such meetings.” Therefore, the intervention of the Inspector General of Police (IGP) in the commission can be seen as an obstacle to the commission’s independence.

11. 2021 වර්ෂය සඳහා කාර්යසාධන වාර්තාව, ජාතික පොලිස් කොමිෂන් සභාව.

12. N. (2018, January 10). ජාතික පොලිස් කොමිෂන් සභාව ඔබ වෙනුවෙහි - Roar සිංහ, <https://roar.media/sinhala/main/srilanka-life/national-police-commission>

13. N. (2018, January 10). ජාතික පොලිස් කොමිෂන් සභාව ඔබ වෙනුවෙහි - Roar සිංහ, <https://roar.media/sinhala/main/srilanka-life/national-police-commission>

Article 155F. (1) of the constitution states that “Every person who, otherwise than in the course of such person’s lawful duty¹⁶¹[directly or indirectly by himself or by or with any other person, in any manner whatsoever influences or attempts to influence or interferes with any decision of the Commission or a Committee or to so influence any member of the Commission or a Committee shall be guilty] of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding seven years, or to both such fine and imprisonment.”¹⁴ Accordingly, the commission has been granted legal provisions to operate independently, free from any unwarranted interventions.

2.10 Accountability to Parliament

Article 155B. (5) of the constitution states that “The Commission shall be responsible and answerable to Parliament in accordance with the provisions of the Standing Orders of Parliament for the exercise, performance and discharge of its powers, duties and functions and shall forward to Parliament in each calendar year a report of its activities in such year.”Accordingly, the commission is an institution that is responsible and accountable to the parliament.¹⁵

14. Liyanaarachchi, J., & Dissanayake, D. (2020). ශ්‍රී ලංකාවේ ස්වාධීන රාජ්‍ය කොමිෂන් සභා: ඉතිහාසය, බලතල, ක්‍රියාකාරීත්වය සහ ස්වභාවය [Sinhala]. PAFFREL

15. Liyanaarachchi, J., & Dissanayake, D. (2020). ශ්‍රී ලංකාවේ ස්වාධීන රාජ්‍ය කොමිෂන් සභා: ඉතිහාසය, බලතල, ක්‍රියාකාරීත්වය සහ ස්වභාවය [Sinhala]. PAFFREL

3. Overture of All The Police Commissions Since 2002

The National Police Commission, which was introduced as a new initiative in Sri Lanka, came into existence following a change in government in 2001. Fulfilling an election promise, the then Prime Minister Ranil Wickremesinghe established independent commissions through the implementation of the 17th amendment to the constitution. Among the significant independent commissions established during this period was the National Police Commission.

Although the initial commission established under the 17th amendment did not possess the same level of authority as the current commission established under the 19th amendment, it is widely believed that the first commission, established in November 2002, played a crucial role in granting a certain degree of independence to the police service, thereby reducing political influence.

Establishment of National Police Commissions:¹⁶

	Term of Commission	Chairman and Commissioners	Special actions of the commission (Recommendations, guidelines)	Other Special Notes
1	From November 2002 to November 2005	President's Counsel Ranjith Abeyesuriya (President)	During this term, significant efforts were made to ensure that the police force remains independent and free from political interference. During this term, reforms were implemented to put an end to the practice of appointing Officers in Charge (OICs) and transferring police officers based on political orders.	In the first local government election following the establishment of the initial National Police Commission, the police successfully arrested over a hundred individuals, including Members of Parliament (MPs) and local government candidates, who had violated election laws and were involved in acts of violence.

16. පොලිසියේ ප්‍රශ්න විසඳන පොලිස් කොමිෂමේ සභාපති ප්‍රශ්නය (2019, March 8). සිව්මිණ

2	From April 2006 to April 2009	Neville Piyadigama (President)		Members and the president of the second commission were appointed by the then-president, Mahinda Rajapaksa. However, on April 9, 2009, after the completion of its third year, the commission transitioned into a nominal commission, resulting in a reduction of its powers. The authority previously held by the commission was transferred to the Public Service Commission. Unfortunately, this change marked the beginning of an era where the appointment of OICs for political gains resurfaced, undermining the independence and effectiveness of the police service.
3	From February 2012 to April 2015	President's Counsel Senaka Walgamipaya (President)		Under the new arrangements, the powers initially granted to the Police Commission by the 17th amendment to the constitution were largely revoked, with the exception of its authority to investigate public complaints, which solely focused on handling public complaints against the police. The remaining powers were transferred to the Public Service Commission.
4	From October 2015 to October 2018	Dr. Siri Hettige/ Attorney-at-Law P.H. Manathunga (President)	This commission has played a significant role in bringing about positive changes within the police force. Notably, it has introduced an ethics system. Additionally, the commission has implemented a system for promotions and recruitments within the police.	Dr. Siri Hettige resigned from the position of president of the commission on January 8, 2017. However, he continued to serve as a member of the commission. Subsequently, P. H. Manathunga was appointed as the new president of the commission on January 18, 2017, filling the vacancy left by Dr. Hettige's resignation.

5	From February 2019 to 3rd December 2020	Dr. Siri Hettige (Acting president)		<p>A crisis emerged concerning the appointment of the president of the commission due to a statement in a letter from the presidential secretariat. The letter erroneously indicated that P.H. Manathunga would be appointed as the president for a three-year term. However, this was later recognized as a technical error.</p> <p>During this period, Mr. Manathunga introduced himself as the president of the commission. Nevertheless, the Constitutional Council recommended D. T. P. Kollure for the position. However, amidst the ongoing crisis, Mr. Kollure decided to step down from the presidency.</p> <p>As a result, Dr. Siri Hettige was appointed as the acting president of the commission to address the situation and ensure the functioning of the commission during this uncertain period.</p>
6	From 3rd December 2020 to 16th May 2023	Chandra Fernando (President)		<p>Under the provisions of the 20th amendment to the constitution, President Gotabhaya Rajapaksa, with the approval of Parliament, appointed Chandra Fernando as the president of the commission.</p>
7	Since 16th May 2023	Retired High Court Judge Lalith Ekanayake (President)		<p>Retired High Court Judge Lalith Ekanayake was appointed as the new president of the commission by President Ranil Wickremesinghe.</p>

4. Challenges Faced by the Police Commission

4.1 Political Pressure on the Police Commission

During that period, civil society organizations such as CaFFE (Campaign for Free and Fair Elections) and SLHRC (Sri Lanka Human Rights Centre) made a statement highlighting the removal of Ariyadasa Kure from his position as the secretary of the National Police Commission. According to their statement, Kure was removed from his position because he had requested a report from the Inspector General of Police (IGP) regarding the conflicts that took place in Theldeniya and Dighana in 2018.

CaFFE and SLHRC expressed concerns that the removal of the secretary was a deliberate move by the political leadership to prevent the National Police Commission from conducting an independent investigation into the aforementioned conflicts.

It is now widely acknowledged that the inefficiency of the police played a role in the further escalation of the conflicts in Theldeniya and Digana. The day after the conflicts, organizations such as CaFFE and SLHRC called for an investigation into the inefficiency of the police during the incidents, urging the National Police Commission to take action.

