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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

**REPORT OF THE INQUIRY INTO VIOLENT EVENTS
IN DIGANA AND ENVIRONS IN THE DISTRICT OF
KANDY IN MARCH 2018**

September 2025

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PREFACE

Every citizen of Sri Lanka is entitled to the fundamental rights guaranteed to them by the Constitution of the Democratic Socialist Republic of Sri Lanka. The enjoyment of these rights is not conditional upon ethnicity or religion. Article 10 of the Constitution protects the freedom of religion or belief including the freedom to have or to adopt a religion or belief of choice. Article 12 of the Constitution ensures equality and prohibits discrimination on ‘the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds’. Article 14(1)(e) guarantees the freedom to manifest one’s religion or belief in worship, observance, practice, and teaching.

The violence that broke out in the night of 4 March 2018 in Digana and surrounding areas in the Kandy District are symptomatic of a pattern of attacks against the Muslim community that the country had witnessed during the post-war period. There had been previous attacks in Aluthgama in 2014, Gintota in 2017, and Ampara in 2018. It is also a common observation that the trigger point for such violence has been an ordinary event, such as a motor traffic accident where the parties on opposite sides happen to be from different communities. In this instance, media reports pointed to the violence taking place following the death of a Sinhalese man who died as a result of injuries he had suffered due to beatings he had received in an altercation with four men who happened to be Muslim. Such violence brings in its wake serious human rights implications for communities and individuals, and indeed the wellbeing and progress of the country. Sri Lanka has experienced several cycles of communal violence including a nearly three-decade long armed conflict since independence from British rule in 1948. The grave challenge that Sri Lanka faces is ensuring peaceful co-existence among its various communities and the creation of a sense of equal citizenship.

The Human Rights Commission of Sri Lanka (HRCSL) monitored incitement to violence on social media in Sri Lanka during 2017 and wrote to the government urging legal action against perpetrators. It was observed that the bulk of such incitement was directed at the Muslim community.

The HRCSL, established by Act No. 21 of 1996, is dutybound to protect the fundamental rights of citizens of this country. While the Commission, under powers conferred on it, can only take action with respect to a government institution accused of committing a fundamental rights violation and thus, cannot take direct action against perpetrators who are private parties, it is the duty of the Commission to examine the causes and nature of the violence, the rights implications of the violence, and what can be done to prevent such attacks in the future in its mission to protect the human rights of all citizens in the country.

As soon as reports of violence in and around Digana began to emerge late on 5 March 2018 the then Chairperson of the HRCSL instructed the then HRCSL Regional Coordinator, Kandy to visit the affected areas and report findings. Accordingly, visits were conducted to areas where violence took place from 6 March 2018 to 9 March 2018. After the violence abated, the HRCSL continued to address the needs of the affected people and to conduct meetings with human rights advocates, survivors of the attacks, religious leaders and government officers in order to promote dialogue and healing. Even while the inquiry was being conducted and the finalisation of this report was pending, the HRCSL continued to investigate and inquire into complaints of survivors.

This report presents the findings of the inquiry conducted by the HRCSL between 9 and 12 May 2018 in Kandy to gather evidence and record testimonies from survivors of the attack, human rights advocates, and government officers.

Owing to a series of circumstances, including the initial delays in receiving evidence called for, such as CCTV footage and medical reports, logistical difficulties in finalising the report in a satisfactory manner,

and the occurrence of unprecedented events, including the Easter Sunday Attacks of 2019, the COVID-19 pandemic in 2020, and the economic crisis of 2022, the finalisation and publication of this report was unfortunately delayed.

Given the passage of time, the present Commission also wishes to present certain overarching observations and recommendations that supplement the findings, observations, and conclusions in the main report. These supplementary observations and recommendations are presented in the concluding chapter of this report.

Human Rights Commission of Sri Lanka

September 2025

1. INTRODUCTION

1.1 Background

1.1.1 History

The end of the nearly three-decade long armed conflict in Sri Lanka in 2009 was greeted with expectations of efforts at reconciliation among the diverse communities in Sri Lanka. Post-war Sri Lanka, however, has witnessed a rise in religion-based violence, particularly in the form of violence directed at the Muslim community. It took various forms including anti-halal protests, attacks on Muslim-owned business premises, anti-Muslim hate speech on social media and calls to boycott Muslim business establishments. One of the most serious incidents of violence against the Muslim community in the recent past took place in Aluthgama, Beruwala in June 2014. This incident began with a traffic accident, which soon escalated into anti-Muslim violence resulting in deaths and damage to property. The organisation 'Bodu Bala Sena' was accused of instigating this attack. The Aluthgama violence was followed by similar incidents in Gintota in the South (November of 2017) and Ampara in the East (February of 2018), both of which were triggered by random incidents.

Nevertheless, the violent attacks in Digana and its environs came as a surprise to both residents of Kandy and the rest of the island. No major incidents of communal violence between Sinhalese and Muslims had been reported in the recent past. However, the Police reported minor incidents that had taken place earlier in 2018. For example, in Theldeniya, there was an incident following a traffic accident (unrelated to the incident concerning H.G. Kumarasinhe). A group of Sinhalese had attempted to attack the business establishment of a Muslim who had allegedly caused the accident. The Police had intervened to prevent the incident from escalating further.

1.1.2 Demographics

According to the most recent census published by the Department of Census and Statistics in 2012, 74.9% of the population of Sri Lanka is Sinhala. Sri Lankan Muslims are the third largest ethnic group in Sri Lanka comprising 9.3% of the population. 66% of the population in the Central Province is Sinhala while 9.9% of the population is Muslim, again constituting the third largest ethnic group in the Province. There is also a significant Tamil population in the Central Province. In terms of religion, 65% of the population is Buddhist while 10.3% of the population belongs to the Islamic faith.

Population composition and distribution in the Kandy District

Police divisions	Number of Grama Niladhari divisions	Number of GN divisions with a predominantly Sinhala population	Number of GN divisions with both Sinhala and Muslim populations	Sinhala population	Muslim population	Number of Mosques
Kandy	51	51	51	104,990	16,906	18
Katugasthota	92	92	58	108,549	16,771	13
Pallekale	14	14	12	26,671	2,052	02
Theldeniya	53	51	29	42,870	9,095	11
Manikhinna	23	23	12	33,238	241	01
Poojapitiya	55	55	12	48,540	3,698	05
Galagedara	72	72	08	40,007	4,847	07
Waththegama	58	58	40	77,514	19,826	29
Panvila	22	22	11	18,624	1,408	06
Peradeniya	69	69	51	87,554	10,849	12
Kadugannawa	66	66	26	65,205	5,224	05
Daulagala	64	64	29	45,626	15,881	15
Ankumbura	22	22	10	16,270	8,148	12
Hatharaliyadda	58	58	06	31,560	1,954	03
Alawathugoda	35	28	32	21,725	47,459	55
Thalathuoya	81	81	30	70,918	2,306	02
Hanguranketha	90	90	10	63,133	36	-
Ududumbara	73	73	10	28,817	300	03
Rangala	43	43	21	17,991	729	02
Hasalaka	48	48	16	59,644	354	03
Welamboda	32	31	11	20,344	7,829	11
Total	1,121	1,111	485	102,9790	175,913	215

Source - report provided by office of the Senior DIG, Central Province

In most parts of the Central Province Muslim and Sinhala populations coexist in villages as well as in urban areas. The violence in March mainly took place in Katugasthota, Pallekale, Theldeniya, Poojapitiya and Manikhinna police areas, all of which are home to both Sinhala and Muslim communities.

1.2 The Timeline and Descriptions of Violent Incidents

On 22 February 2018 around 1.00 am, a lorry travelling from Mahiyanganaya to Theldeniya had collided with the side-mirror of a three-wheeler (trishaw) which was travelling in the same direction but had continued without stopping to investigate the damage. The three-wheeler had then followed the lorry to the Singha Filling Station in Theldeniya, where the lorry is regularly parked for the night, and the passengers of the three-wheeler had assaulted the driver of the lorry. The driver of the lorry, Heepitiye Gedara Kumarasinghe (41 years) of Pusgohuwa, Puwakgahadiwela, Medamahanuwara was as a result admitted to the Theldeniya Hospital with severe injuries and later transferred to the Neuro-Surgical Unit of the Kandy

Hospital for further treatment. The driver had died at the Kandy Hospital around 5.20 am on 3 March 2018. After being informed of the death by the Kandy Hospital Police, the Theldeniya Police Station had recorded it as an incident of culpable homicide.

The investigations into the assault had commenced on 22 February 2018 soon after recording the complaint of the apprentice of the lorry driver Pelawatta Gedara Rishan Tharusha Akash (19 years) of Pahalagama, Theldeniya. The suspects were identified with the aid of the CCTV footage of the filling station, and the following four persons were arrested and produced before the Magistrate (Theldeniya MC B.210/18) under section 3(1) of the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007 and sections 300, 314, 316, 433, and 486 of the Penal Code of Sri Lanka. The Magistrate had remanded the accused until 21 March 2018.

Name	Age	Arrest date	Date produced before court
Abdul Raheem Roshan	23	22.02.2018	23.02.2018
Abdul Sanoon Mohammad Rassad	17	24.02.2018	25.02.2018
Maharroof Mohammad Shifar	26	24.02.2018	25.02.2018
Cader Mohideen Mohommad Ammud	26	03.03.2018	03.03.2018

The Theldeniya Police Division, in which the victim of the assault was resident, and the adjacent Pallekale Police Division are both predominantly populated by Sinhalese, but with the Muslim community coexisting with the Sinhalese community in 41 out of 67 Grama Niladhari Divisions within the two police divisions. The deceased person's village is situated about 8 km from the Moragahamula Junction on the Digana-Hasalaka road, approximately 11 km away from the Theldeniya Police Station. There are approximately 899 Sinhalese families living in that village with 96 Muslim families living in the adjacent village. Peraketiya Temple and Ambala Mosque are situated close by.

On 1 March 2018, the Theldeniya Police had called for a meeting with the Chief incumbent of Peraketiya Temple in Puwakgahadiwela, Rev. Keenapalasse Gnanissara Thero and the Muslim community of that village to inform them of the action taken by the Police against the alleged assailants and the steps taken regarding the arrested persons to avoid the possibility of conflict and to prevent external parties from inciting conflict in that village.

Another meeting had been called by several senior police officers on 3 March 2018, after the victim of the assault had died, with the Chief Incumbent of Peraketiya Temple and the Maulavi of Ambagahalanda Mosque in attendance to explain matters to the public and to request the funeral rites to be performed peacefully.

Furthermore, at a discussion held at the Peraketiya Temple on 4 March 2018, four representatives of the Muslim community had offered a considerable sum of money to compensate for the loss of the relatives of the deceased which was reportedly declined.

The remains of the deceased were taken to his house in Pusgohuwa, Puwakgahadiwela, Medamahanuwara on 3 March 2018 at 10.15 pm. Soon after, around 10.30 pm a group of approximately 200 people had gathered to protest at the Moragahamula Junction in Theldeniya Police Division on the Kandy-Mahiyanganaya main road. The police had intervened to disperse the gathering which had left peacefully. While no other violent incident was reported on that day, senior police officers had held several discussions with religious leaders, civil security committee members, coordinating committee members etc. in order to

maintain peace in the area including keeping outsiders to the village at bay with the assistance of the religious leaders in the area, in order to prevent incitement to violence. A special police squad had been stationed under an officer-in-charge at the Moragahamula Junction as it was the main access point into the village of the deceased.

A gathering of young people at the Moragahamula Junction around 8.30 pm on 4 March 2018 had been reported, followed by a report that a shop at the junction has been burnt down around 9.30 pm. The shop belonging to Mohideen Aliyar Asmi (a Muslim person) and M.K.M Stores owned by a Sinhalese situated at the same place had both been burnt down by a mob allegedly while the special police squad were bystanders. The same mob had stoned two police vehicles causing damage to the vehicles. 24 suspects, all residents of Udispatthuwa were arrested in this regard and produced before the Magistrate under section 3(1) of the ICCPR Act for advocating national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, section 2 of the Offences against Public Property Act, No.12 of 1982 and sections 140, 418, 419 of the Penal Code of Sri Lanka under B 240/18 and were remanded until 19 March 2018.

Meanwhile, Theldeniya Police had obtained an order from the Theldeniya Magistrate (AR 284/18) directing the wife and father of the deceased to bury the body of the deceased in the family burial ground within the village on 5 March 2018 at 3.00 pm amidst information received that there may be an attempt to move the body of the deceased outside the village to provoke the masses. Another prohibition order was obtained against Ven. Galagoda Aththe Gnanasara Thero, Ven. Ampitiye Sumanarathana Thero, and the Secretary of the Theldeniya Buddhist Association T.B. Wijesinghe as information had been received that these individuals may attempt to disturb the peace in the area on the day of the funeral.

From the morning of 5 March 2018, the Police had taken measures to strengthen the security of the area in and around the funeral and Moragahamula junction, with the assistance of law enforcement officers brought in from other areas. A protest was held demanding the release of the arrested persons around 11am of the same day while a group of persons including Ven. Ampitiye Sumanarathana Thero, Chief Priest of Udispatthuwa Nawakkulama Temple, the Chief Priest of Moragahamula Temple, and Amith Weerasinghe from an organisation named 'Mahasohon Balakaya' had visited the police station requesting the release of the suspects. They had behaved aggressively when the Police had refused to accommodate their request.

Another protest had been held around 1.00 pm of the same day in the Theldeniya town allegedly by the same group of protesters as above, however with no report of violence or damage to property. The protesters had increased in number by 1.30 pm with 400-500 persons obstructing the road.

Meanwhile protesters in Digana (about 13km from Theldeniya) had attacked and damaged the homes and business establishments belonging to the Muslims in the area including setting fire to property necessitating the Police to disperse the crowds with the use of force around 2.15 pm of the same day. The protesters had continued to commit violence while being dispersed. The protest in Theldeniya was similarly dispersed to avoid the spread of violence further.

The armed forces were then called into control the spreading of communal unrest, and the government imposed a curfew in the Kandy District at 3.30 pm on 5 March 2018. However, incidents of setting fire to and damaging of property were reported from Digana, Kengalla, Balagolla, Rangala, Manikhinna, Peradeniya and Katugastota throughout that night.

On 6 March 2018, the body of a person was found inside a shop that had been set on fire on the previous day in the Pallekale Police Division, which was identified as that of Samsudeen Abdul Bashith (24 years)

of Pallekale Town, Kengalla. A discussion was held with the Muslim clergy and relatives of the deceased soon after the incident to avoid the sparking of further violence. Measures were taken to hand over the body to the relatives and to hold the burial closer to his residence without delay. The cause of death was revealed to be inhalation of Carbon Monoxide as per the postmortem report. Curfew in the Theldeniya and Pallekale police areas continued in the afternoon of 6 March 2018. Police officers, Special Task Force (STF) officers, two riot-control squads and officers from the tri-forces were stationed in this area to keep violence from breaking out. The Senior Deputy Inspector General (DIG) of Police for the area asked for more army officers to be deployed due to a shortage of police and STF officers available to be deployed.

Thereafter, police officers, including the OIC Manikhinna, stationed at the Manikhinna Mosque, had shot at a mob of approximately 300 people around 7.30 pm on 6 March 2018 as they had attempted to attack the Mosque. It was later revealed that one person had been shot in the stomach and hospitalised. On that same day around 11.30 pm, the police officers on duty near the Waththegama Mosque had foiled an attack on the mosque by a mob of people, dispersing the attackers by opening fire on the crowd. A spare parts shop in Waththegama and a furniture shop in Balagolla had also been set ablaze that same night. 6 March 2018 saw a decrease in violence from the previous days with only 42 incidents reported that day. As such, the curfew imposed on the area was removed at 6.00 am on 7 March 2018. However, soon afterwards, around 7.00 am a large number of people had gathered at the Mullegama Priyadarshanaramaya in Poojapitiya where three small windows covering the Budhdha statues around the Bo tree of the temple had been damaged the night before. Police officers (including Senior Superintendent of Police (SSP) Kandy, Assistant Superintendent of Police (ASP) Kandy 1, Headquarters Inspector (HQI) Kandy and Officer in Charge (OIC) Katugasthota) as well as STF and army officers deployed afresh to the area had observed the mob travelling towards Akurana on the Katugasthota – Mathale main road. These officers had succeeded in turning the mob back towards the temple where the chief prelate of the temple Rev. Mullegama Piyarathana, SSP Kandy, and Major General Nissanka Ranawana had advised them to act peacefully and return to their homes.



