

ANNEX: Detailed summaries of the decisions and recommendations of 50 cases that infringe on the judicial independence and Attorney General's Department. The detailed summaries have been translated from the Sinhala language report.

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Opinion on the Report by the Presidential Commission of Inquiry into Political Victimization

The report consists of 2,043 pages and Three Volumes. It contains information on 198 complaints lodged at the Commission. In January, President Rajapaksa appointed a Commission to look in to and obtain information on political victimizations caused by the activities of the Financial Crimes Investigation Division (FCID), the Bribery Commission, and the Police Special Investigation Unit (SIU) during the said period. The Commission had received 1,971 complaints of which most have been already provided with relief.

The Mandate of the Commission of Inquiry as set out in the Notification published in Gazette Extraordinary No. 2159/16 dated 22nd January 2020, is to inquire into allegations of political victimization of “public officers, employees of public corporations, and members of the armed forces and police service who held such office prior to the Presidential Elections and/or General elections held respectively in January and August 2015, being persons who had either resigned from or otherwise ceased to hold public office with the change of Government or continued to hold such office after such change, during the period commencing 08th January 2015 and ending 16th November 2016”.

However, the Commission exceeds in its capacity of Inquiry when Complaints from for example, Mr Nissanka Senadhipathi, who does not fall within any of the said categories of persons appears to have been entertained and is being inquired into by the Col.

The Legal Implications of the Findings and Recommendations of the Commission:

The Commission has also recommended to reverse some of the verdicts of the Supreme Court. However, the Commission is not a part of the court system of Sri Lanka and is therefore not empowered to rule and appeal cases: it is only formed as an independent Commission to seek information by Complainants.

Nonetheless, it can be clearly seen in the Commission’s Findings and Recommendations that it has taken over the decision making capacity of the Judiciary and in most circumstances have taken the role of overruling a design made within the Jurisdiction of the Court. Additionally, the Commission had issued recommendations on the judgements of the Supreme Court, the High Court and the Magistrate’s Court and cases pending before them and that it this is a complete usurpation of the judiciary.

In reality, the legal implication of the findings and recommendations by the PCol could be used by the aggrieved party in the complaint as evidence in court to seek justice. The information provided in the Commission Reports should be thereby curated in accordance with the formal procedure of disclosure to the respective Court.

1. Abduction and Killing of 11 people at Trincomalee Navy camp

Decision: Acquit the Complainant a from all the charges against him by withdrawing the indictment in case No 1448/2020 filed in the High Court, Trial at Bar.

Page No: 52-103

Complaint No: 01/2020, 05/2020

Complainant: Admiral of the Fleet Wasantha Kumara Jayadewa Karannagoda

Respondents:

1. Shani Abeysekara- Former Director of Crime Investigation Department
2. D. S Thisera- Assistant Superintendent of Police
3. Nishantha De Silva- Inspector of Police
4. Ranjan Ramanayake- Former Deputy Minister
5. Rajitha Senarathna-Former Minister
6. M. D Swaminadan- Former Minister
7. Ranjith Madduma Bandara- Former Minister
8. Ajith P Perera- Former Deputy Minister
9. Ravi Waidyalankara- Deputy Inspector General of Police
10. Ravi Senevirathna- Deputy Inspector General of Police
11. J. C Weliamuna Presidents' Counsel

Issue: The naval assistant of the witness, Comrade Udaya Bandara has stated the Complainant that Lieutenant Commander Sampath Munasinghe who served as a security officer under him is keeping 5 children in his custody and demanding money to release the same.

Background:

- Complainant's good character evidence have furnished.
- Document marked as P 33 is evident that Army Commander Sarath Fonseka was having an ill-mannered relationship with the Complainant whereas Sarath Fonseka has defamed the Complainant during media discussions.

- In 2015, April Inspector of Police Nishantha De Silva has sealed an underground ammunition on storage stating that it is an underground prison.
- Inspector of Police Nishantha De Silva has attempted to remand the Complainant when he went to the CID to give a statement on October 5th.
- The document marked as P 9 (further report on B 732/09 case) presented to the Pettah Magistrates Court by inspector of Police Nishantha De Silva falsely states that the Complainant has threatened Commander Welagedara and based on that attempted to act against the Complainant.
- Inspector of Police Nishantha De Silva has eloped to Australia on 2017 and it was discovered on 2019 that he stays there as a political refugee, thus the case B 732/09 has been disrupted from continuing as Inspector of Police Nishantha De Silva was its prime witness.
- Since 2016, inspector of Police Nishantha De Silva & CID has attempted to arrest the Complainant several times based on false statements of Travis Sinnaiya and Shemal Feernando.
- Based on the recordings, former minister Ranjan Ramanayake having a hidden political agenda and to fulfill the needs of Tamil diaspora and European Government to be in power, along with Former Director of Crime Investigation Department Shani Abeysekara have arrested high ranking Army and Police Officers making them war criminals.

Witnesses:1. Complainant of the present case- Admiral of the Fleet Wasantha Kumara Jayadewa Karannagoda
 2. Complainant of case 2/2020- Dasanayaka Kankanamlage Piyarathna Dasanayaka
 3. Complainant of case 3/2020- Commander Sumith Ranasinghe
 4. Aluth Gedara Upul Bandara

Findings:

1. After perusing the evidence of this case, the Commission has unanimously decided that it has been proved by strong evidence that the Respondents with the intention of remanding and aiding and abetting to remand the Complainant have fabricated false evidence.
2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in B Report 732/09 and further relevant reports against him filed in the Magistrates Court, Colombo.
3. The Commission has further unanimously decided, to acquit the Complainant a from all the charges against him by withdrawing the indictment in case No 1448/2020 filed in the Hight Court, Trial at Bar.

Recommendations:

1. Therefore, the Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code.
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences
4. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption
5. Compiling a charge sheet against the Respondents under the Police Disciplinary Rules for concealing the truth, corruption and defaming the police service

2. Abduction and Killing of 11 People at Trincomalee Navy Camp

Decision: To acquit the Complainant a from all the charges against him by withdrawing the indictment in case No 1448/2020 filed in the High Court, Trial at Bar.

