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My No.

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உமது இல.
Your No.



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திகதி
Date.

23.08.2022

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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

RECOMMENDATIONS:

Whether the Law Enforcement Authorities have Provided Adequate Protection to Uphold the Rule of Law and for the Protection of the Fundamental Rights of the People on 9th May, 2022

The HRCSL had appointed a team of Special Rapporteurs to investigate and report whether adequate protection had been given to the peaceful protesters protesting opposite the temple tree and Galle face Green on 9th May 2022 and whether the Law Enforcement officials took all reasonable steps necessary to uphold the rule of law on 9th May 2022.

In conducting the inquiry, the Commission of Inquiry had called many officers of the Police Department, including IGP and the Senior Police Officers of the Police, the Army Commander, the Senior Officers of the State Intelligence Unit, CCTV footage and all documentary evidence.

The intelligence report though valuable is only one of the numerous sources of information; others are live and direct information coming from the ground (which includes the information from the various participants and informants), CCTV footage etc. The leadership of the police (IGP and the Senior officers) must have a system that constantly analyses all incoming information. The Police should have a system of obtaining all information relevant to prepare the officers for every possible attack.

It was revealed that the police could not accurately ascertain the speeches of the parliamentarians and the other State and non-State officials inside the Temple Trees. The failure of not obtaining this crucial information is attributed to the intelligence unit under the Secretary of Defense. (The State Intelligence Unit)

The Committee should be able to identify the actual officer in command and the nexus between that officer and the officers on command on the ground. And whether the officer on the ground in command could have decided to prevent the assault. The reason for the officer on the ground not making any decision is the root cause of the clash. What and who prevented it? That is important to investigate. What is the reason for not placing steel barriers across Galle road to prevent access along Galle Road to the Presidential Secretariat? Unfortunately, the Committee had not taken due measures to provide these

basic methods to prevent the flow of people, which inevitably would cause a clash. However, they had met several days to discuss the issue of security.

The Committee is also advised to examine the telephone conversations between the IGP to his subordinates and from the subordinates to the IGP and the telephone conversation between the IGP and the Secretary of defense from 11.50 to 1.00 pm on 9th May. The complete phone messages must be obtained from the TRC.

The HRCSL recommend that the President appoints a committee to identify whoever the perpetrators are within the Law Enforcement who are responsible for the breach of the law and adequately compensate the victims who had suffered injuries due to this breach of duty of the Law Enforcement officials.

The HRCSL further recommends that the President may direct the said committee to investigate the entire system of Law enforcement and identify the responsibility and take necessary measures to deal with such officers punitively.



Justice Rohini Marasinghe,
Judge of the Supreme Court (Retired)
Chairperson
Human Rights Commission of Sri Lanka



Anusuya Shanmuganathan
Commissioner
Human Rights Commission of Sri Lanka