Manikhinna Mosque (Date of incident: 6 March 2018. Date of photographs: 7 March 2018)

However, having left the temple, this mob of people had gone towards Poojapitiya and had begun attacking the Muslim shops and houses along the main road. An explosion had occurred when these people were passing the Welekade area killing a man named Rathnayaka Mudiyansele Gunarathne Banda residing in Kaluwana, a village not far from Ambathenne. Twelve people injured in this explosion had been taken to the hospital for medical treatment. Investigations revealed the explosion had been caused by a hand grenade which may have been in the possession of the deceased or a person in close proximity to him as it had not been thrown from a distance. However, in the aftermath of this explosion, further violence had flared up and shops and homes had been attacked in the Katugasthota, Aladeniya, Hadeniya, Hathara Kanuwa, and Galagedara areas. The cause of death of R.M. Gunarathne Banda was determined at the inquest as injuries sustained due to the explosion. Further investigations were handed over to the Criminal Investigation

Division (CID) by the Police. 7 March 2018 saw a significant increase in violent incidents with 254 incidents in total been reported.

A state of emergency was declared at midnight on 7 March 2018 and curfew was re-imposed for 24 hours at 4.00pm on the same day. Moreover, access to certain social media platforms, including Facebook and WhatsApp was blocked for approximately one week. The declaration of emergency also enabled the deployment of the armed forces. Due to the decrease in incidents reported on the night of 7 March 2018, the curfew was lifted at 10.00 am on 8 March 2018, which also saw violence abated and the situation brought under control by the armed forces.

Date	Development of the Incidents															Total
	Theldeniya	Pallekale	Rangala	Poojapitiya	Katugastota	Menikhinna	Kandy	Galagedara	Wattegama	Alawathugoda	Thalathuoya	Kadugannawa	Peradeniya	Matale	Galaha	
05.03.2018	122	88	5		41	2			5		1		6			270
06.03.2018					16	13	4		5				4			42
07.03.2018		5		41	101		3	41	4	45		3	2	7	2	254

Source: Report of the Senior Deputy Inspector General of Police

1.3 Intervention of the Commission

As advised by the Chairperson of the HRCSL, the staff of the Kandy Regional Office of the HRCSL immediately visited the areas where violence occurred from 6-9 March 2018. When possible, the officers spoke to the survivors of violence. The contact details of the Kandy Regional office and the Regional Coordinator were shared for the survivors to contact the Commission if they experienced any difficulties in dealing with government authorities.

A short summary of these visits as recorded in the preliminary investigation report is as follows:

Date	Areas visited	Officials met
06.03.2018	Home of Heepitiye Gedara Kumarasinghe, Theldeniya Police station, Digana town.	D.I.G Mahinda Ekanayake, H.Q.I. Theldeniya Mr. Abeysinghe, Admin O.I.C. Mr. Satharasinghe
07.03.2018	Katugasthota, Manikhinna, Poojapitiya, Akurana.	O.I.C. Poojapitiya Mr. Kularathne
08.03.2018	Poojapitiya, Digana, Pallekale, Kengalle, Thannekumbura	O.I.C.Poojapitiya Mr. Kularathne, O.I.C Pallekale Mr. Jayasekara.
09.03.2018	Katugasthota Enderuthanne camp	

On 7 March 2018, the HRCSL Chairperson wrote to H.E. the President and the Hon. Prime Minister highlighting the need to take speedy action against the perpetrators and organisers behind the violence and the fact that social media had also been instrumental in the inciting of violence against minorities, Muslims in particular.

A meeting was organised on the advice of the HRCSL Chairperson on 9 March 2018 for the Chairperson to meet with key human rights advocates in the area to discuss the incident. Several civil society representatives and human rights advocates, including from the Samadanam Center, Kandy Health and Environment, the Institute of Social Development, Human Development Organisation, Kandy, participated at this meeting. These representatives were briefed on the findings of the Commission up to that date and they shared with the Commission their own observations and experiences. It was agreed that an inclusive discussion should be held within the month with the participation of all parties in order to promote and facilitate dialogue and harmony.

Resulting from this, a meeting was held in Digana on 27 March 2018 with the participation of the HRCSL Chairperson and Commissioners, survivors of the attacks, government officers (including Police and Army officers), religious leaders of the area, and human rights advocates. After speeches were given by members of both the Buddhist and Muslim clergy, a round of open discussions was held in which the survivors of the attack and human rights advocates were afforded the opportunity to voice their views. Government officers were also given the opportunity to speak and several, including a Deputy Divisional Secretary, two police officers and one Sri Lanka Army officer, shared their ideas and responded to questions put forward by the survivors and advocates. The HRCSL Chairperson made an undertaking at this meeting to conduct an inquiry into the violent events.

2. THE INQUIRY

2.1 The Powers and Mandate of the HRCSL

The HRCSL is an independent statutory body established by Act No. 21 of 1996. Section 10(c) of the Act empowers the Commission ‘to advise and assist the government in formulating legislation and administrative directives and procedures, in furtherance of, the promotion and protection of fundamental rights’. Section 18 of the Act lists the powers of the Commission in relation to conducting inquiries. In light of the undertaking of the HRCSL Chairperson on 27 March 2018 the Commission decided to exercise its powers and conduct an inquiry into the violent acts in Digana and environs in furtherance of its mandate of promoting and protecting human rights.

2.2 Organisation of the Inquiry

The inquiry into the violence in Digana and environs was held from 9 May 2018 to 12 May 2018. Advertisements were published in all major newspapers calling for complaints from the public prior to the inquiry, including a notice on the HRCSL website, www.hrsl.lk. Complainants were asked to submit complaints before 21 April 2018 to the Kandy Regional office. The HRCSL decided to give priority to hearing testimonies from eyewitnesses. Complainants were categorised according to the areas and divided among the three days of the inquiry. Government officers were selected based on the complaints received from the public and the observations of the HRCSL. They were expected to provide explanations for their actions before, during, and after the violence, and respond to complaints, if any, leveled against them.

Complainants and government officers were formally summoned to the inquiry as is usual procedure. The summonses were issued both in Sinhala and Tamil.

2.3 Methodology

The inquiry was held at the Postal Auditorium in Kandy from 9 May 2018 to 11 May 2018 and at the Kandy Regional Office on 12 May 2018. While all complainants were summoned to the Postal Auditorium to ensure transparency, due to time constraints, only a select number of people could be called to testify. A short introduction to the proceedings and the objectives of the Commission in conducting the inquiry were presented prior to commencing the inquiry.

The inquiry schedule was as follows:

Date	Time	D.S. division	Categorization of complaints	No. of Complainants called to testify
09.05.2018	9.00 am to 4.00 pm	Medadumbara D.S Total number of complaints – 26	Arrest – 09 Torture - 08 Property damages - 07 Death threats – 02	15
10.05.2018	8.30 am to 1.30 pm	Manikhinna D.S Total number of complaints – 37	Deaths – 01 Property damages/ inaction of government authorities - 36	17
	2.00 pm to 4.00 pm	Gangawatakorale D.S Total number of complaints – 07	Property damages – 04 Arrests – 04	06
11.05.2018	8.30 am to 10.30 pm	Harispattuwa D.S Total number of complaints – 45	Property damages – 51	06
	10.30 am to 1.30 pm	Poojapitiya Total number of complainants – 15	Arrest – 01 Property damages - 06 Mental torture – 01	09
	2.00 pm to 4.00 pm		Evidence	Human rights advocates, Chief Prelate of Peraketiya Temple, cousin of victim etc.

All testimonies of witnesses were recorded under oath. The witnesses had the choice to pledge the oath as well as testify in Sinhala, Tamil or English. A translator assisted the proceedings while Stenographers (both Sinhala and Tamil) were present to record testimonies. The proceedings were audio-visually recorded. The Commission assured the confidentiality of the proceedings. Complainants were allowed to present evidence through video, audio, photographs, and affidavits.

On 12 May 2018, government officers were summoned for their testimonies. The HRCSL Chairperson Prof. Deepika Udagama, Commissioner Mr. Ghazali Hussain, and several senior officers of the HRCSL including a Director and the Regional Coordinator, Kandy participated in the inquiry. The schedule of proceedings on 12 May 2018 was as follows:

Time	Officials
8.30-9.00 am	District Secretary, Divisional secretaries Poojapitiya and Manikhinna.
9.00 am - 1.00 pm	Police officers including Senior DIG Central province, DIG Kandy, ASP Theldeniya, HQs Theldeniya and Kandy, OICs Pallekale, Manikhinna, Poojapitiya, Katugasthota and Alawathugoda, OIC admin. Theldeniya, OIC crime Kandy.

1.15-2.15 pm	STF
2.15-3.30 pm	Sri Lanka Army
3.30-5.30 pm	Divisional secretaries, Grama Niladhari, Fire dept. officer, Kandy and Matale valuation officers, disaster management officers.

While practicalities of conflicting schedules of certain government officers prevented the formal schedule being strictly followed, all government officers summoned were cooperative, going as far as to submit separate reports related to their actions.

In addition to these reports, the Commission later requested relevant authorities to submit further information, such as B reports, video footage of the incidents that can be shared, photographs and a record of actions they had taken before, during, and after the inquiry.

2.4 Statements of Complainants

2.4.1 Proceedings of day one: 9 May 2018

The personal details of the complainants are withheld to protect their identities in the following summary of the testimonies of the complainants.

Attack on Muslim worshipers leaving the Hijrapura Mosque after evening prayers

The complainant arrived at the Hijrapura Mosque in Digana for evening prayers at about 4.30 pm on 4 March 2018. Prayers had ended approximately 15 minutes later at which point the 40-50 worshipers who had attended prayers inside the Mosque had come out. According to the complainant, an STF jeep had suddenly stopped in front of the Mosque. The passengers had their faces covered and had been carrying poles. Responding to how he identified the passengers as STF, the complainant stated that they were in uniforms wearing caps emblazoned with the STF emblem. He was, however, unable to recall the registration number of the vehicle.

According to the complainant, the assailants had used abusive language, which had made the worshipers run. One assailant had hit the complainant with a pole and had poked him with his gun. The assailant had not been recognisable as he had his face covered. The complainant had sought medical treatment at a private hospital after lodging a complaint with the Police. He was, however, not in possession of any medical reports.

Another complainant corroborated the facts of the first complainant, further stating that he was hit on the leg with a baton before being escorted about 50m away from the Mosque by persons he claimed were STF officers. At this point, more officers, and another person, whose identity was known to the complainant, had joined the group that was being led away. The officers had continued to hit the complainant and this other person, while forcing them to hold a 'kaththa' (machete) and a bent metal wire. The complainant stated that, after being forced to walk for about 1km, they had reached the Christian Church in Digana, they encountered a large number of uniformed officers (alleged to be from the STF) including one officer he assumed was the commanding officer. This complainant was unsure if he would be able to recognise the commanding officer. After being taken to the Church, a Buddhist monk had arrived on the scene asking the complainant and the other person as to what had happened. Upon being told that the STF had beaten them, the monk had spoken with the STF, after which both persons had been released. The complainant alleged that these assailants had been attached either to the Ambakote or the Kegalle STF Camp. The complainant had not complained to the Police immediately for fear of arousing further problems but had sought treatment

at the hospital on 11 March 2018. He received treatment at the hospital for three days. He had the receipt confirming his treatment issued by the hospital, a certified copy of which he agreed to handover to the HRCSL's Kandy Regional Office at his earliest. Subsequently, this complainant lodged a complaint with the Police on 13 March 2018.

When asked whether CCTV evidence can be produced, this complainant played a DVD containing CCTV footage from the Mosque and a nearby reception hall for the benefit of the officers of the HRCSL. As it was observed that the footage may have been subjected to editing, the Commission requested the complainant to handover a copy of the unedited CCTV footage from midnight 4 March 2018 to midnight 5 March 2018 certified by the Mosque to the HRCSL, and the complainant agreed to do so.

A third complainant stated that, as a public figure, he had been involved in attempting to prevent unrest from breaking out and promoting harmony from the day Heepitiye Gedara Kumarasinghe was injured. He had attended a meeting at the Theldeniya Police Station on 26 February 2018 at which it had been decided to secure employment for Kumarasinghe's wife. After the death of Kumarasinghe, this complainant had attended a discussion at Ambagahawatte Temple on 3 March 2018 at which a decision had been reached to present Rs. 200,000.00 to the family of Kumarasinghe. The Chairman of the Mosque and this complainant had gone to the Perakatiya Temple with Rs. 200,000.00 on that same day for a meeting with the chief prelate at the Perakatiya Temple, Police SSP, Police ASP, and the Moulavi of the Ambala Mosque.

On 4 March 2018 a Buddhist monk known as 'Ududaagala Hamuduruwo' had told the third complainant that white flags would be hoisted in Theldeniya but no other problem would ensue. However, that night, this complainant had heard that a store in Moragahamula junction was set fire to after which he had called the head monk of Peraketiya Temple, who confirmed this incident attributing the act to outsiders.

Subsequently, around 4.30pm, the third complainant had received information that the STF was attacking people at the Hijrapura Mosque while he was at a friend's house approximately 200m from the Hijrapura Mosque. While he had still been at this house, the complainant stated that officers he believed to be from the STF had knocked on the front door and, failing to gain entry as his friend had refused to open the door, had entered the house through the back door. These officers had proceeded to beat the complainant and his friend with batons and had taken both men to the Digana Christian Church. This complainant had at this point been bleeding from a head injury. After the injury was pointed out, the complainant had received some ice from the STF officers. The two persons were taken to the Theldeniya Police Station around 6.00pm to record their statements. The third complainant had thereafter been transferred to the Theldeniya Hospital. This complainant presented photographs of his injury to the officers of the HRCSL. The commission requested that certified prints of these photographs be given to the Commission to which the complainant agreed.

The third complainant further stated that the doctor who had treated his injuries had said that 'you should be in a cell not in a hospital' in Sinhala ('තමුසෙලා දෙන්නව රෝහලට නොවේ කුඩුවට දාන්න තිබුණේ'). When asked if he could find out the name of this doctor and present it through an affidavit, this complainant agreed. The complainant had been taken back to the Theldeniya Police Station after been given basic treatment. He had been charged with possessing petrol bombs and was produced before the Theldeniya Magistrate's Court on 6 March 2018 and granted bail on the same day. The complainant had proceeded to the Kandy Hospital on 7 March 2018 where he had been admitted and his wounds sutured. He was discharged on 8 March 2018. The complainant was instructed to present copies of his medical report and B report to the Commission.

A fourth complainant, being the friend of the third complainant, who had also been arrested at the same time as him, corroborated the account of the third complainant, stating further that after being taken to the Digana Church by the STF officers, the commanding officer there had castigated the STF officers for

beating the complainant and had stated ‘if I was there I would not have let them beat you’ in Sinhala (“මම හිටියා නම් ගහන්න දෙන්නේ නැහැ”). This complainant stated that before the beating, the STF officers had called him from the street, but he had shut the door out of fear and the subsequent beating of the STF officers had traumatised his child who was at home during the attack. He also said that the STF officers had made him put some bottles in a bag and carry them all the way to the Digana Church, which he did. The complainant stated that he had lodged a complaint against the STF with the Police on 13 March 2018. This complainant had also been charged with the possession of petrol bombs. The officers of the HRCSL requested that a certified copy of the B Report obtained through this complainant’s attorney-at-law be submitted to the Commission along with certified prints of photographs depicting the complainant’s injury.

The Commission notes that, despite many requests, the unedited CCTV footage as well as certified copies of photographs and medical reports have not been produced by the complainants.

Mob attacks in Digana

A business owner complained that on the evening of 4 March 2018, a yellow pamphlet had been distributed by an unidentified group asking all shops to be closed as a sign of mourning. As a Facebook user, this complainant had seen the Facebook profile of a group called ‘Mahason Balakaya’, in which the group had made an unverified claim that there were very few Sinhalese-owned shops in Digana. When asked if and to which extent Facebook posts were responsible for the violence, the complainant responded that the platform Facebook was instrumental in the rapid circulation of unverified information. He cited as an example claims made by one Amith Weerasinghe of the Mahason Balakaya via Facebook about there being more Muslim-owned shops than Sinhalese-owned shops in Digana.

Another complainant who had witnessed the mob attacks in Digana stated that, on 5 March 2018, he had witnessed about 50 people singing while attacking shops and houses in the Digana Town, in the presence of the Police. This mob had been joined by a group of approximately 300 people who had come from the direction of Rajawella. The attacks appeared to have been pre-planned with only Muslim shops being targeted. The complainant also claimed that the STF had been present but had not made any arrests. The Sri Lanka Army had then arrived around 5.00 pm.

