

May



Gotagogama Attack

A case study on the attack against the protesters near the
Presidential Secretariat at Galle Face Sri Lanka on May 09, 2022



RIGHT TO LIFE
HUMAN RIGHTS CENTRE

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Right to Life Human Rights Center

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Forward

Since the beginning of 2022, Sri Lanka has been undergoing an unprecedented economic and political crisis. Many distinctive features can be observed in the popular uprising that arose as a result. These features need to be recognized and the truth should be documented objectively.

Political party and trade union leaders miscalculated the struggle at the beginning and some party leaders ridiculed it. But as it became a round-the-clock continuous struggle, its public participation gradually increased, and similar campaigns emerged from other parts of the country supporting the protest near the Presidential Secretariat in Galle Face. The protest became a serious challenge for the traditional political parties. With the spread of this new culture throughout the country, the parties and the trade unions had to join it.

People's response to the attack on May 9th indicated the mass support gained by the protesters. Sri Lankans from all over the country as well as from other countries also stood up against the attack. But an organized group that had infiltrated into the struggle countered this attack with the old-fashioned and failed strategy of violence. As a result, several people were killed and many public and private properties were destroyed. The honest supporters of the struggle might have never expected such a response.

The Right to Life Human Rights Center is conducting this series of studies intending to study, record and identify the issues related to human rights violations, violence and democracy in the popular uprising in Sri Lanka in 2022 and making recommendations in this regard.

There, we will focus on three key case studies. They are the incidents related to the police firing in Rambukkana on April 19, 2022, the attack on the protest site near the Presidential Secretariat on May 9, 2022, and retaliatory violence that started on the same day.

Through this study, we try to focus our attention on the ways and means to ensure public participation in public policy decisions, reviewing such policy decisions constructively, advocacy for change, freedom to protest and freedom of expression, freedom of association, principles to be followed in peaceful protests, agitations and the law, use of police force etc.

Philip Dissanayake

Executive Director, Right to Life Human Rights Center

Executive Summary

An unprecedented economic and political crisis was building up in Sri Lanka, by the beginning of the year 2022. The reasons were the balance of payment crisis created by the collapse of Sri Lanka's import income and the increase in export expenses and the fiscal deficit which created a huge imbalance between the government's income and expenditure.

Farmers' struggles in Sri Lanka intensified due to the gazette notification issued by the government on April 27, 2021, banning the import of chemical fertilizers and pesticides. The ban was lifted in November due to farmers' protests and public criticism, but it had a huge impact on agricultural production, including paddy harvest.

In mid-2021, there was an islandwide teachers' strike demanding a solution for the long-standing salary anomalies, and after an aggressive struggle, the government issued circulars addressing the teachers' salary anomaly in early 2022.

The series of explosions of domestic gas tanks was another serious problem that occurred in Sri Lanka in the last quarter of 2021. Seven deaths and serious accidents due to gas cylinder accidents were reported, but Litro Gas Company did not compensate the affected customers.

At the beginning of 2021, the opposition and the economists proposed that the government should consult the International Monetary Fund and restructure the debt. However, the decision was delayed because there were two opinions in the Ministry of Finance regarding consulting the International Monetary Fund.

Meanwhile, in the first week of April, the Cabinet including the Finance Minister and the Governor of the Central Bank resigned, and on April 12, Sri Lanka announced that it would temporarily suspend foreign loan services.

On March 31, 2022, a public demonstration was started in front of President Gotabaya Rajapaksa's private residence in Mirihana, and due to the chaos, the security forces used tear gas and water cannons and arrested the people who participated in it. At the same time, the resistance against the government intensified. On the 9th of April, a group of protesters started a continuous protest near the Presidential Secretariat demanding President Gotabhaya Rajapaksa should resign. A permanent protest site called 'Gothagogama' was established near the Presidential Secretariat.

The primary focus of this study is the attack by the ruling party-affiliated mobs at the protest site 'Gothagogama' on May 9 and similarly on the protest site 'Mainagogama' established in front of the Prime Minister's official residence, Temple Trees.

Those attacks were carried out by a group linked to the ruling party Sri Lanka Podujana Peramuna. Suspicions are raised since the police did not act properly to prevent the attack. The actions of the relevant authorities, Deputy Inspector General of Police Deshabandu Tennakon, the Inspector General of Police as well as the Secretary of Defense are problematic. There is

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the issue of whether the attackers will be properly investigated, justice will be served, and the victims will be properly compensated.

The act was considered an unjustified and barbaric attack against a peaceful protest. However, it burst a pressure that was bubbling up in the society and led to a series of retaliatory attacks against the people's representatives and activists of the Sri Lanka Podujana Peramuna led by the Rajapaksa family, who is accused by the opposition of creating a hegemonic, corrupt regime and policies that ultimately led to the bankruptcy of the country. The May 9 attack is marked as a decisive turning point in the people's uprising.

Methodology

The methodology used in this study was synthesizing the information gathered through interviews with the parties involved in the incident, media reports, court reports, information obtained by submitting requests under the Right to Information Act and reports from the police and other departments and then analyzing them in a comprehensive report. Instead of the big picture of the entire protest campaign, the focus is on the attack against the protest in front of the Presidential Secretariat on May 9. It can be considered an important event in Sri Lankan history and, the events that started to happen that afternoon culminated with the resignation of the President in the middle of July. We study and analyze the May 9 incident in this broad context.

The purpose of this study is to focus on the background of the incident, the background of the attack, the relationship between the government and the attack, how the attack was carried out, the failure of the police to prevent it, the damage caused by the attack, the implementation of the law regarding the attack and related problems.

The main problem we faced while conducting the study is that some parties with valuable information did not come forward to provide details because they were afraid of repression. There was hardly any offer to discuss on the part of the attackers. Instead, we had to rely on outside observations and court reports about the attack. Valuable evidence was destroyed because the contents live streamed on Facebook by journalists and activists were removed by the web platform stating that they did not comply with their community standards.

There was a noticeable gap between the official information obtained from the police through the Right to Information Act and the information obtained from the ground.

Court proceedings related to the attack have been delayed, as usual, so no case has been concluded at the time of writing this report.

Sinhala was used as the base language in this study. The preliminary report was compiled in Sinhala and later translated into English and Tamil languages.

