

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

HUMAN RIGHTS COMMISSION OF SRI LANKA

2018

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Preface

Every citizen of Sri Lanka is entitled to a set of 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 nor are those discriminatory on similar bases. Article 10 of the Constitution warrants freedom of religion including the freedom to have or to adopt a religion or belief of choice while Article 12 of the Constitution ensures equality and prohibits discrimination based on “the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds”.

The violence that broke out in the night of 4th 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 has witnessed in the recent past. There had been previous attacks in Aluthgama (----), Gintota (-----) and Ampara (-----). It is also a common observation that the trigger point for such violence has always been an ordinary event, such as a motor traffic accident where the parties on opposite sides happen to be of different communities. In this instance, media reports pointed to the violence taking place following the death of a Sinhala 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 civil war since independence from British rule in 1948. The grave challenge that still faces Sri Lanka, nine years after the civil war ended, 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) had been monitoring hate speech on social media in Sri Lanka during the past year (2017) and did write to the government urging legal action against the perpetrators (attachment 08). It was observed that the bulk of hate speech was directed at the Muslim community. The Commission is not aware of action taken.

HRCSL, established by Act No. 21 of 1996, is duty bound to protect Fundamental rights of citizens of this country. While the Commission, under powers conferred on it, can only take action against

a government institution accused of committing a fundamental rights violation and thus, cannot take direct action against perpetrators of this crime 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 March 5th 2018 the Hon. Chairperson instructed the HRCSL Regional Coordinator/Kandy to visit the affected areas and report findings. Accordingly, visits were conducted to areas where violence was taking place from 2018.03.06 to 2018.03.09. After the violence abated, the HRCSL continued to address the needs of the affected people and conduct meetings with human rights advocates, victims of the attack, religious leaders and government officers in order to promote dialogue and healing.

The report mainly seeks to present the findings of the inquiry conducted by the Human Rights Commission in May (9th -12th) 2018 in Kandy in order to gather evidence and record testimonies from victims of the attack, human rights advocates and government officers. In addition, the Commission also presents in this report a set of recommendations to the government based on the observations of the Commission which the Commission believes will contribute to healing the communal divisions in this country and prevent another incident of this nature from happening in the future.

TABLE OF CONTENTS

Preface	2
1. Introduction.....	5
1.1. Background.....	5
1.1.1. History.....	5
1.1.2. Demographics.....	5
1.2. The Timeline and description of incidents.....	7
2. The Inquiry.....	15
2.1. The powers and mandate of the Commission.....	15
2.2. Organization of the inquiry.....	15
2.3. Methodology.....	15
3. Statements recorded during the inquiry.....	19
3.1. Statements of complainants.....	19
3.2. Statements of government officers.....	35
4. Statements recorded from suspects.....	49
5. Deaths and injuries.....	53
6. Damage to property.....	55
6.1. Introduction.....	55
6.2. Damage to private residences.....	58
6.3. Damage to businesses.....	59
6.4. Damage to places of worship.....	60
6.5. Damage to vehicles.....	61
7. Valuation and compensation.....	62
8. Media.....	66
8.1. Electronic media.....	66
8.2. Print media.....	66
8.2.1. Local media.....	66
8.2.2. Foreign media.....	67
9. The role of social media.....	68
10. Applicable Legal Framework.....	70
11. Observations.....	78
12. Conclusions.....	85
13. Recommendations.....	86

1.Introduction

1.1 Background

1.1.1 History

The end of the nearly three decade long civil war in Sri Lanka 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 has taken 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. When considering attacks and violence against the Muslim community in the recent past the most serious incident is the violence that took place in Aluthgama, Beruwala in June 2014. This incident also began with a traffic accident which soon escalated into anti-Muslim riots resulting in deaths and damage to property. The group 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 sparked off 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 had been reported while the Sinhala and Muslim communities appeared to have been living peacefully in Kandy for centuries. However, the Police reported a minor incident which had taken place earlier this year in Theldeniya, again following a traffic accident. 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. According to 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	104990	16906	18
Katugasthota	92	92	58	108549	16771	13
Pallekale	14	14	12	26671	2052	02
Theldeniya	53	51	29	42870	9095	11
Manikhinna	23	23	12	33238	241	01
Poojapitiya	55	55	12	48540	3698	05
Galagedara	72	72	08	40007	4847	07
Waththegama	58	58	40	77514	19826	29
Panvila	22	22	11	18624	1408	06
Peradeniya	69	69	51	87554	10849	12
Kadugannawa	66	66	26	65205	5224	05
Daulagala	64	64	29	45626	15881	15
Ankumbura	22	22	10	16270	8148	12
Hatharaliyadda	58	58	06	31560	1954	03
Alawathugoda	35	28	32	21725	47459	55
Thalathuoya	81	81	30	70918	2306	02
Hanguranketha	90	90	10	63133	36	-
Ududumbara	73	73	10	28817	300	03
Rangala	43	43	21	17991	729	02
Hasalaka	48	48	16	59644	354	03
Welamboda	32	31	11	20344	7829	11
Total	1121	1111	485	1029790	175913	215

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

In most parts of the Central Province Muslim and Sinhala populations coexists 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 22.02.2018 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 03.03.2018. 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 22.02.2018 itself soon after recording the complaint of the apprentice of the lorry [REDACTED] (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 and sections 300, 314, 316, 433, and 486 of the Penal Code of Sri Lanka who had remanded the accused until 21.03.2018.

Name	Age	Arrest date	Date produced before court.
[REDACTED]	23	22.02.2018	23.02.2018
[REDACTED]	17	24.02.2018	25.02.2018
[REDACTED]	26	24.02.2018	25.02.2018
[REDACTED]	26	03.03.2018	03.03.2018
[REDACTED]			

The Theldeniya Police Division, in which the victim of the assault was resident, and the adjacent Pallekale Police Division are both predominantly Sinhala, but with the Muslim community peacefully coexisting with the Sinhala 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 Sinhala families living in that village with 96 Muslim families living in the adjacent village. Peraketiya Temple and Ambala Mosque are situated close by.

On 01.03.2018, 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 assaulters 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 03.03.2018, after the victim of the assault had died, with the Chief incumbent of Perakatiya 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.

Further, at a discussion held at the Peraketiya Temple on 04.03.2018, 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 has reportedly been declined.

The remains of the deceased were taken to his house in Pusgohuwa, Puwagahadiwela, Medamahanuwara on 03.03.2018 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 squad had been stationed under an OIC 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 04.03.2018 had been reported, followed by a report that a shop at the junction has been burnt down around 9.30 pm. The shop belonging [REDACTED] (a Muslim person) and [REDACTED] owned by a Sinhalese situated at the same place had both been burnt down by a mob allegedly while the special troops were by-standers. The same mob had stoned two police vehicles causing damage to the vehicles. 24 suspects, all residents of Udispatthuwa had been arrested in this regard and produced before the Magistrate under Section 3 (1) of the ICCPR Act No.56 of 2007 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 19.03.2018.

In the meantime 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 05.03.2018 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 Galabada Atthe Gnanasara Thero, Ampitiye Sumanarathana Thero, and 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 05.03.2018 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 Ampitiye Sumanarathana Thero, Chief Priest of Udispatthuwa Nawakkulama Temple, Chief Priest of Moragahamula Temple, and Amith Weerasinghe from an organization styled '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 05.03.2018. However, incidents of setting fire and damaging property were reported from Digana, Kengalla, Balagolla, Rangala, Manikhinna, Peradeniya and Katugastota throughout that night.

On 06.03.2018, the body of a person was found above a shop that had been set fire to on the previous day in the Pallekale Police Division, which was identified as that of [REDACTED] (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 06.03.2018. Police officers, STF officers, 2 riot-control squads and officers from the tri-forces were stationed in this area to keep violence from breaking out. The Senior DIG of police for the area has 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 OIC Manikhinna stationed at the Manikhinna Mosque, had shot at a mob of approximately 300 people around 7.30 pm on 06.03.2018 as they had attempted to attack the mosque. It was later revealed that one person had been shot in the stomach and hospitalized. On that same day around 11.30 pm the police 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. However, 06.03.2018 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 07. 03. 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 SSP Kandy, ASP Kandy 1, HQI Kandy and 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 Piyathana, SSP Kandy, and Major General Nissanka Ranawana had advised them to act peacefully and return to their homes.

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 [REDACTED] residing in Kaluwana, a village not far from Ambathenne. 12 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 Katugasthota, Aladeniya, Hadeniya, Hathara Kanuwa, and Galagedara areas. The cause of death of [REDACTED] was determined at the inquest as injuries

sustained due to the explosion. Further investigations were handed over to the Criminal Investigations Division(CID) by the police. 07.03.2018 saw a significant increase in violent incidents with 254 incidents in total been reported.

As the violence increased, curfew was re-imposed for 24 hours at 4.00pm on 07.03.2018. However due to the decrease in incidents reported on the night of 07.03.2018 the curfew was lifted at 10.00 am on 08.03.2018 which also saw violence completely abated and the situation under control.

DRAFT ONLY

Date	Development of the Incidents														Total	
	Theideniya	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.

Advised by the Honorable Chairperson, the staff of the Kandy regional office of the HRCSL visited the areas where violence occurred from 06-09.03.2018. When possible, the officers spoke to the victims of violence. The contact details of the Kandy Regional office and the Regional Coordinator were shared for the victims 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 (attachment 01) is as follows;

Date	HRC officers participated.	Areas visited	Officials met
06.03.2018	Regional Coordinator Mrs. H.K. Withana, Investigating officer Mr. M.N. Aponsu, Trainee Ms. Wickramagamage, Intern Mr. Srimal Wijenayake.	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	Regional Coordinator Mrs. H.K. Withana, Investigating officer Mr. M.I. Danwatte, Trainee Ms. Wickramagamage	Katugasthota, Manikhinna, Poojapitya, Akurana.	O.I.C. Poojapitiya Mr. Kularathne
08.03.2018	Regional Coordinator Mrs. H.K. Withana, Investigating officer Mr. M.I. Danwatte, Investigating officer Mr.M.N. Aponsu, Trainee Ms. Wickramagamage, Intern Mr. Srimal Wijenayake	Poojapitiya, Digana, Pallekale, Kengalle, Thannekumbura	O.I.C.Poojapitiya Mr. Kularathne, O.I.C Pallekale Mr. Jayasekara.
09.03.2018	Regional Coordinator Mrs. H.K. Withana, Investigating officer Mr.M.N. Aponsu	Katugasthota Enderuthanne refugee camp.	

On 07.03.2018 the Hon. Chairperson wrote to His Excellency the President and the Hon. Prime Minister (attachments 2 and 3) highlighting the need to take quick action against the perpetrators and organizers 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 organized on the advice of the Hon. Chairperson on 09.03.2018 for the Hon. Chairperson to meet with key human rights advocates in the area to discuss the incident. [REDACTED]

[REDACTED] participated at this meeting. These advocates 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 27.03.2018 with the participation of the Hon. Chairperson and Commissioners, victims of the attacks, government officers (including Police and Army officers), religious leaders of the area, and human rights advocates. After speeches given by members of both the Buddhist and Muslim clergy a round of open discussions was held in which the victims 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 army officer, shared their ideas and responded to questions put forward by the victims and advocates. A detailed report on the proceedings of this meeting submitted to the HRCSL head office by the Kandy regional office is attached herewith (as attachment 04). The Hon. Chairperson made an undertaking at this meeting to conduct an inquiry into the violent events in the days following.

2.THE INQUIRY

2.1 The Powers and Mandate of the Commission

The Human Rights Commission of Sri Lanka 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 Hon. Chairperson on 27.03.2018 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 Organization of the inquiry


The inquiry into the violence in Digana and environs was held from 09.05.2018 to 12.05.2018. Advertisements were published in all major newspapers calling for complaints from the public prior to the inquiry, including a notice on the HRCSL website hrcsl.lk (attachment 05). Complainants were asked to submit complaints before 21.04.2018 to the Kandy Regional office. The HRCSL decided to give priority to hearing testimonies from eyewitnesses. Complainants were categorized 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 of 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 (Attachment 06). The summonses were issued both in Sinhala and Tamil.

2.3 Methodology

The inquiry was held at the Postal Auditorium in Kandy from 09.05.2018 to 11.05.2018 and at the Kandy Regional office on 12.05.2018. 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 is 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, Head monk of 

All testimonies of witnesses were recorded under oath (attachment 07). 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, photos and affidavits. The composition of the officers present was as follows;

Date	HRCSL officials
09.05.2018	Hon. Chairperson Dr. Deepika Udagama, Commissioner Ghazali Hussein, Deputy Director Investigations and inquiries Sulari Liyanagama, Regional Coordinator H.K. Withana, legal officer Sumanalal Weerasinghe, Investigating officer M.N. Aponsu, Investigating officer M.I. Danwatte
10.05.2018	Commissioners Ghazali Hussein and Dr. Upananda Widanapathirana, Deputy Director Investigations and inquiries Sulari Liyanagama, Regional Coordinator H.K. Withana, legal officer Sumanalal Weerasinghe, Investigating officer M.N. Aponsu, Investigating officer M.I. Danwatte
11.05.2018	Hon. Chairperson Dr. Deepika Udamaga, Commissioner Ghazali Hussein, Director Investigations and inquiries Nihal Chandrasiri, Regional Coordinator H.K. Withana, Legal officers Dileepa Weerawickrama and A.W.M. Ahamad

On 12.05.2018 government officers were summoned for their testimonies. Hon. Chairperson Dr. Deepika Udagama, Commissioner Ghazali Hussein, Director Investigations and Inquiries Nihal Chandrasiri, Regional Coordinator H.K. Withana, Legal officers Dileepa Weerawickrama and A.W.M. Ahamad represented the HRCSL. The schedule of proceedings on 12.05.2018 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, HQIs 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	Army
3.30-5.30 pm	Divisional secretaries, Grama Niladharis, Fire dept. officer, Kandy and Matale

	valuation officers, disaster management officers.
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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, photos and a record of actions they had taken before, during, and after the inquiry.

3. Statements recorded during the inquiry

3.1 Statements of complainants

Proceedings of Day one – 09.05.2018

Name	Age	Area	Complaint	
[REDACTED]	35	Hijrapura, Digana	Beaten by STF	Laborer
[REDACTED]	41	Hijrapura, Digana	Beaten by STF	-
[REDACTED]	43	Hijrapura, Digana	Beaten by STF	[REDACTED]
[REDACTED]		Hijrapura, Digana	Beaten by STF	-
[REDACTED]	29	Theldeniya	Shop was burnt down	Businessman
[REDACTED]	36	Hijrapura, Digana	Beaten by STF	Businessman
[REDACTED]	36	Hijrapura, Digana	STF inaction	
[REDACTED]	39	Digana	Arrest	Businesswoman
[REDACTED]	39		House was set on fire	House wife
[REDACTED]		Medamahanuwara	Arrest	
[REDACTED]	38	Digana	Arrest	

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

Hijrapura, Digana, alleged attack by the STF on Muslim worshipers leaving the mosque after evening prayers.

The complainant (complainant 1) arrived at the mosque for evening prayers at about 4.30 pm. Prayers had ended approximately 15 minutes later at which point the 40-50 worshipers who had attended prayers inside the mosque had come out. 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, complainant 1 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.

The STF had used abusive language which had made the worshipers run. A STF officer had hit complainant 1 with a pole and had poked him with his gun. The STF officer had not been recognizable as he had his face covered. Complainant 1 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 (complainant 2) corroborated the facts of complainant 1, further stating that he was hit on the leg with a baton before being escorted about 50m away from the mosque by STF officers. At this point more STF officers and another person, whose identity was known to the complainant, had joined the group being led away. The officers had continued to hit them while forcing them to hold a 'kaththa' (Machete) and a bent metal wire. After being forced to walk for about 1km they had reached the Christian Church in Digana, where there had been a large number of STF officers including one officer he assumed was the commanding officer. Complainant 2 was unsure if he would be able to recognize the commanding officer.