Complaints with respect to arrests

The spouse of a Pradeshiya Sabha member in her testimony said that her husband had left the residence in the hopes of controlling the mob but had been arrested by the Police on suspicion of committing acts of violence. Upon examining the B Report presented by this complainant, the officers of the HRCSL noted that the husband of the complainant had been charged under the Penal Code. The complainant also presented CCTV footage given to her by a Muslim person who had attested to the fact that her husband had been dispersing the mob together with the chief prelate of the Balagolla Temple and the OIC of the Pallekale Police Station. She further stated that after her husband’s arrest her father had passed away from a heart attack while her young daughter is unable to concentrate on her school work properly. The husband had not been granted bail as of that date.

The HRCSL clarified to the complainant that intervening in a criminal proceeding was not possible. It advised the complainant to present all CCTV evidence disproving the charges to the court through an attorney-at-law and to also write to the Attorney-General in this regard.

Several more complainants came forward with similar narratives of relatives being arrested in relation to the attacks in Digana, and some alleged that they possessed evidence to prove that the arrested persons had not been in the area at the time. The HRCSL reiterated that the Commission cannot intervene in ongoing prosecutions but urged all evidence disproving the charges to be presented to court. The HRCSL

Chairperson also advised any person with a complaint of ill-treatment during arrest or detention by the Police or any other authority to submit a written account of the incident to the Commission.

2.4.2 Proceedings of day two: 10 May 2018

Some of the personal details of the complainants are withheld to protect their identities in the following summary of the testimonies of the complainants.

The death of Abdul Bashith

An account of the death of Abdul Bashith on 5 March 2018 and the injury of his elder brother, Mohommad Fais in that same incident was presented to the HRCSL. The father of the two, in his testimony, stated that his house was set on fire by a mob that had come from Digana on 5 March 2018 just after 3.30 pm. His spouse and he had been downstairs while their son (Abdul Bashith) had been on an upper level. When their house and shop had been attacked, his spouse and he had rushed out, at which point he had seen his elder son on the roof of the house attempting to use the water from the water tank to put out the fire. Both his spouse and he had hidden in the woods behind their house until after the mob had moved on, coming out from hiding to be informed that their elder son had been rushed to the hospital. In a state of shock, he had been told that his elder son had asked a police officer to search for his brother. The following day 6 May 2018, another son of the family had gone into their damaged house to retrieve any valuables. In the process, the body of Abdul Bashith was discovered. The father stated that both his spouse and he are emotionally distressed due to the death of their son.

The next complainant to give his testimony was the sibling of Abdul Bashith who was injured in the above attack. On 5 March 2018 he had gone to his parents' house to bring them and his brother to safety in his house as he had received messages on WhatsApp that Digana was being attacked. However, he had returned home as his father had said that there was a police jeep in front of the Mosque and, therefore, it would be safe. As he continued to receive messages of an imminent attack, he had gone to the house of a friend nearby. From the roof of this house, they had seen 200-300 people approaching from the direction of Digana, burning and attacking shops along the way. He had also seen about three policemen on the road. The complainant had later seen a video of a barrier being set up in Digana and assumed the mobs had come to his area disregarding the barrier. A neighbour had called 119 around 3.30 pm and had been told by the operator that STF and Police had been deployed in Digana.

While at his friend's house, the complainant had received a message from his brother on WhatsApp that his house was being set on fire. After arriving at the house, he had managed to get on the upper concrete slab of the house, which had already caught fire. He had also seen his mother and father running away from the house. With the thought that his brother may still be inside the house, he had tried to extinguish the fire, at one point turning over the stock tank. While climbing over the roof afterwards, he had fallen through the roof into the fire sustaining burns. He had then gone out on to the street calling for help. However, he received no help from the members of the mob, who had laughed and remained passive in the face of his distress. The police officers who had been deployed nearby transferred him in the jeep to the Theldeniya Hospital. He urged the Police to search for his brother who may have still been inside the burning house to which a police officer had responded asking him to go to the hospital and to concentrate on his own life. He received treatment at the Theldeniya Hospital and was later transferred to the Kandy Hospital. The transfer had been delayed, as some hospital staff on their way home had also used the ambulance for transport.

The complainant presented several photographs depicting members of the mob. He stated that he had handed over his phone and these photographs to the CID and that the CID had recorded a statement from

him while he was in the hospital. He also alleged that Mahason Balakaya was behind these incidents and that he knew Amith Weerasinghe.

Destruction of property in Pallekale / Kengalle area

Two of the complainants in their testimonies stated that they were related to two of the Muslim men who had been arrested in relation to the murder of Kumarasinghe. One complainant was the father of one of the suspects and the other was the husband of a cousin of one of the suspects. The shops and houses of these people had been burned and destroyed. They stated that neither they nor their community should be penalized for the acts of the suspects.

Another complainant stated that the mob that attacked her home appeared to be between 17-24 years of age. She also stated that, at the time of the attack the electricity supply had been cutoff in the area, adding that the mob had destroyed the electricity meter of her house. She presented the remains of the meter to the Commission.

All complainants had lodged complaints in the Police regarding these incidents. Some complainants presented photographs of members of the mob. In some cases, they stated that the people in the photographs had not been arrested yet despite the identities of these people being known to the authorities. Others said that they were traumatized by the violence that occurred with one person even losing his job.

The majority of the complainants reported that they had called 119 to no avail. According to one complainant, even after the violence ceased, the Sinhala students of Kengalle Maha Vidyalaya had pelted stones at the nearby Muslim owned houses while girls working in the Board of Investment zone had been told not to stay in Muslim houses. He also accused the Police and the Fire Brigade of supporting the attacks stating that a fire truck responding to the emergency in Digana had released all the water in one place before returning to Kandy.

A business-owning complainant stated that though he had witnessed the people who attacked his shop he did not want to report them to the Police because he relies on Sinhala customers for business. One of the attackers had been a rival business owner of whose involvement he had photographic evidence, which he had handed over to the Police. However, he claimed that this rival had been arrested twice but later released and is still free. He stated further that he had seen people of his village and members of a nearby sports club forming part of the mob, which he had reported to the Police, but had been too afraid to give evidence in court. The complainant stated that he had known Amith Weerasinghe since he was a child, and that his father is still a neighbour. He was of the opinion that people continue to harbour toxic sentiments due to the unfounded fear spread by certain groups.

One notable complainant was a 17-year-old boy who gave evidence following his mother. An Advanced-Level student in the physical sciences stream, the complainant had been traumatised by the violence, as he even saw his books aflame and it was affecting his studies. He too had called 119 when his house was being attacked. He had both Sinhala and Muslim friends in school who had inquired after him following the attacks.

Destruction of property in Thannekumbura / Kandy area

The complainants reported that their shops and houses were attacked by mobs. One complainant stated that after one of his neighbours had alerted the Fire Brigade to the fires in the area the Fire Brigade had arrived within 20 minutes. Some complainants presented photographic evidence of their houses and businesses being attacked. This evidence was handed over to the HRCSL.

Harassment by STF

One complainant reported that he and a few others had been harassed by STF officers in Thannekumbura. The complainant stated that he had with a few other relatives been searching for his uncle in their neighbourhood, situated some distance away from the main road, around 11.30 pm on 5 March 2018. About eight STF officers had approached from the direction of the main road and questioned them on what they were doing. When he had said they were looking for their uncle, the STF officers had escorted him to the main road and made him sit down on the curb alongside several other people including his uncle. Throwing down some weapons (iron rods, sticks etc.) in front of them, the STF had accused the complainant of plotting to attack them. Denying the charge, the complainant had attempted to get more information, which was not welcomed by the STF officers who then verbally reprimanded him. The complainant and the others were then taken to the Kandy Police Station, and thereafter the leader of his mosque and the leader of his village had intervened to have them released.

Cases of arrest

Several complainants presented testimonies of relatives being arrested in relation to the violence. Common to all these complainants was that their relatives, while not being involved in the attacks, had been arrested by Sri Lanka Army in Thannekumbura. The HRCSL informed these complainants too that it cannot intervene in criminal proceedings but that they could seek the assistance of the Commission if their relatives had been ill-treated by arresting authorities or the prison authorities. Some complainants alleged that their relatives were beaten by officers of Sri Lanka Army, and the HRCSL directed them to forward written complaints to the Commission for investigation.

2.4.3 Proceedings of day three: 11 May 2018

Damage to property

A complainant stated that the Ahmed Masjid Mosque in Ulladupitiya, Werellagama was attacked by a mob on 5 March 2018, first with a bottle filled with petrol and sand. Later the mob had damaged four windows by stoning them. A petrol bomb had been thrown on to a pile of firewood at the Mosque on the same night. However, the fire was put out by those who were spending the night at the Mosque. On the following day, a group of persons had attacked the Mosque again around 9.00 am, damaging several other windows and doors. Other furniture and goods inside the Mosque, such as electric bulbs, electric and water meters, books, stages, chairs and carpets including personal belongings of the moulavi Rev. Musthafa Ahmed too have been damaged or burnt. The moulavi did not attend the HRCSL inquiry, but this complainant submitted an affidavit on his behalf.

On 6 March 2018, a group of young persons had attacked and damaged a shop owned by the nephew of the complainant. A nearby house, owned by the younger brother of the complainant (approximately valued at Rs.20-30 million, according to the complainant's estimate) was also damaged and burnt down completely. In addition to the Mosque, a total of 26 houses and one vehicle had been attacked and damaged by the mobs. The mob approached Endaruthenna and attacked the houses and vehicles there as well.

Muslims residing in the area had been in hiding when the attack had taken place and had called 119 and informed the Police about the violence. However, the Police and STF failed to arrive until around 4.30 pm, which was after the destruction occurred. The Muslim families had sought refuge at the Endaruthenna Muslim Vidyalaya fearing further attacks.

The Chief Prelates of Medawala Raja Maha Viharaya, Ulladupitiya Gangane Raja Maha Viharaya, and Embulpura Raja Maha Viharaya had visited the victims soon after the attack. According to the above-mentioned complainant, an organisation has been established in the aftermath of these incidents in the name of 'Sanhindiya Maga' (The Road to Reconciliation) under the leadership of the Chief Prelate of the Medawala Raja Maha Viharaya. This Complainant is the secretary of the organisation. The complainant stated that meetings are held every two months alternating between a temple and a mosque, and the first meeting was held on 27 March 2018.

On 7 March 2018, another complainant and her family members had fled to the nearby woods around 11.00am, as they received news on the telephone that a mob was approaching their area. She witnessed a group of 50-100 Sinhala-speaking persons wearing helmets and bearing weapons and clubs. They caused severe damage to property including her house and a shop owned by her younger brother. She stated that approximately 50 houses were damaged by the mob.

Another complainant stated that his house was attacked on 7 March 2018 around 9.30am damaging the windows. The mob had then broken in through the gate and attacked his vehicle (a van), which was completely damaged as a result. He had later noticed that the second storey of his daughter's house had also been set on fire. Even though he was unable to recognise the attackers at that point, he had later viewed the CCTV footage recorded at the nearby Masjid Kalaam Mosque and identified some of them as those from his village and others as outsiders. The families of the complainant and of his daughter had been taken to a relative's place nearby by STF officers after the attack. He also shared that the CCTV footage from a timber mill near the Mullegama Temple had shown that a mob of about 500-600 people had congregated at the Temple before coming to attack their property. Two or three police officers had been stationed to secure the Mosque, but had left after receiving a telephone call, and the Mosque had been attacked soon afterwards.

Assault

The spouse of Sadakathulla Moulavi, a member of the Muslim clergy, complained that her husband was assaulted and was receiving treatment in the Neurology Intensive Care Unit at Kandy General Hospital. The elder brother of the victim stated that he was assaulted on 7 March 2018 at Ambathenna while travelling in a bus. The Anuradhapura-Bandarawela bus on which he was travelling had slowed down in Ambathenna where persons had got on the bus crying 'all Muslims should be killed' and had assaulted the victim with an iron rod. Another complainant, an eyewitness who was travelling in the same bus with the victim, had witnessed about four persons getting on the bus at Ambathenna and assaulting him. Two had hit him with planks of wood and exited the bus, while two others had assaulted him with an iron rod. The victim had become unconscious as a result but had been revived with the assistance of the conductor and other passengers.

Despite the requests of the driver and the conductor, the victim had refused to exit the bus at Katugastota and had gone all the way to Pallekale, where he had gotten off. The brother of the victim had seen him riding his motorcycle towards his house at 1.00 pm without a helmet, bleeding from his head. The brother had given him first-aid, but his condition had deteriorated, as he had started vomiting. He had then been admitted to the hospital where it was revealed after an examination that his skull had been severely injured. The victim had undergone a five-hour surgery on the same night and has had several more surgeries later on. He had been conscious until after the first surgery but had not mentioned how he was injured. The complainants reported that the victim has since not regained consciousness after the second surgery and was on life support. Several high-ranking police officers had visited the house of the victim in the days following the assault.

Wrongful arrest

Several complaints regarding wrongful arrests were also presented at the HRCSL inquiry. One complainant stated that his son was arrested based on a mistaken identity for someone who had attacked a shop. All complainants were advised to produce all the evidence in their possession to disprove the charges against the arrested persons to court, as the Commission could not intervene in criminal proceedings. The complainants were, however, directed to contact the Commission if there were complaints of ill-treatment of detainees by the prison authorities or the Police.

2.5 Testimonies of Other Witnesses

Testimonies from key witnesses and human rights advocates were recorded in addition to the testimonies of survivors.

The Chief Prelate of the Perakatiya Temple (the temple in the village of the deceased Kumarasinghe), stated that from the day that Kumarasinghe was attacked, he and the Police had coordinated to successfully prevent any violence occurring in the village. He was of the opinion that certain unsavoury elements had taken advantage of the death of Kumarasinghe to incite communal violence. He also stated that false rumours spread through media should be suppressed.

A human rights advocate from the Aladeniya area witnessed first-hand the violence unfold in his area. He stated that a mob of mostly young people were out on the road while the level of security provided in his area was very low. He also stated that prior to the violence erupting, he, together with other civil society representatives, had warned the authorities of the tension in the area, which had the potential to lead to violence. He was of the opinion that it is important to be proactive in such situations and that young people should be encouraged to engage in social activism.

Sunil Karunaratne, the cousin of Kumarasinghe, had been the person to take Kumarasinghe to the hospital. A police constable by profession, he is attached to the Theldeniya Police Station. He stated that his family did not in any manner condone the violence against their Muslim neighbours and viewed it as a pointless act for it will not bring his cousin back from the dead. He also said that the newspapers had carried statements that neither his family nor he had ever made after the incident, rejecting claims that the Police had been trying to cover up the murder.

A representative of the Human Development Organisation (HDO) stated that the HDO had been vigilant throughout the violence that ensued, paying particular attention to women and children affected by the violence. According to him, many children were mentally affected after losing their toys and belongings in the violence. Many women engaged in small scale enterprises were also economically affected, as in some cases they were unable to obtain compensation, because their businesses had not been registered.

A representative of the Health and Environment protection organisation stated that the majority of people were disappointed in the inability of Sri Lanka Army and the Police to prevent the violent acts of the mobs. He also claimed that certain groups had hoped that the violence would escalate if law enforcement officers wounded some attackers in attempting to quell the violence. He further stated that when unsubstantiated information such as the existence of sterilisation pills mixed with food is spread, such information should be investigated and suppressed immediately.

A Christian clergyman and representative of the Human Rights Office, Kundasale stated that the Mahason Balakaya of which he had complained to the authorities several times to no avail, was responsible for

organising this attack. He also believed that tension and jealousy exist among the Sinhala community over the perceived entrepreneurial success of the Muslim community.

2.6 Statements Made by State Officials

The Commission called for testimonies from state officials in order to develop a comprehensive view of the violence that occurred and to decide on preventive measures for the future.

2.6.1 Statement of Divisional Secretary, Poojapitiya – M.W.M. Madahapola

According to the official, the Poojapitiya division had been home to different ethnic and religious communities who had coexisted peacefully. About four or five years prior to the recent violence an isolated act of a drunken man throwing stones at a mosque was defused by Police and the people involved were arrested.