Prominent figures including Ministers Lakshman Kiriella, Rauf Hakim, Haleem, MP Dilum Amunugama, and the Army Commander expressed their views that the police's inefficiency contributed to the escalation of the conflicts.

There was a prevailing perception among the public in the country that the police deliberately allowed the conflicts in Theldeniya and Digana to escalate. This opinion was widely shared, and the National Police Commission received numerous requests to investigate the matter. Even the then-Prime Minister expressed criticism of the police's handling of the situation. However, when the secretary of the National Police Commission, Ariyadasa Kure, requested a report from the Inspector General of Police (IGP) regarding the incidents, several prominent politicians expressed their disapproval.

During this period, the National Police Commission faced significant political pressure and allegations of operating based on political requirements. The resignation of Dr. Siri Hettige from the position of president in January 2017 further fuelled these claims.¹⁷

4.2 Internal Conflicts within the Police Commission

A few years ago, a group of permanent staff members of the commission lodged a complaint with the Auditor General, expressing concerns about the commission's operations. They specifically requested a fair investigation into the administration and financial management

17. ජාතික පොලිස් කොමිෂන් සභාවේ ලේකම් ආර්යදාස කුරේ ඉවත් කළේ තෙල්දෙනියා ගැන පොලිස්පතිගෙන් වාර්තාවක් ඉල්ලූ නිසයි! (2018, March 20)

of the commission. They accused the commission of being a wasteful white elephant institution that fails to meet the expectations set by the 19th amendment to the constitution of the good governance government.

They revealed that the commission was wasting hundreds of thousands of rupees on monthly rent by acquiring an excessive number of rooms at the BMICH (Bandaranaike Memorial International Conference Hall). They claimed that despite paying a monthly rate, some of these rooms were only used for a short period of time. Furthermore, they pointed out that the number of staff members within the commission had significantly increased over time. In 2015, when the commission was established, there were only 25 staff members, but now the number has exceeded 100.

Poition	Permitted number of employees
Senior	32
Tertiary	05
Secondary	65
Primary	21

Source - Performance Report for the Year 2021, National Police Commission

The appeal boards within the commission were reported to be in unsatisfactory condition. Particularly, bringing complaints that are clearly expired or concerning officers who are no longer employed is seen as a waste of both time and resources.

It is evident that certain issues have arisen when it comes to the powers and responsibilities of the commission. As per the law, the commission is accountable to parliament, and it is required to compile annual reports detailing its work. During a special press conference held in December 2017, officers from the UN Working Group who visited Sri Lanka expressed their view that the police commission lacked sufficient strength. In particular, member Jose Guevara emphasized the need for enhancing the investigative procedures for complaints relating to unlawful detention and torture.¹⁸

In 2021, five provincial directors submitted their resignation notices to the commission, expressing their dissatisfaction with the actions of the former president, former IGP, Chandra Fernando. These five individuals who resigned were senior administrative officers representing different provinces: Dayananda Kolabagama from Sabaragamuwa Province, T. M. W. Tennakoon from Uva Province, Karunaratne Kakulanadala from Central Province, P. S. Gunawardena from Southern Province, and W. M. Jayawardena from North-Western Province.

The former president, Chandra Fernando, responded to the resignations of the five senior administrative officers by highlighting an observed inefficiency in the process followed by the officials of the commission. He noted that there was a practice of preparing reports on complaints received by the commission and sending them to the SSP (Superintendent of Police) of the relevant police division, requesting their reports on the complaints. Fernando expressed concern that this practice was not efficient, and delays in receiving responses to requests were making it difficult to conduct investigations.

18. Gamage, B. M., & Jayawardane, T. (2018, March 21). කොමිෂම් විසා කරවන පොලිස් කොමිෂම. www.Lankadeepa.Lk

Furthermore, Chandra Fernando mentioned that the provincial directors, who are responsible for overseeing the operations of the commission at the provincial level, have demonstrated a lack of proper understanding of the laws pertaining to dealing with the police and conducting complaint investigations. Additionally, he pointed out that there was a lack of effective coordination between the provincial directors and the Inspector General of Police (IGP).

He further stated that despite his proposal to provide training on complaint investigation procedures and redressing complainants, they had declined his suggestion.¹⁹

In 2022, the presence of Chandra Fernando, the former president of the commission, among the crowd that gathered to welcome the finance minister at the Bandaranaike International Airport (BIA), raised concerns and sparked discussions in society. The incident led many to question the continued independence of the commission.

In response to the allegations, Chandra Fernando made several statements clarifying his perspective. He acknowledged that in the 1990s, the police force faced allegations of corruption, inefficiency, and a lack of commitment to upholding the rule of law. As a response to these challenges, the National Police Commission was established. However, he noted that although the commission is referred to as an independent body, the term "independence" itself is not explicitly mentioned in the constitution.

Fernando pointed out that the National Police Commission is composed of members appointed by the president, based on the recommendations of the constitution council, which is a political entity. He emphasized that the independence lies within the individuals who work for the commission. He also highlighted that if there are any concerns about partiality or biased service conditions for the president and the members, individuals have the right to voice their complaints. However, he emphasized that the commission has demonstrated its independence over the years and that their commitment to working independently is unwavering, even if faced with any consequences.²⁰

19. Right To Life Human Rights Center. (n.d.)

20. Samaraweera, B. B. (n.d.). *'If we work independently, it doesn't matter even if we go and meet God.'* Latest in the News Sphere | the Morning

5. Background of the Establishment of the Police Commission and its function

One of the reasons for the establishment of a police commission in Sri Lanka was the significant dissatisfaction caused by the 1978 constitution. This constitution concentrated extensive powers in the hands of the president, impeding the effective functioning of various key institutions. As a result, there was a public perception that these institutions had deteriorated and weakened, leading to a debate on how the government could ensure their proper maintenance.

In response to these concerns, the 17th amendment to the constitution received support from all political parties. At the time of its proposal, there was a discussion that the president should not directly interfere in the appointment of heads of government institutions.

The establishment of a police commission was part of broader efforts to address the concerns that the president should not have the sole authority to appoint higher ranks within the police force based on personal preferences. Instead, there was a recognition that such appointments should be carried out through an intermediary body that is knowledgeable and experienced in the subject matter. Accordingly, the National Police Commission was initiated.

Sri Lanka Police losing their professionalism and guidelines given by the IGP

In a certain case, the court made a strong criticism of the country's most powerful law enforcement agency, stating that the police had lost their professionalism. The case involved the shooting and death of a suspect named Mohammad Irfan, who was in custody at the Slave Island police station in 2008. The victim's wife, Fatima Sharmila, had filed a case against the police regarding the incident.

On February 5th, the court issued an order, directing the Inspector General of Police (IGP) to prepare and present a series of guidelines by February 24th. These guidelines were intended to prevent similar instances from recurring and aimed to address the concerns raised regarding the lack of professionalism within the police force.

The police force operates as a hierarchical organization, with administration and decision-making flowing from top to bottom. For example, if a suspect is taken outside, they should be in handcuffs. But what we usually hear are reports that the suspect was shot when he assaulted police officers and attempted to escape.