After being taken to the Church, a monk (referred to in his testimony as [REDACTED]) had arrived on the scene asking complainant 2 and another 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. To the knowledge of Complainant 2 these STF officers had been attached either to the Ambakote or the Kegalle camp. Complainant 2 had not gone to the police immediately for fear of arousing further problems but had sought treatment at the hospital on 11.03.2018 after feeling sick. He had been receiving treatment at the hospital for 3 days, having been admitted to ward 10 and later transferred to ward 18. He had the receipt confirming his treatment issued by the hospital, a certified copy of which he agreed to handover to the Kandy Regional Office at his earliest upon the request of Commissioner Ghazali Hussein. Complainant 2 had complained to the police subsequently, on 13.03.2018.

Asked if CCTV evidence can be produced, complainant 2 played the DVD containing CCTV footage from the mosque and a nearby reception hall for the benefit of the officers of the Commission. As it was observed that the footage may have been subjected to editing, Commissioner Ghazali Hussein again requested the witness to handover a copy of the unedited CCTV footage from midnight 04.03.2018 to midnight 05.03.2018 certified by the Mosque to the Commission to which Complainant 2 agreed.

A third complainant (complainant 3) 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 Theldeniya police on 26.02.2018 at which it had been decided to secure employment for Kumarasinghe's wife. After the death of Kumarasinghe, complainant 3 had attended a discussion at Ambagahawatte temple on 03.03.2018 at which a decision had been reached to present Rs.200,000.00 to the family of Kumarasinghe. The Chairman of the mosque and complainant 3 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 04.03.2018 a monk known as [REDACTED] had told complainant 3 that white flags would be hoisted in Theldeniya but no other problem would ensue. However, that night, complainant 3 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 further attributing the act to outsiders.

Subsequently, around 4.30pm, complainant 3 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 there, 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. Without any preamble, the STF had proceeded to beat both men with batons and had taken both men to the Digana Christian Church. Complainant 3 had at this point been bleeding from a head injury which, after being pointed out, had received some ice from the STF officers. The two men had been taken to the Theldeniya police station around 6.00pm to record their statements. Complainant 3 had thereafter been transferred to the Theldeniya hospital. Complainant 3 presented mobile photos of his injury to the officers of the Commission. Commissioner Ghazali Hussein requested that certified prints of these photos be given to the Commission, to which complainant 3 agreed.

Complainant 3 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 ("කමුරුසලා දෙන්නට රෝහලට නොවේ කුඩුවට දන්න නිසුණේ"). When asked

if he could find out the name of this doctor and present it through an affidavit complainant 3 agreed. Complainant 3 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 06.03.2018 and granted bail on the same day. Complainant 3 had proceeded to the Kandy hospital on 07.03.2018 where he had been admitted to ward 10 and his wounds sutured. Subsequently he had been transferred to ward 18 and discharged on 08.03.2018. Complainant 3 was instructed to present copies of his medical report and B report to the Commission.

When asked if complainant 3 had known of the existence of Mahason Balakaya he responded that he did and that there had previously been no need to complain or to find out more information about it. He was unaware of Mahason Balakaya's Facebook activities.

Another complainant, (complainant 4) being the friend of complainant 3, who had also been arrested at the same time as him, corroborated the account of complainant 3, stating further that after being taken to the Digana church by the STF, the commanding officer there had castigated the STF officers for beating the complainant and had said that "if I was there I would not have let them beat you" in Sinhala ("මම ඔබයා නම් ගහන්න දෙන්නේ නැහැ"). Complainant 4 said that before the beating the STF called him from the street but he had shut the door out of fear and the subsequent beating of the STF officers had traumatized his child who was at home during the attack. He also said that the STF had made him put some bottles in a bag and carry them all the way to the Digana church, which he did. He had lodged a complaint against the STF with the police on 13.03.2018. Complainant 4 had also been charged with the possession of petrol bombs. The officers of the Commission requested that a certified copy of the B report obtained through complainant 3's attorney-at-law be given to the Commission along with certified prints of photographs showing his injury.

NOTE – Despite many requests from the Commission, the unedited CCTV footage as well as certified copies of photographs and medical reports have not been produced by the complainants, hampering the investigation of the Commission in this incident.

Complaints of mob attacks in Digana

A business owner (complainant 5) reported that on the evening of 04.03.2018 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, complainant 5 had seen the Facebook profile of Mahason Balakaya, in which the group had untruthfully claimed that there were very few Sinhala shops in Digana. When asked if and to which extent Facebook was responsible for the violence, he responded that Facebook was instrumental in the rapid

circulation of unverified information, quoting as an example claims made by Amith Weerasinghe about Muslim people on Facebook.

A complainant who had witnessed the mob attacks in Digana (complainant 6) stated that on 05.03.2018 he had witnessed about 50 people singing Baila 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 STF had been present but had not made any arrests while the army had arrived around 5.00 pm.

Complaints on arrests

The wife of a [REDACTED] (complainant 7) 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 witness, the officers of the Commission noted that the husband of complainant 7 had been charged under the Penal Code. Complainant 7 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 Balagolla temple and OIC Pallekale. 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 Hon. Chairperson informed Complainant 7 that the Commission cannot intervene on her husband's behalf as it is now a matter before the court. However, the Chairperson advised complainant 7 to present all CCTV evidence disproving the charges to court through an attorney-at-law and to 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, while some alleged they possessed evidence to prove that the arrested persons had not been in the area at the time. Hon. Chairperson reiterated that the Commission cannot intervene in ongoing prosecutions but urged all evidence disproving the charges to be presented to court. She further 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. These complainants were also asked to inform the Commission if their relatives were being ill-treated in prison.

Proceedings of Day 2 – 10.05.2018

Name	Age	Area	Complaint	Occupation
[REDACTED]		Pallekale	Death of son.	Businessmen
[REDACTED]		Pallekale	Death of brother/ Inaction of Police and STF	
[REDACTED]	68	Kengalle	House was burnt down	
[REDACTED]	45	Kengalle	House was damaged	
[REDACTED]		Kengalle	House was burnt down	
[REDACTED]		Kengalle	House and business were burnt down	Housewife
[REDACTED]	17	Kengalle	House was burnt down	Student
[REDACTED]		Kengalle	House was burnt down	Worked at a biscuit factory, now unemployed.
[REDACTED]		Kengalle	House was burnt down	Hotel owner.
[REDACTED]		Kengalle	Shop was broken into and destroyed	Business owner - grocery
[REDACTED]		Kandy	House/shop destroyed	Businessmen
[REDACTED]		Kandy	Arrest	
[REDACTED]				
[REDACTED]		Kandy	Arrest	

F		Thannekumbura	Harassment by STF	Tourism
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The personal details of the complainants are withheld to protect their identities in the following summary of the testimonies of the complainants on Day 02;

Complaints of mob attacks in Pallekale and Kengalle/Inaction of government authorities

The death of ██████████

An account of the death of ██████████ on 05.03.2018 and the injury of his elder brother, ██████████, in that same incident was presented to the Commission. 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 05.03.2018 just after 3.30 pm. His wife and he had been downstairs while their Son (██████████) had been on an upper level. When their house and shop had been attacked his wife 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 wife and he had hidden in the woods behind 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. Understandably 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 (06.05.2018) another son of the family had gone into their damaged house in order to retrieve any valuables, in the process discovering the body of ██████████. The father stated that both his wife and he are emotionally distressed due to the death of their son.

The next complainant to give his testimony was the sibling of ██████████ who was injured in the above attack. On 05.03.2018 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 3 policemen on the road. The complainant had later seen a video of a barrier being set up in Digana and assumes the mobs had come to his area disregarding

the barrier. A neighbor 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. He had managed to get on the upper concrete slab of his house, which had already caught fire when he had 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 gone out on to the street calling for help however without receiving any from the mob who had laughed and been passive in the face of his distress. The police officers who had been deployed nearby had transferred him in the jeep to the Theldeniya hospital. He had 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 had received treatment at the Theldeniya hospital and 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 photos to the CID and that the CID had recorded a statement from him while he was in the hospital. He also said that he thought that [REDACTED] was behind these incidents and that he knew [REDACTED].

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 presenting 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 photos had not been arrested yet despite the identities of these people being known to them. Others said that they were traumatized by the violence that occurred with one person even losing his job. Majority of the complainants reported that they had called 911 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 BOI (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 (complainant 1) 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, this rival had been arrested twice but later released and is still free. He further, said that he had seen people of his village and members of a nearby sports club forming part of the mob, which he had reported the police but had been too afraid to give evidence in court. Complainant 1 had known [REDACTED]. He was of the opinion that people continue to harbor toxic sentiments due to the unfounded fear spread by certain groups.

One notable complainant was a 17 year old boy (complainant 2) who gave evidence following his mother. An A/L student in the Physical Sciences stream at a popular school in Kandy, Complainant 2 had been traumatized by the violence which 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 but he was unfamiliar with many people in his village.

Destruction of property Thannekumbura/Kandy area

Complainants reported that their shops and houses had been attacked by mobs. One complainant said that after one of his neighbors 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 Commission.

Harassment by STF

One Complainant (complainant 3) reported that he and a few others had been harassed by STF officers in Thannekumbura. Complainant 3 stated that he had with a few other relatives been searching for his uncle in their neighborhood, situated some distance away from the main road, around 11.30 pm on 05.03.2018. About 8 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 Complainant 3 of plotting to attack them. Denying the charge, complainant 3 had attempted to get more information which had not been welcome by the STF officers who had verbally reprimanded him. After which, complainant 3 and the others had been taken to the Kandy police station, from where the leader of his mosque and the leader of his village had intervened to have them released.

Cases of Arrest

Several complainants made testimonies of relatives arrested in relation to this incident. Common to all these complainants is that their relatives, whilst not being involved in the attacks, had been arrested by the army in Thannekumbura. The Commission informed these complainants too that it cannot intervene in judicial proceedings but they could seek the assistance of the Commission if their relatives had been ill-treated by the army, police, or prison authorities. The complainants who alleged that their relatives were beaten by the army were directed to forward a written complaint to the Commission for investigation.

Proceedings of Day 3 – 11.05.2018

Name	Age	Area	Complaint	Occupation
[REDACTED]		Katugasthota	Damage to property including Ahmed Masjid Mosque Ullapitiya Werellagama	[REDACTED]
[REDACTED]		Katugasthota	Assault of his brother [REDACTED]	[REDACTED]

			██████████ ██████████	██████████ ██████████
██████████ ██████████		Kandy	Assault of husband ██████████ ██████████ ██████████ ██████████	Retired school principal
██████████			Assault of brother ██████████ ██████████ ██████████ ██████████	Retired Medical Doctor, now in private practice
██████████ ██████████		Werellagama	Damage to property in Werellagama on 07.03.2018	
██████████ ██████████	54	Werallagama	Wrongful arrest of the son	
██████████ ██████████ ██████████	67		Damage to property on 07.03.2018	
██████████		Mullegama, Ambathenne	Damage to property	
██████████		Akurana	Damage to hotel	Hotel owner

Damage to Property

A complainant (complainant 1) stated that the Ahmed Masjid Mosque in Ulladupitiya, Werellagama has been attacked by a mob on 05.03.2018, first with a bottle filled with petrol and sand and later had damaged 4 windows by stoning. 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 [REDACTED] too have been damaged or burnt. [REDACTED] did not attend the HRC inquiry, but complainant 1 submitted an affidavit on his behalf.

On 06.03.2018, a group of young persons have attacked and damaged a shop owned by the nephew of complainant 1. A nearby house, owned by the younger brother of complainant 1 (Approximately worth about Rs.20-30 Million, according to the complainant's opinion) 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 mobs. The mob has approached Endaruthenna and attacked the houses and vehicles there as well.

The Muslims residing in the area had been in hiding when the attack had taken place and had informed 119 of the violence. However, the police and STF had 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.

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 Complainant 1, an organization has been established in the aftermath of these incidents in the name of 'Sanhindiyawata Maga' (The Road to Reconciliation) under the leadership of the Chief Prelate of Medawala Raja Maha Viharaya of which Complainant 1 himself is the Secretary. Meetings are held every two months alternating between a temple and a mosque, with the first meeting held on 27.03.2018.

On 07.03.2018, another complainant (complainant 2) and her family members had fled to the nearby woods around 11.00 am as they received news on the telephone that a mob was approaching their area. She has witnessed a group of 50-100 Sinhala-speaking persons wearing helmets and bearing weapons and clubs. They have caused severe damage to property including her house and

a shop owned by her younger brother. She stated that approximately 50 houses have been damaged by the mob.

Furthermore, another complainant's house was attacked on 07.03.2018 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 upstairs of his daughter's house had also been set on fire. Even though he was unable to recognize the attackers at that point, he had later identified some of them as villagers and others as outsiders, on the CCTV footage recorded at the nearby Masjid Kalaam mosque. 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 Mullegama Temple had shown that a mob of about 500-600 people had congregated at the temple before coming to attack their property. 2-3 police officers had been stationed to secure the Mosque, who had left after receiving a telephone call, and the Mosque had been attacked soon afterwards.

Injuries

██████████, a member of the Muslim clergy is currently receiving treatment in the Neurology Intensive Care Unit at Kandy General Hospital. According to the complainant, the wife of ██████████, her husband is a retired ██████████, a Justice of Peace, and a person who held distinguished positions in many civil society organizations. The elder brother of the victim stated that he had been assaulted on 07.03.2018 at Ambathenna while travelling in a bus. The bus (Anuradhapura-Bandarawela) on which he was travelling had slowed down in Ambathenna where two persons had got on the bus crying all Muslims should be killed, and had assaulted ██████████ with an iron rod. Another complainant, an eyewitness who was travelling in the same bus with the injured person, 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 recovered 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 motor bicycle towards his house around 1.00 pm without a helmet, bleeding from the 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 5-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 complainant reported that the victim not having regained consciousness after surgery 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 entertained at the inquiry. One complainant stated that his son had been 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 judicial proceedings. The complainants were however directed to contact the Commission if there are complaints of ill-treatment of detainees by the prison authorities or the police.

Other witnesses

Testimonies from key witnesses and human rights advocates were recorded in addition to the above testimonies of victims and suspects;

1. [REDACTED] is the chief prelate of the temple in the village of the deceased Kumarasinghe. He stated that from the day that Kumarasinghe had been 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 in society had taken advantage of the death of Kumarasinghe to incite communal violence. He also stated that false rumors should be rigidly squashed through media.
2. [REDACTED] is a human rights activist in the Aladeniya area. He had witnessed firsthand the violence unfold in his area. He stated that a mob of mostly young people had

been out on the road while the level of security provided in his area had been very low. He also said that prior to the violence erupting, he, together with other civil society advocates, 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.

3. [REDACTED] responding to the call for testimonies submitted a complaint to the Commission stating that as a resident of Weligama, he had not experienced the violence firsthand but he had lost his sense of security as a result.
4. [REDACTED] of H.G Kumarasinghe, had been the person to take H.G 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 neighbors and viewed it as a pointless act for it will not bring [REDACTED] 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.
5. [REDACTED] representing 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 in the violence while 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.
6. [REDACTED] of the Health and Environment protection organization stated that the majority of people were disappointed in the inability of the army and the police to prevent the violent acts of the mobs while certain groups and people 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 sterilization pills mixed with food is spread such information should be investigated and suppressed immediately.

7. [REDACTED] clearly stated that the Mahason Balakaya of which he had complained to the authorities several times to no avail, was responsible for organizing this attack. He also believed that tension and jealousy exist among the Sinhala community over the perceived entrepreneurial success of the Muslim community.

3.2 Statements made by government officers

Proceedings of Day 04 – 12.05.2018

The Commission called for testimonies from government officials in order to develop a comprehensive snapshot of the violence that occurred and to collaboratively decide on preventive measures for the future. The proceedings were not meant to apportion blame in any manner.

Statement of Divisional Secretary Poojapitiya -M.W.M. Madahapola

The division had been home to different ethnic and religious communities who had coexisted peacefully. About 4 or 5 years prior to the recent violence an isolated act of a drunken man throwing stones at a mosque had been diffused by police and the people involved had been 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 diffuse 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 had not been familiar.

