Article 10
Article 11;

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இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

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දිනය / திகதி / Date } 22/06/2017

HRCSL Application Case No:
HRC/AP/344/12

1. N.M. Junaideen, Pandiyankulama, Nachchaduwa

Complainant/s

Vs.

1. Inspector N.P. Kasthuriarachchi, Officer in Charge (OIC), Police Station, Hindogama

Respondent/s

Context

The complainant, a Muslim, alleges that he was made to kneel down before a Buddha statue for an accusation of stealing a cow by the respondent. He also contends that he was slapped by the respondent during the incident and was treated degradingly.

Observations

A) There are three key evidences to prove the aforesaid allegations.
   a. The affidavit of Dharmadasa, who was accused as the person who sold the contested cow to the victim, who was also arrested later by the respondent. Dharmadasa was also made to kneel down before the Buddha statue and he was there when the said incident occurred.
   b. The affidavits of two police officers who were eyewitnesses.
   c. The investigation report of the Anuradhapura Police Superintendent's Office which had found the respondent guilty of the charges.

B) All the above evidences confirmed the allegations of the victim.

C) The respondent has contested the affidavits of the two police officers claiming that they had a close relationship with the victim and that they conspired to work against him. Respondent

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concedes that the victim was arrested and was later produced before the Anuradhapura Magistrate.

D) The above claim of the respondent seems untrue since the contrary had been proven by the aforesaid Police Department's internal investigation.

E) Considering all above facts, it seems more likely than not that the victim's allegations are true. Therefore, I wish to conclude that the respondent has disrespected the religious beliefs of the victim, making him do degrading acts violating his fundamental rights.

Conclusion

A) As per the observations and applicability of the relevant law, we are of the opinion that the 1st respondent **has violated** the fundamental rights guaranteed to the petitioner by Article 10 and 11 of the Constitution.

Recommendation

As per the conclusion above, we make the following recommendations.

A) In categorical condemnation of the violation committed by the respondent/s, the recommendation report of this case is hereby sent to the Inspector General of Police in terms of the provisions in section 15 (6) of the HRC Act.

B) In terms of the provisions in section 11 (g) of the HRC Act, the Commission recommends the 1st respondent to pay the complainant a sum of Rs. 25,000 as compensation.

Ghazali Hussain
Commissioner
Human Rights Commission of Sri Lanka

Saliya Pieris PC
Commissioner
Human Rights Commission of Sri Lanka

Copy- Inspector General of Police