To address these issues, the police has a responsibility to adhere to guidelines provided by the Inspector General of Police (IGP) that discourage the dissemination of such statements. These guidelines aim to promote transparency and accountability within the police force. The practical implementation of these guidelines falls under the supervision of the Senior Superintendent of Police (SSP) of the relevant division. It is the duty of the SSP to conduct weekly inspections of each police station and ensure that proper procedures are followed. Accordingly, if SSPs and OICs fulfill their duties diligently, then aforementioned deaths would never happen.

Up until now, when a killing of that nature occurs and becomes known to the public, the blame typically falls solely on the officers who fired the fatal shots. However, it is crucial to recognize that the responsibility for such deaths should also extend directly to the Officers in Charge (OICs) and Senior Superintendents of Police (SSPs). These deaths often occur as a result of negligence or a lack of diligence in their duties, making them directly or indirectly responsible for these killings. To address this issue, it is essential for the public, media, civil societies, and human rights commissions to advocate for the implementation of guidelines and proposals.

Additionally, the National Police Commission holds the authority to intervene and oversee the implementation of these guidelines. If they genuinely have the intention, they can play a role in facilitating further steps to ensure the execution of the Supreme Court's decisions. It is crucial to acknowledge that preventing future crimes necessitates more than just issuing strong cautions, transfers, or compensations for victims. Legal actions against higher-ranking officials who indirectly contribute to these crimes can be more effective in addressing such cases. However, this has not been the case so far.

According to legal principles, the prevention of a crime is not solely reliant on the severity of punishment but on the swift enforcement of the law. It is crucial to emphasize that the protection of criminals should not be condoned. If the National Police Commission fulfills its duties effectively, it can play a significant role in preventing various forms of corruption and potentially even the economic crisis.

Digitalization of Police

Developing a deliberately sabotaged police force from the ground up is a crucial and challenging task, but implementing effective strategies can bring about significant system changes in the country. Various short-term, medium-term, and long-term strategies can be implemented to address this issue.

One key strategy is the digitalization of all current police duties, which can greatly enhance the efficiency of the force. The responsibility lies with the commission to take proactive steps in digitalizing the mechanisms of the police service, in collaboration with the government, relevant ministries, and external stakeholders. This digital transformation can save time, streamline processes, and also contribute to improving the educational level of the police force. Given that today's crimes are often committed using sophisticated methods, it is essential to continuously update the knowledge and skills of police officers to effectively combat these evolving challenges.

Commissions that are funded by taxpayers' money

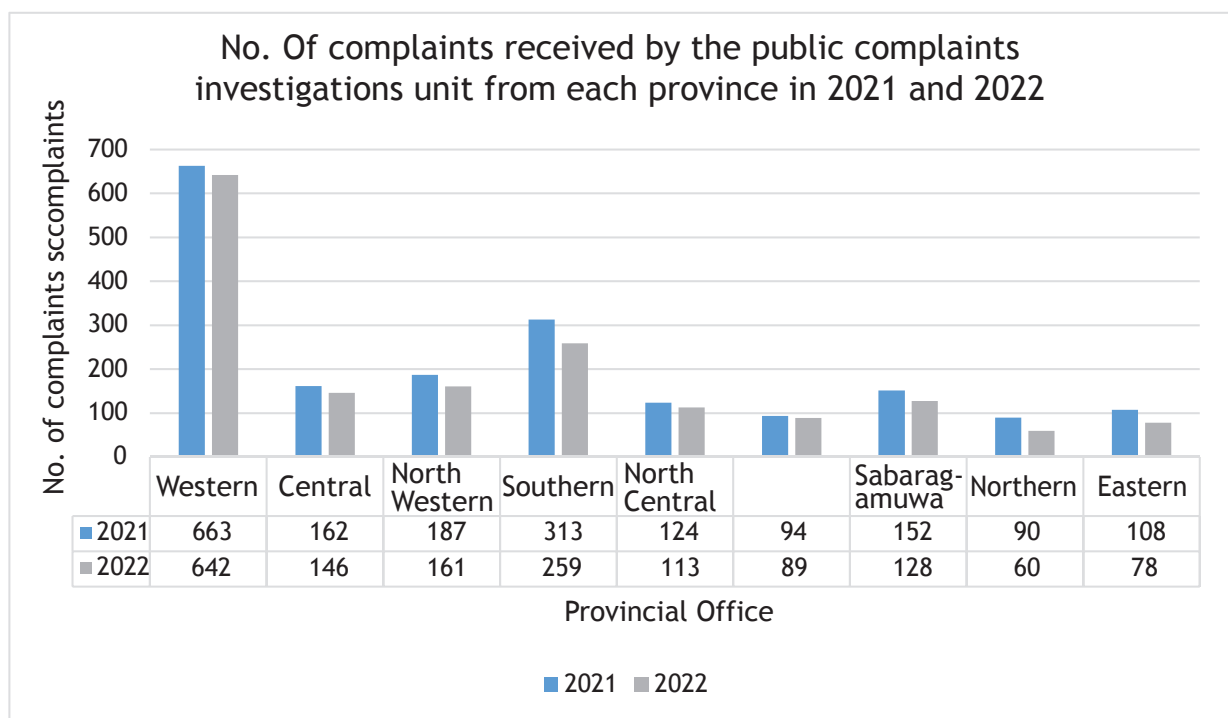
When an institution is funded by taxpayers' money, it is important for citizens to have confidence that their funds are being utilized in a commendable manner. However, in some cases, certain institutions may create an illusion of carrying out their duties rather than fulfilling their intended purpose. These institutions may employ various tactics to distract the public, particularly during times of crises.

Therefore, it is crucial for citizens to remain vigilant and intuitively observe these institutions. They should actively engage with civil society organizations to exert influence and ensure that these institutions operate efficiently, impartially, and transparently.

6. Analysis of the Complaints to the Police Commission

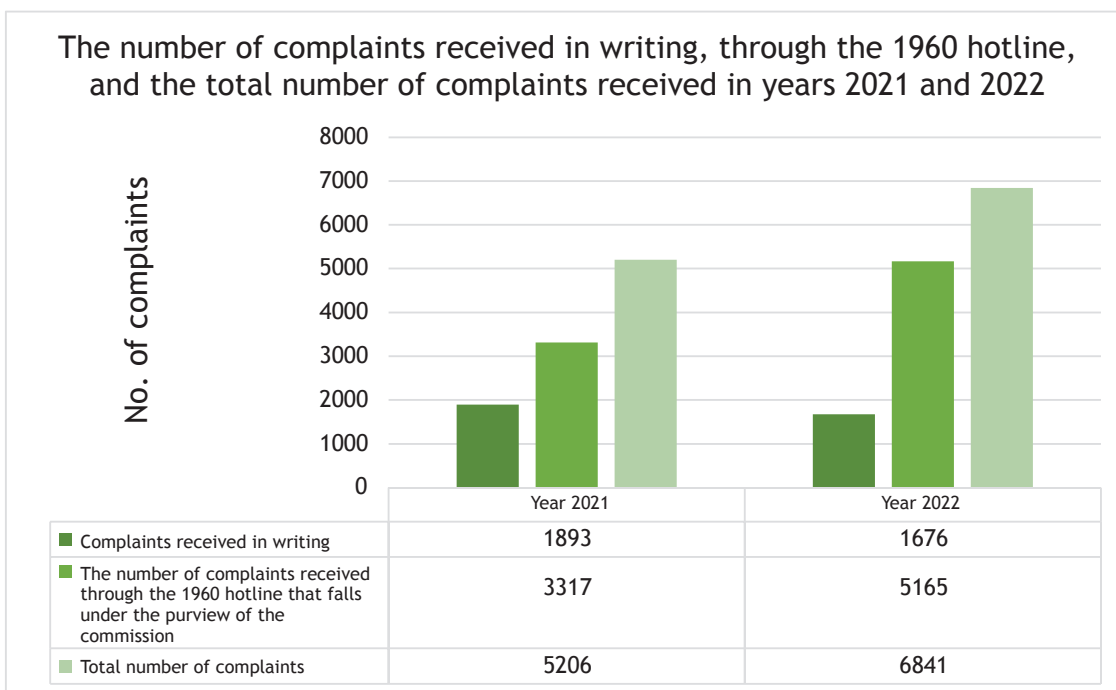
6.1 Analysis on the Basis of the Performance Reports of the Police Commission