Page No: 104-192

Complaint NO: 02/2020

Complainant: Dasanayaka Kankanamlage Piyarathna Dasanayaka

Respondents:

1. Shani Abeysekara- Former Director of Crime Investigation Department
2. D. S Thisera- Assistant Superintendent of Police
3. Nishantha De Silva- Inspector of Police
4. Ranjan Ramanayake- Former Deputy Minister
5. Rajitha Senarathna-Former Minister
6. M. D Swaminadan- Former Minister

7. Ranjith Madduma Bandara- Former Minister
8. Ajith P Perera- Former Deputy Minister
9. Ravi Waidyalankara- Deputy Inspector General of Police
10. Ravi Senevirathna- Deputy Inspector General of Police
11. J. C Weliamuna Presidents' Counsel

Issue: Restriction of Complainant's travelling beyond the seas by way of a Motion under the case B 732/09 by CID officer Nishantha De Silva the Pettah Magistrates' Court stating that he should be a party to the case 01/2020, 05/2020 (Complainant's name was not included in the B Report pertaining to that case) has also being highlighted. The Appeal against the restriction has dismissed under influence.

Background:

- Complainant's good character evidence have furnished.
- The CID has attempted to arrest the Complainant based on the false statements made by K C Welagedara, Travis Sinnaiya Sarojanee Nagadasan alias Sarojanee Perera and Ashoka Mahesh Kumara

Witnesses:

1. Complainant of the present case- Dasanayaka Kankanamlage Piyarathna Dasanayaka
2. Complainant's wife- Sudirikku Hannadige Chandrika
3. Complainant's Daughter- Prathibha Manjaree Yashodhara Dasanayaka
4. Rear Admiral Anthony Rohan Amarasinghe
5. Hettiarachchi Mudiyanseelage Prasad Chandana Kumara

Cross Examined: 02nd, 07th and 8th Respondents

Findings:

1. After perusing the evidence of this case, the Commission has unanimously decided that it has been proved by strong evidence that the Respondents with the intention of remanding and aiding and abetting to remand the Complainant have fabricated false evidence.
2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Report 732/09 and further relevant reports against him filed in the Magistrates Court, Colombo.

3. The Commission has further unanimously decided, to acquit the Complainant a from all the charges against him by withdrawing the indictment in case No 1448/2020 filed in the Hight Court, Trial at Bar.

Recommendations:

1. The Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code.
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abatement of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences
4. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption
5. The Commission considering the Complainant being subject of a political revenge in order to rectify the grave damages undergone by the Complainant including loss of promotions, wages in arrears, foreign training recommends to reinstate the Complainant to the apt position.

3. Abduction and Killing of 11 People at Trincomalee Navy Camp

Decision: To acquit the Complainant from all the charges in the B Report 732/09 and further relevant reports against him filed in the Magistrates Court, Colombo

Page No: 193-226

CASE NO: 03/2020

Complainant: Commander Sumith Ranasinghe

Respondents: 1. Shani Abeysekara- Former Director of Crime Investigation Department

2. Nishantha De Silva- Inspector of Police

3. Ranjan Ramanayake- Former Deputy Minister

4. Rajitha Senarathna-Former Minister

- 5.Patali Champika Ranawaka- Former Minister
- 6.Krishan Chithaka Welagedara- Lieutenant Commander
- 7.Ranhawadi Duralayage Priyankara (බලනැව්)
- 8.Ranatunga Mudiyansele Punchibanda Ranatunga

Issue: Defendants have falsely accused the Complainant and other high-ranking officers such as M A T Mendis, K Gamini, P V S J Kumara and Hettinanda of Sri Lanka Navy for abducting 11 children and arrested them.

Background:

- Complainant's good character evidence have furnished.
- The place called "gun-site" which was used as an underground ammunition storage in the Naval Base has falsely named as "Gota Camp" by Shani Abeysekara- Former Director of Crime Investigation Department and Nishantha De Silva- Inspector of Police on 26/02/2015 to fulfill the intentions of Yahapalana Government.
- CID has investigated into the abduction of 11 children in 2009/06/01 and presented the report No 7B 732/09 to the Magistrates Court and further report on 2009/06/03.
- Then a report has compiled on 2014/07/22 Police Inspector Ranjith Munasinghe with 29 further reports as B 732/2009.
- On 2015.01.21 with the new government Police Inspector Ranjith Munasinghe was removed and the investigations were handed over to Nishantha De Silva- Inspector of Police.
- In 2012/03/02 the Complainant was called by Shani Abeysekara and told him to give a statement that the operations relating to the Elam war in the "gun-site" were under the supervision of then Army Commander Wasantha Karannagoda and Defence Secretary Gotabhaya Rajapaksa otherwise he will be remanded.
- In 2017 the Complainant was again called by Shani Abeysekara and Nishantha De Silva and questioned him on the abduction matter. Although the Complainant has stated that he has no connection with the matter.
- Nishantha De Silva- Inspector of Police has handed over an important secret document to Ranjan Ramanayake- Former Deputy Minister and he has now eloped to Australia

Witnesses: 1 Complainant of the present case- Commander Sumith Ranasinghe

- 2 R D Priyankara (බලනැව්)
- 3.Abeykoon
4. 12th Respondent

5. Dissanyake Mudiyanseelage Sampath Bandara Dissanayake

6. Navy Officer- M. A. T Mendis

Findings: 1. After perusing the evidence of this case, the Commission has unanimously decided that it has been proved by strong evidence that the Respondents with the intention of remanding and aiding and abetting to remand the Complainant have fabricated false evidence.

2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Report 732/09 and further relevant reports against him filed in the Magistrates Court, Colombo.

Recommendations:

1. The Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code.
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences
4. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption.
5. The Commission considering the Complainant being subject of a political revenge in order to rectify the grave damages undergone by the Complainant including loss of promotions and benefits, wages in arrears, foreign training recommends to reinstate the Complainant to the apt position.

4. Assassination of Nadaraja Raviraj, Member of Parliament and His Security Officer Lokuwella Lakshman

Decision: To acquit the Complainant a from all the charges against him by withdrawing the indictment in case No HC (TAB)/ 1448 filed in the High Court.