Furthermore, she stated that various false rumors had been spread in the community as to the situation in Poojapitiya during the attacks, including the rumor 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 13.05.2018. 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 like the Sinhala and Tamil New Year, also providing school children who had lost their books, uniforms etc. with necessary material to go back 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 the sterilization pills and the economic superiority of Muslims could be the cause of such violence. She emphasized the need to have a dialogue to find solutions to these issues. Further, 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.

Statement of Divisional secretary Kundasale - S.D. Nagahathenne

A tense situation had been 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 preferring fire 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 organization had donated substantial equipment for the use of 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 officers of the Commission raised a concern that the compensation given to persons affected by the explosion in Salawa was said to be inadequate for the people to regain normalcy. The divisional secretary in response stated that the valuation officers were bound by particular formulaic frameworks issued for their guidance which cannot be deviated from except at a cost to their employment 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 organization, the divisional secretary stated that it was not an organization registered with the Divisional Secretariat.

Statement of Senior DIG of 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 22.02.2018 given the composition of the population of the area (with Sinhala and Muslim people living together in close proximity). Therefore, orders had been given to arrest the suspects in the assault as quickly as possible in order to prevent the tension from erupting into violence. The Senior Superintendent of Police (SSP) had been deployed to 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 H.G Kumarasinghe had succumbed to his injuries on 03.03.2018 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 04.03.2018 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 04.03.2018, both the SSP and DIG had been deployed to the area together with STF officers as there had only been scarce police presence. However buildings had already been set on fire, on suspicion of which 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. Even though 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 04.03.2018 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 been hoisted all over Digana and Theldeniya towns, however not in the village of the deceased signifying that the protests were not on behalf of the deceased, but for other reasons.

On 05.03.2018 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 monk known as 'Ampitiye Hamudurowo' 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 has had a large police presence with reinforcements having arrived (including the two riot squads from Colombo and the two water cannons), as they had anticipated an incident in Ambala (the village where the funeral took place) and had decided to prevent mobs from reaching that area. At about 2.00 pm the Senior DIG had been 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 had 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 in order 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 dispersed crowd from attacking houses and shops along the way. Curfew was imposed around 3.30 pm and the army 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 organized 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 police department, especially the junior officers.

The Senior DIG went on to explain the sequence of events on 07.03.2018. As very few violent incidents were reported on 06.03.2018 a further escalation of attacks had not been anticipated. Nevertheless, in the early hours of the morning of 07.03.2018 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. The grenade explosion had occurred at this moment, giving rise to the rumour that monks had been killed by Muslims, causing more violent acts.

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. On the assault on [REDACTED] in Ambathenne and of 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 2 or 3 days afterwards the CCTV camera possibly may have been removed during the interim. He undertook

to further inquire into the matter while also appreciating the prudence of [REDACTED] in not publicizing 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- defense. 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 22.02.2018. 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 organize the attacks. He also said that the CCTV footage of the assault on Kumarasinghe had been given to Hiru media on 05.03.2018 before the police had an opportunity to remove it, which had broadcasted it on the evening news bulletin. Responding to concerns of inaction by the police even in instances where the identities of the attackers are known, the Senior DIG stated that witnesses in many cases were reluctant to give evidence, due not so much as fear of physical reprisals but for the fear of loss of business which would eclipse the damage caused by the actual attack which could be recovered through compensation. 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 organizations can work towards this.

Explaining the reasons for charging the four Muslim men who had assaulted H.G 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.

Statement of Police officers - ASP 2 Theldeniya R.M.K.N. Ranaweera, HQIs Theldeniya and Kandy, OICs Manikhinna (acting), Pallekale, Poojapitiya (acting), Katugasthota

The above officers were requested to testify regarding their involvement and experiences of the violence which ensued.

HQI Theldeniya stated that after 24 people were arrested on 04.03.2018 anticipating undue influence in attempts to have them released the suspects had been transferred to Manikhinna and Pallekale police stations. He noted that on 05.03.2018 a certain member of parliament had made an inflammatory speech in front of Theldeniya police station while several monks had visited the police station demanding the release of the 24 suspects arrested on 2018.03.04. These monks, acting aggressively, had berated the DIG on the veranda of the police station. Even though a crowd of more than 1000 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, ASP 2 Theldeniya, who had been stationed at the Digana junction stated that approximately 3000 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 has been secured by approximately 35 police officers together with about 12 STF officers while the reinforcements had been caught behind the mob. While the mobs had only succeeded in damaging 4-5 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 violence breaking out, which left the police unprepared to respond adequately.

OIC Katugasthota describing the unfolding of events in his area stated that on the night of 05.03.2018 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 07.03.2018, misinformation 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.

HQI Kandy said Thannekumbura, which is part of his police area, was attacked on the night of 06.03.2018 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. None of the persons arrested that night had been from Thannekumbura but from nearby areas such as Ampitiya, Dodanwela, Kundasale etc and had been intoxicated.

Several of these police officers denounced social media as well as other mainstream print and electronic media for propagating and facilitating indoctrination and unsubstantiated information, which has had a direct bearing on the violence that ensued. A photograph of H.G 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 H.G Kumarasinghe had been released on bail by the police. The police officers were of the opinion that the reclassification of defamation under civil law is an impediment in curbing the spread of false information through print and electronic media.

Responding to a query on reasons for not prosecuting persons engaged in hate speech on social media platforms under the ICCPR Act, the officers said that the Police do 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, while the recent spate of arrests under the Act has created awareness and interest in the provisions of the Act.

The officers also observed that a certain distrust and suspicion seems to exist between all ethnic groups, which needs attitudinal changes to prevent violence such as that in Digana and environs from occurring in the future.

The police noted, responding to a query on action taken against the Mahason Balakaya, that undercover officers had been sent to infiltrate meetings of Mahason Balakaya but it has not yielded results as no directly inflammatory messages seems to be have been shared at these meetings with the repeatedly stated motive apparently being empowering the Sinhalese with no mention of violence against the Muslim community. Even though social media has been used by the Mahason Balakaya to spread anti-Muslim ideals, those too have been veiled and not direct statements. However, the officers observed interestingly that many known leaders of various 'nationalist' or anti-Muslim groups lack formal or stable employment and are seemingly engaged in propagating their ideologies on a full-time basis, which points to the fact 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 organizations 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.

Statement of the District secretary - Kandy District N.M.P. Hitisekara, Divisional secretary Gangawata Korale, Divisional Secretary Harispattuwa, and Divisional Secretary Akurana,

The District Secretary stated that he had previously not been privy to any tension between different communities in the Kandy region and had ensured ethnic and religious inclusivity in conducting various programs by his office. A meeting had been held at the District Secretary's office on 06.03.2018 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 06.03.2018 the District Secretary had been requested by Major Ranawana of the 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 'sterilization pills' rumours. However no platform had been created to address these suspicions, amplified by false information spreading through media with no measures taken to debunk such information.

The officers ensure the process of valuations and compensation will be concluded swiftly, with another group of persons set to receive compensation on 13.05.2018.

Statements of DIG of police M. Ekanayake, Colonel S.P. Aluvihare, Commander 111 Brigade Kandy/Mathale, Lieutenant Colonel D.S. Senanayake, civil affairs officer, 11 division Army camp Pallekale, Major R.M.C.P Darshana legal officer, SF regiment Naula

The DIG stated that within the span of about one year prior to the violence in Digana, no less than 3 incidents in Poojapitiya, Gampola and Digana have taken place which could have escalated into communal violence that had been quashed by the intervention of police and religious leaders in those areas. The DIG refused to classify this one-sided attack as a Sinhala - Muslim riot. On 04.03.2018 approximately 500 people had thronged the road from Digana to Theldeniya hoisting white flags, in apparent anticipation of Kumarasinghe's body being paraded on the road to Digana while only about 7 people, all villagers, had been at the funeral house helping with preparations.

On 05.03.2018 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 organized effort to slow down reinforcements to Digana.

As the Kandy police station did not have adequate equipment such as vehicles, water cannons etc. to respond to violence on the scale witnessed in Digana, the DIG said reinforcements had to be requested from the army but had been expectedly delayed due to protocol. Even police reinforcements from other areas had been a challenge in terms of transporting officers, officers not being unfamiliar with the terrain, and logistical difficulties in providing food and housing for the officers. In addition, he stated that the police force was not large enough to comfortably afford to deploy a large amount of officers to one area without leaving another area unguarded. 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.

Lastly, the DIG remarked that on 05.03.2018 a certain monk had yelled at him at the Theldeniya police in front of a large gathering of the public. He also noted that communities have created artificial barriers amongst themselves when many Muslims have Sinhala prefixes (සමසම) to their names.

On the issue of whether the 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.

Further, 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 such as this. 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 as well as disabled officers.

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 is 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 organization or publicly support an extremist cause, there may possibly be some officers who support extremist causes, who if found will be disciplined.

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 04.03.2018 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 violent occurrences. After the STF officers had been deployed the ASP had been informed that 13 petrol bombs had been recovered and several suspects 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 beatings by the STF on 09.05.2018. Observing that the video has been edited, 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 advice of the IGP regarding this incident, the officers denied any wrong doing on the part of the STF and requested that the unedited footage be watched. They also undertook to investigate the incident at Hijrapura and the complaint regarding harassment at Thannekumbura (which they did not know about previously).

Statements of Grama Niladharis, valuation officer, officer-in-charge of fire brigade, Kandy and chief engineer, fire brigade, Matale.

The Grama Niladhari of the division in which one of the suspects in the assault of Kumarasinghe lives said 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 of Muslim women resorting to the Burqa has resulted in a certain amount of suspicion among the Sinhala people in his area, an opinion which was echoed by the Assistant Divisional Secretary. A decrease in the number of Muslims, especially women, participating in community events in the area, with the Muslim community preferring nowadays to contribute monetarily rather than through labour to activities such as Shramadhanas, has exacerbated the situation.

The Grama Niladharis further stated that during the violence, the mob that had attacked Muslim-owned shops and houses have 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, with the Digana area coming under the jurisdiction of several police stations. 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 05.03.2018 as a large number of people had been blocking the roads. Approximately 8 fire trucks, two bowsers, and 3

ambulances had been deployed to the area. However the station had been understaffed as no recruitment had been done in years, but fire stations in other areas are apparently in even worse condition.

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 09.03.2018 immediately after the violence had been quelled completely, and all valuation reports handed over to the relevant authorities by 12.03.2018 as per the valuation officer.

4. Statements recorded from suspects

Visit record - investigation conducted on 16.03.2018

Officers of the Kandy regional office visited Bogambara - Pallekale prison on 16.03.2018 to inspect the wellbeing and the conditions of detention of the four Muslim youths who had been remanded in connection to the murder of Heepitiye Gedara Kumarasinghe and the suspects who had been arrested in relation to the attacks in Digana and environs.

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

The relevant arrest details of these suspects are as follows;

Name	Age	Date of arrest	Date produced before the Magistrate
██████████	23	22.02.2018	23.02.2018
██████████ ██████████	17	24.02.2018	25.02.2018
██████████	26	24.02.2018	25.02.2018
██████████ ██████████	26	03.03.2018	03.03.2018

Contrary to accusations leveled against the Police for delaying the arrest of the suspects in this incident, the records of arrest does not reveal any delay. All 4 suspects of the attack on H.G Kumarasinghe had been arrested and produced before the Magistrate prior to violence breaking out. These suspects were charged under paragraph 3(1) of the ICCPR Act No. 56 of 2007 and paragraphs 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 H.G 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 H.G Kumarasinghe. The situation had escalated when H.G Kumrasinghe had grabbed one of them, ██████████ by the front of his shirt prompting ██████████ to hit Kumarasinghe on the head with a beer bottle. After this, H.G Kumarasinghe's apprentice had physically confronted ██████████. ██████████ had then hit them both with a metal chair belonging to the filling station to break up the fight, resulting in the chair breaking. Afterwards the suspects had paid the security guard Rs.1000.00 for the damage to the chair and had left the scene.

The suspects denied the attack on H.G Kumarasinghe had any ethnic overtones stating that they had not known his ethnicity until after they were arrested. They have had no intention of causing H.G Kumarasinghe's death and had not thought he would have died of 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, not by their families or the community.

Statements of the suspects arrested in relation to racial violence

Statements were recorded from up to 80 detainees remanded on suspicion of engaging in racial violence. These detainees have been arrested by the Army, Police and T.I.D.

24 detainees had been arrested on 04.03.2018 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 H.G Kumarasinghe. The situation had been peaceful whilst on their way to the funeral but on their return they had witnessed a shop been lit 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 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 15 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.

Violating curfew

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, going out to buy food etc. 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 said 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 been released.

Visit record – 04.07.2018

Officers of the Commission visited the Bogambara prison, Dumbara, Pallekale on 04.07.2018 to interview the persons arrested on charges of instigating violence. . The suspects interviewed were [REDACTED]

[REDACTED] All of these suspects are males between the ages of 20 -35, several are contract builders by occupation.

All of these suspects were arrested by the TID on suspicion of organizing the attacks in Digana and surrounding areas. Two have been arrested in Poojapitiya on 08.03.2018 while the others were arrested on 07.03.2018 at the residence of Amith Weerasinghe, the main suspect of these attacks and the founder of the Mahason Balakaya. All ten suspects had been produced before the Magistrate on 17.03.2018. TID had interrogated the suspects in detention for about 10 days before producing before the Magistrate. They all denied having any involvement in the attacks.

Some suspects said that they were members of organizations named ‘Sinhale Api’ and ‘Ekathu wemu rata hadamu’, founded to help and empower Sinhala people. One detainee said that he thought the Sinhala people were endangered and that most of businesses in towns have been taken over by the Muslims however, denying his organization 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 this incident in the months following the incident, among which was one female suspect arrested in Anuradhapura. She stated that she had been caught up in the mob on 05.03.2018 and had been forced to throw stones.

Statement of Amith Weerasinghe

Vidanapathiranaige 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. He was interviewed by officers attached to the Anuradhapura Regional office of the Human Rights Commission of Sri Lanka on 2018.07.16. Prior to the attacks he had been the founder and director of the organization known as 'Mahason Balakaya' which had operated in the Kundasale area. He has been accused of organizing these attacks. However he denies all allegations against him and has stated that he was framed by the police. He was arrested on 07.03.2018 along with several others by the police. After extensive questioning by the TID in Colombo he had been produced before the court in Theldeniya on 2018.03.18. He is currently remanded at the Anuradhapura prison while the trial is ongoing.

5. Deaths and injuries

4.1 Deaths

While the death of Heepitiye Gedara Kumarasinghe at the hands of 4 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 inquiry revealed deep rooted anti-Muslim sentiments amongst Sinhala nationalist factions.

24 year old [REDACTED] succumbed to smoke inhalation on 05.03.2018 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 06.03.2018.

On 07.03.2018 R [REDACTED] was killed in Poojapitiya after a grenade exploded amongst 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.

4.2 Injuries

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

Accordingly, on 05.03.2018 the brother of [REDACTED] 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. He had been admitted to ward 10 of Kandy hospital and later transferred to wards 11 and 22B consecutively. Medical reports reveal 15% of his body had suffered burns due to direct exposure to fire.

On 07.03.2018, 12 people were injured in the same grenade explosion that killed [REDACTED]. On the same day, [REDACTED] 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. Investigations in this regard continue to date. This was the only reported instance of a Muslim person being deliberately attacked.

