

26th May 2022

The Inspector General of Police,  
Police Headquarters,  
Colombo 1.

Dear Sir,

**Request for action on the attacks against peaceful protesters on 9th of May 2022  
and other incidents of violence**

The Centre for Policy Alternatives (CPA) has monitored recent incidents of violence including the events of 9<sup>th</sup> May 2022. Accordingly, this letter raises concerns about the seemingly slow progress of investigations and other action.

As widely reported in the media, on 9<sup>th</sup> of May 2022, supporters of then Prime Minister (PM), Mahinda Rajapaksa, gathered for a meeting at Temple Trees. Several former Ministers and Members of Parliament from the Sri Lanka Podujana Peramuna (SLPP) as well as the PM addressed them, with several speeches tantamount to incitement of violence against the peaceful protesters at the protest sites styled as “MynaGoGama” and “GotaGoGama”<sup>1</sup>. Subsequent events saw the protesters attacked at both these sites with the several injured requiring hospitalisation, as well as the destruction of property. CPA also notes media footage showing Senior Deputy Inspector-General Deshabandu Tennakoon present at the site and promising protesters to stop the mob<sup>2</sup>. Despite a heavy presence of riot police in the vicinity, the steps taken were woefully inadequate with supporters of the then PM being able to break through the thin lines of police cordons.

<sup>1</sup> WatchDog, “The SLPP Attack On GotaGoGama: a Timeline”, available at <https://longform.watchdog.team/observations/the-slpp-attack-on-gotagogama-a-timeline> accessed 23 May 2022. ; Twitter, “Government MP Johnston Fernando inciting violence” available at <https://twitter.com/ThyagiR/status/1523657958802194432> accessed 24 May 2022. ; NewsFirst, “Terrorism stemming out of Temple Trees cause for violence- Ven. Omalpe Sobitha Thero”, available at <https://www.newsfirst.lk/2022/05/11/terrorism-stemming-out-of-temple-trees-cause-for-violence-ven-omalpe-sobitha-thero/> accessed 24 May 2022.

<sup>2</sup> WatchDog, “The SLPP Attack On GotaGoGama: a Timeline”, available at <https://longform.watchdog.team/observations/the-slpp-attack-on-gotagogama-a-timeline> accessed 23 May 2022.

We also note that water cannons and tear gas were only used against the mob after<sup>3</sup> they attacked peaceful protesters and set fire to tents, memorials and other structures set up at the protest site.

Subsequent developments resulted in violence that spread across the country resulting in several deaths and the destruction to property. As of 22 May 2022, Sri Lanka Police states that around 1,500 suspects have been arrested so far and 677 of them have been remanded after being produced before courts<sup>4</sup>.

CPA also acknowledges that on 12 May 2022, the Fort Magistrate's Court issued a travel ban on Ex-Prime Minister Mahinda Rajapaksa, MP Namal Rajapaksa, MP Johnston Fernando and 16 others<sup>5</sup>. Further, the Attorney General has directed the CID to arrest 22 suspects in relation to these attacks. The suspects mentioned include MPs Johnston Fernando, MP Sanath Nishantha, MP Sanjeeva Edirimanne, MP Milan Jayatilleke, then Senior DIG in charge of the Western Province-Deshabandu Tennakoon and other SLPP supporters including members of local government bodies<sup>6</sup>.

While some of those mentioned have been arrested, limited to no action has been taken against others named in the Attorney General's letter and many others captured in the media instigating or engaging in violence against peaceful protesters.

Considering the recent events that have contributed to unrest and fears among the public of new cycles of violence and instability, it is imperative that urgent action be taken by the law enforcement authorities to investigate and adhere to the instructions of the Attorney General to arrest these individuals. As reported, numerous citizens have already been arrested, including some who reportedly had no hand in the violence that erupted across the country. Thus, inaction in some cases raises questions as to the independence and impartiality of law enforcement authorities and whether the authorities have different standards for different citizens. CPA reiterates that the law should be applied to all equally.

Further, it is a matter of concern that investigation processes and actions taken have given rise to public concern that while on the one hand little or no meaningful action has been taken in respect of those perpetrating violence against peaceful protestors at the aforementioned protest sites, on the other hand, investigations into the violence unleashed against certain governmental political actors and/or those affiliated to them are being pursued in a manner that reeks more of steps to intimidate and silence those considered politically opposed to the President and his family, than to apprehend and charge actual perpetrators of those crimes

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<sup>3</sup> Daily FT, "Ramesh Pathirana drops bombshell in P'ment", available at <<https://www.ft.lk/top-story/Ramesh-Pathirana-drops-bombshell-in-P-ment/26-734987>> accessed 24 May 2022. ; WatchDog, "The SLPP Attack On GotaGoGama: a Timeline", available at <<https://longform.watchdog.team/observations/the-slpp-attack-on-gotagogama-a-timeline>> accessed 24 May 2022.

<sup>4</sup> Daily News, "Over 1,500 arrested, 677 remanded over May 9 arson attacks", available at <<https://www.dailynews.lk/2022/05/23/local/279337/over-1500-arrested-677-remanded-over-may-9-arson-attacks>> accessed 24 May 2022.