Background of the May 9 Incident

In mid-2021, while the schools remained closed due to the Covid pandemic, teachers' unions decided to boycott s teaching online from 12 July. There was an island-wide teachers' protest demanding a solution for the long-standing salary anomalies. Even by the time government decided to reopen schools on October 21, 2021, the salary issue had not been fully resolved. At the beginning of 2022, the government issued circulars that provided solutions to the problem of the salary anomalies of the teachers and principals¹.

Exploding domestic gas cylinders is another serious problem that occurred in Sri Lanka in the last quarter of 2022. Udeni Saman Kumara, a journalist for Mawbima newspaper, reported: "Seven deaths, 16 serious injuries and 18 property damages were caused due to gas cylinder accidents. Seventy-eight domestic gas accidents were reported in 2019, 31 in 2020 and 847 in 2021. If it is explained further, in 2021, 797 out of 2.8 million gas cylinders released to the market by Litro Gas Company were involved in accidents. Litro Gas Company did not compensate the affected customers.²ZZ

In 2020, Sri Lanka's GDP collapsed by 3.5% due to the impact of the Covid-19 pandemic but grew by 3.3% in 2021³. Sri Lanka lost access to international financial markets due to the downgrading of credit ratings and had to use official reserves to service its external debt and continued to pay for imports using loans from the banking sector. Official reserves declined from \$7.6 billion in 2019 to \$400 million in June 2022. From the second quarter of 2022, severe shortages of fuel, pharmaceuticals, LP gas and inputs required for economic activities were created due to foreign exchange liquidity constraints. Power cuts lasted for hours. In the first week of April, Central Bank Governor Ajith Nivard Cabral and Finance Minister Basil Rajapaksa resigned from their posts. Ali Sabri was appointed as the new Finance Minister and Nandalal Weerasinghe as the Governor of the Central Bank of Sri Lanka.

The new governor of the Central Bank of Sri Lanka announced the suspension of external debt service on 12 April 2022, and subsequently appointed legal and financial advisers to assist in debt restructuring. Negotiations were initiated to obtain assistance from the International Monetary Fund.

According to the National Consumer Price Index, inflation rose at the fastest pace since the start of 2022 and peaked at 64.1% in September⁴

A new president was appointed in July 2022. However, the economic crisis continues and political tensions remain high. The World Bank has predicted that Sri Lanka's GDP will decline by 9.2% by the end of 2022 and by another 4.2% in 2023⁵

1. <https://www.themorning.lk/teachers-salary-circular-finally-issued/>

2. මව්බිම පුවත්පත, 2022 ජූනි 18

3. National Output, Expenditure and Income, 2022, Central Bank of Sri Lanka

4. <https://www.cbsl.gov.lk/en/measures-of-consumer-price-inflation>

5. Sri Lanka Development Update, October-2022, World Bank

An unprecedented people's uprising occurred due to the economic and political crisis in Sri Lanka in the second quarter of 2022. This popular uprising spread to other major cities of the island and many different public activities took place there.

The citizens were protesting in multiple places by March 31, 2022. They started a mass protest in front of the private residence of President Gotabaya Rajapaksa in Mirihana on the outskirts of Colombo city. The security forces used tear gas and water cannons to suppress the protest due to chaos and arrested the people who participated in it. With that incident, the resistance against the government and the President intensified. As an extension of that, on April 9, a group of protesters started a continuous protest occupying the front gate of the Presidential Secretariat. They demanded President Gotabhaya Rajapaksa step down and change the existing political system. Protesters set up tents and huts on the protest ground and named the place Gotagogama. From that day, the Gotagogama protest site existed until August 10. Later, protesters set up similar protest sites in front of the Prime Minister's official residence and in Kandy, Galle, Kurunegala, Anuradhapura, etc. The protest site that started in front of the Prime Minister's official residence was called 'Mainagogama'. The hashtag #GotaGoHome was promoted through social media in the early days of the struggle.

The peaceful protests that emerged especially from the middle class were mostly peaceful, though they later became somewhat aggressive. The protesters occupied public places and launched continuous protests. Protesters blocked the main entrance of the Presidential Secretariat in Galle Face and made it the main protest site.

During that period, thousands of people joined this struggle and many incidents including repressive actions, human rights violations, assaults and torture were reported.

On April 19, one person was killed due to police firing during the chaos by the people who were protesting against the shortage of fuel in Rambukkana in the Kegalle district. Another 13 civilians and 20 police officers were injured, police said⁶

Among them, the events that took place on May 9th are highly important politically, and the purpose of this report is to study and document the related human rights violations, violence and problems related to democracy. We observe a serious problem related to public participation in decision-making and the way the public accepts public policies. The main problem that causes public protests, uprisings and related violence and repression appear to be an issue of participatory democracy.

There is a fundamental acceptance that the protest held near the Presidential Secretariat since April 9 was peaceful. However, there was an aggressive nature and for more than 100 consecutive days, the main entrance of the Presidential Secretariat was blocked. Chanting slogans, protest demonstrations, meetings, discussions and cultural programs were held at

6. <https://www.bbc.com/sinhala/sri-lanka-61150034>

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the protest site. The designated protest site near the Presidential Secretariat was turned into a campground. A model village was established there and associated organizational, economic, logistical and communication processes were also observed.

Overall, there was a basic idea and a peaceful dialogue about an alternative political practice. However, there were many legal concerns related to the security of the Presidential Secretariat, encroachment of public places, noise pollution, etc.

Prime Minister Mahinda Rajapaksa announced on April 13 that he is ready to meet and discuss with non-partisan activists of the Galle Face protest. Several reply letters claimed to be sent by the protesters to the President were circulated on social media. The letters communicated that the protesters would reject the discussion, and the people who stayed at the protest site also responded to that. They pointed out that no discussion was necessary and the 225 members of the parliament should resign immediately. A sarcastic display of the Prime Minister's invitation was also displayed at the protest site.

Commenting on the answer communicated by the non-party activists to the Prime Minister, the former chairman of the Election Commission, Mahinda Deshapriya, said that the youth activists should negotiate with the Prime Minister. Posting a note on his official personal Facebook account, he said, "The fact that the government is willing to discuss is a victory of the struggle. As negotiation is an important strategy in the struggle, the youth should not reject it."⁷

A discussion between President Gotabhaya Rajapaksa and some of the activists was reported for the first time on June 1.

Protesters stormed the Presidential Secretariat on July 9, and after that President Gotabaya Rajapaksa resigned. Prime Minister Ranil Wickremesinghe became the Acting President and was later elected to the Presidency in an election held in Parliament. The protesters who were occupying the Presidential Secretariat were evacuated by the police and the Army on July 22. On August 12, the rest of the tents and other structures were removed from the Galle Face protest grounds.