Page No: 227-268

Complaint No: 80/2020

Complainant: Hettiarachchi Mudiyanseelage Prasad Chandana Kumara Hettiarachchi

Respondents: 1. Shani Abeysekara- Former Director of Crime Investigation Department

2. D. S Thisera- Assistant Superintendent of Police

3. A R Nimalaraja- Colombo Remand Prison Guard

4. G H P A Nawarathna- Colombo Remand Prison Guard

5. D A Suranga- Magazine Prison Guard

6. W P C Feranando- Remand Prison Guard

7. Ranjith Udayasiri- Remand Prison Guard

8. R D L Wickremasinghe- Retired Jailor

9. Sesiri Gunasinghe- Jailor

Issue: Wrongfully arresting the Complainant for the murder case of Nadaraja Raviraj Parliament Member and his security officer Lokuwella Lakshman by threatening him and again unlawfully rearresting him without a court order.

Background:

- Complainant's good character evidence have furnished.
- CID stating the Complainant that he has to give a statement arrested him for the murder case of Nadaraja Raviraj Parliament Minister and his security officer Lokuwella Lakshman by threatening him on 2015/03/15 as per an order given by D S Tisera although the Complainant insisted that he has no connection with that matter.

- CID has repeatedly influenced the Complainant for 23 days to give a statement saying that Gotabhaya Rajapaksa and then Army Commander Wasantha Karannagoda are behind this matter.
- Although Colombo Magistrates Court No 7 has ordered to discharge the Complainant on 2016.07.15, due to a Motion filed by the Attorney General's Department in the Colombo Magistrates Court No 1, its Magistrate has ordered to remand the Complainant.
- Even though the Complainant was discharged again he was unlawfully arrested by the prison officers without a court order.

Witnesses: 1. Complainant of the present case- Hettiarachchi Mudiyanseelage Prasad Chandana Kumara Hettiarachchi

2 33rd and 79th Witnesses of the charge sheets of Navy Soldier SP 21500 Kottagodage Don Prageeth Nishantha Kttegoda and Navy Soldier XP 318667 Somadasage Saman Kumara Somadasa respectively

3 Complainant's wife- Chathurika Nadeeshani Weerawickrema

4. 2nd Respondent- D. S Thisera- Assistant Superintendent of Police

Findings:

1. After perusing the evidence of this case, the Commission has unanimously decided that it has been proved by strong evidence that the Respondents with the intention of remanding and aiding and abetting to remand the Complainant have fabricated false evidence.
2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in 7439/2/6 Case against him filed in the Magistrates Court, Colombo.
3. The Commission has further unanimously decided, to acquit the Complainant a from all the charges against him by withdrawing the indictment in case No HC (TAB)/ 1448 filed in the High Court.

Recommendations:

1. The Respondents are guilty of the offence of "fabricating false evidence" under section 189 to be read with section 191 of the Penal Code.
2. The 2nd Defendant along with the prime suspects on the murder of Nadaraja Raviraj are guilty of the offence of "harbouring an offender" under section 209 of the Penal Code.
3. Moreover, for abetting the above offences, the Respondents are guilty of the offence of "abetment of doing of a thing" under section 100 of the Penal Code.

4. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences

5. The Commission has also unanimously decided that the charges should be compiled and cases should be filed against Jail officers for “committing the offence of wrongful confinement of person for whose liberation a writ has been issued” under section 336 of the Penal Code.

6. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption

7. The Commission considering the Complainant being subject of a political revenge in order to rectify the grave damages undergone by the Complainant including loss of promotions and benefits, wages in arrears, foreign training recommends to reinstate the Complainant to the apt position.

5. Assassination of Nadaraja Raviraj, Member of Parliament and His Security Officer Lokuwella Lakshman

Decision: to acquit the Complainant a from all the charges against him by withdrawing the indictment in case No HC 8331/16 filed in the High Court.

Page No: 269-288

Complaint No: 55/2020

Complainant: Daliwalagedara Gamini Senevirathna

Respondents: 1. Shani Abeysekara- Former Director of Crime Investigation Department

2. Bodipaksha- Inspector of Police

3. Amarawansa- Inspector of Police

Issue: Murder of Member of Parliament Nadaraja Ravi Raj

Background:

- Evidence on Complainant's good character and conduct during his service in the Navy was lead.
- The Complainant was called to the CID for the purpose of obtaining a statement on murdering of the said Minister and the B Report B 7439/2/6 filed against him before the magistrate court is marked as P2.
- Complainant has been detained for further investigation for a period of 18 days under Prevention of Terrorism Act. Detaining warrant marked as P3.
- The signatures of the President Maithripala Sirisena and Defense Minister at that time appeared on the warrant was proved to have been forged upon the evidence lead by Udaya Senavirathne. Thereby the CID officers have acted in violation of the law by detaining the Complainant for a longer period than the authorized time without following the correct procedure. Therefore, the said officers are guilty of committing an offence punishable under S.335 of the Penal Code under and also guilty of an offence for preparing a forged warrant which is punishable under S.452 and S.453 read together with S.454 of the Penal Code.
- Complainant states that during the questioning he was forced by S I Amarawansa to admit that he killed Minister Nadaraja Ravi Raj under the command and direction of Navy Commander Wasantha Karannagoda and the Defense Secretary at that time Gotabaya Rajapaksha.
- Further investigation Report against the Complainant B 7439/2/6 dated 2/1/2015 was marked as P4 and he was remanded.
- Preethi Viraj Manamperi suspected to be an offender to the said offence was arrested and made a state witness to testify against the Complainant. His reliability as a state witness has become questionable since there are 11 other cases filed against him for similar offences committed.
- However, the said state witness could not identify the Complainant at the Identification parade.
- Eventhough the reports on investigations conducted were not lodged before the Magistrate Court against the Complainant, an Indictment was filed in the High Court bearing No.HC 8331/16. Indictment contained 5 charges out of which 3 charges are being filed under the S.296 of the Penal Code and other 2 under the Prevention of Terrorism Act.
- Prime witness Preethi Viraj testified that the Complainant shot late Minister Ravi Raj using a T56 Pistol and fled in a motor cycle towards Gangarama area and the Complainant's hand was injured in the said incident.