During the last two years, the National Police Commission in Sri Lanka received a total of 3,569 complaints against the Sri Lanka Police. In 2021, the commission received 1,893 complaints, followed by 1,676 complaints in 2022. (Notably, in 2022, two offices were established in the Western province. The figure of 642 complaints pertaining to the Western province in the following chart represents the combined total of 346 complaints received by the Western Province I office and 296 complaints received by the Western Province II office.)

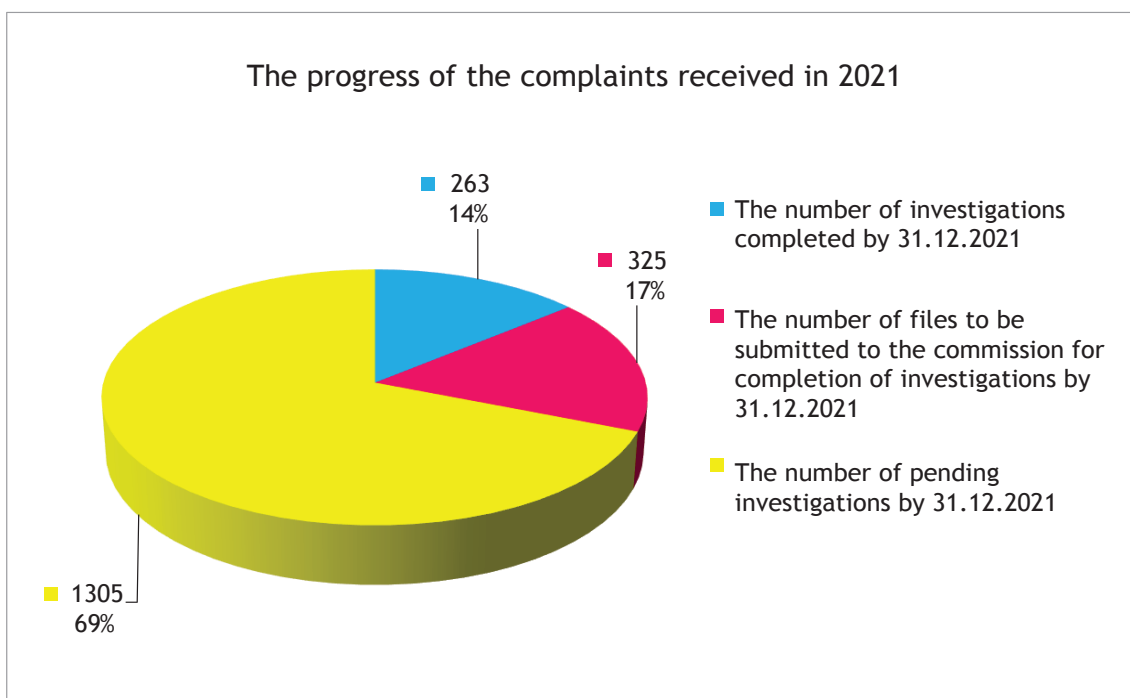


In addition to the complaints received through traditional channels, the National Police Commission also received complaints through the 1960 hotline during the mentioned two-year period. In 2021, out of the total of 14,198 complaints received, only 3,317 were specifically related to matters falling under the purview of the commission. Shifting focus to 2022, the commission received a total of 9,774 complaints, with 5,165 of them being relevant to the commission's mandate.

Combining the complaints received in writing and through the 1960 hotline, there were a total of 5,206 complaints reported for the given period. This number increased to 6,841 in 2022.

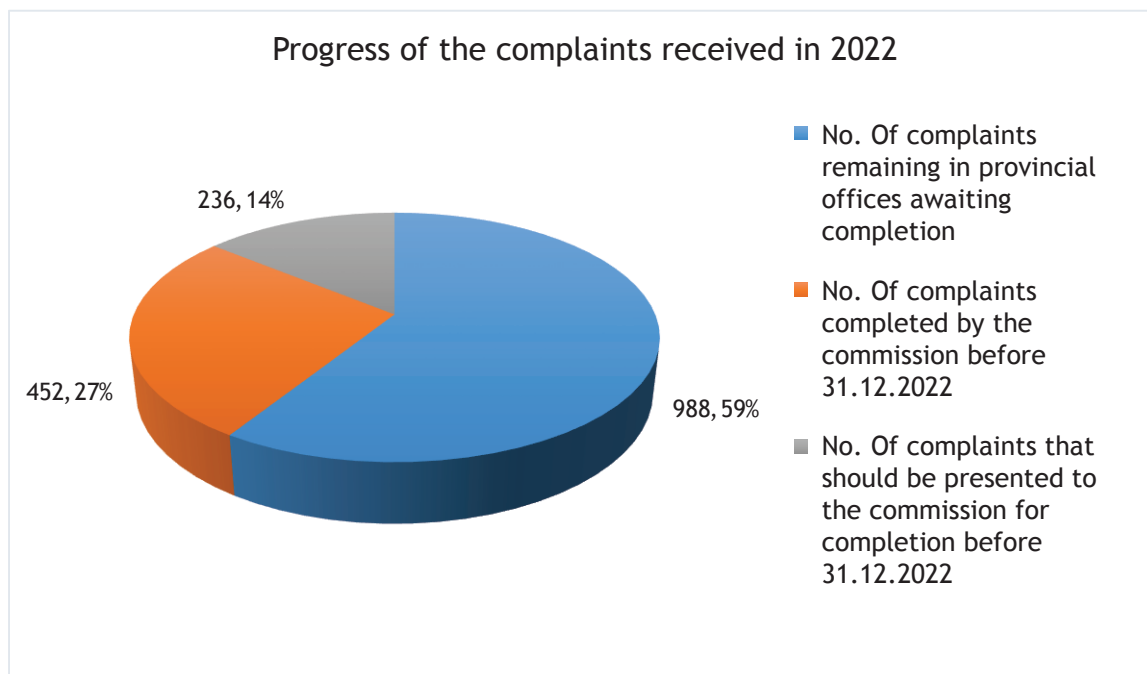


Upon closer examination of the 1,893 complaints received in writing in 2021, it is evident that a significant portion, specifically 1,305 complaints (69%), remained unresolved by the end of the year. Out of the resolved complaints, 325 (17%) require further documentation within the commission to proceed towards completion. Consequently, the commission completed investigations on only 14% of the total complaints received, which amounts to 263 cases resolved in 2021.