Several common features can be observed in the entire protest movement, including the protest site near the Presidential Secretariat.

- Continuous day and night protests
- A large number of people were involved in these agitations in some way or the other
- The main reason appears to be the economic difficulties
- Priority to non-partisanship politically

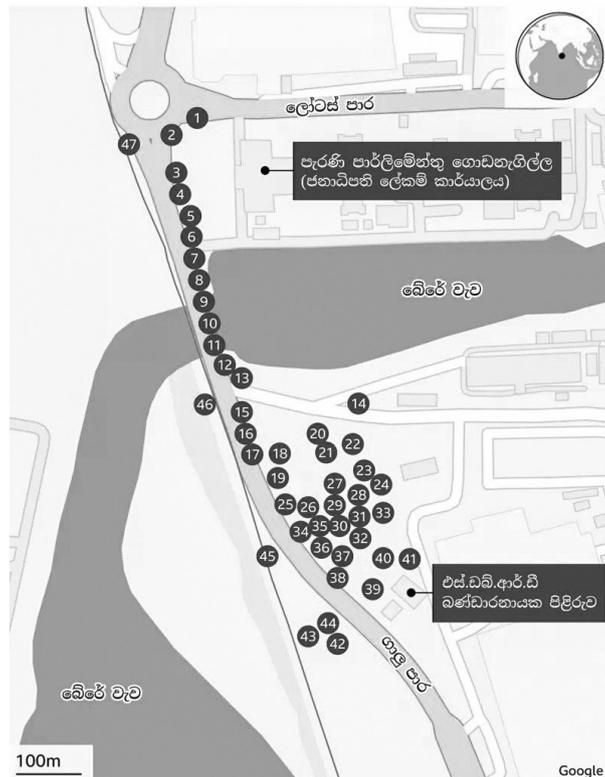
7. <https://www.facebook.com/wwm.deshapriya>

- Political parties engage with the protest campaign through their mass movements
- The demand that the government, the President, the Prime Minister, the cabinet, the Governor of the Central Bank of Sri Lanka and all the 225 members of the parliament (sometimes 222 sans the three JVP MPs) should resign.
- Calling the president "a madman," seeking his resignation.
- The protesters named Finance Minister Basil Rajapaksa a crow.
- Protesting against Prime Minister Mahinda Rajapaksa based on his age insulting him as 'Old Mynah Bird'. The protesters demanded old people should leave the government and hand over power to the youth.
- Non-emergence of a common leadership through the agitation process known as 'Aragalaya.'
- Lack of preparedness for negotiations.
- There is no consensus on what should happen after the resignation of the government.
- Having a conversation about a system change.
- As the fuel shortage was avoided to some extent due to the Indian credit line, the intensity of the agitations subsided and intensified again with the emergence of shortages.

Map of the protest ground called 'Gotagogama' near the Presidential Secretariat⁸

Gota go gama (rough map)

This map is a rough plan created by observing the location of established places from the protest site. Only the locations that existed at the time the map was prepared are included here. It may have been updated by the time this is posted.



- | | | |
|---|---|--|
| 1. Entrance | 17. Water tanks | 34. Ayurveda medical centre |
| 2. Justice for Journalists - Massive flyers and other banners | 18. Food/water collection and distribution centre - 2 | 35. Media centre |
| 3. Food/ water collection and distribution centre | 19. Gotagogama name board | 36. St. John's Ambulance Service |
| 4. The struggle ground | 20. Open-air theatre | 37. Easter egg created in memory of the victims of the Easter Sunday attacks |
| 5. Sathyagrahaya campaign | 21. Water tanks | 38. Youth centre |
| 6. Inter-university Bhikku Federation | 22. Legal aids truck | 39. Public platform |
| 7. Inter-university Students Federation | 23. Teargas cinema | 40. Campsite |
| 8. Socialist Youth Union | 24. Kitchen | 41. Bathrooms |
| 9. Ranavirugama | 25. Mental health assistance | 42. Art gallery |
| 10. Centre of water refill | 26. Sri Lanka Red cross | 43. Campsite |
| 11. Centre of signing public petitions | 27. People's University | 44. Monument of easter attack victims |
| 12. Youth for a national policy | 28. School | 45. Paintings, work of art and public signatures |
| 13. Public signature display board | 29. Library | 46. Protest site |
| 14. Toilets | 30. Solar power generator | 47. Gota Go Home electrical panel |
| 15. Zero plastic recycling center | 31. Legal assistance - 2 | |
| 16. Relatives of forcibly disappeared | 32. Centre of child care and painting | |
| | 33. Memorialization site | |

8. <https://www.bbc.com/sinhala/sri-lanka-62489563>

A Google map of the protest ground⁹



9. <https://earth.google.com/web/search/Galle+Face+Green,+Colombo/@6.92883804,79.84343759,5.58128103a,188.29019327d,35y,170.75679352h,59.99943915t,0r/data=CigiJgokCfCmJIWUohtAEdFcXgh-qnBtAGenpWXIP91NAIbZXVWeA91NA>

Meeting in Temple Trees on 9 May 2022

There was a demand from the ruling party itself that Prime Minister Mahinda Rajapaksa should resign from office and gossip spread that the President had directly asked the Prime Minister to resign at the cabinet meeting held on May 6. Meanwhile, news spread that the Prime Minister would make a special announcement on Sunday, May 9.

On May 9, a group of local government representatives, former Ministers and supporters of the ruling Sri Lanka Podujana Peramuna came to Temple Trees to request former Prime Minister Mahinda Rajapaksa not resign from his post. Reportedly, former Ministers Johnston Fernando, Sanath Nishantha, Rohitha Abeygunawardena and others convened this meeting. Ministers such as Johnston Fernando, Namal Rajapaksa, Sanath Nishantha, Milan Jayathilaka, Gamini Lokuge, Sampath Athukorala, C.B. Rathnayake, Pavitra Wanniarachchi, Indika Anuruddha Herath, Sanjeewa Edirimanna and many public representatives including former Provincial Councilor Upali Kodikara, Moratuwa Mayor Samanlal participated in it.