- However, Preethi Raj never mentioned Complainant's name as the offender during the trial for murder of late minister Ravi Raj in 2008 but in the year 2015 during Yahapalana Government he made a statement making Wasantha Karannagoda and Gotabaya Rajapaksha as being conspirators to the said offence.
- All the unlogged investigations are said to have been conducted before the Magistrate Thilina Gamage, who testified before the commission on the pressure and influence made to him by the Defendants. This statement had been published in Lankabima Newspaper on 22/02/2020. Said article was marked as P 10.
- Evidence given by Preethi viraj before the High Court after being made a state witness is marked as P7, which made no reference to the murder of the late Minister Ravi Raj.
- The Complainant after being presented before the Magistrate Court an Identification parade was held. There the witnesses Hadigallage Nilantha Nishantha Namal, Thalduwaduralalage Amila Chinthana Ranasinghe, including the eye witness Anjalo Roy could not identify the Complainant. Notes made at the Identification parade are marked as P11.
- Evidence given by Preethi viraj and Magistrate Thilina Gamage are marked as P 13.
- Even though the DNA of the real offender was found and preserved from the crime scene steps were not taken to compare with that of the Complainant. Answer given by Preethi Raj to the question whether the DNA was tested is marked as P 12.
- Anjalo Roy being the eye witness was not present at the identification parade where the Complainant was presented and the Complainant's bald head did not match with the description of the shooter as stated by the eye witness.
- Complainant's spouse who was brought to give evidence made a statement that Police officer Amarawansa forced her to state that the Complainant was not bald headed in the year 2006 in order to match with the murderer's description stated by the eyewitness. But she did not make such statement as it is untrue and the Complainant was bald headed even before the marriage since 2003. This evidence was marked as P1-P17.
- It was revealed from the evidence given by the President's Counsel Rienzie Arakularathne as stated to him by the eyewitness Anjalo Roy, he was sent a photograph of the Complainant to his mobile by CID officers requiring him to identify the person in the photograph as the murderer.
- Thereby the High court Judge has advised the CID officers open court, not to trample the evidence as it amounts to contempt of court. This statement of the judge was published in Divaina Newspaper on 10/12/2016 which is marked as P8.
- A student present at the crime scene was brought for questioning but he did not identify the Complainant nor the other suspects as the murderer and this inquiry has not been logged as it is in favor of the Complainant.

- Evidence given in Case No. 80/2020 marked as P 39 was marked as P 14 in the present case.
- Due to the insufficient evidence against the Complainant the High Court judge and the Jury unanimously have decided to acquit the Complainant. The said decision was marked as P 9 (A) and the briefing of the high court judge to the Jury marked as P9.
- Thereafter the AG's department and the Aggrieved party has filed 3 appeals against the High Court judgment to acquit the Complainant praying for the same redress to set aside the jury verdict and to conduct a trial without a jury. These appeals are marked as P 15, P 16 and P 17.

Witnesses: 1. Complainant

- 2.Udaya Senavirathne
- 3.Preethi Viraj Manamperi
- 4.Magistrate Thilina Gamage
- 5.Hadigallage Nilantha Nishantha Namal
- 6.Thalduwaduralalage Amila Chinthana Ranasinghe
- 7.Anjalo Roy
- 8.Complainant's Spouse.
- 9.President's Counsel Rienzie Arsakularathne
- 10.Student present at the crime scene

Findings: 1. After perusing the evidence of this case, the Commission has unanimously decided that it has been proved by strong evidence that the Respondents with the intention of remanding and aiding and abetting to remand the Complainant have fabricated false evidence.

2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in B 7439/2/06 Case against him filed in the Magistrates Court, Colombo.

3. The Commission has further unanimously decided, to acquit the Complainant a from all the charges against him by withdrawing the indictment in case No HC 8331/16 filed in the Hight Court.

Recommendations:

1. The Respondents are guilty of the offence of "fabricating false evidence" under section 189 to be read with section 191 of the Penal Code.
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of "abetment of doing of a thing" under section 100 of the Penal Code.

3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences

6. Assassination of Nadaraja Raviraj, Member of Parliament and His Security Officer Lokuwella Lakshman

Decision: to acquit the Complainant a from all the charges against him by withdrawing the indictment in case No HC 8331/16 filed in the High Court.

Page No: 289-299

Complaint NO: 107/2020

Complainant: Kankanamalage Pradeep Chaminda

Respondents:

1. Shani Abeysekara- Former Director of Crime Investigation Department
2. Jayasekara- Inspector of Police
3. Amarawansa- Inspector of Police

Issue: Murder of Member of Parliament Nadaraja Ravi Raj

Background:

- The Complainant who was an officer of the intelligence department, in the year 2016 when the murder of Member of parliament Ravi Raj took place was lodging in a house closer to the Gangarama Temple together with 15 other officers of the same department.
- After 22 years in service the Complainant has retired and letters appreciating his service are marked from P1-P4.
- Thereafter he has been called to the 4th floor of the CID building to obtain a statement and he was not given the opportunity to make a voluntary statement, thus he has been induced by the Police Inspector Amarawansa to state before the CID officers Shani Abeysekara, Police Inspector Jayasekara and 3 others that, he murdered the said Minister under the command and direction of Wasantha Karannagoda and Gotabaya Rajapaksha.