The National Police Commission has provided reasons for the delays in completing the investigations. These delays can be attributed to several factors, including changes in the complaint investigation procedure, the need to train officers on the new procedure, limitations in officer availability due to the pandemic, delays caused by the closure of postal services, and the replacement of five resigned directors, which occurred only in November.

Out of the total 1,676 written complaints received in 2022, a significant portion of 988 complaints (59%) remain pending in provincial offices, awaiting the completion of investigations. Additionally, 14% or 236 complaints require further documentation within the commission to progress towards completion. Consequently, the commission has completed investigations on only 27% of the total complaints received, which corresponds to 452 cases resolved in 2022.



These complaints include, unlawful arrests, false accusations, assault, torture, bias, abuse of power, as well as inefficiency of police. According to the nature of the complaint, the complaints for the years 2021 and 2022 are as follows.

Nature of the complaint	No. Of complaints in 2021	No. Of complaints in 2022
Inaction of the police	640	516
Assault	30	403
Torture	16	339
Abuse of power	459	217
Abuse of women and children	8	31
Unlawful detention	23	20
Bribery and corruption	18	64
Bias	409	5
False accusations	57	3
Death while in police custody	1	27
Drug offences	40	1
Other	192	50
Total	1893	1676

The Right to Life Human Rights Centre received a response letter, numbered NPC/AD/RTI/2023-(25), in relation to a Right to Information (RTI) request submitted to the National Police Commission on 27/02/2023. The requested information included:

Out of the complaints received by the National Commission between January 2022 and January 2023;

1. How many complaints were received regarding unlawful arrests, unlawful detention, torture, unlawful killings, and complaints denied by the police?
2. How many of them were registered?
3. How many of these complaints have had investigations initiated?
4. How many of these complaints have had investigations completed?
5. How many of these complaints have received recommendations?
6. How is the implementation of the recommendations being carried out?

The responses received are as follows:²¹

01. Out of the complaints received by the National Commission in 2022,

01	Inaction of the police	516
02	Torture	05
03	Unlawful detention	20
04	Death while in police custody	01
	Total	542

- | | |
|--|-----|
| 02. The number of registered complaints | 542 |
| 03. The number of complaints on which investigations have already been initiated | 542 |
| 04. The number of complaints where investigations have been completed | 200 |
| 05. The number of complaints for which recommendations were given | 200 |
| 06. The number of complaints in which the given recommendations were carried out | 200 |

According to the performance report of the National Police Commission for the year 2022, the number of written complaints received by the commission was stated as 1,676. However, the information received through the RTI request indicated that the number of complaints was recorded as 542. However, the same performance report presents the received complaints in the following manner:

21. Attachment 1

Province	No. of complaints received in 2022	No. of forwarded to the provincial coordinators upon completion of investigations by provincial offices by 31.12.2022	No. Of complaints completed by the commission by 31.12.2022	No. Of complaints that needs be presented to the commission for completion by 31.12.2022	No. Of complaints remaining in provincial offices awaiting completion
Western I	346	95	95	-	251
Western II	296	92	92	-	204
Central	146	32	23	9	114
Southern	259	101	76	25	158
Northern	60	25	4	21	35
Eastern	78	62	22	40	16
North Western	161	87	44	43	74
North Central	113	90	27	63	23
Uva	89	50	25	25	39
Sabaragamuwa	128	54	44	10	74
Total	1676	688	452	236	988

Additionally, there is a discrepancy between the statistical data reported in the performance report regarding the nature of the complaints and the data received through the RTI request.

Furthermore, the commission appointed on 10th December 2020 conducted a comprehensive examination of the investigative procedures that were in place until that time. Their research focused on evaluating the nature, efficiency, and effectiveness of these procedures in serving the public. As a result of their investigation, they identified the weaknesses inherent in the old system and emphasized the necessity of implementing a new and improved investigative procedure to address public complaints effectively.

The new procedure introduced by the commission incorporates several special features. Upon receiving a public complaint, the procedure involves carefully examining the facts provided by the complainants and identifying the requested relief sought. If additional information is needed, it is requested from the complainants to ensure a thorough understanding of the case. Furthermore, the procedure includes the collection of written evidence from the relevant police station based on the nature of the complaint.

The commission aims to ensure a fair and impartial approach in redressing the concerns raised by the public, balancing the available evidence and the complainants' accounts.

As indicated, the National Police Commission claims to have replaced the old investigative procedure with a new one, resulting in improved efficiency and reduced delays. However, it remains uncertain whether this procedure will be continued in the future. Therefore, this case study conducted by the Right to Life Human Rights Centre could provide valuable insights into the commission's efficiency and independence.

6.2 Analysis of Complaints Submitted to the Police Commission by Human Rights First Aid Centres from May 2022 to February 2023

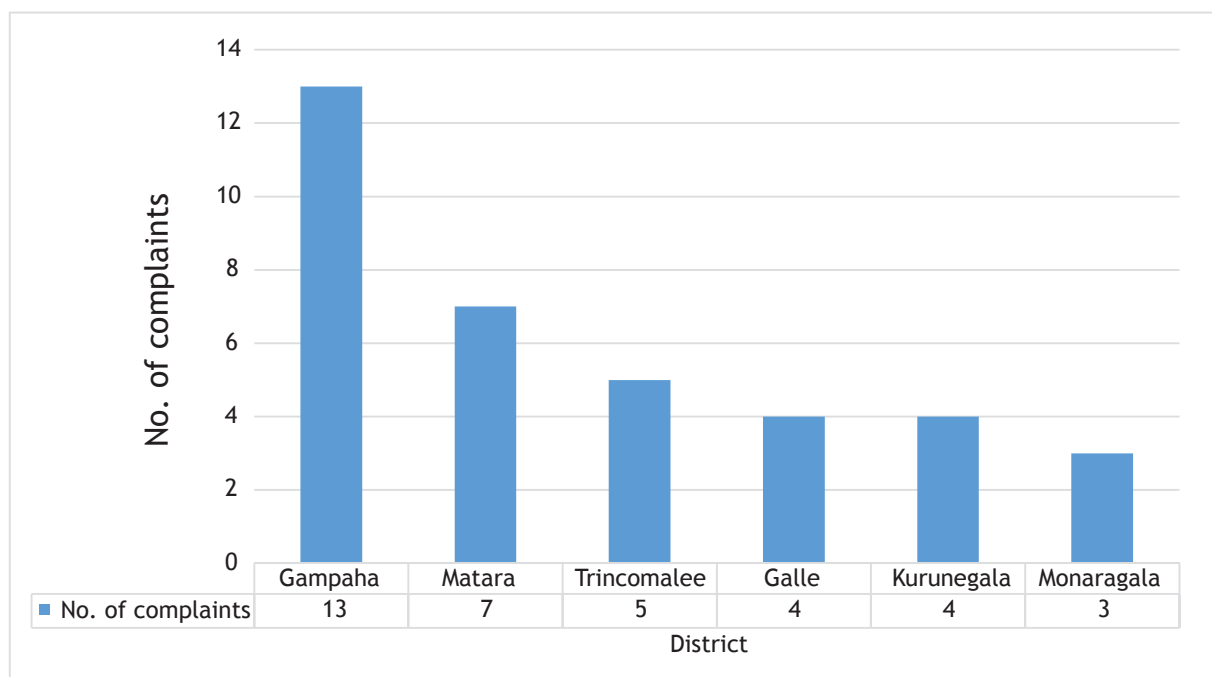
We have decided to include complaints that were submitted to the Police Commission by Human Rights First Aid Centres, guided by the Right to Life Human Rights Centre, from May 2022 to February 2023. The total number of complaints included in this study amounts to 36. Additionally, we will examine the responses received by the Human Rights First Aid Centres in relation to these complaints. This will provide valuable context and insights into the practical functionality of the National Police Commission’s new public complaint investigative procedure.