The Divisional Secretary had been involved in attempting to maintain peace during the recent violence after three small windows of the Mullegama Temple had been vandalized by an unidentified person. She had been notified that the Police and Army were working to defuse the situation together with the Chief Prelate of the Mullegama Temple. She herself had visited the area sometime after the grenade explosion and had witnessed houses and businesses burning as well as thousands of people on the streets, some of whom she had recognized as locals while others were not familiar. Furthermore, she stated that various false rumours had been spread in the community as to the situation in Poojapitiya during the attacks, including the rumour that the Chief Prelate of the Temple had been murdered. She noted that initial compensation had been paid to people whose homes and businesses were destroyed (Rs.50,000.00 for a house and Rs.100,000.00 for a business establishment) and full compensation would be paid to people who were entitled to compensation of less than Rs.500,000.00 on 13 May 2018. She further stated that the Ministry of Prisons, Rehabilitation and Reconstruction had appointed committees to carry out valuations while *shramadana* campaigns had been carried out with the support of the Police, the Army and locals in the area. The Divisional Secretariat was in the meantime initiating reconciliation through the celebration of festivals, such as the Sinhalese and Tamil New Year, also providing school children who had lost their books and uniforms with necessary material to return to school.

Responding to the query on her personal views on the cause of racially motivated violence, the Divisional Secretary was of the opinion that the rapid transmission of false information, which gives rise to unfounded beliefs, such as sterilization pills and the economic superiority of Muslims could be the cause of such violence. She emphasised the need to have a dialogue to find solutions to these issues. Furthermore, the ethnic and religious segregation of students within the education system and the lack of integration between the Sinhala and Muslim communities were also cited as causes.

2.6.2 Statement of Divisional Secretary, Kundasale – S.D. Nagahathenne

A tense situation was anticipated in the area with the death of H.G Kumarasinghe. However, it appeared that the Police had not expected an attack on Digana and thus had been unprepared for it, leading to inadequate levels of security in the area, which was exacerbated by the mob that far outnumbered police officers. The mob had been made up of men between 20-30 years of age using arson as their main weapon of destruction.

Even after the violence completely abated, both Sinhala and Muslim communities in the area had lived in fear of further violence. Affected students in the area had been given school provisions to return to school, while a women's development organisation had donated substantial equipment to school children. The

Divisional Secretariat had collaborated with mosques and temples in the area to distribute dry rations that the public had donated to the people affected by the violence.

The HRCSL raised a concern that the official formula used to calculate compensation to survivors in these situations was problematic, as the compensation provided was inadequate to regain normalcy as in the case of persons affected by the explosion in Salawa. The Divisional Secretary in response stated that the valuation officers were bound by particular formulas issued for their guidance, which cannot be deviated from and suggested that a new revised framework be introduced to the valuation process, which allowed officers to consider factors other than material damage enabling a more realistic assessment.

Responding to whether ‘Mahason Balakaya’ was a known organisation, the Divisional Secretary stated that it was not an organisation registered with the Divisional Secretariat.

2.6.3 Statement of Senior DIG of Sri Lanka Police, Central and Uva Provinces – S.M. Wickramasinghe

The Police had been alerted to possible tension in the Theldeniya area from the moment of the assault on H.G Kumarasinghe on 22 February 2018 given the composition of the population of the area (with Sinhala and Muslim people living together in close proximity). Orders had been given to arrest the suspects in the assault as quickly as possible to prevent the tension from erupting into violence. An SSP had been deployed to the Ambala village (where H.G Kumarasinghe had lived) to prevent violence and to alert both the Sinhala and Muslim communities in the area to the possibility of infiltration by external forces to create disharmony.

After Kumarasinghe had succumbed to his injuries on 3 March 2018, the Police had delayed the releasing of his body to the relatives, instead escorting the cortege to the village around 10.00 pm on the same day without incident, in order to prevent violence from breaking out.

On 4 March 2018 measures had been taken to station police officers and STF officers in the village and at various points along the road from the village to Theldeniya and another meeting had been held in the village with an important Muslim cleric in the area and Buddhist clergy in attendance at which it had been agreed that compensation would be paid to the family of Kumarasinghe.

Upon information received from the SSP that a large group had gathered at Moragahamula junction around 8.30pm on 4 March 2018, both the SSP and DIG had deployed police officers to the area together with STF officers, as there had only been scarce Police presence. However, buildings had already been set on fire and several arrests were subsequently made. Responding to the request to provide reasons for the failure of the Police to prevent the violent acts, the Senior DIG stated that reinforcements to the area had been delayed, with officers stationed in the area not anticipating an escalation of the situation. Although the Fire Brigade in Kandy had responded to the emergency by the time the Senior DIG had arrived on the scene, he noted that the fire brigade was not equipped to respond to a situation of this magnitude. Two riot control squads had been deployed from Colombo upon the request of the Senior DIG to the IGP on 4 March 2018, as the Police in Kandy had not received adequate training in riot control (Public Order Management). Two water cannons had also been brought in.

The Senior DIG commented that various political elements had attempted to take advantage of the death of H.G Kumarasinghe prompting the HQI of Theldeniya to obtain a court order to prevent the body of the deceased from being paraded on the streets outside his village. White flags were hoisted all over the Digana and Theldeniya towns but not in the village of the deceased, signifying that the protests were not on behalf of the deceased, but for other reasons.

On 5 March 2018, around midday, a large crowd had gathered in the Theldeniya town to protest the arrest of the 24 suspects at the Moragahamula junction on the previous day. It had been reported to the Senior DIG that a Buddhist monk known as ‘Ampitiye Hamuduruwo’ and members of the Mahason Balakaya had engaged in a heated discussion with the DIG at the Theldeniya Police Station and attempted to have the 24 persons in police custody released, which the Police had declined. The mob however, had not engaged in any destruction of property.

The Police had not attempted to disperse the crowds congregating in the Theldeniya town during the afternoon of that day, which had a large police presence with reinforcements having arrived (including the two riot squads from Colombo and the two water cannons), as they anticipated an incident in Ambala (the village where the funeral took place) and decided to prevent mobs from reaching that area. At about 2.00pm the Senior DIG was told that a large crowd had made its way to Digana from the directions of Manikhinna, Waththegama and Balagolla, thus avoiding Theldeniya. There had been a breakdown of communication at this point. The Senior DIG remained in Theldeniya having sent the DIG, one riot control squad, one water cannon, and STF officers to Digana. However, this development had been unexpected as there had been no reason to suspect any violence in Digana which was about 30 km away from the area of the funeral. In any event, the Police had not attempted to disperse the crowd to prevent them from moving towards Theldeniya or Kandy. Initially, the mobs in Digana, while acting aggressively, had not attacked any shops or houses. However, someone had reportedly thrown stones at the crowd causing the crowd to turn violent, attacking shops and houses. The Police had been unable to prevent the crowd from attacking houses and shops along the way. Curfew was imposed around 3.30 pm and the Army was deployed to the area around 4.30 pm.

When asked if he thought the violence was organized, the Senior DIG responded that there clearly was an organised element to the violence because it had not erupted in the immediate environs of the village of the deceased which could have been attributed to a spontaneous demonstration of grief and anger, but in localities a considerable distance away from there. However, there had been no intelligence reports on the possibility of violence of the nature that occurred. Given the nature of the damage, the Senior DIG opined that the objective of the violent acts appears to be to cause economic damage to the Muslim community.

Responding to the allegation that, despite an adequate police presence in Digana, the Police had been unable to prevent the attacks, the Senior DIG stated that comprising approximately 2000 people, the mob had far outnumbered the Police (less than 50 officers). The Police had decided not to open fire on the mob to prevent the potential loss of life and to prevent violence from escalating, nevertheless resorting to tear gas and water cannons to disperse the mob. The Senior DIG also observed that another reason which may have affected the response of the Police could have been the low morale permeating the entire Sri Lanka Police, especially the junior officers.

The Senior DIG went on to explain the sequence of events on 7 March 2018. As very few violent incidents were reported on 6 March 2018 a further escalation of attacks had not been anticipated. Nevertheless, in the early hours of the morning of 7 March 2018, the vandalism of the Poojapitiya Temple had been reported to which the Senior DIG had responded by sending the SSP, an ASP, and some army officers to Poojapitiya. A mob comprising people from the area had already begun moving from Poojapitiya towards Akurana when the Police had arrived on the scene. However, the Police had managed to prevent the mob from advancing further and had recalled them to the Poojapitiya Temple for a meeting. Despite the mob being advised to disperse without engaging in violence, some persons had left the meeting and had begun to attack houses and shops belonging to Muslims as they moved towards Poojapitiya. A grenade explosion had occurred at this moment, giving rise to the rumour that monks had been killed by Muslims, causing more violent acts.



Damaged glass cases at Poojapitiya Temple (Date of incident: 7 March 2018. Date of photograph: 7 March 2018)

Remarking on the explosion of the grenade, the Senior DIG said that both the clip and the pin of the grenade had been found in the same place, indicating that the user had not been familiar with the explosive. It is also indicative of premeditation, as the grenade had clearly been in the possession of a person in the mob to be detonated in Akurana (an area with a high population of Muslims). According to the account of the Senior DIG, most of the damage had been caused by pelting stones at windows, while in other places petrol bombs had caused damage to other property in the vicinity. With regard to the assault on the Sadakathulla Moulavi in Ambathenne and the eyewitness statement that the bus contained a CCTV camera, the Senior DIG stated that the Police had searched the bus but had not found a CCTV camera as alleged. He recounted that the eyewitness had not definitively said he had seen a CCTV camera. Also, as the assault was not reported until two or three days afterwards the CCTV camera possibly may have been removed during the interim period. He undertook to further inquire into the matter while also appreciating the prudence of the Moulavi in not publicising the fact of his assault which would have ignited unrest and fear among the Muslim community.

While two Muslim men had been arrested on suspicion of possessing petrol bombs it had been unclear whether they had been in possession of the bombs to cause violence or for self-defence. The bombs had been recovered from outside the gate of one of those arrested. One of the suspects had also been assisting the Police in preventing the breaking out of violence from 22 February 2018. The Police had decided not to press charges against these suspects under the ICCPR Act taking the above factors into consideration.

The Senior DIG spoke positively of the ban on social media during the violence as social media had been instrumental in the propagation of falsehoods and had been used to organise the attacks. He also said that the CCTV footage of the assault on Kumarasinghe had been given to Hiru media on 5 March 2018 before the Police had an opportunity to remove it. The channel had broadcast it on the evening news bulletin. Responding to concerns of inaction by the Police even in instances where the identities of the attackers were known, the Senior DIG stated that witnesses in many cases were reluctant to give evidence, mainly due to the fear of loss of business, which would eclipse the damage caused by the actual attack. Despite three special counters been established in the Kandy Police Station on a separate floor to receive complaints of the attacks, and the Muslim communities in the affected areas been notified of the existence of these counters through the mosques, very few complaints had been received.

The Senior DIG pointed out that while it is the duty of the Police to ensure preventive measures are in place to deflect such violence, promoting ethnic harmony is also very important and that other government institutions and civil society organisations can work towards such harmony.

Explaining the reasons for charging the four Muslim men who had assaulted Kumarasinghe under the ICCPR Act, the Senior DIG replied that it was due to the tension surrounding the assault, and that this Act had been used previously to charge a group of Sinhala men who had attacked a Muslim.

2.6.4 Statements of Police Officers – ASP Theldeniya, R.M.K.N. Ranaweera, HQIs Theldeniya and Kandy, OICs Manikhinna (Acting), Pallekale, Poojapitiya (Acting), and Katugasthota

The above-mentioned officers were requested to testify regarding their involvement and experiences of the violence. The HQI Theldeniya stated that after 24 people were arrested on 4 March 2018 anticipating undue influence in attempts to have them released, the suspects had been transferred to Manikhinna and Pallekale Police Stations. He noted that on 5 March 2018, a certain member of parliament had made an inflammatory speech in front of the Theldeniya Police Station while several Buddhist monks had visited the Police Station demanding the release of the 24 suspects arrested on 4 March 2018. These monks, acting aggressively, had berated the DIG on the veranda of the Police Station. Even though a crowd of more than 1,000 people had been gathered in Theldeniya at this time, the Police had refrained from dispersing the crowd until H.G. Kumarasinghe's funeral was over to prevent the crowd from going to the village. One riot control squad (about 20 officers) and another 40-50 officers had been stationed in Theldeniya at this time, and they had dispersed the crowd in Theldeniya past Moragahamula junction after the burial of Kumarasinghe.

In the meantime, the ASP Theldeniya, who had been stationed at the Digana junction stated that approximately 3,000 people had come to Digana, some from the surrounding villages with reports of some people arriving in buses. The officer remarked that the attacks had been premeditated with adequate financial backing, which contention is supported by the fact that white flags had been hoisted from Thannekumbura to Moragahamula junction (about 30-40 km in distance), but not from Moragahamula junction to the funeral of Kumarasinghe, which indicates that the villagers were not involved.

The Digana junction was secured by approximately 35 police officers together with about twelve STF officers while the reinforcements had been stuck behind the mob. While the mobs had only succeeded in damaging four to five shops in the Digana Town, they had managed to cause more destruction in the interior areas. The ASP said that intelligence units had failed to uncover any information ahead of the violence breaking out, which left the Police unprepared to respond adequately.

The OIC Katugasthota, describing the unfolding of events in his area stated that on the night of 5 March 2018 the mosques in the area had been stoned by unidentified persons in an apparently failed attempt to provoke the Muslim community. After the vandalism of the Temple and the grenade explosion on 7 March 2018, disinformation had circulated on social media inciting violence by propelling people to attack houses and shops in the Katugasthota police area. Curbing the violence in Katugasthota had been especially difficult as the Muslim community was not concentrated in one particular area.

The HQI Kandy stated that Thannekumbura, which is part of his police area, was attacked on the night of 6 March 2018 by a mob of about 450 people who had come from the direction of Digana. The mob had been pursued and dispersed by the Police and Navy. The persons arrested that night had been from nearby areas such as Ampitiya, Dodanwela, and Kundasale, and had been intoxicated. None of them had been from Thannekumbura.

Several of these police officers denounced social media as well as other mainstream print and electronic media for facilitating indoctrination and propagating unsubstantiated information, which had a direct bearing on the violence that ensued. A photograph of Kumarasinghe's body during the post-mortem examination had been circulated on Facebook, alleging that the surgical incisions were caused by the

Muslim assailants, inciting anti-Muslim sentiments while one major newspaper had claimed that the suspects in the assault of Kumarasinghe had been released on bail by the Police.

Responding to a query on the reasons for not prosecuting persons engaged in hate speech on social media platforms under the ICCPR Act, the officers stated that the Police did not possess expertise in monitoring or tracking social media to identify the originators and propagators of hate speech, and it is necessary to form a special unit with expertise. Another police officer stated that many, including lawyers, were unaware of the content of the ICCPR Act and its gravity, which necessitates greater awareness raising.

Responding to a query on action taken against the Mahason Balakaya, the Police noted that undercover officers had been sent to infiltrate meetings of the Mahason Balakaya. But it had not yielded results, as no directly inflammatory messages were shared at these meetings. The stated motive had apparently been empowering the Sinhalese, with no mention of violence against the Muslim community. Even though social media was used by the Mahason Balakaya during the violence to spread anti-Muslim sentiment, those too have been veiled, and were not direct statements. The officers also observed that many known leaders of various ‘nationalist’ or anti-Muslim groups lack formal or stable employment and seem to be engaged in propagating their ideologies on a full-time basis, which points to the existence of sufficient financial backing to sustain them.

Echoing the observations of other witnesses, the Police was of the view that ethnic and religious segregation in the public sphere, such as in schools and other organisations and institutions, only serves to increase divisions. The majority of persons arrested in relation to the attacks were indoctrinated and coerced into violence by the actual instigators through the use of popular inflammatory rhetoric.

A challenge facing prosecutors in the prosecution of the perpetrators of violence is the unwillingness of eyewitnesses to testify in court, which may result in suspects being released due to the lack of evidence. However, the officers were confident that approximately 90% of suspects arrested could be successfully prosecuted with the aid of CCTV footage, the results of investigations, and police evidence.

Commenting on the adequacy of the Fire Brigade in responding to emergency situations, such as had been the case in the violence in Digana and environs, the police officers remarked that the strength was not adequate to respond to events of this magnitude. They suggested each local council to have a fire brigade of its own, as the Fire Brigade in Kandy was delayed in responding to the situation promptly due to the distance the fire workers had to travel to respond to the emergency.

2.6.5 Statements of the District Secretary, Kandy District – N.M.P. Hitisekara, the Divisional Secretary, Gangawata Korale, the Divisional Secretary, Harispattuwa, and the Divisional Secretary, Akurana

The District Secretary stated that he had previously not been aware of any tension between different communities in the Kandy region and had ensured ethnic and religious inclusivity in conducting various programmes by his office. A meeting had been held at the District Secretary’s office on 6 March 2018 with the participation of political leaders, religious leaders, senior police officers, and commanding officers of the Army to decide on measures to curb the further spread of violence. On the night of 6 March 2018, the District Secretary had been requested by Sri Lanka Army to issue a directive to close down all bars and taverns to prevent the perpetrators of violence from committing further violence under the influence of liquor.