- He has been told that no harm will not face any harm and will be made a state witness if he makes the said statement. But in all the investigations he has refused to make such a statement. Therefore, no statement has been recorded from him.
- During the 4th investigation he was arrested and presented before the Magistrate Thilina Gamage on 28/10/2015 and the report is marked as P4.
- The fact that Preethi Viraj gave evidence against the Complainant stating he saw the Complainant removing the motorcycle which was used to murder the said minister in to pieces was not to be found in any of the statements recorded from him on 20/03/2015, 23/03/2015, 26/08/2015 and 02/06/2016 which are marked as P6.
- He has only made such statement during the Yahapalana Government under their influence. This fact was admitted by the eyewitness in High Court.
- Even though the DNA sample of the real murderer was available the CID officers have never compared it with any of the suspected Navy officers arrested under suspicion.
- According to the indictment filed in High Court against the Complainant out of 5 charges 2 charges were filed under Prevention of Terrorism Act and other 3 under the Penal Code marked as P8.
- Briefing of the High Court judge to the Jury was marked as P9, Verdict of acquittal as P 10 and 3 appeals against the verdict were marked as P 10, P11 and P12

Witnesses: 1.Complainant

2.Preethi Viraj Manamperi

Findings:

1. After perusing the evidence of this case, the Commission has unanimously decided that it has been proved by strong evidence that the Respondents with the intention of remanding and aiding and abetting to remand the Complainant have fabricated false evidence.
2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Report 7439/2/6 and further relevant reports against him filed in the 2nd Magistrates' Court, Aluthkade.
3. The Commission has further unanimously decided, to acquit the Complainant a from all the charges against him by withdrawing the indictment in case No HC 8331/16 filed in the High Court.

Recommendations:

1. The Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code

2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences
4. The Commission has also unanimously decided that the charges should be compiled and cases should be filed against police officers for “wrongful confinement for ten or more days” under section 335 of the Penal Code for misusing the Prevention of Terrorism Act.
5. Compiling a charge sheet against the Respondents under the Police Disciplinary Rules for concealing the truth, corruption and defaming the police service
6. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption
7. The Commission considering the Complainant being subject of a political revenge in order to redress the damages undergone by the Complainant by held in remand grant a suitable remedy.

7. A case related to Former Minister Basil Rajapaksa & Others

Decision: to acquit the Complainant along with the others a from all the charges against him by withdrawing the indictment in case No HC 8570/16, H 8546/16, HC 8222/16 filed in the Colombo High Court.

Page No: 414-455

Complaint No: 289/2020, 290/2020

Complainant: Ranawaka Arachchilage Amitha Kithsiri Ranawaka

Respondents: 1. Mangala Samaraweera- Former Minister
2 Patali Champika Ranawaka- Former Parliament Minister
3 Rauff Hakeem- Former Parliament Minister
4 Sarath Fonseka- Former Parliament Minister
5 R Sambandan- Tamil National Alliance Leader
6 M A Sumanthiran- Former Parliament Minister
7 Anura Kumara Dissanayake- J V P Leader
8 J C Weliamuna – Attorney at Law
9 Dr Jayampathi Wickramarathna
10 Malik Samarawickrama- Former Minister
11 M K Ananda Wijepala- Director Anti-Corruption Secretariat
12 P K Serasinghe
13 Sajeek Rathnayaka
14 S A S Gunawardena
15 Tilak Samaranayake
16 S M M Sajeek
17 Hewahetage Sumanapala
18 Thusith Mudalige- Deputy Solicitor General
19 Saman Ekanayake Former Secretary to the Prime Minister

Issue: Financial Fraud.

1. Payment of Rs. 10,000/- per each person who were entitled to Divinaguma concession scheme, for the purpose of renovating the said houses as part of the project “Isurumath Nivasak”
2. Payment of compensation and gratuity to employees of Divinaguma project who voluntarily left employment.
3. Printing of Divinaguma Litha.
4. Purchase of GI Pipes misusing state funds.

Background:

- Complainant’s letter of appointment as the Director General of Divinaguma dated 24/03/2014 and its cabinet approval marked as P1 and P2.
- Complainant’s appointment as President of Divinaguma Bank Management Board is marked as P3. On 27/02/2015 Complainant was removed from that position and a person called Sumanapala was appointed. But the said appointment was cancelled by April 2015 due to the refusal of cabinet approval.
- Sumanapala within 3 days of his appointment lodged a complaint against the Complainant for financial offences committed for the Fanatical Investigation Department (FCID)
- In respect of the issues stated above, the Complainant including Nihal Jayathilleke and Basil Rajapaksa were questioned by the FCID and during the questioning the Complainant stated that he was threatened and forced by Police Sergeant Sujith Rathnayake, Sub Police Inspector S A S Gunawadena to admit that the said financial offences were committed under the direction of Basil Rajapaksa if not he will be removed from office without granting a pension. But Complainant refused to make such statement
- **On 22/04/2015, Complainant, Basil Rajapaksa and Nihal Jayathilleke were arrested,** presented before Kaduwela Magistrates Court and remanded for 59 days upon the alleged financial frauds and later on released on High Court Bail
- The Bail decrease of the cases B 9556/2015, B 9557/2015 are marked as P 5, P 6 & P 7
- The Complainant has been called again to the FCID in 2016 to question regarding purchase of GI pipes. There too he was threatened and forced to admit that the said alleged financial offence was committed under the direction of Basil Rajapaksa but since he refused he was arrested on 18/07/2016 and presented before Kaduwela Magistrates Court for misappropriation of state funds and he was released under High Court bail after 21 days & this complain was made by Anti-Corruption Commission Secretariat Office (ACC).