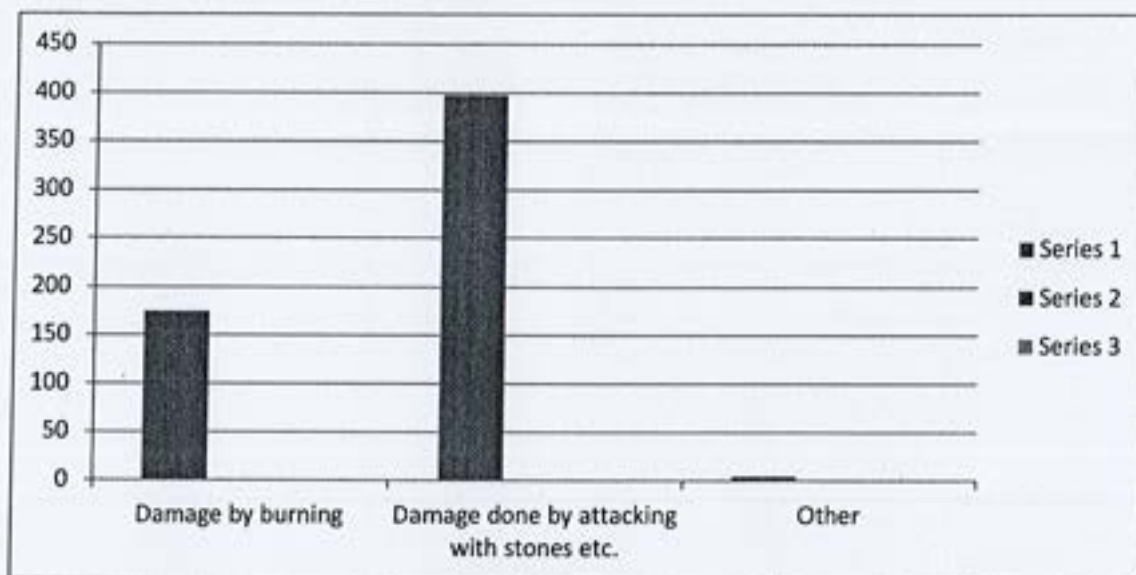
6. Damage to property

6.1 Introduction

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 jealousy, given rise to by the misplaced belief among certain Sinhala factions that the Muslims are 'taking over' businesses, as evidenced by the sentiments shared with the investigation officers by the suspects in detention. 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.

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, which could be attributed to the lack of formal education, 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.)

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

Date	Deaths			Injuries					Property damage												TOTAL						
	Theidenya	Pallekale	Poojapitiya	Pallekale	Poojapitiya	Katugasthota	Manikhinna	Waththegama	TOTAL	Theidenya	Pallekale	Rangala	Poojapitiya	Katugasthota	Manikhinna	Kandy	Galagedara	Waththegama	Alawathugoda	Thalathuoya		Kaduganawa	Peradeniya	Hasalaka	Mathale	Galaha	
03.03.2018	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
04.03.2018	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
05.03.2018	-	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	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 D.I.G OF POLICE - CENTRAL PROVINCE)

- 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 IN DIGANA ACCORDING TO ETHNICITY 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	-	-
Poojapitiya	1	12	41	4	36	1	22	17	2
Katugasthota	-	5	158	1	156	-	33	125	-
Manikihinna	-	5	15	6	9	-	1	14	-
Kandy	-	-	7	-	7	-	2	5	-
Galagedara	-	-	41	-	41	-	1	40	-
Wathegama	-	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 D.I.G OF POLICE - CENTRAL PROVINCE)

- The inquiry revealed evidence to the effect that the damages to Sinhalese owned properties are either accidental (i.e. spreading of fire from neighboring 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 has been caused by the detonating of petrol bombs.
- The evidence indicates that the mob possessed both organizational and financial strength.

6.2 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 D.I.G OF POLICE - CENTRAL PROVINCE)

- The data reveals that most of the damage has been 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 centers had a heavy law enforcement presence.
- The houses damaged in areas like Pallekale and Theldeniya were mostly houses close to the main road leading to Kandy.

6.3 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 D.I.G OF POLICE - CENTRAL PROVINCE).

- More commercial establishments have been damaged in Theldeniya than houses, as the violence was more concentrated in Theldeniya and Digana towns both of which have a large number of Muslim owned businesses. The fuel station at which Heepitiye Gedara 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 which 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 Sinhala. Therefore the destruction of property has deprived many Sinhalese of their livelihood as well. The Muslim owner of a saw mill in Ambathenne which was burnt down stated (at a meeting held on 27.03.2018) that he had employed 100 Sinhala 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.

6.4 Damage to places of worship.

Place	Total incidents reported.	According to religion			According to method.		
		Budhdhist 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 D.I.G OF POLICE - CENTRAL PROVINCE)

- One Buddhist temple in Ambathenne, Poojapitiya situated adjacent to the destroyed Saw Mill had also been damaged. The damages were 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 07.03.2018. No arrests had been made and no CCTV footage is available in this regard. It is unclear if the attack was committed by Muslims in retaliation or if it was committed to provoke further violence. In any event, this incident had proved to be the catalyst for the second wave of attacks.

6.5 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 BY OFFICE OF SENIOR D.I.G OF POLICE - CENTRAL PROVINCE)

- 16 Motor cycles, 5 Lorries, 11 cars, 8 vans, one bus, and 13 other vehicles have been damaged.
- Mobs had damaged two Jeeps belonging to the Police by stoning on 05.03.2018. This is the only recorded instance of damage to public property.

7. Valuation of damages and Compensation

The report of the District Secretary confirms that a meeting was convened on 10.03.2018 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 victims 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 had been directed to produce valuation reports assessing the value of the properties damaged as a result of the violence.

Compensation had been decided to be paid swiftly according to the valuation reports. Until such time as full compensation is paid, it had been decided to pay a sum of Rs.100,000.00 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 has been decided to be paid to the dependents of the fatalities of violence with a further sum of Rs.400,000.00 set to be paid in the future. The Divisional Secretary of the Madadumbara Divisional Secretariat was also directed to pay Samurdhi and disability benefits to the deceased H.G Kumarasinghe's wife and disabled child.

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 had been designated persons responsible for disbursement of the initial payment.

Further, the Secretary to the Prime Minister was directed to advise banks to temporarily suspend deducting loan installments 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 19.03.2018 it had been further decided to initially pay an amount not exceeding Rs.500,000.00 to places of worship damaged by these attacks.

The compositions of the valuation committees for various payment brackets (under Rs.100,000.00, between Rs.100,000.00-Rs.500,000.00 and over Rs.500,000.00) had also been decided at this meeting while all valuation reports had been 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 have been directed to complete the granting of compensation at their earliest. The HRCSL has not yet received any complaints on issues related to valuation and compensation.

Summary of the progression of compensation requests as of 09.05.2018

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	2073458.00
Houses	296	224	72	9746545.00
Businesses	221	119	102	7008417.53
Vehicles	34	32	2	9896500.00
Total amount requested				28724920.53

(Source - report provided by District Secretary of Kandy district)

Progression of forwarding valuation reports to the Ministry of Prisons, Reconstruction, Rehabilitation, Resettlement and Hindu Religious affairs (As of 09.05.2018)

D.S. division	Compensation requested					
	Places of worship		Houses		Businesses	
	Number	Amount (Rs.)	Number	Amount (Rs.)	Number	Amount (Rs.)
Harispattuwa	3	314950.00	88	3364610.00	17	603140.00
Minipe	0	0	0	0	1	105000.00
Pathahewaheta	0	0	0	0	1	7320.53
Pathadumbara	2	475508.00	30	1743285.00	7	788730.00
Medadumbara	0	0	0	0	2	72000.00
Akurana	4	127500.00	14	346750.00	4	573600.00
Yatinuwara	0	0	0	0	3	357362.00
Gangawatakorale	4	125750.00	2	72000.00	2	157965.00
Poojapitiya	2	233000.00	16	1330050.00	2	67000.00
Udunuwara	0	0	3	44850.00	0	0
Kundasale	4	796750.00	71	2845000.00	80	4276300.00
Total	19	2073458.00	224	9746545.00	119	7008417.53

(Source - report provided by District Secretary of Kandy district)

Compensation paid on 19.03.2018

D.S. Division	Addition paid on 2018.03.19							Total amount paid.
	Places of Worship	Amount paid (Rs.)	Houses	Amount paid (Rs.)	Businesses	Amount paid (Rs.)		
Harispattuwa	-	-	10	360000.00	11	1000000.00	1360000.00	
Minipe	-	-	-	-	-	-	-	
Pathahewaheta	-	-	-	-	-	-	-	
Pathadumbara	-	-	-	-	-	-	-	
Medadumbara	-	-	-	-	-	-	-	
Akurana	-	-	18	400500.00	14	1225000.00	1625500.00	
Yatinuwara	-	-	-	-	-	-	-	
Gangawatakorale	-	-	3	200000.00	1	100000.00	300000.00	
Poojapitiya	-	-	7	350000.00	7	700000.00	1050000.00	
Udumuware	-	-	-	-	-	-	-	
Kundasale	-	-	24	1200000.00	20	2000000.00	3200000.00	
Total	-	-	62	2510500.00	53	5025000.00	7535500.00	

(Source - report provided by District Secretary of Kandy district)

Compensation paid on 13.05.2018 (due as of 09.05.2018)

(Source - report provided by District Secretary of Kandy district)

D.S. Division	Addition paid on 2018.03.19										Total amount paid (Rs.)
	Places of Worship	Amount paid (Rs.)	Houses	Amount paid (Rs.)	Businesses	Amount paid (Rs.)	Vehicles	Amount paid (Rs.)	Total		
Harispattuwa	-	-	105	3063300.00	-	-	2	121500.00	3184800.00		
Minipe	-	-	-	-	1	100000.00	-	-	100000.00		
Pathahewaheta	-	-	-	-	-	-	-	-	-		
Pathadumbara	-	-	28	946510.00	7	387500.00	1	58500.00	1392010.00		
Medadumbara	-	-	-	-	-	-	-	-	-		
Akurana	-	-	15	393500.00	2	169000.00	3	67000.00	629500.00		
Yatinuwara	-	-	3	156790.00	-	-	-	-	156790.00		
Gangawatakorale	-	-	-	-	-	-	-	-	-		
Poojapitiya	-	-	14	577600.00	2	67000.00	-	-	644600.00		
Uduruwara	-	-	-	-	-	-	-	-	-		
Kundasale	-	-	72	2063550.00	25	689850.00	-	-	2753400.00		
Total	-	-	237	7201250.00	37	1413350.00	6	246500.00	8861100.00		

8. Media Coverage

8.1 Electronic media

As a whole, media coverage of the violence was subdued. However, on 05.03.2018 HiruTV and DeranaTV channels, in an irresponsible move, broadcasted 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.

8.2 Print media

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

8.2.1 Local Media

- ❖ 2018.03.06 - ලංකාදීප - මහනුවර දිසාවට ඇදිරි නීතිය, තෙල් දෙණිය - දිගන ආරක්ෂාවට පොලීසියෙන් හමුදාවෙන් 500ක්.
- ❖ 07.03.2018 - ලංකාදීප - රට පුරා හදිසි නීතිය සනිටුහන් කිරීමට 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 - කඩසාල්ලු 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 - පොලීස් මෙහෙයුම් දිනටම
- ❖ 12.03.2018 - Daily News - Organized group behind unrest.
- ❖ 12.03.2018 - ලංකාදීප - ඇදිරි නීතිය කැපුම් 6ක් විමෝචන.
- ❖ 12.03.2018 - ලංකාදීප - අම්පාර - දිගන ගැටුම් ගැන සෙවීමට විශේෂ කොමිෂන් 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 - පෙට්ටුල් බෝම්බ 18ක් මහනුවර නිවෙසකින් අල්ලයි.

- ❖ 14.03.2018 - ලංකාදීප - පොලීසිය මහසොහොන් කාර්යාලය වටලයි, පෙට්ටල් බෝම්බ හතකුත් අසුරවයි
- ❖ 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 හැඳුවේ බොහෝමයක් 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 Commission at the inquiry on 12.05.2018, 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 when the suspects had not been released as claimed.

8.2.2 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.

9. The role of social media

The decision of the government to impose restrictions on social media (Facebook, WhatsApp, Viber, Instagram etc.) or to ban those completely in order to curb the spreading of hate speech and violence drew widespread criticism for restricting and stifling freedom of expression. However, during the preliminary investigation carried out by the Kandy office during and after the violence, both victims and law enforcement officials stated that the organizers of the violent acts used social media platforms to spread misinformation 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, uncensored, despite the inflammatory nature of his posts. This account was not taken down until after the attacks. The restrictions on social media were welcomed during and in the immediate aftermath of the violence by people affected by the violence.

HRCSL recognizes the restrictions and ban on social media platforms during and in the immediate aftermath of the violence as a necessary precaution in a situation where communities were in danger. In a correspondence to His Excellency the President on 31.05.2017 the Commission warned the government of hate speech being spread by certain people through social media and urged legal action against these people (Attachment 08). During the period of violence the Hon.Chairperson wrote to both the President and Prime Minister on 07.03.2018 drawing their attention to the fact that social media was playing a huge role in perpetuating violence.

At the same time, as stated in the correspondence to the Secretary of the Telecommunication Regulatory Commission (Attachment 09), while the Human Rights Commission understands 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 conduct of Facebook itself, 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 recognized 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 was spread with alarming speed by even traditional print and electronic media, the debunking of this claim by medical professionals did not receive similar exposure.

While contextually dissimilar, the findings shared by the Chairperson of the Fact-Finding Mission on Myanmar, Marzuki Darusman, during the Human Rights Council session in Geneva, Switzerland, on 12 March 2018 are relevant in recognizing and accepting the dangers of unchecked hate speech. Facebook had played a determining role in spreading hate in Myanmar in the lead up to the persecution of Rohingya Muslims where 'Nationalist' groups had used Facebook to spread their inflammatory rhetoric and encourage violence against minorities.

The inaction of Facebook in the circumstances, despite complaints of the spreading of hate speech, had perceivably been due to a lack of moderators fluent in Sinhala, and is apparently being rectified. However, it is observed that Facebook as a responsible social media platform should employ more stringent controls to prevent the spreading of such violence. Regardless of the conduct of Facebook and any remedial measures it may take in the future, the most effective deterrent to the spread of hate speech on social media is to prosecute persons responsible for propagating communal hatred and sectarian violence under section 3 of the ICCPR Act.

10. Legal Framework

This section will set out the legal framework within which the Commission assessed the situation and made its findings. The following legal provisions contained in the domestic law of Sri Lanka are applicable to the violent acts committed in Digana and environs;

1978 Constitution of the Democratic Socialist Republic of Sri Lanka

Article 10

Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

Article 11

No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 12

(1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds:

Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public, Judicial or Local Government Service or in the service of any public corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office:

Provided further that it shall be lawful to require a person to have sufficient knowledge of any language as a qualification for any such employment or office where no function of that employment or office can be discharged otherwise than with a knowledge of that language.

(3) No person shall, on the grounds of race, religion, language, caste, sex or any one such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.

(4) Nothing in this Article shall prevent special provision being made, by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons.

Article 14

(1) Every citizen is entitled to -

- (a) the freedom of speech and expression including publication;
- (b) the freedom of peaceful assembly;
- (c) the freedom of association;
- (d) the freedom to form and join a trade union;
- (e) the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice or teaching;
- (f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;
- (g) the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise;
- (h) the freedom of movement and of choosing his residence within Sri Lanka; and
- (i) the freedom to return to Sri Lanka.

(2) A person who, not being a citizen of any other country, has been permanently and legally resident in Sri Lanka immediately prior to the commencement of the Constitution and continues to be so resident shall be entitled, for a period of ten years from the commencement of the Constitution, to the rights declared and recognized by paragraph (1) of this Article.

Restrictions on fundamental Rights

Article 15

(1) The exercise and operation of the fundamental rights declared and recognized by Articles 13 (5) and 13 (6) shall be subject only to such restrictions as may be prescribed by law in the interests of national security. For the purposes of this paragraph "law" includes regulations made under the law for the time being relating to public security.

(2) The exercise and operation of the fundamental right declared and recognized by Article 14(1) (a) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence.

(3) The exercise and operation of the fundamental right declared and recognized by Article 14(1) (b) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony.

(4) The exercise and operation of the fundamental right declared and recognized by Article 14(1) (c) shall be subject to such restrictions as may be prescribed by law in the interests, of racial and religious harmony or national economy.