The Human Rights First Aid Centres were initially launched as a pilot program in 2018, operating in three districts. Over time, the program has expanded and now covers a total of 13 districts. These centres serve as a vital resource for individuals within their respective areas who have experienced or are at risk of facing violations of their rights. The primary objective of these centres is to provide guidance and support to individuals, empowering them to take action in defence of their rights.

Under the guidance of the Human Rights First Aid Centres, the relevant victims will submit their complaints to independent commissions and other institutions.

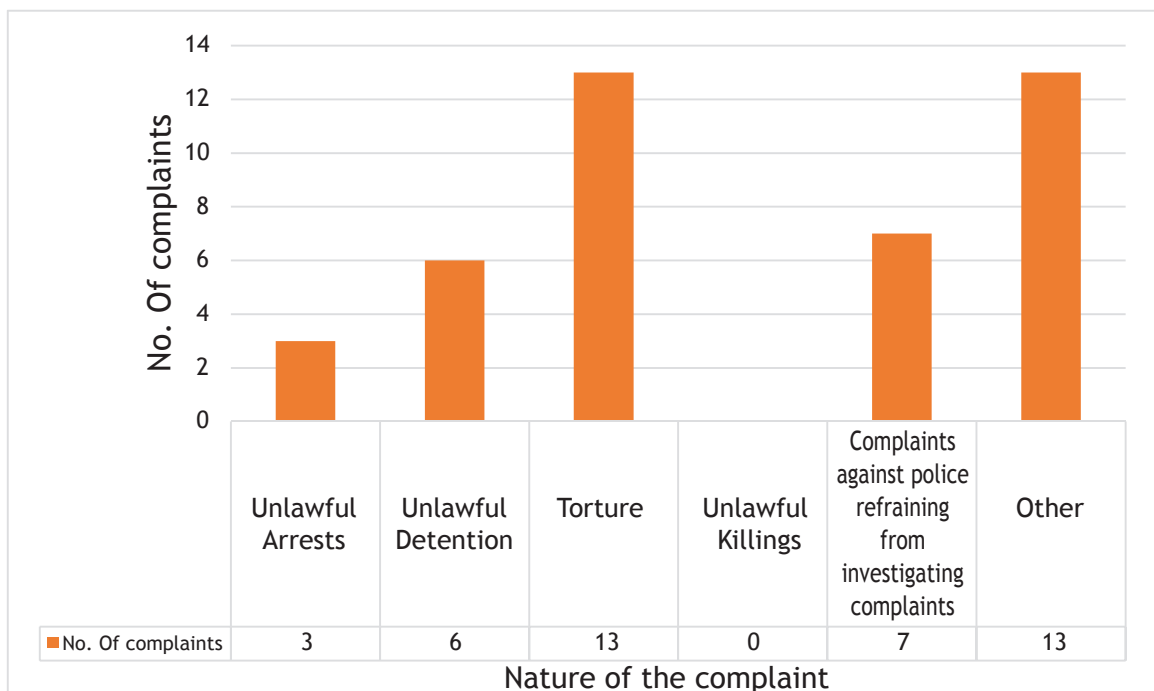
Accordingly, the following analysis focuses on the measures taken in response to the complaints submitted to the commission by six of the thirteen Human Rights First Aid Centres during the period between May 2022 and February 2023.

The following is a breakdown of the number of complaints forwarded to the National Police Commission through Human Rights First Aid Centres, categorized by district:

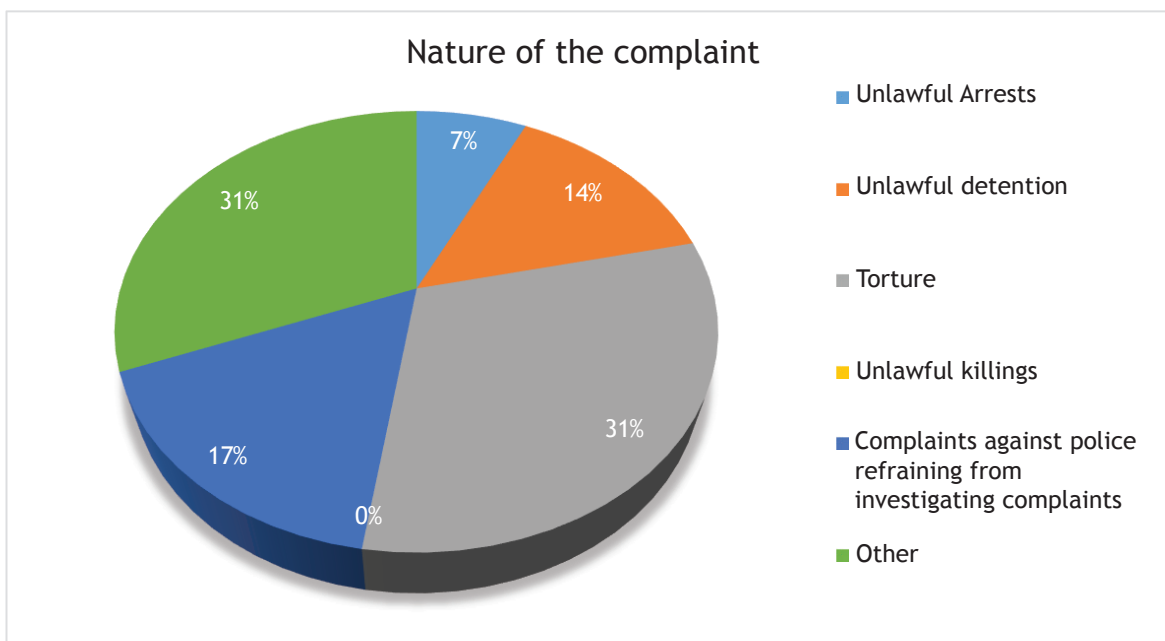


The complaints forwarded to the National Police Commission from six districts, regarding misdemeanours faced by the public, were as follows: 13 from Gampaha district, 7 from Matara district, 4 from Galle district, 5 from Trincomalee district, 4 from Kurunegala district, and 3 from Monaragala district.