- The ACC was established by considering 2 cabinet memorandums (P9) of former Prime Minister Ranil Wickremasinghe and Former Minister Patali Champika Ranawaka (attachments of memorandum P9 අ, cabinet approval P9 ඇ)
- Isurumth Niwasak Project has said to have been executed legally under the supervision of Samurdi Administration 1.3 M people were entitled to the payment of Rs 10,000/- and they have paid Rs 2500/- as the 1st installment. Total amount spent for the project was 2992 M, letters have been exchanged with the General Treasury to charge from the Samurdi fund and all these steps were being taken within the Act under the law.
- The indictment depicting the said amount has fraudulently misappropriated was filed in the Colombo High Court under case No 8222/16 against the Complainant, Bandula Tillakarathne, Basil Rajapaksa and Nihal Jayatilleka marked as P10 charged under section 113 (a) of the Penal code read together with section 5(1) of Prevention of offences against Public Property Act
- P B Jayasundera being a witness stated that the deposits in Divinaguma Community based Bank belong to the person entitled to the concessions and not to the state. This was also confirmed by the letter issued by representative auditor General W G N Menike.
- The real purpose of establishing the FCID was questioned. The gazette notification on the establishment is marked as P13 & the commission has come to the option that the establishment was illegal with the sole purpose of fulfilling political requisites
- Former chief justice Sarath N Silva has made a statement to the Mawbima Newspaper stating that the FCID has not established within the legal parameters and it is a police unit established against the law. This publication dated 17/06/2018 is marked as P14. He has also confirmed that the Complainant has not gained any financial benefit from the said project.
- A case has been filed against the Complainant in Kaduwela Magistrates Court under the B Report B 9557/2015 for misappropriation of state funds on 22/04/2015 marked as P15
- As per the 2nd issue under the Divinaguma Act gratuity shall be paid to the employees who resign. If the gratuity is not paid on the date of resignation/retirement it shall be paid within a relief period of month. Any late payment amounts to a penalty calculated in terms of amount of gratuity payable. Thereby the Complainant in order to avoid any additional payments to be made from the government has paid gratuity on time to the employees who voluntarily left employment.
- Complainant has requested the amount from the General treasury but since refused has paid out of the funds of Divinaguma community based Bank under the condition of reimbursing the same. This decision has been approved by National Council under S.7 of Divinaguma Act.

- Complainant claimed that when he was questioned by the FCID officers Sajith Rathnayaka, S A S Gunawardana, Janaka and Serasinghe they forced him to admit that he committed the said offence under the direction of Basil Rajapaksha.
- Charges filed against the Complainant under B 9579/2015 based on printing of Litha using a political figure is marked as P 16.
- Divinaguma Department established under S.1 of the 2013 Act, was previously known as Samurdhi Department and it has been customary to print the annual Litha since 2001 and the Samurdhi Department too has printed out of state funds.
- Litha contains lot of valuable information on farming and the complaint has been based on publishing it with a photograph of the former president Mahinda Rajapaksha which amounted to misappropriation of public property.
- As stated by the Complainant said photograph of the former president planting a coconut tree has been published to signify the establishment of Divinaguma as a national program and to publicize the coconut cultivation and not as a political stunt. But the Complainant has been arrested presented before kaduwela magistrate court and remanded without bail. Later on he was released on high court Bail. Bail decree marked as P6.
- The High court judge has mentioned in the bail decree that the magistrate has had sufficient ground to release the Complainant on bail, as presented by the senior state counsel but he has neglected the said grounds.
- Said case filed before the Colombo high court by the AG against the Complainant and Basil Rajapaksha bearing No. HC 8122 was dismissed as the case was weak. But again the same case was indicted before the Colombo High court No. HC 8570/2016 marked as P 17.
- A litha printed in 2004 with the photograph of former prime minister Ranil wickramasinghe was marked in evidence as P 24.
- 3rd B report has been filed against the 'P' on purchase of GI Pipes 32976 and distributing those to 58 pradeshiya sabha's. The Complainant has been produced before Kaduwela Magistrate Court by the FCID on 18/07/2016 and remanded him. B report is marked as P 18.
- Purchase of GI pipes as stated by the Complainant is for the use of low income groups which is authorized under s.4 (a), 4 (e) and 5 (k) of Divinaguma Act.
- Complainant has stated that he was not insisted by Basil Rajapaksha to purchase the GI Pipes. Complainant was released on High court bail. Bail Decree marked as P 19. Indictment against the Complainant and Basil Rajapaksha is marked as P 20 and they were released on bail on 08/03/2017. Bail decree marked as P 21.
- The head office of divinaguma department where the Complainant worked and where all the alleged offences were committed in Kasal street. Therefore, he should be charged before the Maliga Kanda Magistrate court but he has been charged before the magistrate

court of Kaduwela in the wrong jurisdiction. But to hear the matter in favor of the defendants he was charged before the Magistrate court of kaduwela.

- Cash bail of Rs.2 million assigned to Basil Rajapaksha who has not broken any bail conditions was in breach of the constitution.
- Kaduwela Magistrate Court Judge has not considered whether he has jurisdiction to hear the charge under the B report marked as P 11, P 15 and P 16. Thereby remanding the Complainant, Bandula Thilakasiri and Basil Rajapaksha appears to be under the influence of the government at that time.
- The charges of criminal breach of trust and criminal misappropriation of state funds and aiding, abetting and conspiring for the same are charged under S.3 of Money Laundering Act and Penal code is considered to be as an act done to reverse the charges. Therefore, the charge sheet is alleged to be unreliable.
- A telephone conversation that took place between the parliament minister Ranjan Ramanayake and Kaduwela Magistrate Court Judge Dammika Hemapala on 16/01/2020 marked as P 23 depicted the mutual connection between the two. This said to have confirmed the political influence behind the said Magistrate to remand the Complainant and the others.
- Anura Kumara Dissanayake has participated for the anti-corruption committee meetings held at Araliyagaha Mandiraya. List of participants marked as p 39, p40, p 41 and p 42. But he denies participating for any of the meetings.
- The meeting conducted on 16/03/2015 circulated highly confidential documents. It consisted the discussions as to investigation of divinaguma and Dr. Nihal Jayathilake to be wrap up soon. Marked as p 43.
- Former ministers Mangala Samaraweera, Patali Champika Ranawaka and Malik Samarawickrama claimed that they are unaware of and never participated for such meetings but the commission has assumed that this cannot be true as the said commission was established by their party leader Ranil wickramasinghe. Moreover, the cabinet memorandums of Ranil Wickramasinghe and Patali Champika Ranawaka has led to the establishment of the said committee.
- Ranil wickramasinghe has stated in evidence that the cabinet memorandum and cabinet decision was informed to the relevant parties and caused by the Ministry. Thereby the statements of the 3 defendants cannot be accepted.
- Ananda Vijepala admitted serving as the director of the said committee and he held that position under the influence of Saman Ekanayake. He is guilty of receiving wages from the state funds for a non-governmental position and said Saman Ekanayake is guilty of aiding and abetting the said offence.
- Other defendants defaulted on the summons to appear before the commission, thereby declared as persons neglecting appearing before the court.