- The alleged perpetrators of the violent acts in Digana and environs can and in certain instances have been charged and are being prosecuted under the following legal provisions;

International Covenant on Civil and Political Rights (ICCPR) Act No.56 of 2007

Section 3

(1) No person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

(2) Every person who—

(a) attempts to commit;

(b) aids or abets in the commission of; or

(c) threatens to commit,

an offence referred to in subsection (1), shall be guilty of an offence under this Act.

(3) A person found guilty of committing an offence under subsection (1) or subsection (2) of this section shall on conviction by the High Court, be punished with rigorous imprisonment for a term not exceeding ten years.

(4) An offence under this section shall be cognizable and non-bailable, and no person suspected or accused of such an offence shall be enlarged on bail, except by the High Court in exceptional circumstances.

(5) A trial in the High Court against any person for the commission of an offence under this section shall be taken up before any other business of that Court and shall be held on a day to day basis and shall not be postponed, unless due to any unavoidable circumstances, which shall be recorded.

(6) For the purpose of subsection (2) of this section "abet" shall have the same meaning as in section 100 of the Penal Code.

Offences against Public Property Act No.12 of 1982

Section 2

Any person who commits the offence of mischief to public property shall be guilty of an offence and shall upon conviction be punished with imprisonment of either description for a term not less than one year but not exceeding twenty years, and with a fine of one thousand rupees or three times the amount of the loss or damage caused to such property, whichever amount is higher.

Penal Code of Sri Lanka

Section 140

Whoever is a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Section 300

Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable to imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Section 314

Whoever, except in the case provided for by section 325, voluntarily causes hurt shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Section 316

Whoever, except in the case provided for by section 326, voluntarily causes grievous hurt shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the person to whom the grievous hurt is caused shall be a woman or a child, may in addition be punished with whipping.

Section 418

Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 419

Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

Section 433

Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Section 486

Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both ;and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Public Security Ordinance

Section 5

- (1) The President may make such regulations (hereinafter referred to as "emergency regulations" as appear to him to be necessary or expedient in the interests of public security and the preservation of public order and the suppression of mutiny, riot or civil commotion, or for the maintenance of supplies and services essential to the life of the community.
- (2) Without prejudice to the generality of the powers conferred by the preceding subsection, emergency regulations may, so far as appears to the President to be necessary or expedient for any of the purpose mentioned in that subsection-
- (a) authorize and provide for the detention of persons;
 - (b) authorize-
 - (i) the taking of possession or control, on behalf of the State, of any property or undertaking;
 - (ii) the acquisition on behalf of the State of any property other than land;
 - (c) authorize the entering and search of any premises;

(d) provide for amending any law, for suspending the operation of any law and for applying any law with or without modification;

(e) provide for charging, in respect of the grant or issue of any license, permit, certificate or other document for the purposes of the regulations, such fee as may be prescribed by or under the regulations;

(f) provide for payment of compensation and remuneration to persons affected by the regulations;

(g) make provisions for the apprehension and punishment of offenders and for their trial by such courts, not being courts martial, and in accordance with such procedure, as may be provided for by the regulations, and for appeals from the orders or decisions of such courts and the hearing and disposal of such appeals.

(3) Any emergency regulation may be added to, or altered or revoked by resolution of Parliament or by regulation made under the preceding provisions of this section.

Section 16

(1) Where the President considers it necessary to do so for the maintenance of public order in any area, he may, by Order published in the Gazette, direct that, subject to such exemption as may be made by that Order or by any subsequent Order made under this section, no person in such area shall, between such hours as may be specified in the Order, be on any public road, railway, public park, public recreation ground or other public ground or the seashore except under the authority of a written permit granted by such person as may be specified in the Order.

(2) In subsection (1), "public road" includes any roadway over a public bridge, any pavement, drain embankment or ditch belonging or appertaining to a public road.

(3) If any person contravenes an Order made under this section, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not exceeding one month or to a fine not exceeding one hundred rupees or to both such imprisonment and fine.

(4) Where a person accused of the offence of contravening an Order made under this section is ordered by the court to be released on bail or on his executing a bond without sureties for his appearance in court, the amount of the bail bond or of the bond without sureties shall not exceed five hundred rupees.

His Excellency, the President issued a proclamation in terms of Section 2 of the Public Security Ordinance as amended by Act, No. 8 of 1959, Law, No. 6 of 1978 and Act, No. 28 of 1988 by way of Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary) - No. 2061/21 dated Tuesday March 06, 2018 declaring a State of Emergency to respond to the situation in the Kandy District.

BREAKDOWN OF SUSPECTS ARRESTED FROM 03.03.2018 TO 10.03.2018 IN RELATION TO THE VIOLENCE IN DIGANA AND SURROUNDING AREAS

Police station	Within the district	Outside the district	ICCPR	Penal code	Emergency situation 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 D.I.G OF POLICE - CENTRAL PROVINCE)

11. Observations

The Commission makes the following observations based on its analysis of the events;

Causes for the development of Unrest

Preceding the violence

- Registration of Organizations and Political Parties promoting racist/extremist mandates

Various organizations and political parties promoting racist ideals have been registered and are operating within Sri Lanka. Even the unregistered organizations continue to operate with impunity despite propagating ethnic and religious intolerance. It is imperative that intelligence services monitor such organizations in the interests of national security and communal harmony to foil attempts of racial discrimination and segregation. It has been identified that these organizations have a strong social media presence which should be curbed to prevent the proliferation of racism or religious extremism.

In the aftermath of the violence in Digana and environs, the Police arrested Amith Weerasinghe, the founder/leader of the 'Mahason Balakaya', which is one such extremist organization, and an instigator of the Digana-Theldeniya communal unrest. Even though there is reliable evidence that this organization propagated its extremist sentiments and hate speech through various social media including Facebook, no measure had previously been taken to monitor and check such activities, the passivity leading to the horrendous violence that took place in March 2018.

The near 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', 'Sinha-le' etc., Sinhalese boycotting shops and businesses owned by Muslims and vice versa, extremist factions gathering around religious places to hold discussions and engage in various activities to spread extremism, and according to media reports, certain groups hoisting a national flag in which the colored stripes that represented minorities were eliminated. This situation was also brought to the attention of and discussed at meetings organized by the HRCSL in the aftermath of the violent incidents. It is observed that the unchecked

circulation of these statements created an environment in which a racial hatred and unrest escalated among communities, especially the Sinhala and Muslim youth.

- Unsatisfactory responses to previous incidents of violence based on racial divisions

The mistrust and misunderstandings among communities 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. The conduct of the authorities and relevant officials in responding to those previous situations was limited to banning the particular shops and 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 have 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 capable of creating strong public responses against these accusations were not adequately responsive to the situation, which later led to extremist faction unhesitating to make incendiary statements. Even politicians and political parties, instead of thwarting the rise of racism in a responsible manner, have sought to benefit from these extremist sentiments. Several political analysts have noted that the votes of minority communities have had a significant bearing on the results of recent elections. 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, with information of a racial conflict in Sri Lanka being widely disseminated.

- 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 impeded the police in providing protection even with severely constrained

resources. Therefore it is evident that the quality of the intelligence services need enhancement in order to operate effectively in the interests of public security.

- Segregation of schools based on ethnicity and religion

Priority is given to Sinhala and Tamil medium students in the admission process to national schools while the percentage of students from other communities to be admitted is determined by the government (Ex: In a Sinhala school, the percentage of Islam, Christian and non-Christian students is determined). For instance, in a class of 35, it is observed that only 1 or no student from other communities is admitted. In such a class with a Sinhala majority, the student of a different racial identity is likely to be isolated.

All schools are likewise categorized as Sinhala, Tamil and Muslim. Such strict segregation of communities at the initial stages of human development was recognized to be detrimental to national reconciliation in discussions held by the HRCSL with government officers, human rights advocates, and religious leaders. It was brought to the notice of the Commission by a civil society activist at one such meeting that even certain school text books contain substance that promote racist ideologies.

- Impact of weak language fluency in creating misunderstandings among communities

In areas where there is 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 also more orientated towards examinations and not towards fostering understanding of a language and culture of another community living in the same country.

- Inadequate involvement of media in progressing religious understanding

As observed previously, the media displayed a lack of interest in publicizing information that would aid in debunking misunderstandings and myths relating to other communities, whereas statements and conduct inciting racist sentiments and violence were seen to be given prominence by these same media outlets. It was also observed that TV shows, films, and other artistic work

arousing racism and hatred towards other communities are frequently broadcasted to the public, which undoubtedly influenced tension amongst people, particularly the youth.

During and After the Incidents

- Spread of rumors/false information/misinformation

It was observed in this situation rumors and falsehoods were spread locally and internationally which were mostly disproportionate to the reality. During the violence, the officers of the HRCSL came across various rumors and exaggerations which proved to be completely false upon investigation.

For example, the minor damages to the Mullegama Priyadrashanaramaya 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, [REDACTED] 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 4 persons were burnt to death in Katugastota and when investigated, it was revealed that 4 charred mannequins in a shop damaged by fire had been the catalyst for the misinformation.

False information inciting racism was also spread about the death of Mr. Kumarasinghe, such as that he had sustained injuries at the hands of his assaulters to the extent of not being able to receive medication intravenously. Another piece of false information was that the 4 suspects of the assault were bailed out soon after the arrest, which is often cited as a cause for eruption of violence. However HRCSL confirmed through reliable sources and evidence 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 could most probably have been to incite further violence against the Muslim community, perhaps in other areas of the country as well.

- Insufficient numbers of police and armed forces to suppress the violence and their performance

It has been reported by police that the attacks were made by a mob of about 1000-2000 persons far outnumbering the police officers and other security personnel deployed to the area. Furthermore, in areas such as Digana the police had been completely unprepared to respond to an attack of such magnitude. This is indicative of a lack of training and insufficient personnel. Regarding the failure of security personnel to open fire on the mobs, the HRCSL recognizes that in many cases recourse to shooting would have done more harm than good.

During their visits to the affected areas since the beginning of the violent incidents, officers of the HRCSL witnessed that many deficiencies existed in the security of the area. 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 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 07.03.2018, and the condition prior to this day was unsatisfactory.

It is understandable that practical difficulties would have arisen at the initial stages of the violence when attempting to arrest a large number of persons by a small group of police officers.

- Claims of the 'outsiders' perpetrating violence

The HRCSL observes that many, including the victims of these attacks and police officers, have claimed that the attacks were perpetrated not by locals but by outsiders to the area. This is based on the fact that the victims of the attack were not able to recognize many of the people who had formed the mobs. It is important to note that 'outsiders' here denotes people that are not residents of that immediate vicinity or village and thus unknown to the victims. Arrest records show that while many of those arrested were not residents of that village or area, they were resident within a 5-10 KM radius of the affected areas (For example, HQI Kandy stated that in PahaJa Thannekumbura he had arrested people from Ampitiya, Dodanwala etc.).

- 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 minimize the damage. This has led to a suspicion among the Muslim community that the conduct of the fire brigade was deliberate. The testimonies of the officers on 12.05.2018 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 caused by these attacks could have been minimized.

- STF officers assaulting Muslim civilians in Hijrapura

As stated elsewhere in this report, 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 05.03.2018. 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 had been handed over despite repeated attempts by the Commission to obtain this evidence. The HRCSL also observes that it is problematic that the complainant who had been accused of concealing petrol bombs had not informed of the assault to the magistrate before who he had been produced after arrest. However this complainant produced a medical report and photos showing evidence of assault. Several of the other complainants have not sought treatment from a hospital or had sought treatment several days past the alleged assault (one complainant had been hospitalized on 11.03.2018 while another had been hospitalized on 13.03.2018) which the HRCSL is unable to accept.

HRCSL was informed on 12.05.2018 that an inquiry into the matter has been launched by the Theldeniya police, led by ASP1 Theldeniya.

- The impact on children

The HRCSL observes that the violence has had a damaging impact on children, with many traumatized 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 status of all these children immediately 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.

12. Conclusions

The Commission concludes that:

- The Theldeniya Police has taken necessary steps to arrest the persons suspected of assaulting deceased Mr. Kumarasinghe promptly and lawfully.
- Certain factions have propagated falsehoods alleging inaction by the police in arresting the suspects in the above incident, inciting the masses into violence.
- The ensuing violence was not a spontaneous response resulting from grief and anger over the death of Mr. Kumarasinghe but a premeditated series of violent acts instigated by certain extremist groups against the Muslim community in the area.
- It is evident that the police had taken various measures to prevent violence from breaking out in the aftermath of the assault on H.G. Kumarasinghe and to adequately respond to any violence which could potentially have erupted.
- Even if a few errant officers in the police and STF may have supported the violence, the security forces as whole have not supported the propagation or the spreading of violence.
- The failure of the police to prevent the attacks completely stems from inadequate intelligence gathering, resources, and cadre.
- Authorities have failed to adequately strengthen the police force, which plays an important role as the law enforcement agency during peacetime.

On the alleged ill-treatment of Muslim civilians in Hijrapura by the STF, the Commission concludes that;

The rights of [REDACTED] under Article 11 of the Constitution have not been violated in the absence of clear evidence submitted to the Commission to conclude that they were assaulted by the STF resulting in a violation of their rights under Article 11 of the 1978 Constitution of Sri Lanka.

13. Recommendations

Based on the findings and conclusions of the inquiry, the Human Rights Commission of Sri Lanka has identified several institutions to which recommendations must be made to prevent the recurrence of such violence. Those are;

1. Ministry of Law and Order.
2. Ministry of Social Services and Welfare
3. Ministry of Provincial Councils and Local Government
4. Ministry of National Integration, Reconciliation and Official Languages
5. Ministry of Education
6. Ministry of Youth Affairs
7. Ministry of Sports
8. Ministry of Governmental Administration and Management
9. Ministry of Women and Child Affairs
10. Election Secretariat

The Commission makes the following recommendations to the relevant institutions;

- 1. Ministry of Law and Order**

- 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.
- Establishing an intelligence-gathering mechanism to identify the propagation of communal disharmony through hate speech or any other means, adequately staffed with officers representing all ethnic and religious communities.
- Establishing inclusive civil committees representing all communities, especially the youth in the area, which meets at least once a month under the guidance and supervision of the Assistant Superintendent of Police in charge of each police division. To engage communities in inter-faith and inter-communal dialogues through the civil committees and raise awareness on the legal framework of the country with regard to reconciliation and co-existence.
- Providing adequate training and awareness to the armed forces on their duties and responsibilities in responding to conflicts or situations of violence and ensuring measures are in place to penalize those who support extremist organizations and ideologies or who fail to perform their duties.

2. Ministry of Social Services and Welfare

- To strictly consider the following factors in registering organizations to preclude the registration of organizations promoting divisive objectives;
 - Objective of the organization
 - Social connections and contacts of the organization
 - Sources of funding
 - Contribution and attitudes of the organization towards social welfare

2. Ministry of Provincial Councils and Local Government

- Effectively address the challenges faced by the fire brigade in responding to emergency of the magnitude that took place in Digana and environs.

- Take the following measures to enhance the performance of fire brigades;
 - 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.
 - Organize programmes aimed at specific communities (Ex: Three-wheeler drivers) through Municipal Councils, Urban Councils, and Paradeshiya Sabha to promote national reconciliation and ethnic harmony.

4. Ministry of National Integration, Reconciliation and Official Languages

- Organize 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 (Ex: Sale of food and clothes with sterilization drugs).
- Identifying the commonalities, if any, of the instigators of violence in Digana and environs such as the demographic 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.
- Introduce a cabinet paper to bring the ministries with portfolios of religious affairs (Ex: Buddhist Affairs, Christian Affairs, Islamic Affairs, and Hindu Affairs) under a single ministry.
- Organize festivals to celebrate days of religious and ethnic importance with the participation of all communities.
- Establish a mechanism to recruit persons in to government service taking into consideration the ethnic composition of the area and giving priority to those with bilingual proficiency.

5. Ministry of Education

As an important stakeholder in national reconciliation and ethnic harmony, to take measures to:

- 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 race and ethnicity (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 this violence in continuing their education at their previous schools and provide them with suitable alternatives.
- In the teaching of religion, give priority to teachers who belong to one ethnic/religious identity but are competent and qualified to teach another religion to ensure an environment of harmony for the students.
- Abolish the ethnicity-based quota in admitting children to schools or in the alternative increase the existing percentages of admission.
- Take necessary steps to promote ethnic harmony in the university system.

