

Dear All,

Since all my friends near & far seem to be sensitive to the suffering of the masses and the uprising of the youth devoid of all types of segregation that were thrust on our people, I thought of keeping you guys briefed of what I have experienced in my capacity as a Lawyer appearing for those critically sick in the ICU after the shooting at Rambukkana*. I (I) have also marked my appearance for the Commonwealth Lawyers Association and LawAsia watching interest on their behalf.*

There was a team of lawyers who appeared on all 3 days consecutively namely Riency Arasakularatna PC, Upul Jayasuriya PC, Sarath Jayamanne PC Chaminda Atukarale Senior Attorney and approximately nearly hundred lawyers from Colombo, Kegalle and outstations.

As you may be aware there was one death.

Three youth are in the ICU. One of them is an university student. I appeared watching the interest of the three young men in the ICU.

Today is the second day I attended the Kegalle Magistrate's Courts & I will be attending court in Kegalle tomorrow as well. More than 50 Lawyers appeared traveling from all over at their own cost completely free of charge of course for a course.

1. Police filed a wrong ("A") report at 2.00 pm and were ordered to file a corrected B report under which a death or a crime is reported.
2. They filed the corrected report at 3.15 pm Yesterday alleging that there were several offenses committed by the protestors including a charge under section 298 - Culpable homicide not amounting to Murder.
3. we visited the scene at Rambukkana (approximately 9 KM away from Kegalle and the Magistrate commenced recording evidence and making notes on the observation of the crime scene. When we reached the scene it was about 5.00 pm.
4. 1st witness stated that the deceased was shot at point blank range (10 meters) on the stomach by a police officer. He also said that the protestors did not violate the Law and caused no damage. There was a large crowd. It was all about a Petrol bowser that has come for unloading at the nearby shed. The manager was trying to sell it at the new price which was nearly 30% more than the existing price, where as the crowd was aware that the stock fuel has been invoiced prior to the price increase.
5. 2nd witness stated that a tall police officer came and set fire to his three wheeler which he was watching while he was hiding.. at this stage there had been a crowd of people. They were asking for fuel at the old price as the stock that arrived at the shed prior to the price increase. In any event since the crowd was too much the bowser couldn't reach the shed but was held up on the rail track.

6. The Magistrate observed that the SOCO (Police officers in charge of the scene of crime) had not made notes on the blood stains the damage caused to the CCTV cameras of the shed and the match box which was on the ground in front of the petrol pump.
7. The Magistrate then observed that none of it has been noted by the police SOCO.
8. At this stage Lawyers made the application to the Magistrate that the DVR that records the visuals off the Cameras were inside the shed and the same should be taken in to custody by the Police in front of the Lawyers and brought to court.
9. We resumed court at about 8.30 pm after visiting the deceased at the hospital.
10. When court resumed it was noticed that the original B report that has been filed at 3.15 pm and been altered obliterating "section 298.
11. It was revealed that the SSP who was present in court had altered it surreptitiously. Lawyers made the application forthwith to charge the SSP for alteration of official record and for Contempt of Court.
12. Magistrate made order to send a copy of the record to the IGP and the AG for further action possibly to draft charges against the SSP.
13. At 10.30 pm case was put off for today.
14. Court resumed at 1.30 pm. At this stage a senior state counsel Mr Shamil Kularatna sought to appear amicus curiae. When he was objected to he marked his appearance with the DIG on behalf of Police. He was again objected to on the basis that there is a tradition in the AGs department that AG doesn't undertake the defense of the officers who are accused of torture.
15. There were several more civilian witnesses.
16. One important witness said under oath that three people came from within a group of Police Officers and pelted stones at the Police. However Police took no action against those three persons. Thereafter three other uniformed officers taking shelter behind a three wheeler fired tear gas followed by shooting in to air. At that stage he saw and heard an uniformed officer with two stars and the government emblem, screaming at them to shoot to kill. A man was shot dead with one gun shot nearly 10 meters away from the petrol pump.
17. It is clear that the police is hellbent to safeguard the officer/s who fired the shots. When firearms are issued to police officers it is noted with the serial numbers and the number of bullets issued to each officer. It was only the Police who had firearms. Civilians were totally unarmed. The death had occurred of gun shot injuries, including the three in the ICU there are nearly 10-12 civilians who have suffered gun shot injuries.
18. Police are aware of the Murderer and the one who gave the order to kill. This is no hide and seek game. This is a Police brutality.
19. The Lady Judicial Officer who is standing firm on such brutality is commendable.

20. Police were ordered to bring all their evidence on the 22nd.

All lawyers attended courts in Kegalle on the 3rd consecutive day.

21. OIC Rambukkana gave evidence and stated that on this day he attended MP Kanaka Herath's house and went to the scene. According to him there were nearly 600 people at the crime scene. He confirmed that the crowd was pelting stones.

22. Next witness was SSP Keerthiratne. According to him there were nearly 1000 to 2000 people. According to him he has ordered to throw tear gas to control the crowd. As he was unable to control the crowd he ordered to shoot in to the sky. As he was unable to control the crowd he had ordered to shoot below the knee of the protestors. He also said that at some stage an ASP and another officer was assaulted by the crowd by pushing them on them on the ground.

23. Next police witness stated that he was in charge of the armoury at the police station kegalle. He said they had no rubber bullets. He had issues the T 56 weapons and several pistols. He had not been handed over the unspent ammunition and the guns

24. The last Police witness stated that he was behind the Petrol bowser. There had been a crowd of nearly 200 protestors. The police party were nearly 70. He had seen a person opening the valve of the bowser. There was fuel that came out and he attempted to set fire to it. He had not been able to arrest the said person. However he had not seen no oil patch on the ground.

25. The Magistrate at about 6.00 pm visited the bowser at the Police station thereafter. She observed that the tank of the bowser was not on the vehicle. Therefore it has not been able to find or examine as to how the bowser valve was opened or whether it was forced open.

Order has been fixed for the 27th Wednesday.