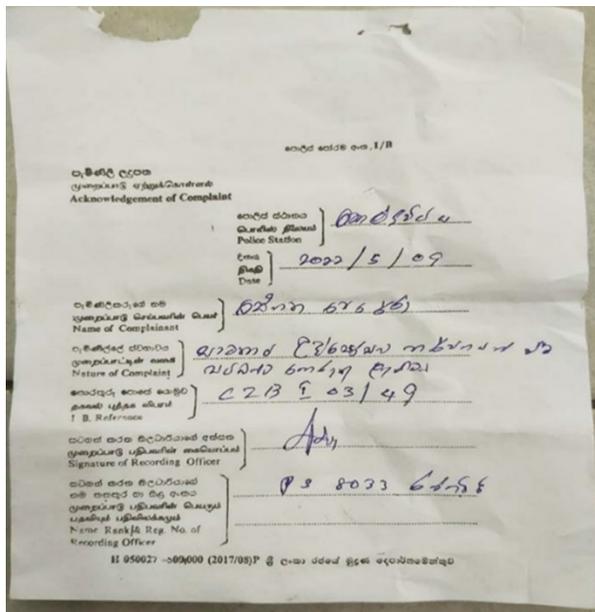
Politicians and various trade union leaders addressed the crowd. Prime Minister Mahinda Rajapaksa stated that he was not in the habit of running away in the face of a challenge. Finally, he asked the audience whether he should resign from office or not. The cheering crowd demanded the Prime Minister should not resign.

After that, Sri Lanka Podujana Peramuna's Kurunegala Member of Parliament Mr. Johnston Fernando addressed the meeting and said that if Mr. Mahinda Rajapaksa stepped down from the post of Prime Minister, there would be a political crisis. Therefore, he should not step down and everyone was against it, he said. He very clearly mentioned the name "Mainagogama" and said, "Let's start the fight. The former Prime Minister is being insulted, and a village named Mainagogama has been established near the Temple Trees¹⁰. It was also reported in the court that former minister Johnston Fernando said, "If the president can't, we will clean it up."

After that, a part of the people who attended the meeting violently attacked the protest site near the Temple Trees or the Prime Minister's official residence first and then marched towards the protest site near the President's Secretariat in Galle Face. The primary purpose of the attack seems to be to stop the resistance against the government by suppressing the people who were agitating demanding the President and the government resign.

10. <https://youtu.be/pMo4uRT3IEI>

Attack in the protest ground near Presidential Secretariat on 9 May 2022



By May 8, some groups connected with the protest had received information that something could happen on Monday. Anticipating an attack, Senaka Perera, a lawyer on behalf of the People's Lawyers organization, complained to the Kollupitiya Police Station on the morning of May 9, urging actions to prevent such an attack after the meeting scheduled to be held at Temple Trees.¹¹

On May 9, when the protest site near the Temple Trees was attacked, the Deputy Inspector General of Police in charge of the Western Province, Deshabandu Thennakoon, came to the protest site near the Presidential Secretariat and said that he would look into the security of

the people at the place, but the pledge was not fulfilled.

At the time of the attack, only a few protesters remained at Gotagogama. The mob suddenly stormed the protest site, demolished the temporary art gallery, billboards and tents, and set some of them on fire. The protesters stated that most of the unarmed persons who were with them were beaten and injured. There were not enough police personnel at the scene to avoid the attack.

Nilushana, a young woman from Ampara in the Eastern Province, was beaten by the police and hospitalized. According to her, tents were in the protest ground then for 21 days and on May 9th, the group that stormed Gotagogama demolished the tents and set some of them on fire. She said that in addition to the attacks by the people who stormed Gotagogama, the protesters had to face the attacks by the police too. According to Nilushana, a friend of hers was being assaulted by one man in the mob and when she went to save her friend, she too was assaulted by a police officer. Nilushana was then admitted to the Colombo National Hospital due to the injuries caused by the attack.

Anushka Gayan Lakmal, a medical student who was staying in Gotagogama at the time of the attack, said that the police and security forces had not intervened to prevent the attack even when the group from the direction of the Temple Trees carrying clubs were behaving violently and damaging the tents in the protest ground. He stated that the people who worked in the offices around the vicinity quickly rushed into the protest site and controlled the mob.

P. Shalika Anuranga, a resident of No. 96, Ekamutugama, Sewanagala, who was attacked that day, said that there were around 48 people inside the protest ground when the attack

11. <https://youtu.be/pMo4uRT3IEI>

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took place. First, the mob destroyed the tent where artist Sujith Ratnayake stayed and ran an art gallery. A large mob ran towards Gotagogama and a significant group of policemen also rushed in. According to him, the police and the security forces could resolve the conflict, but they did not take any action against the nearly two thousand people who behaved violently. He claimed that Anuranga was attacked when he went to save one of his colleagues. He was hit on the head with an iron rod and due to the severity of the attack, he underwent surgery. A part of his skull was removed from that surgery. Due to the attack, his left hand has been paralyzed. He was treated at the National Hospital for 14 days and kept under intensive care at the initial stage of his admission.



"When Vishwa was getting the live footage on his phone, I saw the thugs advancing to attack him and went to save him. While two police officers were holding me, someone came from behind and beat me. I didn't know who Vishwa was. All I knew was that those thugs were going to attack him," he recalled.

Priyanga Vishwajith, popularly known as Vishwa, is from Ambalanthota. He works as an assistant director in teledramas and also engages in social work, tree planting and helping underprivileged communities. He participated in the protest in front of the Presidential Secretariat. "On May 9th, we did not have a large crowd at the protest site. Around 10 a.m. we heard that a group of supporters of the former Prime Minister were coming from the Temple Trees to attack the protesters. Then we gathered as many people as possible and formed a human chain.



me and helped me,' he recalled.

When I went towards Gotagogama, I saw tents set on fire and thugs beating people. I wanted to capture everything on video, so I turned on the live cam and went ahead. Then I saw these thugs trying to attack someone and went towards the scene. That's when I realized I was the only one there. I saw the thugs coming towards me and I started running. Then about five people got together and attacked me. They hit my neck and face and I thought I was going to die. I remember a riot police officer came to

Vishwa was hospitalized for three days. "As soon as I left the hospital, I went to the protest site instead of going home. After I was discharged, I identified two of the five people who beat me.,

I submitted all the details about them to the police. They were later arrested. But the other three have not been arrested yet.”