6. Ministry of Youth Affairs

- Paying special attention to the fact that the majority of suspects of the violence under discussion are young persons (16-35 years), to recognize the importance of youth empowerment and rehabilitation.
- Conduct rehabilitation programmes for the arrested suspects of violence to ensure attitudinal change.
- Develop youth organizations at various levels and provide assistance and guidance to such organizations in collaboration with religious and community leaders.
- Identify and provide sustainable solutions to issues faced by the contemporary youth.

- Provide free language education programmes for youth through youth organizations, for general usage and as a qualification for employment opportunities.

7. Ministry of Sports

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

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 organize projects and programmes designed to promote reconciliation and ethnic harmony.
- Organize 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 victims of violence.

9. Ministry of Women and Child Affairs

- Organize 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.

10. Election Commission

- Refuse registration or impose restrictions in consultation with all secretaries of existing political parties on political parties seeking registration if those pose a threat to national reconciliation and ethnic harmony.

ATTACHMENTS

1. Attachment 01 - Preliminary investigation report of the HRCSL regional office Kandy
2. Attachment 02 - Letter sent by the Hon. Chairperson to His Excellency the President on 07.03.2018
3. Attachment 03 - Letter sent by the Hon. Chairperson to the Hon. Prime Minister on 07.03.2018
4. Attachment 04 - Report on the programme held on 27.03.2018
5. Attachment 05 - Public notice published on the HRCSL website
6. Attachment 06 – Summons issued
7. Attachment 07 – Text of the Oath
8. Attachment 08 - Letter sent by the Hon. Chairperson to His Excellency the President on 31.05.2017
9. Attachment 09 - Letter sent by the Hon. Chairperson to the Hon. Chairman of the Telecommunication Regulatory Commission
10. Attachment 10 – Medical report of H.G. Kumarasinghe
11. Attachment 11 – Medical report of [REDACTED]
12. Attachment 12 – Medical report of [REDACTED]

Attachment 01

REPORT - KANDY RACIAL VIOLENCE

VISIT REPORT - 2018.03.06

PARTICIPANTS - REGIONAL COORDINATOR MRS. KUMUDUNI VITHANA

INVESTIGATING OFFICER MR. M.N. APONSU

TRAINEE MS.RUSHMI WICKRAMAGAMAGE

INTERN MR. SRIMAL WIJENAYAKE

OFFICIALS MET- MR. MAHINDA EKANAYAKE, D.I.G KANDY

MR. P.L. ABEYSINGHE, C.I, H.Q.I THELDENIYA

MR. SATHARASINGHE, C.I, THELDENIYA ADMIN. O.I.C

Incident.

On the 5th of March 2018 reports began to emerge of Sinhala mobs attacking Muslim shops, homes and places of worship in and around Digana town and Theldeniya. Some incidents were also reported in Pallekale and Katugastota. In the evening of the 5th Theldeniya police station was attacked after which police curfew was imposed in the Kandy District. The reason for the violence was at first unclear because of various rumors propagated through social media. However it later emerged that the violence was a result of a Sinhala man being beaten (who later succumbed to his injuries) by a group of Muslim men as a result of a dispute at a fuel station. The CCTV footage showing the attack was broadcasted by several television networks as part of their news programme on the night of the 5th. This was perceived as a racially motivated crime which then sparked racial tension and retaliation.

The Murder (These facts were related by [REDACTED], who witnessed the aftermath of the assault, on 06.03.2018)

The victim's was Heepitiye Gedara Kumarasinghe, a 43 year old man resident at No. 158, Pusgohuwa, Puwakgahadhiwela, Madhdha Dhumbara. He was employed as a lorry driver for 'Sinha Super' at the time of his death. In the early hours of the morning on the 22nd of February, he has arrived at a fuel station belonging to Sinha Super, which was where he normally parked the lorry, carrying cargo of Anchor milk powder. Four drunk men in a three-wheeler behind him had been driving erratically. At one point the lorry has lightly grazed the three wheeler, because of which the three-wheeler had also pulled into the fuel

station and the men in the three-wheeler had beaten the victim with beer bottles causing a head injury. The apprentice of the victim, [REDACTED], had also witnessed this incident. While fuel station attendants and a security guard had been present they had not attempted to assist the victim at any point. The victim has then called [REDACTED] who is a Police Constable at Theldeniya police station at about 1.00 am.

[REDACTED] had been off duty at the time the victim had come to the police station (which is situated close to the fuel station). However the victim had refused to make a statement to the police or seek medical treatment at the hospital. He has then gone back to the lorry to guard his cargo. However, Mr. Kumarasinghe has called [REDACTED] again and said that he was feeling ill. When [REDACTED] had gone to the fuel station he found Mr. Kumarasinghe unconscious on the ground near the lorry. Upon rushing him to the hospital in Theldeniya a Doctor had transferred the victim in an ambulance to the Kandy hospital. The victim has not regained consciousness and had succumbed to his injuries on 03.03.2018.

After Mr. Kumarasinghe was hospitalized, a complaint was filed with the Theldeniya police station. The assailants had been identified and arrested as follows.

Arrests with date and time - Details were provided by Mr. Satharasinghe, O.I.C, Administration

22.02.2018 - 5.45 pm - [REDACTED] - Arrested
24.02.2018 - 2.00 pm - [REDACTED] Arrested
24.02. 2018 - 2.00 pm - [REDACTED]
[REDACTED] Arrested
03.03.2018- 2.40 pm - [REDACTED] - Surrendered

These four men were charged with attempted murder and violating Section 3 of the ICCPR Act. The dates of arrest do not show any significant inexplicable delay in arrests.

Build-up of racial tension as reported

The situation in the village the victim lived in was peaceful. The family of the victim said that they had no connection with extremist elements and several Muslim people lived in the village. The victim's best friend was also Muslim but had been told not to come to the funeral for his own safety. Any racial tension in the village was said to have been kept under check by the head monk of the Perakatiya temple Rev. Keenapalasse Gnanissara. The local mosque has cooperated in asking the assailants to surrender to the police. The mosque has also offered a sum of 10 lakhs in order to support the family of the victim. A tense situation had arisen on the 5th of March when several monks had come to the Theldeniya police station seeking the release of several people arrested the day before on suspicion of committing acts of violence. Some monks have insulted the D.I.G, who had been present at that time. The police said that they had arrested 24 people connected to the violent acts. They also stated that most of the mob appeared to be outsiders. Curfew was imposed again on the 6th of March in the Pallekale and Theldeniya police areas.

DIG Mahinda Ekanayake was present at the Theldeniya police station operating to strengthen security in the area. He confirmed that a mob had accused the police of inaction and had acted violently towards the police.

The members of the Commission observed one mosque and several more homes and shops burned and broken into. Tires also were apparently burned. It was reported that a 24 year old Muslim man in Digana has died trapped in his home which was burnt down. A campaign of misinformation was being carried out by extremist elements. Even mainstream media had not reported the incident accurately.

VISIT REPORT – 07.03.2018

PARTICIPANTS - REGIONAL COORDINATOR MRS. KUMUDUNI VITHANA

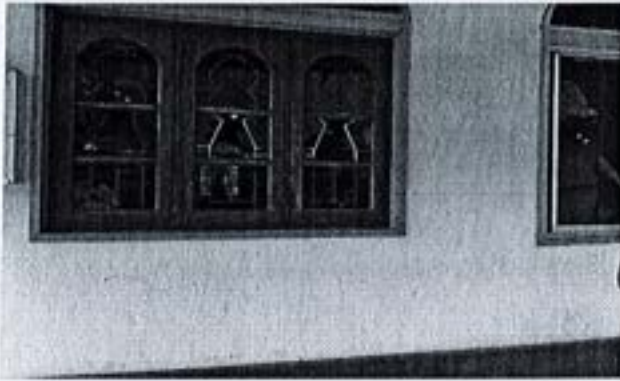
INVESTIGATING OFFICER MR. M.I. DANWATTE

TRAINEE MS.RUSHMI WICKRAMAGAMAGE

OFFICIALS MET- O.I.C POOJAPITIYA MR. KULARATHNE

A curfew was re-imposed around mid-day of the 7th of March 2018 with all private and government offices and enterprises shutting down immediately. On the instructions of the Honorable Chairperson the HRC - Kandy office remained open in order to monitor the on-going situation. Accordingly, we were also asked to visit the places where incidents were reported on the night of the 6th. Regional coordinator Mrs. Withana, Investigation officer Mr. Danwatte and trainee Ms. Wickramagamage were part of the inspection which began at 1.00 pm. En-route to Thannekumbura where there were reports of incidents, we observed a very recent attack in Katugastota (only a few hours earlier) where a show window in the Muslim owned 'Choice Park' had been broken with the mannequins pulled out and burned. In Thannekumbura we were unable to locate the houses and the Sunday school which had sustained damages. Therefore we continued on to Manikhinna. By this time a blanket curfew had been imposed. In Manikhinna we visited the Mosque where windows had been broken all though assailants had been unable to cause further damage as the police had managed to chase them away. Afterwards, we continued to Poojapitiya where violence was reported on the morning of the 7th. The information received was that a temple had been attacked and that Muslim businesses had been burned in retaliation.

Manikhinna Mosque – Date of incident – 06.03.2018 (night), Date of Photo – 07.03.2018



Upon arriving in Ambathenna (and the Poojapitiya temple known as Mullegama Sri Sudharshanarama Baudhdha Madhyasthanaya) we found that a Saw mill and rice mill owned by members of the Muslim community had been burnt with the places still ablaze. We were not permitted to go beyond that point due to security concerns but were told that homes had been set on fire further down the road. Most of the workers in Muslim owned businesses were Sinhalese.

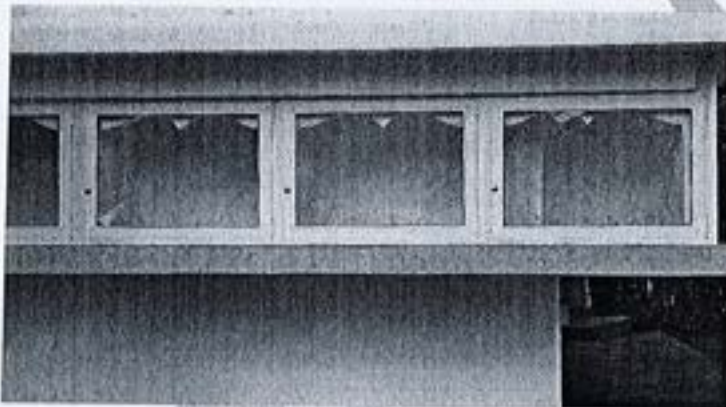
Poojapitiya, Ambathenna road saw mill – Date of incident – 07.03.2018 (morning) Date of photo – 07.03.2018





We were also told that the incident had been triggered when three small windows in the temple had been vandalized in the early morning, however, it was unclear if the perpetrator was Muslim or Sinhala. In response, the chief monk of the temple (reverend Mullegama Piyaratana) had gathered the men who were set to go to work that day. While the people of that village were moving as a mob towards the houses of Muslim families, a grenade (confirmed on the 8th of February) had exploded killing one person and injuring six others. This has also contributed to the violence intensifying.

Damaged glass cases at Poojapitiya temple – Date of incident – 07.03.2018 (early morning), date of photo – 07.03.2018



Afterwards, the Regional Coordinator was informed by the Honorable Chairperson that there were reports of an incident near Akurana. On the way to the location, we saw a shop where equipment had been pulled out and burned. Continuing on to Konakalagala junction, we saw several shops had been set ablaze. The owner of the shop and other onlookers said that a mob had come from the nearby Sinhalese village. They had been warned of a mob by a Sinhala person living in that village but had been unable to contact the police until later. The shop owners and others had decided to protect the nearby mosque, which had been the mob's main target, and had left their shops behind. Several houses had also been burned and attacked further away towards the village. After leaving the area we again passed the shop which we had seen burnt earlier, and saw a car pulled out onto the road and burnt (which would have happened during the 15-20 minute window between the two times we passed the shop).

Konakalagala junction – Date of incident – 07.03.2018 mid-day, Date of Photo – 07.03.2018



A short distance away from Konakalagala junction – Date of incident – 07.03.2018 afternoon, Date of photo – 07.03.2018





VISIT REPORT – 08.03.2018

PARTICIPANTS - REGIONAL COORDINATOR MRS. KUMUDUNI VITHANA

INVESTIGATING OFFICER MR. M.I. DANWATTE

INVESTIGATING OFFICER MR. M.N. APONSU,

TRAINEE MS.RUSHMI WICKRAMAGAMAGE

INTERN MR. SRIMAL WIJENAYAKE

OFFICIALS MET- O.I.C. POOJAPITIYA , MR. KULASEKARA

O.I.C. PALLEKALE, MR. JAYASEKARA

A vehicle from Colombo arrived on the 8th of March which made transporting staff to their homes during curfew hours and to the scenes which needed inspection much easier. Accordingly, both vehicles set out at about 9.30 a.m to Poojapitiya for a thorough inspection. Regional Coordinator Mrs. Withana, Investigation officers Mr. Danwatta and Mr. Aponsu, trainee Ms. Wickramagamage and Intern Mr. Wijenayake participated in the visit. Fires had been put out and we were allowed to continue on beyond the saw mill, past the scene where a Sinhala person had been killed. The police shared that despite earlier reports, Scene of Crime (SOCO) Officers had found that the grenade had not been thrown from any of the surrounding Muslim houses. The funeral was set for the 9th of March. Many Muslim houses had been burnt and broken into and looted at night on the 7th. Water pumps and electricity meters have been broken (something which was also reported in other areas)

Mullegama, Ambathenna – Date of incident – 07.03.2018 morning, Date of photo – 08.03.2018



We also visited the house of the deceased where a large number of visitors were present. His name was [REDACTED] (28), a mason who lived in the Kaluwana village. He had been killed at about 8.30 am. We were unable to obtain a statement from the family.

The remains of [REDACTED] (28) who died after a grenade exploded on 07.03.2018. [REDACTED]

After Poojapitiya, we left for Manikhinna police station to find out the address of the two Muslim men reported dead. Officers at Manikhinna police stated that they knew of one person who had died and had heard rumors about a second person but that the victims died in the Pallekale police area. Officers at the Manikhinna police stated that they too had been attacked with stones when a mob had come to burn down

Manikhinna mosque but the Police and STF had managed to repel the mob, with 8 people being arrested. One police officer (PC Shanmugan of the Manikhinna police) was reported to be in the hospital.

Thereafter, we decided to visit the Mosque in Pallekale which had been attacked. The mosque had been attacked with stones, petrol bombs and other weapons. All religious texts had been burnt. People at the mosque stated that most of the mob was young men. They also stated that though most were outsiders some locals were also present. The shoe shop next door had been set on fire resulting in a 24 year old man being killed due to smoke inhalation while his brother had been burnt badly and is being treated in ward 11 of the Kandy hospital. Water pipes and electricity meters had been vandalized by the mob with nearby houses been broken into. The residents stated that the protection given by the police and STF was insufficient as they had been unable to stop the mob. Petrol bombs had been widely used by the mob as well as stones and machetes (kathi).