The other officers agreed that communities have lived in harmony in Kandy before the recent violence. However, the Sinhalese had come to harbour suspicions towards the Muslim community aroused by the attire of Muslim women and unsubstantiated rumours concerning ‘sterilization pills’. However, no platform

had been created to address these suspicions, which were amplified by false information spreading through media with no measures taken to debunk such information. The officers stated that they would ensure the process of valuations and compensation will be concluded swiftly and that a group of survivors were to receive compensation on 13 May 2018.

2.6.6 Statements of Police DIG – M. Ekanayake, Colonel S.P. Aluvihare, Commander 111 Brigade Kandy/Matale, Lieutenant Colonel D.S. Senanayake, civil affairs officer, 11th Division of Sri Lanka Army camp in Pallekale, and Major R.M.C.P Darshana, legal officer, Special Forces Regiment, Naula

The DIG stated that within the span of about one year prior to the violence in Digana, no less than three incidents in Poojapitiya, Gampola and Digana had taken place, which could have escalated into communal violence. But these incidents were addressed through the intervention of Police and religious leaders in those areas. On 4 March 2018, approximately 500 people had thronged the road from Digana to Theldeniya hoisting white flags, in apparent anticipation of Kumarasinghe's body been paraded on the road to Digana, while only about seven people, all villagers, had been at the funeral house helping with preparations.

On 5 March 2018, a fire truck making its way to Digana had been attacked by a mob in the Balagolla area, stealing the key to the water tank from the driver and spilling all the water onto the road. These attackers had obstructed the Theldeniya-Digana road by way of various means including felling trees on to the road in an organised effort to slow down reinforcements to Digana.

As the Kandy Police Station did not have adequate equipment such as vehicles and water cannons to respond to violence on the scale witnessed in Digana, the DIG said reinforcements had to be requested from the Army but had been delayed due to protocol. Even police reinforcements from other areas had been a challenge in terms of transporting officers, officers being unfamiliar with the terrain, and logistical difficulties in providing food and housing for the officers. He also stated that the Police force was not large enough to comfortably afford to deploy a large number of officers to one area without leaving another area ungarded. He also drew attention to the fact that the morale of junior officers was very low, with many of them not even firing tear gas for fear of being disciplined and at times, even if appropriate in the circumstances and ordered to do so, hesitating to fire their weapons. The DIG indicated that there is need for procedures to be established to respond to similar incidents in the future.

The DIG remarked that, on 5 March 2018, a certain Buddhist monk had yelled at him at the Theldeniya Police Station in front of a large public gathering.

On the issue of whether Sri Lanka Army possesses adequate training on riot controlling (Public Order Management), the area commander stated that while there are riot control squads in the Army, the predominant consideration in the circumstances had been to assist the Police and prevent the spread of violence.

Furthermore, the DIG stated that intelligence units were not adequately equipped in terms of technology necessary to carry out their duties, while also admitting that the Police in general needed further training on responding to violence. He stated that the numerical strength of the Police force is even lower than that of the Army with recruitment slowing in the recent past, the Police being forced to contend with a significant portion of officers being above the age of 55, and some officers having disabilities.

Colonel Aluvihare shared the opinion of the DIG in proposing that intelligence gathering should be strengthened and enhanced. While Lieutenant Colonel Senanayake stated that the Army had assisted in removing the debris in the aftermath of the attacks in a bid to promote harmony, Colonel Aluvihare noted that the Army was even ready to assist in the re-building of houses destroyed in the violence.

On the issue of officers in the Army who may have taken part in the violence in Digana and surrounding areas, Colonel Aluvihare remarked that though it is illegal for an army officer to join an ‘extremist’ organisation or publicly support an ‘extremist’ cause, there may possibly be some officers who support extremist causes, who, if discovered, will be disciplined.

2.6.7 Statements of A.Ranasinghe, ASP, STF Camp, Gampola and R.A.K. Dissanayake, STF Camp, Kandy

The first STF group had been deployed from Ambakote Camp to Theldeniya around midday on 4 March 2018 with several more groups deployed from other camps subsequently. A large number of STF officers had been stationed at the funeral of Kumarasinghe.

In the opinion of the ASP, the conduct of the mob, in attacking Digana instead of the Ambala Village where the funeral took place, had been strategic, displaying tactical organizing behind the attacks.

Regarding the incident at Hijrapura, the ASP stated that, at about 4.30 pm, he had received information via telephone from a Grama Niladhari in the area that a group of Muslims had congregated at the Hijrapura Mosque intending to attack the Sinhalese approaching from Digana and that there was no Police presence in that area. Responding to this information the ASP had deployed STF officers who had arrived from the Kegalle camp to that area. They had been given orders to prevent the violence. After the STF officers had been deployed, the ASP had been informed that thirteen petrol bombs were recovered, and several suspects were arrested in that regard. The petrol bombs had reportedly been found in front of the house of one of the suspects arrested. The arrested suspects had been handed over to the Theldeniya Police Station and produced before the Magistrate.

Later, the STF officers viewed the video footage the Commission received from a complainant regarding alleged beatings by the STF on 4 March 2018. Observing that the video has been edited, the OIC, Ambakote stated that he had been shown unedited video footage by the Police of the same location which had shown a group of people congregated in front of the mosque carrying swords and other weapons. Stating that an investigation is being carried out by the Police upon the advice of the IGP regarding this incident, the officers denied any wrongdoing on the part of the STF and requested that the unedited footage be viewed. They also undertook to investigate the incident at Hijrapura and the complaint regarding harassment at Thannekumbura, which they claimed they did not know about.

2.6.8 Statements of grama niladharis, the valuation officer, Officer-in-Charge of the Fire Brigade, Kandy and the Chief Engineer, Fire Brigade, Matale

The Grama Niladhari of the division in which one of the suspects in the assault of Kumarasinghe lives stated that the house of the suspect and the residential property of some of his relatives had been attacked. According to another grama niladhari, the relatively recent pattern (according to him) of Muslim women resorting to wearing the burqa had resulted in a certain amount of suspicion among the Sinhalese people in his area. In his opinion, the decrease in the number of Muslims, especially women, participating in community events in the area, with the Muslim community preferring to contribute monetarily rather than through labour to activities such as Shramadhanas, had exacerbated the situation.

The grama niladharis further stated that during the violence, the mob that had attacked Muslim-owned shops and houses had also caused damage to Sinhala-owned shops and houses. Another officer suggested the establishment of a Police Station in Digana, where currently only a police barrier is functioning. He was of the opinion that a police station is necessary to enhance the security in the area, especially as it is an important commercially active area with many valuable commercial establishments.

Responding to a query on the challenges experienced by the Fire Brigade, the Officer-in-Charge of the Fire Brigade in Kandy stated that the fire trucks had not been able to reach Digana promptly on 5 March 2018, as a large number of people had blocked the roads. Approximately eight fire trucks, two bowzers, and three ambulances had been deployed to the area. However, the station had been understaffed, as no recruitment had been done in years.

According to the officer from the Matale Fire Brigade, it is equipped with only two fire trucks and 4 staff members working 24 hour shifts two at a time. She acknowledged that the Fire Brigade would not be able to respond adequately to a similar incident if it were to occur in Matale.

The valuation of places damaged by the attacks had begun on 9 March 2018 immediately after the violence had been quelled completely. All valuation reports were handed over to the relevant authorities by 12 March 2018, as per the valuation officer.

2.7 Statements Made by Suspects

Officers of the HRCSL Kandy Regional Office visited Bogambara – Pallekale Prison on 16 March 2018 to inspect the wellbeing and the conditions of detention of the four Muslim youths who had been remanded in connection to the murder of H.G Kumarasinghe and the suspects who had been arrested in relation to the attacks in Digana and environs.

2.7.1 Statement of the four suspects arrested in relation to the death of Kumarasinghe.

The personal details of the suspects have been kept confidential. Contrary to accusations levelled against the Police for delaying the arrest of the suspects in this incident, the records of arrest do not reveal any delay. All four suspects of the attack on H.G Kumarasinghe were arrested and produced before the Magistrate prior to violence breaking out. These suspects were charged under section 3(1) of the ICCPR Act, No. 56 of 2007 and sections 300, 314, 316, 433 and 486 of the Penal Code.

The detained suspects stated that they were under the influence of liquor when the incident occurred. They had been annoyed over the fact that Kumarasinghe had not allowed their three-wheeler to overtake his lorry and had stopped at the Sinha filling station with the intention of talking to him. The situation had escalated when Kumrasinghe had allegedly grabbed one of them by the front of his shirt prompting another suspect to hit Kumarasinghe on the head with a beer bottle. After this, Kumarasinghe's apprentice had physically confronted him and he had then hit them both with a metal chair belonging to the filling station, resulting in the chair breaking. Afterwards, the suspects had paid the security guard Rs.1,000.00 for the damage to the chair and had left the scene.

The suspects denied the attack on Kumarasinghe had any ethnic overtones stating that they had not known his ethnicity until after they were arrested. They had no intention of causing Kumarasinghe's death and had not thought he would have died due to the confrontation.

All four suspects displayed deep remorse over the fact that the consequences of their actions had snowballed into violence against their community and stated that any punishment for the crime should be borne by them alone and not by their families or the community.

2.7.1 Statements of suspects arrested in relation to violence targeting the Muslim community

Statements were recorded from up to 80 detainees remanded on suspicion of engaging in the violence. These detainees have been arrested by Sri Lanka Army and Sri Lanka Police including the Terrorism Investigation Division (TID).

24 detainees had been arrested on 4 March 2018 on suspicion of burning down a shop at Moragahamula junction and causing the destruction of two police vehicles. One group of detainees stated they were residents of Udispattuwa and they had come in the bus belonging to the village temple to attend the funeral of Kumarasinghe. The situation had been peaceful while on their way to the funeral but on their return, they had witnessed a shop on fire. They denied any involvement in the attacks. Similarly, the other detainees denied having taken any part in the attacks claiming that their sole intention was to attend the funeral. These detainees said that they were experiencing difficulties with regards to bail being granted. All these detainees were Sinhala-Buddhist, and with the majority of them aged between 20-30 years. They were charged under sections 140, 418, and 419 of the Penal Code, section 3(1) of the ICCPR Act, and the Offences against Public Property Act, No. 12 of 1982.

Of the remaining detainees, approximately fifteen were arrested on suspicion of carrying out various attacks including the burning of the Milano Hotel in Ambathenne, destruction of property in Warakapola, and unruly behaviour. All of them denied having committed these acts while some of them claimed to have been innocent bystanders when they had been mistakenly identified as part of the mob. The majority of these detainees again were aged 20-30 years old.

Approximately 30 people had been arrested on charges of violating curfew. The majority had been arrested in the Peradeniya police area, while some others had been arrested in the Pallekale and Theldeniya police areas. There were several lorry drivers who had been transporting sand from Mahiyanganaya and were detained because they had not obtained curfew passes. Several others claimed that they had been arrested while returning home from areas outside the curfew zone, walking from a neighbour's house, or going out to buy food. Most of these detainees were aged between 20-40 years, while a few detainees were over the age of 40. The majority of the detainees were Sinhala-Buddhist while three Tamil detainees, two Hindu and one Christian, made up the full composition of the arrestees. Some claimed that they had been unaware that curfew had been imposed. While no-one denied violating the curfew, they claimed that the Police had been wrong in arresting them when they had had no part in the attacks.

A subsequent visit to the prison found most of the detainees held for violating curfew had been released.

2.7.3 Statements of suspects accused of instigating violence

Officers of the HRCSL visited the Bogambara Prison in on 4 July 2018 to interview the persons arrested on charges of instigating violence. All ten of these suspects are males between the ages of 20-35 years, and several are contract builders by occupation.

All of these suspects were arrested by the TID on suspicion of organising the attacks in Digana and surrounding areas. Two were arrested in Poojapitiya on 8 March 2018 while the others were arrested on 7 March 2018 at the residence of Amith Weerasinghe, the main suspect of the attacks and the founder of the Mahason Balakaya. All ten suspects were produced before the Magistrate on 17 March 2018. The TID had interrogated the suspects in detention for about ten days before producing before the Magistrate. They all denied having any involvement in the attacks.

Some suspects said that they were members of organisations named 'Sinhale Api' and 'Ekathu wemu rata hadamu', founded to help and empower Sinhalese people. One detainee said that he thought the Sinhalese

people were endangered and that most of businesses in towns have been taken over by the Muslims. He, however, denied his organisation advocated violence against Muslim people. When asked if they had been active on Facebook, several said they had been, but did not post anything that called for violence against Muslim people.

Approximately 80 other suspects too had been arrested in relation to the violence, among whom was one female suspect arrested in Anuradhapura. She stated that she had been caught up in the mob on 5 March 2018 and had been forced to throw stones.

2.7.4 Statement of Amith Weerasinghe

Vidanapathiranage Amith Weerasinghe (27 years old, mason by trade, married with two children) is the main suspect arrested in relation to the attacks in Digana and surrounding areas. The name of this suspect was not kept confidential, as various allegations made against him are a matter of public knowledge. He was interviewed by officers attached to the Anuradhapura Regional Office of the HRCSL on 16 July 2018. Prior to the attacks, he had been the founder and director of the organisation known as ‘Mahason Balakaya’, which had operated in the Kundasale area. He was accused of organising the violence. However, he denied all allegations against him and stated that he was framed by the Police. He was arrested on 7 March 2018 along with several others by the Police. After extensive questioning by the TID in Colombo he was produced before the court in Theldeniya on 18 March 2018.

3. FINDINGS

3.1 Deaths and Injuries

While the death of Heepitiye Gedara Kumarasinghe at the hands of four youth, who happened to belong to the Muslim community, was the catalyst for the eruption of violence against the Muslim community in Digana and the environs, the HRCSL's inquiry revealed deep rooted anti-Muslim sentiments among Sinhalese nationalist groups.

24-year-old Abdul Bashith succumbed to smoke inhalation on 5 March 2018 after being trapped in his house, situated above the shop owned by his father in Pallekale, which was set ablaze by mobs. His body was recovered on 6 March 2018.

On 7 March 2018, R.M. Gunarathne Banda was killed in Poojapitiya after a grenade exploded among a mob gathered at the Poojapitiya Temple after three windows of the temple were reportedly damaged. On the evidence available, the grenade that caused the explosion was probably accidentally detonated by the deceased himself or a person in the vicinity.

Apart from the injuries sustained by the Muslims allegedly beaten by the STF in Hijrapura, Digana, 27 injuries have been reported to the Police.

On 5 March 2018, the brother of Abdul Bashith, Mohommad Faiz suffered burns after falling into the burning house owned by his parents. He had immediately been admitted to Theldeniya hospital by the Police and later transferred to the Kandy Hospital. Medical reports reveal 15% of his body had suffered burns due to direct exposure to fire.

On 7 March 2018, twelve people were injured in the same grenade explosion that killed R.M. Gunarathne Banda. On the same day, Sadakathulla Moulavi was attacked on a bus in Ambathenne by a group of masked men. He had been struck on the head with an iron rod, causing a serious head injury and admitted to the Kandy Hospital immediately. It was later reported that Sadakathulla Moulavi succumbed to his injuries in December 2018.