K. M. Indunil Senarath Bandara, a resident of Thanayamkulam in Anuradhapura, was also seriously injured in the May 9 attack. “On May 9, the crowd at the protest site was low. We saw a drone, which we suspected was sent by those who came to attack us. We informed the police about the thugs coming to attack us. I saw about eight people going towards the youth tent and among them was Member of Parliament Milan Jayatilaka. I tried to run away when they attacked me. I fell as they hit my head and back. I realized I couldn't walk and felt suffocated. Then a friend took me to the hospital,” Bandara recalled.

Bandara has paralyzed legs due to damage caused to his spinal code.

Madhusa Nishanthi, a wildlife photographer, was also there since the time the protest started. Madhusa says that on May 9, there were not a sufficient number of police officers or roadblocks to prevent the conflict. She further said that she heard them shouting in the distance and that group came running with sticks. She tried to escape to the side of the Red Cross camp as she was sick because she had gotten wet in the rain the previous few days. But as she went to collect some of her essential items, an elderly man with a stick shouted at her. She claimed that the person had not attacked her and that another group came along with that person had attacked everyone there. She stated that no police officer came to save them.



Dhananjaya Namal, a young man from Kahawatta, said that the disabled soldiers who stayed in the protest site were also attacked by the mob. “Some disabled soldiers went to the front. They broke in and relentlessly beat everyone with iron rods. Even disabled soldiers were beaten and stones were also thrown at the protesters. The stones hit me and I got some minor injuries. We saw MP Sanath Nishantha and local government chairman Saman Lal Fernando come there with the mob and directed them.

He said that these politicians were also holding clubs and the police or Special Task Force officers were unable to control the situation. “We were trapped behind a bus stop. There were about 25 people there. We could see that the security forces were not called there to disperse the mob. The control was lost from the police officers and Special Task Force officers who were deployed there. It is clear that this incident was pre-planned because an adequate number of police officers had not been deployed there. We saved our lives with great difficulty. If we were caught by them, our lives would have been in danger.”

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Anjali Vanduragala, a university student who volunteered at the People's Power tent, the main tent related to the casualties and donations at the protest site, said: "Our tents were destroyed. The tents near the Bandaranaike statue and the art gallery tent were badly damaged and burnt. The main attack took place at the Art Tent where people were trying to protect the paintings and sculptures made during these 35 days."

Anjali further said that the attackers set fire to people's belongings, bags, and other essential items. "There is clear evidence that the police supported the attackers. Some peaceful protesters were attacked by mobs in front of police officers. I was helpless because none of us got justice or protection."

^Information source: Anidda¹² and Daily Mirror¹³ newspapers&

Artist Sujith Ratnayake, who ran the Gotagogama art gallery, expressed his views on the attack: "The selection of Galle Face for the struggle itself is a political act. A place open to the world was chosen for their struggle. It is also an open space for the world of media. The protesters knew that they could not be arbitrarily removed from their tents in such an open area. Since the area consisted of children, clergy, disabled people, etc., everyone was confident that there would be no attack by thugs or the police. Galle Face is a place where various struggles have taken place. They protested using drama, painting and music, and without violence, so they did not think that there would be any repression against them."

On May 09, mobs set fire to the art studio and destroyed everything there. According to Sujith Ratnayake, he was not physically harmed and the studio was destroyed '

12. <https://www.anidda.lk/2022/05/17/%E0%B6%9C%E0%B7%9D%E0%B6%A8%E0%B7%8F%E0%B6%9C%E0%B7%9D%E0%B6%9C%E0%B6%B8-%E0%B6%B4%E0%B7%8A%E0%B6%BB%E0%B7%84%E0%B7%8F%E0%B6%BB%E0%B6%BA%E0%B7%9A%E0%B6%AF%E0%B7%93-%E0%B6%B4%E0%B7%9C%E0%B6%BD/>

13. <https://www.dailymirror.lk/news-features/%E2%80%98GotaGoGama%E2%80%99-rises-through-ashes-after-Monday%E2%80%99s-nightmare/131-236714>

14. <https://youtu.be/Xb8b04cLwUw>

Police inaction before the attack

Senior Deputy Inspector General of Police Mr. Deshabandu Thennakoon did not order to disperse of the attackers even though a team of anti-riot police was present at the time of the attack. Instead, he deployed an anti-riot police team and placed a human barrier across the road near Taj Samudra Hotel. However, the attackers bypassed the main road and stormed the protest site along the Galle Face green. In many videos circulating on social networks, it was seen how the police officers allowed the group carrying clubs to move towards Gotagogama without any hindrance. Tear gas attacks and water cannons were fired, mostly targeting the protesters themselves.

Sri Lanka Podujana Peramuna Member of Parliament Dr. Ramesh Pathirana stated in the Parliament on May 18 that as per the instructions of Jagath Alwis, Secretary of the Ministry of Public Security and Inspector General of Police Chandana Wickramaratne, on May 9, the police had not acted to prevent the attack on the peaceful protesters.¹⁵

Speaking further, Dr. Pathirana said that when a group of people who came to the meeting were going to attack the peaceful protestors, he made a phone call to the Deputy Inspector General of Police in charge of the Western Province, Mr. Deshabandu Thennakoon, and asked him to stop the attack. "Senior Deputy Inspector General of Police Thennakoon assured me that the police would prevent the attack. He said that the police had established roadblocks. Then I went to the President's House for a meeting. When I was in the President's House, the former MP Ashu Marasinghe called me and said that conflicts could not be avoided. He asked me to warn the President and ask him to intervene to prevent the tragedy. After that, I informed the President about it," MP Pathirana added.

Testifying before the Human Rights Commission, Senior Deputy Inspector General of Police Deshabandu Thennakoon stated on Friday, May 13, 2022, that two senior authorities had not allowed him to implement his plans used to control the attack on Gotagogama. He revealed that the aforementioned two authorities pressured several senior officials including himself not to use tear gas and water cannons. He said that he had called the police and the Special Task Force to the required extent, two water cannon vehicles, tear gas and more than 200 anti-riot officers to Galle Face. Deshabandu Thennakoon pointed out to the Human Rights Commission that the rioters overpowered the police officers and entered the protest ground due to the delay to act¹⁶

15. <https://youtu.be/WUOBRa7gYI4>

16. <https://www.lankaweb.lk/archives/42698>

Facts revealed by court reports

When the trial regarding the assault incident was taken up on May 25 before the Colombo Fort Magistrate's Court, the Additional Solicitor General who appeared for the Attorney General pointed out that the Senior Deputy Inspector General of Police in charge of the Western Province, Mr. Deshabandu Thennakoon, had not implemented the instructions given by the Inspector General of Police in writing under the reference number SD/IG/OUT/S-04/02/1185/2022 regarding preventing the Kollupitiya and Galle Face protest grounds¹⁷