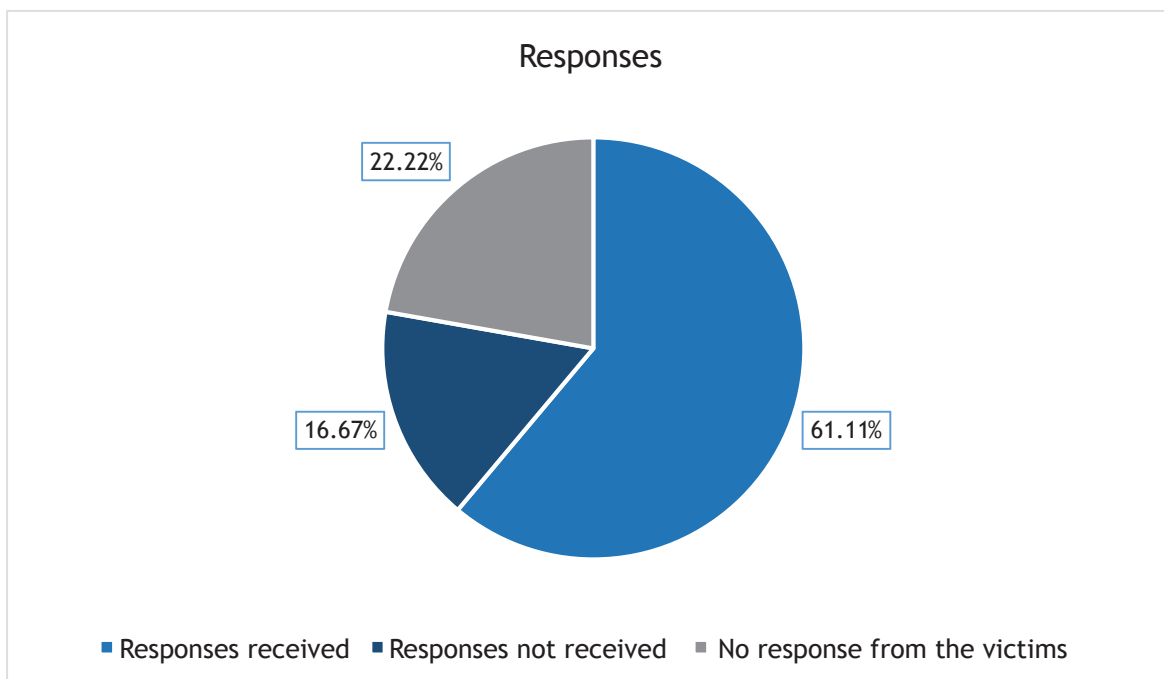
No. of complaints forwarded to the National Police Commission according to the nature of the complaint



The complaints received can be primarily categorized into several fields: unlawful arrests (7%), unlawful detention (14%), torture (31%), police refraining from investigating complaints (17%), and other misdemeanours by the police (31%). Interestingly, no unlawful killings were reported during the specified period.



Responses received for the forwarded complaints



When examining the responses from the National Police Commission regarding the aforementioned complaints, it appears that only 61.1% of the total number of complaints received a response. Out of the remaining complaints, 16.67% did not receive any response from the commission, while for 22.22% of the complaints, the information regarding the response has not been revealed due to the complainant deciding not to pursue the complaint further.

Upon further examination of the 50% of complaints that received a response, it can be observed that the National Police Commission conducted investigations for all of them. However, a deeper analysis of these complaints revealed that in 57% of the cases, the victims expressed the belief that the commission had not done enough to deliver justice in their respective situations.

Kusum, who submitted the highest number of complaints through the Human Rights First Aid centres between May 2022 and February 2023, expresses her experience that despite lodging numerous complaints with the National Police Commission, she has had to endure long waiting periods to receive a response. She further highlights that in certain cases, there is a tendency for the commission to not respond at all.

In addition, Kusum further emphasizes that victims have high expectations for the National Police Commission to promptly investigate their cases and provide relief through their intervention. However, due to the perceived inefficiency and weak functioning of the commission, victims have lost their trust in its ability to deliver justice. Consequently, some victims have lost interest in pursuing their complaints further with the commission.

The documented numbers provided above represent only a fraction of the actual incidents that take place daily on the streets of Sri Lanka. Despite the significant number of reported cases involving police brutality and misdemeanours, one would expect higher conviction rates and resolution rates for these complaints. This expectation is due to the existence of

a superior monitoring agency like the National Police Commission, which is responsible for ensuring accountability and oversight within the police force.

It is disheartening to note that officers are rarely prosecuted for misdemeanours such as the use of excessive force against civilians. In the few cases where officers are convicted, the disciplinary actions or penalties imposed are often lenient or mere warnings. Attorney-at-law Basil, the Policy and Program Director of the Asian Human Rights Commission, shares his observations by stating that police officers generally do not consider themselves accountable for their actions on the streets. He further expresses his dissatisfaction with the functioning of the National Police Commission, emphasizing that it appears to hold power only on paper.

Basil's statement reinforces the perception that the Sri Lanka Police is a powerful institution, and it raises concerns that the commission might primarily serve as a public relations institution for the police force rather than the robust oversight committee it claims to be.

Recommendations

1. Establishing a follow-up mechanism to ensure the effective implementation of decisions made by the National Police Commission.
2. The National Police Commission functioning as a research institute conducting investigations into police-related matters.
3. Enhancing the efficiency and effectiveness of the commission by implementing digitalization within the police service.
4. Updating and managing the official website of the National Police Commission, overseen by the ICT unit, to enhance public convenience and accessibility.
5. Establishing a specific timeframe for the investigation of public complaints and the issuance of recommendations to maintain the credibility of the National Police Commission.

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Attachment 1



ජාතික පොලිස් කොමිෂන් සභාව
தேசிய பொலிஸ் ஆணைக்குழு
National Police Commission

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எனது இல.
My No.

NPC/AD/RTI/2023-(25)

ඔබේ අංකය
உமது இல.
Your No.

දිනය
திகதி
Date

2023.02.01

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උක්ත පනත යටතේ ඔබ විසින් යොමු කර ඇති 2023.02.27 දිනැති ලිපිය හා බැඳේ.

02. ඒ අනුව ඔබ විසින් ඉල්ලා ඇති තොරතුරු පහත පරිදි ඉදිරිපත් කරමි.