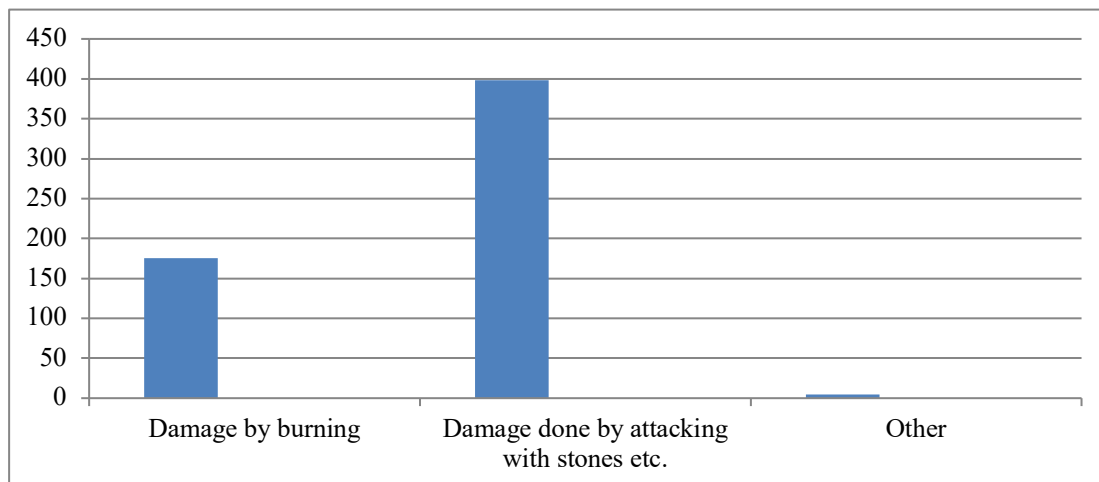
3.2 Damage to Property

The intended outcome of the violence appears to be the destruction of property. Implements designed to cause extensive damage such as petrol bombs, stones, and clubs were used in these attacks supporting this contention. The desire to destroy property may have stemmed from economic envy, given rise to by the misplaced belief among certain Sinhalese factions that the Muslims are 'taking over' businesses. Several suspects in detention shared such sentiments with the investigation officers. This hypothesis is also supported by the fact that prior to the attacks many 'nationalist' groups, including Mahason Balakaya, called for the boycotting of Muslim businesses. The rumour that Muslim owned restaurants in the Eastern Province of the country mix sterilization pills in their food also seemed to have spread to scare the masses into avoiding Muslim owned businesses.



Property damage at Konakalagala Junction (Date of incident: 7 March 2018. Date of photograph: 7 March 2018)

The majority of the suspects arrested belong to a similar demographic of being between the ages of 20-40 years, with no higher education and often engaged in informal labour or non-permanent employment such as masonry and driving (mostly three wheelers). The ensued destruction could, therefore, be viewed as the result of economically unstable young, Sinhala men incited to destroy the property of the seemingly disproportionately prosperous Muslim community in a misguided bid to secure economic prosperity for the Sinhalese. The lack of discernment is fertile ground for the propagation of communal disharmony and anti-sectarian sentiments. The breakdown of the property damages by the method of damage is as follows:



(This diagram is adapted from the information provided by the Senior DIG of Police – Central Province)

3.2.1 Damage to private residences

Place	Total incidents reported	According to method		
		Burning	Attacking with stones/blunt weapons	Other
Theldeniya	36	6	30	-
Pallekale	50	17	33	-
Rangala	-	-	-	-
Poojapitiya	17	8	9	-
Katugasthota	106	12	94	-

Manikhinna	4	1	3	-
Kandy	2	-	2	-
Galagedara	31	-	31	-
Waththegama	9	2	7	-
Alawathugoda	23	1	22	-
Thalathuoya	--	-	-	-
Kadugannawa	1	-	1	-
Peradeniya	6	-	6	-
Hasalaka	-	-	-	-
Mathale	5	-	5	-
Galaha	-	-	-	-
Total	290	47	243	0

Source: Report provided by office of Senior DIG of Police – Central Province

The data reveals that most of the damage was caused by stones and blunt weapons.

The largest number of houses has been damaged in the relatively unguarded rural areas of Katugasthota, owing to the fact that the town and commercial centres had a heavy law enforcement presence.

The houses damaged in areas such Pallekale and Theldeniya were mostly houses close to the main road leading to Kandy.

3.2.2 Damage to businesses

Place	Total No. of incidents reported	According to method		
		Burning	Attacking with stones/blunt weapons	Other
Theldeniya	85	35	50	-
Pallekale	28	12	16	-
Rangala	2	2	-	-
Poojapitiya	18	11	5	2
Katugasthota	42	13	29	-
Manikhinna	6	-	6	-
Kandy	2	1	1	-
Galagedara	2	1	1	-
Waththegama	4	4	-	-
Alawathugoda	16	9	7	-
Thalathuoya	2	2	-	-
Kadugannawa	5	3	1	1
Peradeniya	5	-	5	-
Hasalaka	-	-	-	-
Mathale	1	1	-	-
Galaha	2	2	-	-
Total	220	96	121	3

Source: Report provided by office of Senior DIG of Police – Central Province

More commercial establishments were damaged in Theldeniya than houses, as the violence was more concentrated in the Theldeniya and Digana Towns both of which have a large number of Muslim-owned

businesses. The fuel station at which H.G. Kumarasinghe was attacked is also situated in the Theldeniya Town.

Before the attacks, unverified information had been circulated among the people that Digana Town in particular held almost no Sinhala shops and that Muslim businesses had taken over the town. Amith Weerasinghe, the alleged instigator of the attacks had made and published a video on YouTube in which he claims that there were only a very few Sinhala shops in Digana.

While the popular opinion is that the mobs were brought in from other areas for the purpose of the attacks, the systematically precise nature of the attacks, targeting only business establishments and houses belonging to Muslims, indicate that they had local information that could only have come from persons familiar with the area. Noteworthy is the fact that, while in many cases, the business was owned by a Muslim, most or all the workers were Sinhalese. Therefore, the destruction of property has deprived many Sinhalese of their livelihood as well. The Muslim owner of a sawmill in Ambathenne, which was burnt down, stated that he had employed 100 Sinhalese workers and since he was unable to pay them due to the destruction of the mill, he had distributed the Rs.100,000.00 he received as initial compensation by the government among the workers as payment so they would have something for the Sinhala and Tamil new year.



Poojapitiya-Ambathenna Road sawmill (Date of incident: 7 March 2018. Date of photograph: 7 March 2018)

3.2.3 Damage to places of worship

Place	Total incidents reported	According to religion			According to method.		
		Buddhist temples	Mosques	Other	Burning	Attacking with stones/blunt weapons	Other
Theldeniya	1	-	1	-	1	-	-
Pallekale	2	-	2	-	1	1	-
Rangala	-	-	-	-	-	-	-
Poojapitiya	2	1	1	-	-	2	-
Katugasthota	5	-	5	-	3	2	-
Manikhinna	1	-	1	-	-	1	-

Kandy	2	-	2	-	-	2	-
Galagedara	1	-	1	-	-	1	-
Waththegama	1	-	1	-	-	1	-
Alawathugoda	3	-	3	-	-	3	-
Thalathuoya	-	-	-	-	-	-	-
Kadugannawa	-	-	-	-	-	-	-
Peradeniya	2	-	2	-	-	2	-
Hasalaka	-	-	-	-	-	-	-
Mathale	1	-	1	-	1	-	-
Galaha	-	-	-	-	-	-	-
Total	21	1	20	0	6	15	0

Source: Report provided by office of Senior DIG of Police – Central Province



Damage to Pallekale Mosque (Date of incident: 6 March 2018. Date of photograph 8 March 2018)

One Buddhist temple in Ambathenne, Poojapitiya situated adjacent to the destroyed sawmill had also been damaged. The damage was minor in comparison, with three small windows of a series of casements in front of the Bo tree been damaged by stones. This incident had occurred on the morning of 7 March 2018. No arrests had been made and no CCTV footage is available in this regard. It is unclear whether the attack was committed by Muslims in retaliation or whether it was committed by certain parties to provoke further violence. In any event, this incident had proved to be the catalyst for the second wave of attacks.

3.2.4 Damage to vehicles

Place	Total No. of incidents reported	According to race			According to method		
		Sinhala	Muslim	Other	Burning	Attacks with stones/blunt weapons	Other
Theldeniya	2	1	1			2	
Pallekale	14	2	12		12	2	
Rangala	3		2	1	1		2
Poojapitiya	4		4		3	1	
Katugasthota	5		5		5		
Manikhinna	4	4				4	
Kandy	1		1		1		

Galagedara	7		7			7	
Waththegama	2		2		2		
Alawathugoda	3		3		1	2	
Thalathuoya							
Kadugannawa	1		1			1	
Peradeniya							
Hasalaka	1		1		1		
Mathale							
Galaha							
Total	47	7	39	1	26	19	02

Source: Report provided by office of Senior DIG of Police – Central Province

Sixteen motorcycles, five Lorries, eleven cars, eight vans, one bus, and thirteen other vehicles were damaged.

Mobs had stoned and damaged two jeeps belonging to the Police on 5 March 2018. This is the only recorded instance of damage to public property.

BREAKDOWN OF INCIDENTS REPORTED IN RELATION TO THE VIOLENCE IN DIGANA AND SURROUNDING AREAS

Date	Deaths			TOTAL	Injuries					TOTAL	Property Damage															TOTAL	
	Theldeniya	Pallekale	Poojapitiya		Pallekale	Poojapitiya	Katugasthota	Manikhinna	Waththegama		Theldeniya	Pallekale	Rangala	Poojapitiya	Katugasthota	Manikhinna	Kandy	Galagedara	Waththegama	Alawathugoda	Thalathuoya	Kadugannawa	Peradeniya	Hasalaka	Mathale		Galaha
03.03.2018	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	
04.03.2018	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	
05.03.2018	-	1	-	1	1	-	-	-	-	1	122	88	5	-	41	2	-	-	5	-	1	-	6	-	-	270	
06.03.2018	-	-	-	-	-	-	-	5	-	5	-	-	-	16	13	4	-	5	-	-	-	4	-	-	-	42	
07.03.2018	-	-	1	1	-	12	5	-	4	21	-	5	-	41	101	-	3	41	4	45	-	3	2	-	7	2	254
08.03.2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	-	1	-	-	4	
09.03.2018	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	-	1	-	-	-	3	
10.03.2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	2	-	-	-	-	3	
Total	3			3	1	12	5	5	4	27	124	94	5	41	158	15	7	41	16	45	2	7	13	1	7	2	578

Source: Report provided by office of Senior DIG of Police – Central Province

The majority of the damage can be classified as minor damages (i.e., broken windows, gates etc.).

The majority of incidents have been reported in Katugasthota, about 35km from the home of H.G Kumarasinghe in Medamahanuwara. Therefore, the violence cannot be directly attributed to grief and anger stemming from the passing of H.G Kumarasinghe.

BREAKDOWN OF INCIDENTS ACCORDING TO THE NATURE OF INCIDENT, ETHNICITY OF VICTIMS, AND METHOD

Place	Total deaths	Total injured	Reported damages to property	According to Ethnicity			According to method		
				Sinhala	Muslim	Other	Burning	Attacks with stones/blunt weapons	Other
Theldeniya	1	-	124	10	102	12	42	82	-
Pallekale	1	1	94	3	91	-	42	52	-
Rangala	-	-	5	-	4	1	3	-	2
Poojapitiya	1	12	41	4	36	1	22	17	2
Katugasthota	-	5	158	1	156	-	33	125	-
Manikhinna	-	5	15	6	9	-	1	14	-
Kandy	-	-	7	-	7	-	2	5	-
Galagedara	-	-	41	-	41	-	1	40	-
Waththegama	-	4	16	1	15	-	8	8	-
Alawathugoda	-	-	45	5	40	-	11	34	-
Thalathuoya	-	-	2	-	2	-	2	-	-
Kadugannawa	-	-	7	-	7	-	3	3	1
Peradeniya	-	-	13	-	13	-	-	13	-
Hasalaka	-	-	1	-	1	-	1	-	-
Mathale	-	-	7	-	7	-	2	5	-
Galaha	-	-	2	-	2	-	2	-	-
Total	3	27	578	30	533	14	175	398	5

Source: Report provided by office of Senior DIG of Police – Central Province

The inquiry revealed evidence that the damages to Sinhalese-owned properties are either accidental (i.e., spreading of fire from neighbouring houses) or carried out by persons due to personal rancour rather than resulting from retaliatory acts of the Muslim community.

A significant amount of damage was caused by the detonating of petrol bombs. The evidence indicates that the mob possessed both organisational and financial strength.



Remains of a petrol bomb made out of a local liquor (arrack) bottle

3.3 Valuation of Damage and Compensation

The report of the District Secretary confirms that a meeting was convened on 10 March 2018 at the premises of the District Secretariat with the President and Prime Minister in attendance in order to discuss the granting of compensation to the survivors of the attacks.

Officers of the Government Department of Valuation and the relevant Divisional Secretaries of Madadumbara, Kundasale, Pathadumbara, Akurana, Poojapitiya, Harispattuwa, Yatinuwara and Gangawatakorale were directed to produce valuation reports assessing the value of the properties damaged as a result of the violence.

Compensation was decided to be paid swiftly according to the valuation reports. Until such time as full compensation is paid, a sum of Rs.100,000 was to be paid to owners of businesses eligible for compensation over Rs.100,000 and Rs.50,000 to owners of houses eligible for compensation over Rs.50,000.00. An initial payment of Rs.100,000.00 was paid to the dependents of those who died due to the violence with a further sum of Rs.400,000 set to be paid in the future. The Divisional Secretary of the Medadumbara Divisional Secretariat was also directed to pay Samurdhi and disability benefits to the deceased H.G Kumarasinghe's wife, and his child, who had a disability.

The Secretary to the Ministry of Post, Postal Services and Islamic Religious Affairs and the Secretary to the Ministry of Prisons, Reconstruction, Rehabilitation, Resettlement and Hindu Religious Affairs were designated persons responsible for disbursement of the initial payment.

Furthermore, the Secretary to the Prime Minister was directed to advise banks to temporarily suspend deducting loan instalments from the accounts of businesses damaged in the attacks and enact a concessionary financial scheme for these businesses.

At a subsequent meeting regarding the issues of valuation and compensation held on 19 March 2018, it was further decided that an amount not exceeding Rs.500,000 would be paid to places of worship damaged by these attacks.

The compositions of the valuation committees for various payment brackets (under Rs.100,000, between Rs.100,000 and Rs.500,000 and over Rs.500,000) were also decided at this meeting. All

valuation reports were directed to be forwarded to the Ministry of Prisons, Reconstruction, Rehabilitation, Resettlement and Hindu Religious Affairs.

The report of the District Secretary states that the relevant departments were directed to complete the granting of compensation at their earliest.

Progress of Compensation Requests as of 9 May 2018

Properties damaged	Number that are eligible to request compensation	Number that has requested compensation	Number remaining.	Amount requested (Rs.)
Places of worship	21	19	2	2,073,458.00
Houses	296	224	72	9,746,545.00
Businesses	221	119	102	7,008,417.53
Vehicles	34	32	2	9,896,500.00
Total amount requested				28,724,920.53

Source: Report provided by District Secretary of Kandy District

Progress of Forwarding Valuation Reports to the Ministry of Prisons, Reconstruction, Rehabilitation, Resettlement and Hindu Religious Affairs (as of 9 May 2018)

D.S. Division	Compensation requested					
	Places of worship		Houses		Businesses	
	Number	Amount (Rs.)	Number	Amount (Rs.)	Number	Amount (Rs.)
Harispattuwa	3	314,950.00	88	3,364,610.00	17	603,140.00
Minipe	0	0	0	0	1	105,000.00
Pathahewaheta	0	0	0	0	1	7,320.53
Pathadumbara	2	475,508.00	30	1,743,285.00	7	788,730.00
Medadumbara	0	0	0	0	2	72,000.00
Akurana	4	127,500.00	14	346,750.00	4	573,600.00
Yatinuwara	0	0	0	0	3	357,362.00
Gangawatakorale	4	125,750.00	2	72,000.00	2	157,965.00
Poojapitiya	2	233,000.00	16	1,330,050.00	2	67,000.00
Udunuwara	0	0	3	44,850.00	0	0
Kundasale	4	796,750.00	71	2,845,000.00	80	4,276,300.00
Total	19	2,073,458.00	224	9,746,545.00	119	7,008,417.53

Source: Report provided by District Secretary of Kandy District

Compensation Paid on 19 March 2018

D.S. Division	Paid on 19 March 2018						
	Places of Worship	Amount paid (Rs.)	Houses	Amount paid (Rs.)	Businesses	Amount paid (Rs.)	Total amount paid
Harispattuwa	-	-	10	360,000.00	11	1,000,000.00	1,360,000.00
Minipe	-	-	-	-	-	-	-
Pathahewaheta	-	-	-	-	-	-	-
Pathadumbara	-	-	-	-	-	-	-
Medadumbara	-	-	-	-	-	-	-
Akurana	-	-	18	400,500.00	14	1,225,000.00	1,625,500.00
Yatinuwara	-	-	-	-	-	-	-
Gangawatakorale	-	-	3	200,000.00	1	100,000.00	300,000.00
Poojapitiya	-	-	7	350,000.00	7	700,000.00	1,050,000.00
Udunuwara	-	-	-	-	-	-	-
Kundasale	-	-	24	1,200,000.00	20	2,000,000.00	3,200,000.00
Total	-	-	62	2,510,500.00	53	5,025,000.00	7,535,500.00