President's Counsel Mr. Rienzi Arsakularatne and President's Counsel Mr. Sarath Jayamanna presented facts in court on behalf of the aggrieved parties. "Sir, the Police Ordinance clearly states that a Sub-Inspector of Police also has powers to disperse an unruly crowd of more than 12 persons. Even then, Senior Deputy Inspector General of Police Deshabandu Thennakoon, the most senior officer at the place, did not take steps to disperse the crowd. We need to know on whose blessings Deshabandu Thennakoon acted in that risky manner. There is a side that the Criminal Investigation Department is not looking into. After the Inspector General of Police gave instructions on May 8, Senior Deputy Inspector General of Police Deshabandu Thennakoon held a meeting with the senior officers under him. He has clearly instructed them not to disperse the demonstration and not to use water cannons and tear gas. Therefore, Sir, there are facts beyond doubt. Why will the Criminal Investigation Department not arrest the Senior Deputy Inspector General of Police?~

Addressing the open court, Magistrate Thilina Gamage asked the Criminal Investigation Department what their opinion is regarding the Senior Deputy Inspector General of Police in charge of the Western Province, Deshabandu Thennakoon.

The officials of the Criminal Investigation Department said that since evidence had been presented that the Senior Deputy Inspector General of Police had given a clear order to prevent the demonstration, they had a question whether he was a witness or a suspect.

Then, the magistrate brought out the photograph of Sanath Nishantha and Deshabandu Thennakoon engaged in some discussion at the protest ground and said, "Does this photograph show the suspect Sanath Nishantha giving instructions to the Senior Deputy Inspector General of Police? I see this as a very trivial discussion.~

The Additional Solicitor General said that since the majority of the evidence related to this case is in the Western Province itself, the Attorney General had instructed the Criminal Investigation Department to transfer Senior Deputy Inspector General of Police Deshabandu Thennakoon from his current position.

The court case regarding the attack on the protest grounds was heard again on June 1 at the Colombo Fort Magistrate's Court¹⁸

17. <https://sinhala.adaderana.lk/news.php?nid=168222>

18. <https://newswave.lk/34307/>

Senior Deputy Solicitor General Dilan Ratnayake, who represented the Attorney General, stated that the Attorney General had submitted a report to the court regarding the request made by the Attorney General to transfer Mr. Deshabandu Thennakoon and that the Inspector General of Police had no authority to transfer Mr. Deshabandu Thennakoon.

The lawyers who appeared for the aggrieved party then questioned how Senior Deputy Inspector General of Police Mr. Ajith Rohana was transferred. The Inspector General of Police then stated that the transfer had been done by the Secretary of the Ministry of Public Security under the endorsement of the Public Service Commission.

At that time, Mr. Sarath Jayamanna, the President's Advocate who appeared for the aggrieved party, asked the Inspector General of Police why he had not proposed to transfer the Senior Deputy Inspector General of Police Deshabandu Thennakoon, who is heavily accused of this case.

The Senior Deputy Solicitor General, who appeared for the Inspector General of Police, stated before the court that the proposals made at their level had already been forwarded to the relevant authorities.

Additional Solicitor General Ms. Ayesha Jinasena, representing the Attorney General before the court stated that the office and personal mobile phones used by Mr. Deshabandu Thennakoon on the day in question have been forwarded to the Criminal Investigation Department for a forensic investigation.

President's Counsel Upul Jayasuriya, who represented the aggrieved party, pointed out before the court that it was surprising that Senior Deputy Inspector General Deshabandu Thennakoon, who should have been named as a prime suspect for not taking action to prevent the attack, had not been named as a suspect so far.

"He is not bound to follow illegal instructions given by a senior officer. Therefore we need to know whether there is an invisible hand that protects to protect Deshabandu Thennakoon," Mr. Sarath Jayamanna, who appeared for the aggrieved party, brought the matter to the attention of the court.

At that point, Magistrate Thilina Gamage enquired the Inspector General of Police whether it was possible to direct a Senior Deputy Inspector General of Police to supervise the investigations of the Criminal Investigation Department.

The Senior Deputy Inspector of Police in charge of the Crime and Traffic Division Mr. Kamal Silva was nominated to supervise the investigations conducted by the Criminal Investigation Department regarding the attack on the protest site at Galle Face.

President's Counsel Mr. Nalin Ladduwahetti appeared before the court on June 1 for the rights of Senior Deputy Inspector General of Police Mr. Deshabandu Thennakoon.

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“Sir, as mentioned, the Attorney General has sent an erroneous letter to the Inspector General of Police to transfer my client. The letter does not intend to transfer my employer. It only requests to consider it. The Attorney General has not instructed to arrest my client. Misinformation about my client is being circulated every day. That is why I am appearing before the court today to clarify the truth.

“Sir, on the day of this incident my client was in his office. On May 8, the Inspector General of Police gave him a written notice to prevent this conflict. Accordingly, my client took all necessary measures to avoid the conflict. He went there when he received the news that there was an incident near Temple Trees. On the morning of the incident, the Senior Superintendent of Police in charge of Colombo Central Division Mr. Nishantha Chandreskara received two telephone calls from the Inspector General of Police. He received conflicting instructions on the steps to be taken to prevent this conflict. Later, my client inquired about it from the secretary of the Ministry. There too, my client received conflicting instructions regarding avoiding the conflict. My client had to seek advice from the highest political authority because of the contradictions between all these instructions.

“The telephone conversation with the President lasted for about 11 minutes. My client used tear gas and water cannons to disperse the rioters only after that call,” President's Counsel Mr. Nalin Ladduwahetti stated before the court.

Colombo Fort Magistrate Thilina Gamage stated in the open court on June 21 that the Criminal Investigation Department's investigations regarding Mr. Deshabandu Thennakoon's role in terms of the incident of May 9th is biased. As the court observed that the investigating officer presenting the facts regarding this incident was biased, the magistrate ordered the Inspector General of Police to personally investigate the matter and take appropriate measures.

Deputy Solicitor General Lakmini Girihagama, who appeared for the Criminal Investigation Department at the hearing held on August 3, stated that the investigation conducted on Senior Deputy Inspector General of Police Deshabandu Thennakoon had been completed and the reports had been submitted to the Attorney General's Department.