Pallekale Mosque – Date of incident 06.03.2018 Date of photo -08.03.2018



██████████ (24)'s body was recovered from the upstairs of this building where he had succumbed to smoke inhalation



We also inspected the damage in Kengalle where the mob had used petrol bombs to burn down houses and businesses. The businesses had also been looted. The Grama Niladari who was present at one of the shops stated that 60 incidents in total were reported in two GN divisions(wasam). The shop owners and other residents stated that they were dissatisfied with the level of security in the area. [REDACTED]

Kengalle town – Incident – 05.03.2018, Photo taken – 08.03.2018



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



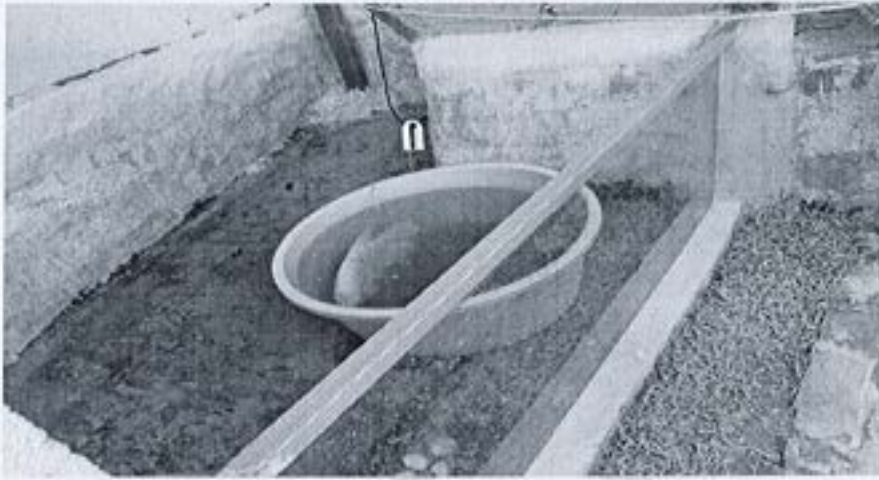
After leaving Kengalle we visited the Pallekale police in order to notify the OIC of the lack of security in the Kengalle area and the concerns of the residents. The OIC stated that security had been increased in the area with more police and armed forces being brought in. He stated that one house had been burned near the Pallekale provincial council complex on the night of the 8th but the Police had opened fire on the attackers dispersing the crowd. He also stated that the police station was receiving donations from people (dry foodstuffs) to be given to affected people.

Thereafter, we continued on to Thannekumbura where violence had occurred on the night of the 6th. The mob that had tried to attack the mosque here had been fought off by the Police, STF and Navy. The mob had then run into a by-road leading to a Muslim neighborhood and had attacked the Sunday school belonging to the mosque with stones and petrol bombs and had attacked houses with stones. Vehicles had also been burnt. After concluding the inspection we returned to the office.

Thannekumbura – Incident – 06.03.2018 night, Photo taken -08.03.2018



Fish tank vandalized by attackers



Thannekumbura – Sunday school



VISIT REPORT – 09.03.2018

PARTICIPANTS - REGIONAL COORDINATOR MRS. KUMUDUNI WITHANA

INVESTIGATING OFFICER MR. M.N. APONSU

OFFICERS MET - NONE

The Regional Coordinator was informed by [REDACTED] that there was a IDP camp at the Hathare kanuwa, Katugastota, Enderathunna Muslim Vidyalaya where 75 muslim families seeking refuge. Accordingly, the Regional Coordinator decided to visit the camp. Government officers were present carrying out valuations. The residents of the camp stated that there was a shortage of medicine. The residents of the camp had all returned to their own homes by 12.03.2018 [REDACTED]



Meeting of the Hon. Chairperson with Civil Society members – 09.03.2018

Civil Society members - [REDACTED] (Samadanam Center)

██████████ (Kandy Health and Environment)

██████████ (Institute of Social Development)

██████████ (Kandy Health and Environment)

██████████

██████████ (HDO, Kandy)

██████████ (HDO, Kandy)

At the request of the Hon. Chairperson the Regional Coordinator organized a meeting with key civil society actors. The violence that took place and the experiences of the civil society members during those days were discussed. The Chairperson proposed several measures centered on civic activism that could help prevent this sort of violence from reoccurring. The civil society members reacted favourably to the proposed measures.

DRAFT ONLY

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Human Rights Commission of Sri Lanka

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අතිරේක ජනාධිපතිතුමනි,

ආයතන පදනම් මත යම් කොටස් වීසින් ප්‍රවේශයට දීමක් කිරීම

ප්‍රධාන දේශපාලන ප්‍රවේශයේ කෙල්ලේය අර්ධ ප්‍රවේශයට ආයතන පදනම් මත ඇතිවුණු ආයතන ක්‍රියා හා වීසින් ජනාධිපති මිදුණු ජීවිත හානි, දේපල හානි හා දැඩි පීඩනය පිළිබඳව මානව හිමිකම් කොමිෂන් සභාව සිය දැඩි කම්පනය හා කනස්සල්ල පළ කර සිටියි. එමෙන්ම මෙම වෙදාචනා පිළිබඳව නිසා අනාලයේ ජීවිත අහිමි වුණු සහෝදර පුරවැසියන් වෙතුවත් අපි බලවත් කේතය පළ කර සිටින්නෙමු.

මෙම පිටපත් පිළිබඳව වත්මන් ප්‍රධාන මාස කීපය තුළදී වෙනත් ප්‍රවේශයට, එනම් දකුණු පළාතේ වී-කොට හා නැවතනිට පළාතේ අම්පාර යන ප්‍රවේශයට පිදුණු ආයතන පදනම් මත ඇතිවුණු කේ ඇති කළ ජනකොටස් අතර ආයතන වෙරියා පතුරුවන ප්‍රවේශයට පිදුම් ලබාදීම. එමෙන්ම මෙම පිටපත් ප්‍රවේශයට පිදුම් ලබාදීමට වෙනත් ප්‍රවේශය කොටස.

මානව හිමිකම් කොමිෂන් සභාවේ නිලධාරීන් වීසින් පිදු කළ පුලික විමර්ශන වලින් අපට නිරීක්ෂණය වන්නේ අනුමත පිදුම් මත පදනම් කරගෙන අදාළ ප්‍රවේශයට පිටපත් වූ කොටස් එම ප්‍රවේශයේ ජනාධිපති ආයතන පදනම් මත හේදනීන් කිරීමට සැලසුම් සහගතව කටයුතු කර ඇති බවයි. අප නිලධාරීන්ගේ නිරීක්ෂණය වී ඇත්තේ දිගු කල ප්‍රවේශයේ දී වෙරියාවේ මහ 22 වන දින පිදු වූ සහෝදරයින් අධ්‍යයනයට ලක් වූ මාස කීපය තුළදී ප්‍රවේශයේ අර්ධ මෙහෙය වල ක්‍රියාත්මක හා සිංහල ජනකොටස් අතර කටයුතු කළ පිටපත් වන පරිදි විය. නමුත් යම් සංවිධානනාත්මක පිටපත් කොටස් වීසින් පිදු කටයුතු ලබා දුම් ඇත්තීම් හා සාපරාධී ක්‍රියා නිසා මේ පළාතේ ජනකොටස් අතර ජීවිත, අහිමි වූ හා වෙරියා පැතිරීමට කටයුතු පිදුම් ලබාදීමට පවතින බව නිරීක්ෂණය වේ.

මෙම ආයතන හේද නීතීන් කිරීම මානව ආරම්භ වූයේ 2014 වසරේදී අනුක්‍රමික ආකාරය අර්ධ ආයතන පදනම් මත ඇති කළ කෙල්ලකලයයි. ඉන් පසු රටේ ස්ථාන කිහිපයකදී ආයතන පදනම් මත පවුම් වීසින් වීසින් වූයේ බව අප නිරීක්ෂණය කළෙමු. එමෙන්ම ප්‍රධාන වසර කිහිපය පුරා යම් කොටස් වෙරියා අර්ධ මිනිස් ඉතාමත්ම සැලසුම් සහගත ලෙස ආයතන පදනම් මත ජනාධිපති අතර කුසනය හා වෙරියා ඇතිවන ආකාරයෙන් වෙරියා ප්‍රකාශන නිකුත් කිරීම නිරන්තරයෙන් පිදු වෙරියා පවතී. මෙහිදී යම් යම් ආයතන පිදුම් ලබාදීමට හා වෙරියා වසරයට වෙරියා ප්‍රවේශයට දීමක් කිරීම සඳහා සෘජු පෙළඹවීම් ද අප හට දීමක් දීමට දැන්වීම ලැබේ. ඒ පිළිබඳව අප 2017 මැයි මස 31 වැනි දිනකින් පසු ලිපිවෙන් අප සිංහලයට කොමිෂන් සභාවේ කනස්සල්ල පළ කර පිටි අතර වෙරියා හා ප්‍රවේශයට කටයුතු 2007 අංක 56 දරණ සිරිල් හා දේශපාලනික අයිතිවාසිකම් පිළිබඳ ජනාධිපතිවරයාගේ ප්‍රවේශය ආශ්‍රිත පනත හා ශ්‍රී ලංකා දේශීය නීති සංග්‍රහ විධිවිධාන යටතේ අපරාධ ලෙස සැලකෙන ක්‍රියාවන් වන බැවින්, ඒ

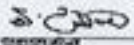
ප්‍රධාන කාර්යාලය පාලනායුගල Head Office 14, අ.ව. ඩී ද මේල් මාවත, කොළඹ - 04. 14, R.A.De Mel Mawatha, Colombo - 04.	අගමැති අගමැති Chairman 011-2505453	සාමාජික සාමාජික Member 011-2505521	සාමාජික සාමාජික Member 011-25054174	විද්‍යුත් තැපෑල විද්‍යුත් තැපෑල E-mail secret@hrc.lk
දුරකථන දුරකථන Telephone 94-11-25058081/82	අගමැති අගමැති Secretary 011-2505573	විද්‍යුත් තැපෑල විද්‍යුත් තැපෑල Hotline 011-2505573 1996	වෙබ් වෙබ් Web www.hrc.lk	

වෛරී කටයුතුන් සිදු කරන පුද්ගලයන්ට එරෙහිව නීතිය ක්‍රියාවට නැංවීමේ අවශ්‍යතාවය අපි අවධාරණය කර පිරිවෙමු.

අපගේ පවිදි මේ සිදුවන ආගමික වෛරය මතු පැනමි වූ ප්‍රවෘත්තියට පිදවීමෙන් හා වෛරී කටයුතුන් සැලකිල්ලට ගනිමින් එම ක්‍රියාවලට සාපුරාණ සම්බන්ධ වූ පුද්ගලයන්ට පමණක් නොව මධ්‍යම අනුමැලි දෙපාර්තමේන්තුව සියල්ලන්ටම එරෙහිව වාර්ෂික, ආර්ථික, දේශපාලන හෝ සමාජ හරාහිටිම නොකොට දැඩි ලෙස නොසැලකිලි කරනු ලබන නීරෝම අවශ්‍යතාවය රාජ්‍ය නායකයා වන සීමසුමාට වෛරීව පූර්වකර සැලකර පිරිමු.

විශේෂයෙන්ම, මෙහිදී අවධාරණය කර යුතු කරුණක් වන්නේ අපගේ 2017 අංක 56 දරණ පනතේ 3 වන වගන්තිය යටතේ පිළිගෙන දැඩි අපරාධයක් වන "නීතිරීති උල්ලංචනය කිරීම, පුද්ගලයා පැහැරදීම හෝ වෙනත් ලෙස සැලකීම, එදිරිවාදිකම්වලට හෝ ප්‍රචණ්ඩ ක්‍රියා වලට යොමු කිරීම සංයුක්ත වන ජනිත, වාර්ෂික හෝ ආගමික වෛරය පැන නැගීම" යන ප්‍රතිපාදනය යටතේ අදාළ පුද්ගලයන්ට විරුද්ධව කටයුතු කිරීමේ අවශ්‍යතාවයයි.

සීමසුමා විසින් වෛරීතය යටතේ ජාතික අභියාචනා අදාළ පුද්ගලයන්ට එරෙහිව නීතිය මගින් දැඩි කටයුතු කරන්නේ යැයි දැන් ප්‍රවේශව අප නොමිනේ නොව වෙහෙරින් අපගේ කරුණු. එම නිසා, මෙම පිදවීම් වලට වැඩිදුරටත් සියල්ලන්ටම, විශේෂයෙන්ම මෙහිදී පිදවීමට අනුමැලි පැන හා සංවිධානාත්මක සන්නිවේදන වෛරීකයා කරන පුද්ගලයන්ට, එරෙහිව වෘත්තීය නීතිය යටතේ දැඩි පියවර ගනු ඉඩකඩ අපි හරපේ විස්තරය කරමු.


සභාපතිතුමා
ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් කොමිෂන් සභාව
Dr. N. D. Udagama
Chairperson
Human Rights Commission of Sri Lanka

Attachment 03

DRAFT ONLY

මගේ අංකය
අංකය
My No.

ඔබේ අංකය
අංකය
Your No.



දිනය
දිනය
Date.

07.03.2018

ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් කොමසාරිස්වරයා
සීමාසහිත ඒ.එන්.එස්. ජයවර්ධනපාය
Human Rights Commission of Sri Lanka

Hon. Ranil Wickramasinghe
Prime Minister
Prime Minister's Office
No. 58, Sir Earnest de Silva Mawatha
Colombo 07

Hon. Prime Minister,

Recent Violent Events Based on Religious Division and Hatred

The Human Rights Commission of Sri Lanka wishes to express its deep concern and dismay at the recent violent events that took place in the town of Theldeniya and surroundings over the past couple of days.

We wish to express our deep sorrow at the loss of human life caused by this cycle of religious intolerance and hatred orchestrated by certain prejudiced and violent elements in the country.

According to preliminary investigations carried out by the Human Rights Commission, it is observed that the Muslim and Sinhala communities in Digana, the area in which the tragic death of a person occurred due to the incident on 22nd February, appear to co-exist amicably and peacefully. The violence appears to be instigated by external elements in an organized manner causing communal division, death and destruction of property.

The Commission notes that the most recent cycle of violence based on religious intolerance is symptomatic of a series of similar incidents of hatred based violence that we have witnessed since the Aluthgama riots that took place in 2014. The more recent examples of religious violence took place in Gintota (in the South) and Ampara (in the East). In such instances a random incident appears to spark off sectarian violence with the involvement of outside elements. So also in the current spate of violence in the Theldeniya Town and surrounding areas. These sporadic incidents of violence are also occurring in the backdrop of sustained hate campaigning against certain religious groups on social media.

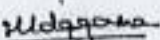
Hence, we call on you as the Hon. Prime Minister and the Hon. Minister of Law and Order to take decisive action under the law to bring to book elements which are responsible for instigating religious hatred and violence in the Kandy District and also in other areas. We emphasize the need to take action not only against those who directly participate in such

මානව හිමිකම් කොමසාරිස්වරයාගේ කාර්යාලය Head Office 14, ඒ.එන්.එස්. ජයවර්ධනපාය, කොළඹ 07. 14, R.A.De Mel Mawatha, Colombo - 07. දුරකථන අංකය Telephone	14, අ.එ.ඩී. ජ. මේරි මාවත, කොළඹ - 07. 14, ඒ.එ.ඩී.එස්. ජයවර්ධනපාය, කොළඹ 07. 14, R.A.De Mel Mawatha, Colombo - 07. 94-11- 2505580/81/82	අධ්‍යක්ෂ ජනරාල් Chairperson 011-2505451	අධ්‍යක්ෂ ජනරාල් Government Secretary 011-2505521	මානව හිමිකම් කොමසාරිස්වරයාගේ දුරකථන අංකය Fax 011 2505541/74	මානව හිමිකම් කොමසාරිස්වරයාගේ විද්‍යුත් තැපෑල E-mail hrcoml@gmail.com	මානව හිමිකම් කොමසාරිස්වරයාගේ වෙබ් අඩවිය Website www.hrcoml.lk
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violence, but in particular, against those who instigate and provide organizational strength for such violence.

In this regard we wish to urge the Government to take action against such elements under section 3 of the International Covenant, on Civil and Political Rights Act No. 56 of 2007 which recognizes that anyone who propagates war or advocates national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence or aids or abets such acts is guilty of an offence.

The Commission is firmly of the view that if swift and decisive action is not taken against those responsible for sectarian violence, such incidents will not only continue but will escalate.


Chairperson
Human Rights Commission of Sri Lanka

Dr. N. D. Udagama
Chairperson
Human Rights Commission of Sri Lanka

Attachment 04

Discussion held on 27.03.2018 regarding the incidents of racial violence that took place in Digana and environs in the Kandy District in early March

Date – 27.03.2018

Time - 9.00 a.m to 1.30 p.m

Venue - Richwil Hotel, Rajawella, Digana.