Witnesses: 1. Complainant

2. Former Secretary to the Ministry Nihal Jayathilake.
3. Former Director General Bandula Thillakasiri
4. Basil Rajapaksha
5. Secretary to the Ministry of Finance P B Jayasundara
6. P B Jayasundera
7. Representative Auditor General W G N Manike.
8. Prime Judge sarath Nanda Silva.
9. Anura Kumara Dissanayake.
10. Mangala Samaraweera.
11. Malik Samarawickrama.
12. Patali Champika Ranawaka.
13. Ranil Wickramasinghe.
14. Ananda Vijepala.

Findings: 1. The Complainant and the other accused persons Basil Rohana Rajapaksa, Ratnayake Palliyaguruge Bandula Tillakasiri and Yakdehige Don Nihal Jayatilleke with the intention of remanding and aiding and abetting to remand the Complainant along with the others have fabricated false evidence.

2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Reports B 9556/15, B 9557/15, B 9579/15 and B 44/15 and further relevant reports against the Complainant along with the others filed in the Magistrates Court, Kaduwela.

3. The Commission has further unanimously decided, to acquit the Complainant along with the others a from all the charges against him by withdrawing the indictment in case No HC 8570/16, H 8546/16, HC 8222/16 filed in the Colombo High Court.

Recommendations:

1. The Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.

3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences

4. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption

5. The Commission considering the Complainant being subject of a political revenge in order to rectify the grave damages undergone by the Complainant including loss of promotions, wages in arrears, foreign training recommends to reinstate the Complainant to the apt position.

6. The Commission has also unanimously decided that the charges should be compiled and cases should be filed against police officers for “wrongful confinement for ten or more days” under section 335 of the Penal Code for misusing the Prevention of Terrorism Act and arbitrary arrest.

7. Compiling a charge sheet against the Respondents under the Police Disciplinary Rules for concealing the truth, corruption and defaming the police service.

8. To file a case against the Respondents are guilty of the offence of “act of Judge when acting judicially” under section 70 of the Penal for wrongfully presenting the Complainant in the Maligakanda Magistrates’ Court instead of rightfully present him in the correct jurisdiction of Kaduwela Magistrates’ Court with the intention of conspiring to remand the Complainant.

8. A case related to Former Minister Basil Rajapaksa & Others

Decision: to acquit the Complainant along with the others a from all the charges against him by withdrawing the indictment in case No HC 8222/16 filed in the Colombo High Court.

Page No: 456-478

Complaint No: 316/2020

Complainant: Ratnayaka Palliyage Bandula Tillakasiri

Respondents: 1. Mangala Samaraweera- Former Minister

2 Patali Champika Ranawaka- Former Parliament Minister

- 3 Rauff Hakeem- Former Parliament Minister
- 4 Sarath Fonseka- Former Parliament Minister
- 5 R Sambandan- Tamil National Alliance Leader
- 6 M A Sumanthiran- Former Parliament Minister
- 7 Anura Kumara Dissanayake- J V P Leader
- 8 J C Weliamuna – Attorney at Law
- 9 Dr Jayampathi Wickramarathna
- 10 Malik Samarawickrama- Former Minister
- 11 Eran Wickramarathna
- 12 Ravi Waidyalankara- Former Deputy Inspector of Police
- 13 R T S A Rathnayaka
- 14 Gunawardena
- 15 Kumarasiri
- 16 Kaluarachchi
- 17 P K Serasinghe
- 18 M K Ananda Vijepala- Director of Anti-corruption Secretariat
- 19 Thilak samaranayake
- 20 Hewahattage Sumanapala
- 21 Thusith Mudalige-Deputy Solicitor General
- 22 Saman Ekanayake- Former Secretary to the Prime Minister.

Background:

- P1- Letter of appointment as assistant Director of Vocational Training Authority.
- P 2- Letter of appointment as Representative Director of Vocational Training Authority.
- P 3- Letter of appointment as Director General of Vocational Training Authority.
- P 5- Letter of appointment as Director of Sri Lanka Samurdhi Anthony and member of the Director Board.

- P 6- Letter issued by Vocational Training Ministry and Sri Lanka Vocational Training Authority and infrastructure development Ministry requesting to release the Complainant from service of Vocational Training Authority to work at Samurdhi Authority.
- P7-P8-Letter requesting extension of Complainants service for 3 more years and its approval. service period has been extended to 3 more years and the appointment to be valid until establishment of Divinaguma Department.
- P 9- Letter submitted to Immigration and Emigration Department to extend the official passport of the Complainant.
- P 10- Letter by Minister of Economic Development Ministry to the Director of Sri Lanka Vocational Training Authority stating that the Complainant has been appointed as Director General of Samurdhi Authority until establishment of Divinaguma.
- P 10 (a)- Letter of resignation given by the Complainant to Ministry of skills development and Vocational Training.
- P 14- Documents confirming that under the gazette notification No.1843/47 dated 03/01/2014 as per the background created Complainant has started employment as Director General of Divinaguma Authority.
- P 15- Special Gazette Notification No.1844/69 dated 10/01/2014 Complainant has been appointed as Head of Administration Zones Colombo/Kalutara/Ratnapura/Galle and Matara Districts under the approval of cabinet of ministers.
- P 16- Letter from Director General of Divinaguma stating requirements for administration purposes, including Board of officers/ their qualification/ their salaries to the Ministry of Economic Development.
- P 17- Memorandum for Cabinet approval to establish administration Zones of Divinaguma Development Department and its decision.
- P 18- Letter of appointing the Complainant as the Director of Divinaguma Head Office and his letter of acceptance.
- P 19- Appointment of Complainant as member of management Board of Divinaguma Community Bank, Divinaguma Community Bank Societies.
- P 20- Letter of appointing Complainant as acting Director General of Divinaguma.
- P 21- Letters confirming that Complainant was a part of Divinaguma Department.
- P 23- Complainants letter requesting from the Secretary of Ministry of Housing and Samurdhi to retain him in continuous service as the Additional Director General of Divinaguma.
- P 24- the basis of all complaints before the commission is considered as the Anti-corruption committee. The cabinet memorandum and its decision about Anti- corruption committee is marked as P24.