I. 2022 වර්ෂයේ ජාතික පොලිස් කොමිෂන් සභාව වෙත ලද පැමිණිලි සංඛ්‍යාවෙන්

01	පොලිසිය විසින් ක්‍රියා නොකිරීම	516
02	වධහිංසා පැමිණවීම	05
03	නීති විරෝධී ලෙස රඳවා ගැනීම	20
04	පොලිස් අත්අඩංගුවේ සිටියදී මරණ	01
	එකතුව	542

- II. ඉන් ලියාපදිංචි කළ පැමිණිලි සංඛ්‍යාව - 542
- III. විමර්ශනය ආරම්භ කර ඇති පැමිණිලි සංඛ්‍යාව - 542
- IV. විමර්ශන අවසන් කළ පැමිණිලි සංඛ්‍යාව - 200
- V. නිර්දේශ ලබා දී ඇති පැමිණිලි සංඛ්‍යාව - 200
- VI. ලබා දී ඇති නිර්ධරණීය වල ක්‍රියාත්මක වීම - 200

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ක්ෂණික අදාමතුම්/உடன் தொடர்பு/Hot Line : 1960 / 0710361010

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Date	Name and the district of the complainant	Nature of the complaint						Whether a response was received from the commission or not?	Whether the complaint was investigated or not?	Special Notes
		Unlawful Arrests	Unlawful Detentions	Torture	Unlawful Killings	Complaints against police refraining from investigating complaints	Other			
#1 2022/06/19	H.M. Roshan (Gampaha)		X					Yes	No	
#2 2022/08/02	Deepani Dilrukshi (Gampaha)					X	X	Yes	The Ragama police have reached out to her again and documented another complaint.	The National Police Commission has notified her that they are currently conducting an investigation into her complaint.
#3 2022/09/05	M. Upuli Wasana (Gampaha)						X	No	No	A settlement has been reached
#4 2022/09/12	A. Manjula Aruna Kumari (Gampaha)						X	Yes	The Police Commission and the HRC have informed the Ja-Ela police, who in turn have forwarded the case to the mediation board for further action	Upon investigation by the mediation board, the responsible parties have expressed remorse, shown contrition, and made a commitment not to engage in such activities again.

#5 2022/09/12	Payagalage Laticia Fernando (Gampaha)					X	Yes	The commission has notified that they will initiate investigations in the letter NPC/PCID/WP/CO/209.	Upon investigation, the Bluemandel police called both the victim and the convict. Subsequently, the goods and money were returned to the victim.
#6 2022/09/15	Angampodi Sanjaya de Soya (Gampaha)		X				Yes	The National Police Commission has initiated investigations	The two officers involved were subjected to disciplinary transfers
#7 2022/10/02	Nirupa Subhashini (Gampaha)					X	The victims have not provided any response or feedback.		
#8 2022/10/06	Chandrika Priyanthi (Gampaha)					X	The victims have not provided any response or feedback.		
#9 2022/10/08	Denuwan Prasad (Gampaha)						No	No	No
#10 2022/10/08	K.M.E.A.N. Gunasekara (Gampaha)					X	Yes	No further actions	Currently, he is imprisoned in connection with a different case.
#11 2022/10/11	Sasindu Maduranga (Gampaha)					X	The victims have not provided any response or feedback.		

#12 2022/12/19	Maria Perera (Gampaha)								X	Yes	The police commission sent a letter and provided the victims with a questionnaire. The police station was also questioned as part of the investigation, and subsequently, appropriate law enforcement actions were taken.	The police have prosecuted the convict.
#13 2022/12/19	Laticia Fernando (Gampaha)								X	Yes	The National Police Commission has initiated investigations	Bluemandel police station received written instructions.
#14 2022/05/14	Dinesh Priyadarshana Dodamgoda (Matara)								X	Yes	The Southern provincial office of the commission sent a letter under NPC/PCID/SOUMT/16/22, requesting information and notifying the recipient to respond by 25/08/2022. The complainant has provided the relevant information along with an affidavit in response.	
#15 2022/07/15	Gayam Shammie Chandradasa (Matara)					X				No		No
#16 2022/07/26	Ronald Jayawardena (Matara)								X	Yes	The individual was informed in a letter that the information has been submitted to the court case and that the matter is being addressed through the legal proceedings.	kvqj i lyd f;dr;=re ,nd \$ we;s nj;a tu kvqj ud ³ / ₄ .fhka úi÷ula ,nd .kakt f,i mjid oekqj šula lr ,smshla tjd we;

National Police Commission:
Study of Role and Complaint Investigation

#17 2022/08/23	M.B. Nishantha Saman Kumara (Matara)							X	Yes	The individual was notified that an investigation will be conducted under the reference number NPC./PCID/SP/GL/77/2022.	No response
#18 2022/09/05	A.B. Nisansala Kumari (Matara)					X	X		Yes	Investigation conducted	Statements were recorded from the relevant parties, and they were informed that these statements would be submitted to the court as part of the legal proceedings.
#19 2022/09/05	K.B. Rukshiya Silva (Matara)						X		Yes	Investigation conducted	Statements were recorded from the relevant parties, and they were informed that these statements would be submitted to the court as part of the legal proceedings.
#20 2022/06/01	Liyandurage Damayanthi (Galle)					X			No	The complaint was withdrawn	

#21 2022/06/06	Alawattage Tilakaratne (Galle)	X						Yes	The Southern provincial office of the commission initially sent a letter requesting information and setting a response deadline of 15/05/2022. However, the complainant did not respond within the given time frame. As a result, the NPC sent another letter requesting the same information, with a new deadline of 30/05/2022.	No justice was served
#22 2022/08/15	D.K.S. Surangika (Galle)					X		Yes	The investigation was conducted under the reference number NPC/PCID/SP/GL/70/22.	No justice was served
#23 2022/09/05	W.A. Rupa Nilmini (Galle)					X		No	No	No
#24 2022/05/24	E.M. Chandrawati (Kurunegala)			X				Yes	Investigations initiated	No result
#25 2022/09/02	D.M. Chamara Lakmal Dissanayake (Kurunegala)						X			The complainant did not attend or appear for the proceedings.
#26 2022/10/04	M.P.D. Amaratunga (Kurunegala)				X			Yes	Investigations initiated	No result
#27 2022/12/04	S.P. Pasindu Dananjaya (Kurunegala)							Yes	Investigations initiated	No result
#28 2022/09/11	Sirisena Hagoda (Deniyaya)					X		Yes	Investigations initiated under the reference number NPC/PCID/SP/MT/35/22	

#29 2022/09/13	Duminda Sampath Thusitha Malkanathi (Trincomalee)				X				The victims have not provided any response or feedback.
#30 2022/09/13	Deepal Indrajith (Trincomalee)				X				The victims have not provided any response or feedback.
#31 2022/09/13	Ranjith Gunasekara K.G. Nishanthi (Trincomalee)				X				The victims have not provided any response or feedback.
#32 2022/09/13	S. Shanmugapriya Chaminda Wijekoon (Trincomalee)				X				The victims have not provided any response or feedback.
#33 2022/11/03	L.G.V.C. Piyadasa (Trincomalee)				X			No	No
#34 2022/05/12	W.M. Shirani Swarnalatha (Monaragala)				X		X	Yes	Ongoing investigation under the reference number NPC/PCID/UP/MO/23/2021
#35 2022/08/23	E.K. Indra Kumari (Monaragala)						X	Yes	Ongoing investigation under the reference number NPC/PCID/UP/MO/24/2022
#36 2022/08/25	Udulavathi (Monaragala)			X	X			Yes	Ongoing investigation under the reference number NPC/PCID/UP/MO/24/2022
									The victim received some relief, and the requirement for weekly signing at the police station has been terminated.
									The NPC has informed the victims to present the information to the court.



Right to Life Human Rights Centre

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Youtube: Aithiya Media