Source: Report provided by District Secretary of Kandy District

Compensation Paid on 13 May 2018 (due as of 9 May 2018)

D.S. Division	Paid on 13 May 2018								
	Places of Worship	Amount paid (Rs.)	Houses	Amount paid (Rs.)	Businesses	Amount paid (Rs.)	Vehicles	Amount paid (Rs.)	Total amount paid (Rs.)
Harispattuwa	-	-	105	3,063,300.00	-	-	2	121,500.00	3,184,800.00
Minipe	-	-	-	-	1	100,000.00	-	-	100,000.00
Pathahewaheta	-	-	-	-	-	-	-	-	-
Pathadumbara	-	-	28	946,510.00	7	387,500.00	1	58,500.00	1,392,010.00
Medadumbara	-	-	-	-	-	-	-	-	-
Akurana	-	-	15	393,500.00	2	169,000.00	3	67,000.00	629,500.00
Yatinuwara	-	-	3	156,790.00	-	-	-	-	156,790.00
Gangawatakorale	-	-	-	-	-	-	-	-	-
Poojapitiya	-	-	14	577,600.00	2	67,000.00	-	-	644,600.00
Udunuwara	-	-	-	-	-	-	-	-	-
Kundasale	-	-	72	2,063,550.00	25	689,850.00	-	-	2,753,400.00

Source: Report provided by District Secretary of Kandy District

BREAKDOWN OF SUSPECTS ARRESTED FROM 3 to 10 March 2018 IN RELATION TO THE VIOLENCE IN DIGANA AND SURROUNDING AREAS

Police station	Within the district	Outside the district	ICCPR	Penal Code	Emergency regulations	Breaking curfew and Penal Code	Breaking curfew	Under suspicion	Total
Theldeniya	41	-	26	4	11	-	-	-	41
Pallekale	5	-	1	-	-	-	4	-	5
Manikhinna	14	1	8	-	1	-	-	6	15
Poojapitiya	3	-	-	-	1	-	2	-	3
Katugasthota	19	3	-	12	9	-	-	1	22
Alawathugoda	19	1	-	20	-	-	-	-	20
Waththegama	18	-	-	11	-	7	-	-	18
Kandy	16	-	10	2	-	-	4	-	16
Thalathuoya	16	-	-	-	-	-	2	14	16
Peradeniya	22	10	-	-	-	6	26	-	32
Kadugannawa	4	-	3	1	-	-	-	-	4
Galagedara	2	-	1	1	-	-	-	-	2
Hatharaliyadda	2	5	-	-	-	-	7	-	7
Hasalaka	9	4	-	-	-	-	13	-	13
Mathale	4	-	-	4	-	-	-	-	4
Sigiriya	2	-	2	-	-	-	-	-	2
TID	4	6	10	-	-	-	-	-	10
Total	200	30	61	55	22	13	58	21	230

Source: Report provided by office of Senior DIG of Police – Central Province

3.4 Media Coverage

3.4.1 Electronic media

As a whole, media coverage of the violence was subdued. However, on 5 March 2018 HiruTV and DeranaTV channels, in an irresponsible move, broadcast the CCTV footage of Kumarasinghe being attacked during their 6.55 pm news broadcast. Media continued to report on incidents in Digana and the environs during the following days, but not extensively.

3.4.2 Print media

The following contains selected headlines of Newspaper reports published in relation to the violence:

- ❖ 03.06.2018 - ලංකාදීප - මහනුවර දිසාවට ඇදිරි නීතිය, තෙල්දෙණිය - දිගන ආරක්ෂාවට පොලිසියෙන් හමුදාවෙන් 500ක්
- ❖ 07.03.2018 - ලංකාදීප - රට පුරා හදිසි නීතිය සතියකට සීමා වෙයි
- ❖ 06.03.2018 - Daily News - Social media restricted for Army personnel
- ❖ 06.03.2018 - Daily News - Government Unequivocally condemns racial violence
- ❖ 07.03.2018 - Daily News - Politics behind incidents in Digana, Ampara and Theldeniya: Kiriella
- ❖ 07.03.2018 - Daily News - Incidents that bring death and damage to property are heinous: Dinesh
- ❖ 09.03.2018 - ලංකාදීප - ගැටුම්වලට 115ක් අත්අඩංගුවට, නිවාස - කඩසාප්පු 45 කට හානි
- ❖ 09.03.2018 - Daily News - Compensation for victims soon
- ❖ 09.03.2018 - Daily News - Main suspect arrested
- ❖ 11.03.2018 - ඉරිදා ලංකාදීප - පොලිස් මෙහෙයුම් දිගටම
- ❖ 12.03.2018 - Daily News - Organized group behind unrest
- ❖ 12.03.2018 - ලංකාදීප - ඇදිරි නීතිය කැඩූ 6ක් රිමාන්ඩ්
- ❖ 12.03.2018 - ලංකාදීප - අම්පාර - දිගන ගැටුම් ගැන සෙවීමට විශේෂ කොමිසමක් ජනපතිගෙන් ඉල්ලනවා
- ❖ 13.03.2018 - Daily News - Kandy incidents adversely affected tourism - PM
- ❖ 13.03.2018 - ලංකාදීප - ඕවිස්ස බැග් කම්හලට ගිනි තැබූ සැකකරු දුරකථනයෙන් මාවටු
- ❖ 14.03.2018 - ලංකාදීප සතිමැද - නුවර ගින්නේ බළල් අත්
- ❖ 14.03.2018 - Daily News - Social media ban to be lifted on Friday
- ❖ 14.03.2018 - Daily News - Minister calls for new laws to curb hate speech on Social Media
- ❖ 14.03.2018 - ලංකාදීප - පෙට්ල් බෝම්බ 18ක් මහනුවර නිවෙසකින් අල්ලයි
- ❖ 14.03.2018 - ලංකාදීප - පොලිසිය මහසොහොන් කාර්යාලය වටලයි, පෙට්ල් බෝම්බ හතකුත් අසුවෙයි
- ❖ 16.03.2018 - ලංකාදීප - මහනුවර අවට සිද්ධි වන්දි ගෙවීම ඇරඹෙයි
- ❖ 17.03.2018 - ලංකාදීප - මහනුවර දේපළ හානි වන්දි ගෙවීම අමාත්‍යාංශ 4කින්
- ❖ 18.03.2018 - ලංකාදීප - මහසොහොන් බළකාය හැදූවේ බොදුබල සේනාවෙන් කැඩී ආ පිරිසක්
- ❖ 06.04.2018 - Daily News - Keeping Police morale high

The article titled 'keeping police morale high' published in the Daily News falsely claims that the four suspects arrested in relation to the assault on H.G. Kumarasinghe were released on bail. This article was brought to the attention of the HRCSL at the inquiry on 12 May 2018, after which the Commission requested the Theldeniya police to produce the relevant B reports related to the arrest of the four suspects to determine the accuracy of the claim. It was found that the news item carried inaccurate information, as the suspects had not been released as claimed.

The following headlines were seen in foreign media:

- ❖ 06.03.2018 - The Guardian - Sri Lanka declares state of emergency after communal violence
- ❖ 06.03.2018 - Sri Lanka declares state of emergency after mob attacks on Muslims
- ❖ 09.03.2018 - Reuters - Sri Lankan police ask who promoted violence against Muslims

- ❖ 14.03.2018 - The Guardian – Sri Lanka accuses Facebook over hate speech after deadly riots
- ❖ 25.03.2018 - Reuters – Police, politicians accused of joining Sri Lanka’s anti-Muslim riots

3.5 The Role of Social Media

The decision of the government to impose restrictions on social media (Facebook, WhatsApp, Viber, Instagram etc.) to curb the spreading of hate speech and violence drew widespread criticism for restricting and stifling the freedom of expression. During the preliminary investigation carried out by the Kandy Regional Office, both survivors and law enforcement officials stated that the organisers of the violent acts used social media platforms to spread disinformation and hate speech. Amith Weerasinghe, arrested for instigating the spread of violence, himself had operated a Facebook profile in the name of his organization ‘Mahason Balakaya’ with close to 150,000 followers. This account was not taken down until after the attacks. It was observed that the restrictions on social media were welcomed during and in the immediate aftermath of the violence by people affected by the violence.

In a letter to His Excellency the President on 31 May 2017, the Commission drew attention to hate speech being spread through social media and urged legal action against those who had violated the law. During the period of violence, the HRCSL wrote to both the President and Prime Minister drawing their attention to the use of social media by divisive elements in perpetuating violence.

At the same time, as stated in the correspondence with the Secretary of the Telecommunication Regulatory Commission, while HRCSL observes that a balance must be struck between fundamental rights and the maintenance of public order and security, such restrictive measures should only be employed within constitutionally permitted limits, having regard to international human rights obligations of Sri Lanka and geared towards the larger public interest.

The HRCSL also observed that the conduct of social media platforms, such as Facebook, as the most widely used social media platform in Sri Lanka as well as globally, needs closer scrutiny. Many civil society advocates stated that Facebook had been slow to respond to reports of posts containing hate speech and inciting violence, and in certain instances, had not recognised these posts as violating community guidelines. In a similar instance, immediately before the violence in Kandy, a video went viral on Facebook allegedly showing sterilization pills mixed into food in a hotel in Ampara. While this unverified video spread with alarming speed by even traditional print and electronic media, the debunking of this claim by medical professionals did not receive similar exposure. It is observed that Facebook as a responsible social media platform should employ more stringent controls to prevent the spreading of hate speech and violence. effective deterrent to the spread of hate speech on social media is to prosecute persons responsible for inciting violence under section 3 of the ICCPR Act. Following an independent investigation into its role in the incitement of violence in Digana, in 2020, Facebook apologised for its part in the violence.

4. OBSERVATIONS

The HRCSL makes the following observations based on its analysis of the events.

4.1 Causes of the Unrest

4.1.1 Operation of organisations promoting racist ideas

Various organisations and political parties promoting extremist ethno-nationalist ideas have been operating for decades within Sri Lanka with impunity. These organisations have a strong social media presence, which should be curbed to prevent the proliferation of racism or religious intolerance.

In the aftermath of the violence in Digana and environs, the Police arrested Amith Weerasinghe, the founder and leader of the ‘Mahason Balakaya’, which is one such organisation. Although there is reliable evidence that this organisation propagated hate speech through various social media platforms including Facebook, no measures had previously been taken to monitor and check such activities. Such passivity contributed towards the violence that took place in March 2018. The passivity of authorities and responsible factions in society resulted in pro-Sinhala-Buddhist majority sentiments escalating, such as the display of vehicle stickers containing phrases such as ‘I am Buddhist’ and ‘Sinha-le’ (meaning ‘Lion’s blood’), Sinhalese boycotting shops and businesses owned by Muslims and vice versa, various groups gathering around religious places to hold discussions and engage in activities to spread intolerance, and certain groups hoisting a national flag in which the coloured stripes that represented minorities were removed. This situation was also brought to the attention of and discussed at meetings organised by the HRCSL in the aftermath of the violence.

It is observed that the unchecked circulation of these statements created an environment in which racial and religious hatred and unrest escalated among communities, especially Sinhalese and Muslim youth.

4.1.2 Unsatisfactory responses to previous incidents of communal violence

Mistrust and misunderstandings had previously led to incidents of violence between communities in various parts of the country including Gintota and Ampara. The catalysts for these violent incidents were unsubstantiated fears in the minds of the Sinhalese community regarding the Muslim community exacerbated by the circulation of the racist ideas mentioned above. The conduct of the authorities and relevant officials in responding to those previous situations was limited to issuing statements to the media, which merely resulted in the events gaining undue publicity.

After the violence in Ampara over allegations of a Muslim restaurateur having introduced sterilization pills into food, a sample of the food in question was sent to the Government Analyst who reported that no sterilization drugs had been added. Medical experts later opined that causing sterilization through food or through garments is medically impossible. But the HRCSL has observed that such evidence-based opinions of experts did not receive as much publicity as did the initial incident which caused unrest. Responsible authorities, including health authorities, capable of creating strong public responses against these accusations were not adequately responsive to the situation, which later led to certain groups unhesitatingly making racist incendiary statements. Even politicians and political parties, instead of thwarting the rise of racism in a responsible manner, have sought to benefit from these sentiments. Investigations revealed that the inaction and passivity of the authorities have led to the intensification of violence among communities in various areas of the country.

4.1.3 Insufficient availability of intelligence information

An important revelation in the course of the inquiry was that the intelligence services had been unable to gather sufficient intelligence to caution the Police or security forces of the imminence of violence. This gap appears to have impeded the Police in making necessary preparations to provide protection to citizens.

4.1.4 Segregation of schools based on ethnicity and religion

National schools in Sri Lanka follow a policy of ethnic and religious segregation, where schools are essentially classified as Sinhalese, Tamil, and Muslim. During discussions held by the HRCSL with government officers, human rights advocates, and religious leaders, it was suggested that such strict segregation of communities at the initial stages of human development would be detrimental to national reconciliation. It was brought to the notice of the Commission that certain school textbooks contain narratives that marginalise minorities.

4.1.5 Impact of weak language fluency in creating misunderstandings among communities

In areas where there is a majority of Sinhala-speaking or Tamil-speaking communities, a lack of proficiency or familiarity of the language spoken by other communities was observed as contributing to the escalation of misunderstandings and violence. It is also observed that language education provided at schools is more orientated towards examinations and not towards fostering understanding of a language and culture of another community living in the same country.

4.1.6 Inadequate involvement of media in advancing inter-religious and inter-ethnic understanding

As observed previously, the media quite often displayed a lack of interest in publicising information that would aid in debunking misunderstandings and myths relating to other communities, whereas statements and conduct inciting racist sentiments and violence were given prominence by these same media outlets. It was also observed that television shows, films, and other artistic work arousing racism and hatred towards other communities are frequently broadcast to the public, which undoubtedly influenced tension among people, particularly the youth.

4.2 During and After the Violence

4.2.1 Spread of rumours and false information

It was observed that rumours and falsehoods were spread locally and internationally. During the violence, the officers of the HRCSL came across various rumours, which proved to be false upon investigation.

For example, the minor damage to the Mullegama Priyadrashanaramaya Buddhist Temple in Poojapitiya, Kandy by an unknown person, escalated into the fiction that a mob of persons had killed the chief prelate of the temple. When the officers of the HRCSL made inquiries about the rumour, Rev. Piyaarachana Thero of the temple responded that only minor damages have been caused, with no person injured or killed, and that the chief prelate of the temple, while in ill-health and bedridden, was still alive. Moreover, the HRCSL received information that four persons were burnt to death in Katugastota. When investigated, it was revealed that four charred mannequins in a shop damaged by fire had been the catalyst for the disinformation.

False information inciting racism was also spread about the death of H.G. Kumarasinghe, such as that he had sustained injuries at the hands of his assailants to the extent of not being able to receive medication intravenously. Another piece of false information was that the four suspects of the assault were bailed out soon after the arrest, which is often cited as a cause for eruption of violence. However, it was confirmed that the four suspects were not granted bail. As illustrated earlier, certain print media too carried this false claim.

The motive behind the spread of false information appears to have been the incitement of further violence against the Muslim community.

4.2.2 The role of the Police and the Army

It was reported by Police that the attacks were made by a mob of about 1,000-2,000 persons far outnumbering the police officers and other security personnel deployed to the area. Furthermore, in areas such as Digana, the Police had been unprepared to respond to an attack of such magnitude due to a lack of training and insufficient personnel. Regarding the complaint that the security personnel failed to open fire on the mobs, the HRCSL recognises that, in most cases, recourse to firing a weapon would have been disproportionate.

During their visits to the affected areas since the beginning of the violent incidents, officers of the HRCSL witnessed that many deficiencies existed with respect to security. Some members of the Muslim community, understandably worried about the safety of their lives and property, informed the HRCSL of their concerns regarding the inadequacy of security. It is understandable that practical difficulties would have arisen at the initial stages of the violence when a small group of police officers attempted to arrest a large number of persons. It could be seen that steps had been taken to deploy additional STF and armed forces to strengthen the security of the area only by the evening of 7 March 2018, and the condition prior to this day was unsatisfactory.

It is noted that the situation was brought under control following the deployment of Sri Lanka Army. This deployment was pursuant to a declaration of emergency under the Public Security Ordinance, No. 25 of 1947 on 7 March 2018.