The Deputy Solicitor General pointed out that the facts presented so far were not sufficient in terms of making a decision regarding the Deputy Inspector General of Police and recommended taking a decision in this regard after studying all the evidence revealed during the investigation.

The Magistrate stated that the Attorney General had issued instructions three times regarding Senior Deputy Inspector General of Police Deshabandu Thennakoon. The magistrate questioned what action had been taken in that regard. The Magistrate also informed the Attorney General to immediately intervene and take necessary actions regarding the failure to follow the instructions.

In this way, we can observe that action regarding Deputy Inspector General of Police Deshabandu Thennakoon is delayed continuously.

Information received through Right to Information applications

In response to the information application submitted to the police headquarters under the Right to Information Act by lawyer Lakshan Fernando on behalf of the Right to Life Human Rights Center on August 10, 2022, Police Colombo Central Division Information Officer Senior Superintendent of Police W.K.J. Roshan Dias provided us with information. According to information provided by Senior Superintendent of Police Roshan Dias on October 20, 2022, 22 cases have been reported in connection with the May 9 attack. He stated that the persons who were attacked had failed to identify the attackers. Therefore, no arrests have been made so far."

A list of 22 people, including two women, who were involved in the 22 assault complaints was also provided. The description provided regarding damages is "minor injuries". The information does not include the names of the seriously injured victims whom we identified through other sources.

Information has been given about seven property damages caused by clashes including a complaint by a well-known activist of the protest, Amal Salindaregarding setting fire to tents and damaging property. Two complaints are related to the demolition of temporary shops and offices. One complaint is related to damage to a bus.

After the attack, Mr. Sajith Premadasa, the Leader of the Opposition, visited the protest site and as broadcasted by the public media he too was also attacked¹⁹. Famous protestors were also seen among the people who attacked the Opposition Leader. However, it has not been reported that the Opposition Leader has either complained about the attack or mentioned it later. According to the information provided by the police, one of the government vehicles belonging to the Opposition Leader was damaged by the attack. However, the purpose of the complaint was to obtain insurance compensation.

A complaint has been filed regarding another government vehicle, which can be assumed as another vehicle that was attacked. The purpose of the complaint was to obtain insurance compensation. A government vehicle was attacked with stones during the protest. The rear lights and doors of the vehicle have been damaged, police said.

A police driver has complained about the damage to a water bowser belonging to the Batticaloa Police Headquarters.

The other complaint related to damage to a bus.

On behalf of the Right to Life Human Rights Center, lawyer Lakshan Fernando submitted a request under the Freedom of Information Act on August 15, 2022, to the Attorney General's Department to find out how many legal actions and cases are pending in the courts regarding the acts of violence that occurred on May 8 and 9, 2022 in various parts of the country. The response letter of the Attorney General's Department under No. 34, 2022 stated that the said information is not in the possession or custody of that department.

19. <https://www.youtube.com/watch?v=-GM-fWMViv4>

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Damages to life and property, as reported in the case No. 22046/22

According to the investigation carried out by the Criminal Investigation Department about the Case No. 22046/22 of Colombo Fort Magistrate Court, the facts presented regarding the damage caused by the attack on the protest sites known as 'Mainagogama' and 'Gothagogama' are as follows:

The number of injured and hospitalized in connection with the protest sites near the Prime Minister's official residence - 08

Number of injured but not hospitalized - 19

Number of injured and hospitalized at the protest site near the Presidential Secretariat in Galle Face - 17

Number of injured but not hospitalized - 32

Total number of injured on 09.05.2022 - 76 (people identified by then)

A report based on statements made by 13 people regarding the damages caused by the attack was submitted to the court on November 1.

Progress of legal action

Proceedings have been started on 10.05.2022 under Case No. 22046/22 in the Colombo Fort Magistrate's Court in connection with the investigation regarding the attack on the peaceful protestors in the Galle Face and near the Temple Trees and causing property damage through violent behaviour.

The Criminal Investigation Department has reported facts related to the incident since May 10, 2022, and on May 12, 2022, the Colombo Fort Magistrate Court issued orders banning the travel of 17 people who are connected with the incident.

The 17 people on whom the travel bans were imposed are as follows²⁰

1. Former Prime Minister Mahinda Rajapaksa,
2. Namal Rajapakse, MP
3. Pavitra Vanniarachchi, MP
4. Johnston Fernando, MP
5. Sanjeeva Edimanna, MP
6. Rohitha Abhayagunawardena, MP
7. C.B. Ratnayake, MP
8. Sanath Nishantha, MP
9. Kanchana Jayaratne, MP
10. Sampath Athukorala, MP
11. Mahinda Kahandagama
12. Renuka Perera
13. Nishantha Jayasinghe
14. Amitha Abeywickrama
15. Pushpalal Kumarasinghe
16. Dilip Fernando
17. Senior Deputy Inspector General of Police in charge of Western Province Deshabandu Thennakoon

The Attorney General made this request from the Chief Magistrate's Court stating that these people must stay in the country for the investigations as it is evident in the investigations that they are involved in planning and executing the attacks.

In addition, after considering the facts presented by the Attorney General that the witnesses who were injured in the mob attack and who witnessed the attack should also stay in this country for further investigations, the magistrate issued an order prohibiting seven witnesses from travelling abroad.

20. <https://youtu.be/gD8bhVMUZug>

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According to the latest case report we have received, 36 suspects have been named by the CID as of 05 October 2022. All except one have been produced before the court and have been released on bail. Their names are:

1. Liyana Arachchige Nishantha Mendis - Moratuwa
2. Suduvadevage Subhash Jayashantha Fernando - Ratmalana
3. Sinhara Amal Pushpakumara de Silva - Panadura
4. Withana Pathirana Milan Sajith Jayathilake (Member of Parliament) - Kirindiwela
5. Kurugamage Sanath Nishantha Perera (Member of Parliament) - Arachchikattuwa
6. Liyanage Abeyrathne Suresh Priyasad alias Dan Priyasad - Wellampitiya
7. Wannakkuduwa Samanlal Fernando - Moratuwa
8. Sameera Chaturanga Ariyaratne - Karadeniya
9. Gamlath Jayantha Rohana - Hanwella
10. Liyanage Dinith Geeithaka Perera - Nittambuwa
11. Jayamanna Kankanamlage Bandula Vijkumara - Kosgama
12. Hewadevage Manjula Prasanna - Kelaniya
13. Pushpalal Kumarasiri - Hikkaduwa
14. Amithananda Abeywickrama - Thummodara
15. Kompagnage Mini Prasanthi Fonseka aka Valle Ramani - Ratmalana
16. Asanka Nalaka or Satha Nalaka or Arabi Wasantha - Kotte
17. Kospalage Don Aruna Priya Shanta - Boralasgamuwa
18. Vannaku Watta Vaduge Ramesh Bhanaka Fernando- Moratuwa
19. Kariyawasam Katuketiya Gamage Chamath Thivanka - Moratuwa
20. Vidanalage Inoka Nishantha De Mel - Wadduwa
21. Ajantha Liyanage - Colombo 12
22. Gonia Malinge Supemsiri Aponsu - Moratuwa
23. Samarakkodi Jayalath Wasantha Sarojani Jayalath aka Handapangoda - Ingiriya
24. Thelge Ariyadasa Peiris - Moratuwa
25. Keerigama Pamunawage Narendra Dulip Fernando- Wellawatta
26. Mahinda Ratna of Kahandagama - Kiriwatthuduwa
27. Nishantha Chaminda Upathissa Jayasinghe - Tangalle
28. Johnston Fernando (Member of Parliament)
29. Kuruppu Arachchige Sajith Saranga - Colombo 6 (Police has reported to the court that he has gone abroad)
30. Ranabahu Mudiasselage Thusitha Sampath Nanayakkara - Pannipitiya
31. Horanage Pradeep Sriyantha Fernando - Moratuwa
32. Liyanage Shanaka Anthony Fernando - Moratuwa
33. Mahawattage Priyanath Mackenzie Mendis - Moratuwa
34. Babinahandige Gayan Pushpakumara Peiris - Moratuwa
35. Kapuwattage Prageeth Sujeewa Bandara - Moratuwa
36. Kuruppu Mudiasselage Lalith Udesh Madhubhanu - Delgoda

Role and recommendations of Sri Lanka Human Rights Commission

Human Rights Commission of Sri Lanka's duty coverage director Ms. Sulari Liyangama, Attorney-at-Law expressed her views on the intervention of the Human Rights Commission since the beginning of the protest.²¹

The Commission has initiated investigations regarding the violations of the rights of assembly and freedom of speech in relation to Mirihana incident, Rambukkana police shooting, May 9 violence, the June 9 incidents and the July 22 violent situations. Many of these investigations have been concluded and given recommendations to the government. Based on those recommendations, disciplinary investigations are ongoing against the officials who supported the violent incidents. As mentioned in the recommendations, investigations are also proceeding by appointing committees and the Human Rights Commission is monitoring the actions. Furthermore, the government has taken action to withdraw the high-security zones after the relevant recommendations to the government because those actions conflicted with fundamental rights. Human Rights Commission is now compiling guidelines for the police and the armed forces on crowd control during civil protests.

The Human Rights Commission of Sri Lanka appointed a team of special rapporteurs to investigate the incident on May 9. The Human Rights Commission summoned many officials including the Inspector General of Police and the Commander of the Army as well as senior officers of the Police and senior officers of the State Intelligence Division on the crowd control during civil protests for that investigation. CCTV footage and all documentary evidence were also examined.

After the independent inquiry conducted by the Human Rights Commission of Sri Lanka regarding the attack on May 09, 2022, it has been recommended that the police should compensate the victims.

The Human Rights Commission has also recommended to the President that an investigation should be conducted on all the police officers who were on duty around the protest site, including the Inspector General of Police, who failed to control or prevent the attack against the peaceful protesters after a meeting held at Temple Trees under the patronage of former Prime Minister Mahinda Rajapaksa. It has been recommended to the Inspector General of Police to take necessary measures to prevent such acts from happening again.

Human Rights Commission of Sri Lanka mentions in the press release issued on 25 July 2022 the following facts²²: "It was revealed that the police could not accurately ascertain the speeches of the parliamentarians and the other State and non-State officials inside the Temple Trees. The failure of not obtaining this crucial information is attributed to the intelligence unit under the Secretary of Defense (The State Intelligence Unit).

21. <https://youtu.be/jYebDnbRXr4>

22. <https://www.hrsl.lk/wp-content/uploads/2022/07/HRCSL-Press-release-26072022.pdf>

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“Once equipped with all the information relevant to the security of the people must be transmitted to IGP, who will then his officers. Although the officers appear to have been briefed by the IGP of an impending attack by the pro-governmental crowd, the miscalculation or erroneous information received by the IGP later appears to have contributed to this violent attack. It is also conceded that there was an inherent duty of the senior officers on the ground to address the situation on the ground, but subject to the final supervision of the IGP.”

The statement further mentions; “In these circumstances, as elicited in the report, the IGP was clearly in breach of duty by failing to provide adequate protection to the peaceful protesters and to uphold the rule of law. It is recommended that the H.E the President directs an investigation into this aspect of the matter and take necessary steps to ensure that such actions by the Head of the Police Department will not occur in the future.

“It is also recommended to His Excellency the President to direct an investigation into the lapse on the part of all the senior police officers, including IGP downwards, who were on duty at the protesting sites in Colombo for their inability to provide adequate protection to the peaceful protesters on 9th May 2022. And, if victims can be identified, the Police to adequately compensate those victims for the injuries suffered.”

Recommendations of the study

1. The Police Ordinance, which is an archaic law, should be modernized or a new Act should be introduced to suit the advanced modern civilized world.
2. The police service must be transformed into a powerful, law-abiding, law-enforcement agency capable of providing security to the people of the country.
3. The police should be reoriented to guarantee peace among the people by upholding the law and the passion and commitment to the law. Police must act to strengthen public confidence.
4. It should be emphasized that the democratic meaning of the word "security" is to protect the people making the condition of living safe for the people and not to protect a government or politicians manipulating the term "national security".
5. Relations between the police and the public should be further strengthened.
6. A formal investigation should be conducted as to whether the police have worked to achieve the wishes of any party in terms of the incidents on May 9.
7. As Sri Lanka Police is ultimately responsible for all the violent acts that occurred on May 9 and afterwards, the government should conduct a review of the entire process and take necessary steps to prevent such mistakes from happening again.
8. Appointing an Independent Commission of Inquiry to investigate the incidents and police misconduct on May 9 and afterwards.
9. The lack of responsible intervention by the police is a criminal act, so a formal investigation should be conducted and those responsible should be punished according to law and discipline.
10. The government should compensate the victims of the attack and a transparent reparation process is needed.

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