In the aftermath of the violence which broke out in Digana and spread to the surrounding areas, the Hon. Chairperson advised that a meeting should be held with the participation of victims, religious leaders, government officers, heads of security forces in the area, and civil society advocates. Accordingly, a meeting was convened with the above categories of persons attended by the Hon. Chairperson and the Commissioners. The meeting was intended to create an opportunity for all parties to examine the aftermath of the events.

This event was held at a hotel in Digana as the proximity would enable participants to attend with ease. SSP of Theldeniya, O.I.Cs, Commanding officer of the Pallekale army camp, the assistant Divisional Secretary of Madadumbara and other representatives of the divisional Secretariat offices, Grama Niladharis of the affected areas, the Moulavi in charge of the Pallekale mosque, Buddhist clergy from temples in the area and the victims of the violence all attended the meeting.

Following the welcome speech, the Honorable Chairperson was invited to speak. She stated that the prevention of such racial conflict was not only the responsibility of the Commission but also of the entire society. She further stated that this violence was extremely deplorable and the Commission had notified the President and Prime Minister on the stance of the Commission urging them to take suitable action to remedy the situation. The Chairperson also emphasized the importance of swiftly and rigidly enforcing the law in such situations to prevent conflict from spreading. She went on to state that society as a whole should deduce ways to promote harmony and peaceful coexistence while addressing the root causes of racial tension. Hon. Chairperson also stated that the Commission had experience in responding to the sort of situation that arose in Digana as a similar incident had taken place in Gintota. Accordingly, a full investigation will be carried out by the Commission in order to compile a report which will be made available to the public subsequently.

After the Hon. Chairperson, Commissioner Ghazali Hussein addressed the gathering. He emphasized the importance of brotherhood and fraternity among all ethnicities drawing attention to the National Anthem of Sri Lanka which refers to all citizens of Sri Lanka as children of one mother.

Next, a Buddhist monk from the Pallekale area was invited to speak. He expressed his sadness over the violence and stated that he himself had intervened as much as possible to prevent the violence with the cooperation of the Police O.I.C of the area. He stated that rifts between the people have been created by people themselves and that all Nationalist political parties should be banned. He also stated that the Sinhala Only Act of the 1950's is to be blamed for the racial disharmony further emphasizing the fact that the segregation of Schools according to race was also a contributory factor for disharmony. He stated

that the desecration and destruction of a religious place of any religion is a heinous and unforgivable crime. He ended on the note that there are faults of both sides and that social change needs to be implemented to create a peaceful society.

Following which, [REDACTED] spoke to the audience. He opened his speech by drawing the attention of the audience to the Constitution which protects the right to observe any religion one wishes. [REDACTED]. He further stated that the people who allowed this situation to escalate should also be investigated, emphasizing that the law need to be strict and equal to all.

The Moulavi of the Pallekale mosque which was attacked by a mob spoke next. He stated that the violence that took place was based on terrorism not nationalism pointing out that Buddhism preaches all beings should be allowed to live peacefully. He drew attention to the fact that many Muslim people have Sinhala prefixes to their names, which indicates relations between Sinhalese and Muslim communities. He also said that the young men who carried out these attacks were probably indoctrinated and enticed with alcohol, food and money to participate in the violence. The Moulavi said that the youth in the area must be addressed as they have been led astray.

After a short break for tea, the Deputy Divisional Secretary of Madadumbara, to which Theldeniya belongs, spoke emphasizing the need to strictly enforce the law and enforce measures to address the root causes of the violence.

Thereafter, a discussion began where participants were given the opportunity to present their views, ask questions and make suggestions. A Buddhist monk, speaking first, stated that the reasons for the violence should be examined and that religious and community leaders have a responsibility in uniting the community and providing guidance to the people in their communities.

Several other persons also presented their ideas. One person pointed out that society should work towards reaching 3 objectives: Minimizing the separation of races; building leadership to prevent conflict; and reducing the influence and interference of negative political authority in society. Another speaker criticized the role of the media during the violence pointing out that media outlets, both electronic and print, had made no effort to defuse the situation. The media was further accused of having contributed to the misinformation which spread during and before the conflict. Other prominent religious leaders and politicians were also accused of not showing the same dedication to creating ethnic harmony that they do for other issues.

The owner of the saw mill which had been set fire in Poojapitiya spoke a few words. He stated that while he was the owner of the saw mill all the workers are Sinhala. He stated that this incident was caused by suspicion, hate, and envy and that the message of peace and inter-racial harmony should be spread to villages as well.

The Honorable Chairperson then requested that the representatives of the security forces speak a few words regarding the incidents and the various accusations which were being directed at them.

The ASP of Theldeniya spoke first. He stated that police officers who have been accused of inaction are being investigated. He also stated that even though people have accused the police of not shooting and

thus failing to protect some areas, the act of shooting(use of armed force) is difficult and can cause more harm than good in a confusing situation. He said that there are laws to prevent the spread of hateful ideologies and the TID, CID, and police are in the process of conducting investigations.

Next, the army commander in charge of the Central Province took the opportunity to speak. He stated that the army could not predict with precision where violent incidents would break out which had inhibited their ability to control the situation. However, he said that if not for the efforts of the police and army the situation would have been worse. He pointed out that nobody had anticipated such a situation in Kandy, going onto state that the violence was caused by certain ideas and misconceptions among people which should be stopped and rectified. He expressed the idea that while the Police and Army can intervene in order to control such a violent situation while it is in progress they cannot anticipate and prevent violence before it occurs.

Commenting on this, the Hon. Chairperson stated that the cooperation and strength of civilians are needed to prevent conflict and that the committee for religious cooperation should be empowered and be proactive. A member from the civil society spoke next stating that a deep discussion should be held with media institutions, armed forces, government servants and others to solve this issue. He also stated that the commission must support grass root level organizations to develop harmony.

O.I.C. Administration of the Theldeniya police stated that in the murder of Mr. Kumarasinghe (the event which was the catalyst for the violence) the police had not delayed in arresting the suspects and that there was evidence to support this. He also said that it is hard to track people who make hateful comments through social media and that new laws should be brought in to prosecute and investigate these people.

Another civil society member then spoke and stated that there was a religious renaissance happening within the Muslim community which had been perceived as a bent towards extremism. He also stated that the HRC has a responsibility to prevent such situations from happening again and that while violence can be caused by outside forces peace cannot be ensured by outside forces.

The program officially concluded with this. A brief press conference was held by the Hon. Chairperson in order to communicate the stance of the Commission to the public.



இலங்கை மனித உரிமைகள் ஆணைக்குழு

பகிரங்க அறிவித்தல்

கடந்த மார்ச் மாதம் 5ஆம் திகதி மற்றும் அகதையொட்டிய தினங்களில் கனடி நகரை அண்டித்த பகுதிகளில் வெறுப்பு மற்றும் மதப்பிரிவினைவாதத்தினால் ஒற்புடைய வன்முறைகள் தொடர்பாக விசாரணை செய்வதற்கு மக்களிடமிருந்து தகவல்கள் மற்றும் எழுத்து மூல சாட்சியங்களை சேகரித்தல்.

1996 ஆண்டில் 21 இலங்கை இலங்கை மனித உரிமைகள் ஆணைக்குழு சட்டத்தின் அறிவுறுத்தல்கள் அமைய வேறுபடி சம்பவங்கள் தொடர்பாக மனித உரிமைகள் ஆணைக்குழு அகதிதேசங்களிற்கு விஜயம் செய்து மக்களின் முறைப்பாடுகளை விசாரிப்பதன் மூலம் விசாரணை ஒன்றினை மேற்கொள்ளும்.

அண்மையான மூன்று கட்டமாக இந்த சம்பவத்தினால் பாதிக்கப்பட்ட மற்றும் இந்த சம்பவம் தொடர்பாக அக்கனடி கோண்ட தகவல்களிடமிருந்து தகவல்கள் மற்றும் சாட்சியங்கள் சேகரிக்கப்படும். அத்தகவல்களை ஆணைக்குழுவிற்குச் சமர்ப்பிக்கும் போது 3 பக்கங்களுக்கு மேற்படாது இருக்க வேண்டும் என்பதை கவனத்தில் கொள்ள வேண்டும். ஆணைக்குழுவிற்கு சமர்ப்பிக்கும் தகவல்களில் சம்பவம் நடந்த திகதி, இடம், நேரம், சம்பந்தப்பட்ட தர்புகள் மற்றும் தீர்மானங்களில் பெயர்செய்ய ஆய்வற்ற உள்மக்க வேண்டும். சம்பவங்களின் புகைபட்டம், ஒளிப்படம் அல்லது ஒலிபதிவு நாடா ஆய்வற்றவையும் சமர்ப்பிக்க முடியும்.

இந்த எழுத்தினால் தகவல்களின் 2018 ஏப்ரல் மாதம் 21 ஆம் திகதி அன்றை அன்ற முன்னதாகவே பதிவுத் தபாலில் கீழ்க்கண்டபடி மூலக்கரு அனுப்பிவைக்கவும்.

பிரதேச ஒடுக்கிணைப்பாளர்,
கனடி பிராந்திய காரியாலயம்,
இலங்கை மனித உரிமைகள் ஆணைக்குழு
இல. 8/1, பிரிம்ரோஸ் வீதி,
பேராமேளிய வீதி,
கனடி.

இது சம்பந்தமான மேலதிக தகவல்களின் இல. 081-2228009 அல்லது 070-3654901 அழைத்து கனடி பிராந்திய ஒடுக்கிணைப்பாளரிடம் பெற்றுக்கொள்ளவும்.

G. N. D. Madayana

Chairperson

Human Rights Commission of Sri Lanka

H. Madayana

தலைவர்

இலங்கை மனித உரிமைகள் ஆணைக்குழு

06 ஏப்ரல் 2018

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DRAFT ONLY

Oath

I do solemnly, sincerely and truly declare and affirm that what I shall state to the Human Rights Commission of Sri Lanka acting in Compliance with section 18(b) of the Human Rights Commission Act No. 21 of 1996, be the truth, the whole truth and nothing but the truth.

..... මහ මා විසින් 1996 අංක 21 දරණ ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් පනත 18 (ආ) වගන්තිය යටතේ ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් කොට ඉදිරිපත් කියනු ලබන තාක්ෂණික සහාය බවත් සහාය මිඳු අසහායක් නොවන බවත් දිවුරා ප්‍රකාශ කරමි.

..... ඡායීය අංක 1996 අංක 21 යටතේ මානව හිමිකම් කොමිෂන් පනත 18(ආ) වගන්තිය යටතේ මා විසින් සාක්ෂි දීමට පැමිණි මාගේ සාක්ෂි සහාය බවත් සහාය මිඳු අසහායක් නොවන බවත් දිවුරා ප්‍රකාශ කරමි.

DRAFT ONLY

ජාතික නීති පද්ධතිය යටතේ සහ ජනතාන්තර මානව අයිතිවාසිකම්වලට අදාලව රජය විසින් පිළිගෙන ඇත්තාවූ
බැඳිම් වලට අනුව, එවන් ප්‍රවේශිකාරී ක්‍රියාදාමයන් වැළැක්වීම සහ ප්‍රවේශිකාරීව පෝෂණය කරන්නාවූ සහ
ප්‍රවේශිකාරී කරන්නාවූ පෞර්ව කාරණයන් පිටුපෑම සඳහා පමණක් නොව නවක නීති රජයේ වගකීම වේ. එසේ
නොවූ කිසිවක් අපොහොසත්වීම රජයේ මානව අයිතිවාසිකම් ක්‍රියාදාමය වන සෑම පැරලමින් වනු පමණක්
නොව, අතින්ද ජනාධිපතිතුමන් විසින් විශේෂයෙන් අවධාරණය කර ඇති හානිදායා යන්ත්‍රණය ක්‍රියාත්මක
කිරීමේදී මිලදීම සාධාරණ වනු ඇත.

එම කාරණය අනුව, මුළුමනින් ප්‍රජාව සහ අනෙකුත් පුරුහුරු අනාගතයන් අලාභය නොවන පෞර්ව සහ
ප්‍රවේශිකාරී කරන ප්‍රධානව පොදුමතයන්ට හා ප්‍රවේශිකාරීව පැමිණෙන්නන්ට විරුද්ධව අධික මට්ටම
පෙන්වා දෙන නීතිය හා සාමය පිළිබඳ අභිමතයන්ට සහ පොලිස්වරයන්ට කඩිනම් නියෝග නිකුත්
කරන පමණින් මිලදීම මානව හිමිකම් නොවන සහ අතින්ද ජනාධිපතිතුමන් පෙන්වා දුන් පුරුහුරු අදාල
වේ.

න. උදාම
සභාපති
ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් සභාව

Dr. N. D. Udagama
Chairperson
Human Rights Commission of Sri Lanka

DRAFT ONLY

මගේ අංකය
எனது இல.
My No. }

ඔබේ අංකය
உமது இல.
Your No. }



දිනය
திகதி
Date. }

15.03.2018

ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් කොට්ඨාසය
கிழங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Mr. Austin Fernando
Secretary to H.E. the President
Chairman, Telecommunication Regulatory Commission (TRC)
No. 276, Ehitigala Mawatha
Colombo 08

Lifting Restrictions on Social Media

This is further to my recent telephone conversation with you on the above matter.

We are pleased to note in the media that steps have been taken by TRC to activate certain social media platforms such as Viber and WhatsApp. We also understand from the media that you will be holding discussions with Facebook officials today regarding action to be taken against hate speech expressed via that platform.

As I pointed out to you, HRCSL has received several complaints from the public regarding the continuing restrictions on social media even after the violence in the Kandy District has been brought under control.

The Commission recognizes the critical necessity to protect freedom of expression and the right to information as guaranteed by the Constitution of Sri Lanka and Sri Lanka's international human rights obligations. In doing so, we recognize the need to strike the necessary balance between those rights and maintenance of public order and the protection of the rights of all.

While we are encouraged by media reports that TRC has taken steps to lift the restriction on social media as quickly as possible, we also wish to point out that any future policy regarding the regulation of social media to deal with hate speech must strike that necessary balance so that freedom of expression and the right to information are restricted only within the legal limits permitted by the Constitution and Sri Lanka's international human rights obligations in the larger public interest.

Further, we wish to once again reiterate the urgent need to take legal action against those who are using social media to propagate communal hatred and incite sectarian violence under applicable laws, in particular under the ICCPR Act No. 56 of 2007.

H. D. Jayasinghe
Chairperson
Human Rights Commission of Sri Lanka

H. D. Jayasinghe
Chairperson
Human Rights Commission of Sri Lanka

මානව හිමිකම් கிழங்கை உரிமைகள் Head Office දුරකථන கேள்விகள் Telephone	14, එ. ඒ. ඩී. මේල් මාවත, කොළඹ - 04. 14, ஆ. ஏ. டி. மேல் மாளிகை, கொழும்பு-04. 14, R.A.De Mel Mawatha, Colombo - 04.	தலைவர் Chairperson	011-2505451	மூல கேள்விகள் Fax	011 2505541/74	විද්‍යුත් තැපෑල தொலைபேசி E-mail	ahr@hrsl.lk
		අධ්‍යක්ෂ General Secretary	011-2505521	විද්‍යුත් දුරකථන இலக்கு Hotline	011-2505575 1996	වෙබ් இணைய தளம் Web	www.hrsl.lk

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Human Rights Commission
of Sri Lanka - Kandy

පශ්චාත් මරණ විචාරය

Post-Mortem Report

POST-MORTEM REPORT

302-03-2018
 03/03/2018
 T.H Kandy
 Teldeniya
 AR442671/18

Heepityagedera Kumarasingha

03/03/2018 5.20am

Dr M R Dissanayake

Majistrate Kandy

Kandy

Teldeniya Police station

- 1) Heepityagedera Kumarasingha[Father]
No 156 Passgohoma, Puwakgahadewella,
Mademahanuwara
- 2) Thilaka padmakumari [wife]
No 156, Passgohoma, Puwakgahawella
Mademahanuwara.

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