4.2.3 Claims that ‘outsiders’ perpetrated the violence

The HRCSL observes that many, including the survivors of these attacks and police officers who testified, claimed that the attacks were perpetrated not by locals but by outsiders to the area. This observation is based on the fact that the survivors of the attacks were not able to recognise many of the people who had formed the mobs. The term ‘outsiders’ denotes people who are not residents of that immediate vicinity or village and are thus unknown to the survivors. Arrest records show that while many of those arrested were not residents of that village or area, they were resident within a 5-10km radius of the affected areas. For example, the HQI Kandy stated that in Pahala Thannekumbura he had arrested people from Ampitiya and Dodanwala.

4.2.4 Inadequate response of the Fire Brigade

The HRCSL observed during the preliminary investigation that the Fire Brigade was unable to respond to the emergency situation by deploying sufficient vehicles and other resources to extinguish the fires and minimise the damage. This challenge led to a suspicion among the Muslim community that the conduct of the Fire Brigade was deliberate. The testimonies of the officers on 12 May 2018 revealed an astounding lack of resources and personnel. The HRCSL observes that had the response of the Fire

Brigade been prompt and efficient the damage to property caused by these attacks could have been minimised.

4.2.5 STF officers assaulting Muslim civilians in Hijrapura

The HRCSL received complaints from several persons in Hijrapura, Digana that they had been ill-treated by the STF after leaving prayers around 4.45pm on 4 March 2018. In one instance, the STF had allegedly entered the house of a person by force and beaten two people after accusing them of possessing petrol bombs. An edited video containing footage of the alleged attack which shows one STF officer poking one of the complainants with a baton was presented to the Commission. The HRCSL requested the unedited footage be handed over for further investigations.

The complainants were also asked to submit copies of medical reports and B reports together with other evidence in support of their claims. However, none of this evidence was handed over despite repeated attempts by the Commission to obtain this evidence. The HRCSL also observes that the complainant who had been accused of concealing petrol bombs had not informed the Magistrate (before whom he had been produced after arrest) that he had been assaulted. However, this complainant produced a medical report and photographs showing evidence of assault.

The HRCSL was informed on 12 May 2018 that an inquiry into this matter was launched by the Theldeniya Police, led by ASP Theldeniya.

4.2.6 Impact on children

The HRCSL observes that the violence has had a seriously damaging impact on children with many traumatised by witnessing their homes and possessions being destroyed. Children of suspects arrested in relation to perpetrating violent acts have also been negatively impacted. It is, therefore, necessary to assess the mental state of all these children and address any adverse issues constructively. Such a response to trauma is also important to prevent these children harbouring negative feelings towards the other community as they grow up.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

Having considered the evidence presented to it, the HRCSL reached the following key conclusions:

- The Theldeniya Police took necessary steps to arrest the persons suspected of assaulting deceased H.G. Kumarasinghe promptly and lawfully.
- Certain organised groups have propagated falsehoods alleging inaction by the Police in arresting the suspects in the above incident, inciting others to commit acts of violence against the Muslim community.
- The ensuing violence was not a spontaneous response resulting from grief and anger over the death of Kumarasinghe, but a premeditated series of violent acts instigated by certain groups against the Muslim community in the area, which appear to be very similar to incidents that took place previously in Gintota and Ampara.
- The Police did take certain measures to prevent violence from breaking out in the aftermath of the assault on Kumarasinghe.
- Even if a few errant officers in the Police and STF may have supported the violence, law enforcement authorities as a whole do not appear to have supported the propagation or the spreading of violence.
- The failure of the Police to prevent the attacks completely could be attributed to inadequate intelligence gathering, resources, and cadre.
- Since Sri Lanka Army was ultimately relied upon to quell the violence, it is noted that authorities have failed to adequately strengthen the Police force, which plays an important role as the law enforcement agency during peacetime.

5.2 Recommendations

Based on the findings and conclusions of the inquiry, the HRCSL makes the following recommendations to the relevant institutions (or their successors):

5.2.9 *Ministry of Law and Order*

- Develop the capacity to closely monitor situations that have the capacity to escalate into communal violence and take preventive action. Such action includes strong intelligence gathering with quick responses sensitive to the devastating consequences of communal violence.
- Establish adequate and effective procedures to respond to riots paying particular attention to the use of force, structure of command, training, and resources.
- Ensure the low morale among officers of the Police force (especially the junior officers) is addressed effectively to enable officers to carry out their duties with confidence.
- Establish an intelligence-gathering mechanism to identify the propagation of hate speech through an adequate number of officers representing all ethnic and religious communities.
- Establish inclusive civil committees representing all communities, especially the youth in the area, which meets at least once a month along with the participation of the ASP in charge of each police division.
- Provide adequate training and awareness to law enforcement authorities on their duties and responsibilities in responding to conflict or situations of violence and ensure measures are in place to hold accountable officers who support racist organisations and ideologies or who fail to perform their duties.

5.2.2 Ministry of Social Services and Welfare

- Strictly consider the objectives, social network, and sources of funding of organisations who apply for registration and preclude from registration any organisations that seek to promote divisive ideologies.

5.2.3 Ministry of Provincial Councils and Local Government

- Effectively address the challenges faced by the Fire Brigade in responding to emergencies of the magnitude of the violence in Digana and environs.
- Provide sufficient resources and recruit fire engine operators to fire brigades.
- Facilitate the use of public water supply lines along the roads when extinguishing fires in consultation with the Water Supply and Drainage Board.
- Organise programmes aimed at specific communities (E.g. Three-wheeler drivers) through municipal councils, urban councils, and pradeshiya sabhas to promote national reconciliation and ethnic harmony.

5.2.4 Ministry of National Integration, Reconciliation and Official Languages

- Organise participatory discussions nation-wide for different religious communities to openly discuss their fears, suspicions, and concerns regarding each other with the participation of religious and community leaders.
- Identifying the commonalities, if any, of the instigators of violence in Digana and environs, such as the demographic profiles of the persons, and establish a mechanism to address their lack of religious and social understanding.
- Establish a mechanism to provide and promote language proficiency in all governmental and non-governmental institutions.
- Organise festivals to celebrate days of religious and ethnic importance with the participation of all communities.
- Establish a mechanism to recruit persons into government service taking into consideration the ethnic composition of the area and giving priority to those with bilingual proficiency.

5.2.5 Ministry of Education

- Include national reconciliation and co-existence as a compulsory subject of primary education in order to provide a basic knowledge of all religious philosophies and provide opportunities to learn such subjects throughout school education.
- Avoid segregation of schools based on ethnicity and religion (i.e., as Sinhala-Buddhist, Hindu, Muslim, Christian and Catholic) and provide students with the environment and opportunity to learn and associate with all communities.
- Identify the challenges faced by children in the areas affected by violence in continuing their education at their previous schools and provide them with suitable alternatives.
- Take necessary steps to promote ethnic harmony through higher education as well.

5.2.6 Ministry of Youth Affairs

- Pay special attention to the fact that the majority of suspects of the violence under discussion are young persons (16-35 years) to recognise the importance of youth empowerment and sensitization.
- Conduct educational and training programmes for the arrested suspects of violence to ensure attitudinal change.

- Develop youth organisations at various levels and provide assistance and guidance to such organisations in collaboration with religious and community leaders.
- Identify and provide sustainable solutions to the issues faced by youth.
- Provide free language education programmes for youth through youth organisations for general usage and as a qualification for employment opportunities.

5.2.7 Ministry of Sports

- Organise sports festivals at national, provincial, and local levels and ensure the participation of all communities in all sports to the greatest extent possible.

5.2.8 Ministry of Government Administration and Management

- Establish networks for reconciliation at divisional secretariat level with the participation of religious and community leaders, public officers, young persons, and volunteers and organise projects and programmes designed to promote reconciliation and ethnic harmony.
- Organise discussions and meetings with the assistance of field officers at divisional secretariats on reconciliation and take steps to identify and address warnings of unrest.
- Establish a mechanism to continuously monitor the process of providing compensation to the survivors of violence and restore status quo ante with respect to businesses and homes that were damaged.

5.2.9 Ministry of Women and Child Affairs

- Organise special programmes aimed at children affected by the violence at Digana and the environs and the children of suspects arrested in relation to the violence.
- Provide medical, material, educational and other necessary assistance to the children affected by these violent incidents and their families.
- Establish a welfare mechanism for the families of victims and suspects of these violent incidents.

6. SUPPLEMENTARY OBSERVATIONS AND RECOMMENDATIONS

The current HRCSL wishes to present the following observations that supplement the main findings and conclusions in the report:

1. The failure to address certain contributory factors that lead to communal tensions and conflict has had a cyclical effect. As observed in the *Final Report (Volume 1) of the Commission of Inquiry to Investigate and Inquire into and Report or Take Necessary Action on the Bomb Attacks on 21st April 2019* (31 January 2021) the violence and discrimination repeatedly encountered by Muslim communities, particularly during events such as those witnessed in Digana and environs, has contributed towards the alienation and marginalisation of some. These grievances are often exploited by groups seeking to radicalise young Muslim persons. Radicalisation among Muslim youth, both real and perceived, has been capitalised upon by nationalist groups to justify discriminatory rhetoric and hate speech targeting Muslim communities, thereby creating a self-fulfilling prophecy and later a vicious cycle.
2. The HRCSL is also of the view that discriminatory policies and phenomena targeting Muslim communities must be viewed as contributing towards a hostile environment that can lead to conflict. Recent examples of such policies and phenomena include unreasonable restrictions on religious manifestation, such as arbitrary restrictions on the wearing of the *hijab* in the aftermath of the Easter Sunday bombings, the mandatory cremation policy witnessed during the COVID-19 pandemic, and the long-term detention of Muslim suspects arrested after the Easter Sunday bombings under the Prevention of Terrorism Act, No. 48 of 1979.
3. While social media can become a dangerous vehicle through which hate speech, disinformation, and other harmful discourses can be rapidly transmitted, this danger should not be misconceived as a ‘root cause’ for the spread of anti-Muslim sentiment leading to violence. Episodes of violence fuelled by rapidly transmitted hate speech and disinformation have predated the advent of social media. In fact, one of the worst and most widespread episodes of violence against Muslim communities dates back to 1915, and cases of such violence occurring in Puttalam in 1976 and Galle in 1982 have been documented. Instigators of violence are likely to utilise any medium at their disposal to spread narratives and incite violence. Therefore, while decisive measures to curb the spread of online hate speech and disinformation should be adopted during times of crisis, the role of this form of media as somehow being critical to inciting violence should not be overstated. Instead, measures should continuously be adopted to deal with the underlying drivers of inter-communal conflict – be they social, economic, cultural or political – and building community resilience to harmful narratives. Sri Lanka has had a troubling history of such large-scale violence directed at both its Muslim and Tamil minority citizens. It is also noted that the current government has made public commitments to reject the use of ethnic and communal differences for political gains. Accordingly, national, provincial and local government level attention to addressing hate sentiment against any group of citizens needs to be prioritised.
4. Section 3 of the ICCPR Act, No. 56 of 2007, which criminalises the advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence, has not been applied, in good faith, for the purpose for which it was enacted. In a recent report dated 4 March 2025, Sri Lanka Police clarified to the HRCSL that no person suspected of inciting violence during the events in Digana and environs, has been convicted to date. A total of ... persons suspected of inciting violence in Digana and environs were arrested under the Act, and ... persons are currently undergoing trial. Therefore, it is observed that, despite the lapse of seven years, no person suspected of inciting violence in Digana and environs has been successfully convicted under the ICCPR Act. The HRCSL has repeatedly raised concerns with respect to the non-implementation and

misapplication of section 3 of the ICCPR Act. In August 2019, in view of its observation that section 3 of the Act was not being applied in a ‘consistent and even-handed manner’, the HRCSL issued general guidelines on the scope of this section. These guidelines have in fact been endorsed by the Supreme Court of Sri Lanka in *SC (F.R.) Application No. 135/2020*. The Commission also wrote to the then Attorney-General and then Inspector General of Police recommending full compliance with the said guidelines. More recently, in October 2023, in its observations and recommendations on the Online Safety Bill, the HRCSL once again pointed to the misapplication of section 3 of the ICCPR Act. It observed that ‘the strengthening of institutional capacity of law enforcement authorities to interpret and apply the existing criminal law in good faith should precede any proposals to introduce new legislation...’ Thereafter, in a letter to the then Inspector General of Police in May 2024, the HRCSL once again pointed out that section 3 of the ICCPR Act is not being applied correctly and highlighted the Police Circular No. RTM 541 with respect to investigations concerning section 3 of the ICCPR Act. The lack of proper enforcement of section 3 of the ICCPR Act against those involved in incitement to violence has resulted in a culture of impunity, wherein instigators of violence targeting a particular community have evaded accountability. These circumstances also contribute towards the perpetuation of violence and discrimination targeting particular communities, including Muslim communities.

5. The HRCSL observes that the absence of meaningful reference and discussions on civic values and human rights within existing school curricula, and the inclusion of harmful and exclusionary narratives, particularly in the school history curriculum, contribute towards prejudice and misconceptions within Sri Lankan society. In fact, in 2024, the HRCSL launched a process through which it is constructively engaging the National Institute of Education to train teachers on including subject content on human rights in the school curricula and developing a model curriculum on human rights. Moreover, the continuation of an ethnically and religiously segregated school system deprives children (from different ethnic and religious communities) of a meaningful opportunity to build trust and mutual respect and understanding. Such values of trust and mutual respect and understanding, instilled in children at a young age, are crucial to their building resilience to hate speech and other harmful discourses during adulthood.
6. During its inquiry into the violence in Digana and environs and allegations of misconduct by law enforcement officials, the HRCSL received clear undertakings from relevant authorities that all such allegations would be thoroughly investigated. However, despite the lapse of seven years since these incidents took place, there is no evidence of meaningful progress with respect to holding officers accused of misconduct accountable. This observation should also be understood within the broader context of the urgent need to strengthen mechanisms through which state officials involved in cases of torture, custodial and encounter deaths, enforced disappearance, and assault are held accountable. The HRCSL, therefore, stresses the importance of establishing a mechanism in Sri Lanka dedicated to independently and impartially investigating, prosecuting, and holding accountable state officials responsible for serious crimes with a human rights dimension.

In this context, the Commission wishes to present the following supplementary recommendations to the Government of Sri Lanka:

1. **Given the country’s history of conflict, the government should support a reconciliation process that foregrounds both the years of armed conflict and the years during which hate speech, attacks against Muslim communities, the Easter Sunday bombings too took place and majority-minority relations were impacted in ways that have had significant long-term consequences. The current government should fulfil its stated commitments to prevent further violence based on ethnic and religious violence and put in place systems and processes to ensure sustainable peace and coexistence.**

2. The government, and particularly the relevant ministries in charge of the subjects of technology and media should strengthen mechanisms through which hate speech and incitement, particularly online, can be effectively monitored and their further dissemination prevented. Although at present, hate speech directed at Muslims may have reduced in frequency, it is noted that other forms of hate speech, including hate speech directed at women, and persons on the basis of their gender identity or sexual orientation, has increased. Effective responses to all such hate speech is a requirement. Such a mechanism should contribute towards the development of an early warning system with the participation of civil society organisations, religious leaders, relevant law enforcement authorities, representatives of social media platforms, and independent institutions including the HRCSL, to enable stakeholders to identify risks of violence and devise response strategies.
3. Relevant law enforcement and prosecutorial authorities should enforce section 3 of the ICCPR Act in good faith in accordance with the guidance provided by the Supreme Court of Sri Lanka and the HRCSL. Meaningful progress should be made to conclude all cases concerning incitement to violence brought under this section.
4. The relevant ministry in charge of the subject of education and national reconciliation along with provincial authorities should introduce comprehensive reform to the school admissions system to ensure that the segregation of children on the basis of ethnicity and religion is replaced with a more inclusive and diverse approach to admissions. Furthermore, if language-based education is to continue, mechanisms should be introduced for children from different language communities to learn one another's languages and consistently engage in activities together to ensure long standing connections among communities.
5. The Ministry of Education along with relevant specialised institutions including the National Institute of Education should, with the support of the HRCSL and other relevant institutions, reform the school curricula to include discussions on civic values and human rights as well as inclusive historical narratives that promote equal citizenship.
6. The government, and particularly the relevant ministries in charge of the subjects of justice and law reform should establish a new institution (e.g. an 'Office for the Investigation and Prosecution of Serious Crimes by State Officials') that is independent of regular law enforcement authorities with a mandate to carry out independent and impartial investigations and prosecutions of law enforcement officials accused of serious crimes with a human rights dimension. Such an institution should be adequately resourced to independently and impartially investigate and prosecute serious crimes, including torture, custodial and encounter deaths, enforced disappearance, and assault.