<sup>5</sup> News First, "Travel Ban on Ex-PM Mahinda Rajapaksa and 16 others", available at <<https://www.newsfirst.lk/2022/05/12/travel-ban-on-ex-pm-mahinda-rajapaksa-and-16-others/>> accessed 24 May 2022.

<sup>6</sup> Ada Derana, "Attack on protesters: AG directs CID to arrest 22 suspects including 4 MPs", available at <<http://www.adaderana.lk/news.php?nid=82475>> accessed 24 May 2022.

who require to be dealt with strictly according to law. This growing perception can only be changed by genuine, open, transparent steps that would help restore much needed public confidence in the integrity of law enforcement

In such a context, CPA highlights below several legal provisions that are relevant and applicable for further action:

### **1. Police Ordinance No. 16 of 1865**

Section 79(2) of the Police Ordinance gives the Police the power to arrest a person without a warrant when any person in a public place or meeting uses “threatening, abusive or insulting words or behaviour intending to provoke a breach of the peace or where the breach of the peace is likely to be occasioned”.

## **2. Penal Code Ordinance No. 11 of 1887**

01. Section 138 - Unlawful assembly
02. Section 141 - Joining an unlawful assembly armed with any deadly weapon
03. Section 145 - Rioting, armed with a deadly weapon
04. Section 147 - Hiring or conniving at hiring of person to join an unlawful assembly
05. Section 154 - Harboursing Persons hired for an unlawful assembly
06. Section 155 - Being hired to take Part in an unlawful assembly or riot or to go armed
07. Section 312 - Voluntarily causing hurt
08. Section 315 - Voluntarily causing hurt by dangerous weapons or means
09. Section 342 - Assault
10. Section 483 - Criminal intimidation
11. Section 484 - Intentional insult with intent to provoke a breach of the peace

### **Sections establishing common intention, conspiracy and abetment**

01. Section 32 - Liability for act done by several persons in furtherance of common intention
02. Section 33 - When such an act is criminal by reason of its being done with a criminal knowledge or intention
03. Section 35 - Cooperation by doing one of several acts constituting an offence
04. Section 110 - Abetting the commission of an offence by the public, or by more than ten persons
05. Section 113A - Conspiracy and 113B- Punishment for conspiracy
06. Section 143 - Force used by one member in prosecution of common object
07. Section 146 - Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object

### 3. Code of Criminal Procedure Act No 15 of 1979

**01. Section 22** - Every peace officer is bound to communicate to the nearest Magistrate or to his own immediate superior officer any information regarding the commission of any offence within the local jurisdiction in which he is empowered to act;

**02. Section 32** - (1) Any peace officer may without an order from a Magistrate and without a warrant arrest any person -

- (a) who in his presence commits any breach of the peace;
- (b) who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned;
- (f) who obstructs a peace officer while in the execution of his duty (...)

**03. Section 180** - When more persons than one are accused of jointly committing the same offence or of abetment to commit such offence, they may be charged and tried together.

**04. Section 393** - Powers of the Attorney General

The Attorney-General has the power to exhibit information, present indictments and to institute, undertake, or carry on criminal proceedings as provided by the Code of Criminal Procedure.

The Attorney-General is also empowered to give advice, whether on application or on his own initiative to State Departments, public officers, officers of the police and officers in corporations in any criminal matter of importance or difficulty.

(3) The Attorney-General is also entitled to summon any officer of the State or of a corporation or of the police to attend his office with any books or documents and there interview him for the purpose of-

- (a) initiating or prosecuting any criminal proceeding, or
- (b) giving advice in any criminal matter of importance or difficulty.

#### **4. Evidence (Special Provisions) Act. No. 14 of 1995**

Section 4 of this enactment provides for the admissibility of contemporaneous recordings. Section 5 provides for the admissibility of any information contained in any statement produced by a computer, subject to the rules on the admissibility of evidence.

The Interpretation section (S.12) of this Act is widely framed to enable the admissibility of a wide variety of evidence.

- 'Computer' is defined to include mobile devices such as smartphones or tablet computers.
- 'Original' is defined to include any transcript, conversion, or duplicate of a statement produced by a computer, in the form of a printout or other output readable by sight or audible by ear.
- 'Statement' is broadly defined to include any representation of fact whether made in words or otherwise, thus including photos, videos.

Considering the above provisions, it is clear that the law provides law enforcement authorities with ample powers for swift action against all individuals involved in the attacks against peaceful protesters on 9 May 2022 and subsequent incidents of violence.

Finally, CPA urges greater transparency with investigations and other action taken in this regard and requests the law enforcement authorities to publicly share relevant information so that the public is apprised of steps taken.

In this regard, we would appreciate your immediate attention to this matter and a response at your earliest convenience, preferably within two weeks.

In light of the public interest in this matter, this letter will be made public.

Thank you

Yours sincerely



Dr. P. Saravanamuttu

Executive Director

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