- P 25- Letter dated 24/02/2015 from secretary to the Ministry of Housing and samurdhi suspending and dismissing the services of the Complainant. Commission considers this has been done under political influence, thereby leading to unfair dismissal.
- P 26- Letter by Director General R A A K Ranawaka of Divinaguma Department to secretary of housing and Samurdhi ministry stating that the “Dismissal is unfair and he should be reinstated to a suitable job in the said ministry.
- Considering the above letter and at the request of the Complainant the secretary Wimalasiri perera has employed the Complainant to the position of Samanya Adikari Neethi for a period of 6 months.
- P28- letter issued considering the Complainant as in continuous service up to that date.
- P 31- B report 9556/15 filed by FCID officer Sajith Rathnayake in the Magistrate Court stating to investigate the payments made under Isurumath Nivahana project and funds have been obtained from Divinaguma Community based Bank which amounted to an offence punishable under Prevention of Offences Against the Public Property Act and money Laundering Act.
- Kaduwela Magistrate Court judge only depending on the B report of Police Inspector Sajith Rathnayake remanded Dr. Nihal Jayatilake, Ranawaka Thilakasiri and Basil Rajapaksha.
- P 46- Letter of AG dated 20/07/2017 stating compensation and gratuity has been paid under the condition of reimbursing it to the Treasury thereby payment has been executed with require transparency.
- P 48- Voice recording between kaduwala Magistrate and Ranjan Ramanayake to depict the political influence asserted on the Judge by the political party.
- Even though the Complainant was arrested and presented before the magistrate Court his statement was recorded by the FCID only on 11/03/2015. When the Complainant was called for questioning his statements were not recorded as he did not provide the answers expected by the FCID.
- P 49- documents which depict payments made to Anti-corruption committee secretary’s office for its expenses. Rs.33714807.59 has been approved and paid by the Accountant of the Prime Minister’s office.
- For using state funds to fund a non-governmental private political revenge committee amounted to criminal misappropriation of public funds and money laundering. Punishable under the Penal Code and Prevention of Offences Against Public Property Act.
- Legal validity of FCID was questioned. Police Inspector General has made a statement that it will be established under s.55 of Police Ordinance in Special Gazette notification. But it appears that Illangakoon has included false information in it.
- Ranil Wickramasinghe has admitted that the Inspector General does not have power under S.55 to establish the FCID and the gazette paper to establish the FCID was illegal
- Funding to the FCID was done by Prime Minister’s office.

- Samurdhi Development Management officer Pahala Gedara Upul Jayashanthage giving evidence stated “after the Divinaguma Act came in to force, several administrative bodies were dismissed to establish Divinaguma Department. Thereby the employees who lose their jobs in the process were admitted to the Divinaguma department and the finalizing of resigning staff was still in the process.
- Also stated Dismissal of the Complainant was unfair as it was not done according to the companies Act.
- Respondent Anura Kumara Dissanayake giving evidence denied participating in Anti-Corruption Committee meetings. But committee reports mentioning otherwise are marked as P 37, P 38, P 40, P 42 and P 43.

Witnesses: 1. Complainant

2. Former prime Minister Ranil Wickramasinghe
3. Pahala Gedara Upul Jayashanthage

Findings: 1. The Complainant and the other accused persons Basil Rohana Rajapaksa, Yakdehige Don Nihal Jayatilleke and Ranawaka Archchilage Amitha Kithsiri Ranawaka with the intention of remanding and aiding and abetting to remand the Complainant along with the others have fabricated false evidence.

2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Reports B 9557/17 and B 9556/15 and further relevant reports against the Complainant along with the others filed in the Magistrates Court, Kaduwela.

3. The Commission has further unanimously decided, to acquit the Complainant along with the others a from all the charges against him by withdrawing the indictment in case No HC 8222/16 filed in the Colombo Hight Court.

Recommendations:

1. The Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences.

4. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption

5 Compiling a charge sheet against the Respondents under the Police Disciplinary Rules for concealing the truth, corruption and defaming the police service

6. The Commission considering the Complainant being subject of a political revenge in order to rectify the grave damages undergone by the Complainant including loss of promotions, wages in arrears, foreign training recommends to reinstate the Complainant to the apt position.

9. A case related to **Former Minister Basil Rajapaksa & Others.**

Decision: to acquit the Complainant along with the others a from all the charges against him by withdrawing the indictment in case No HC 50/2018 filed in the Colombo High Court.

Page No: 479-511

Complaint No: 88/2020

Complainant: Don Satharasinghage Jayaweera

Respondents: 1. Rajitha Senarathna- Former Minister

2 Anura Kumara Dissnayake- Former Parliament Minister

3 Malik Samarawickrama- Former Parliament Minister

4 H M P L T Mudalige

5 J C Weliamuna- Presidents Counsel

6 M K Ananda Wijepala

7 Ravi Waidyalankara- Former Deputy Inspector of Police

8 S S M Sajik

9 Premasinghe

- 10 W G P K Weerasinghe
- 11 Rajamanthree- Police Constable 71033
- 12 K D G Madushanka- Police Constable 78193
- 13 Premarathna
- 14 Wickramasinhe- Deputy Inspector of Police
- 15 Mihira Liyanarachchi
- 16 T Nilmini Renuka
- 17 Udara Wickramasinghe
- 18 Hiran Cooray
- 19 Hema Dharmawardena
- 20 W A D Chandrasiri
- 21 Ranasinghage Semasinghe

Issue: A large scale financial fraud has taken place from the Tourist promotion programme of Sri Lanka Tourist Board

Background:

- When the Complainant was the director General of the Sri Lanka Tourist Board, a Tourist promotion plan has been launched by Sri Lanka Tourist Welfare Association consisting of members of all political parties which has been approved by the Director Board.
- Plaintiff has spent monies on this project only according to the amount which has been approved by the Director Board of the Sri Lanka Tourist Authority to that respective year to the Sri Lanka Tourist Welfare Association by way of pay orders.
- Although the audit report on the expenditure of money to the said project has proven that the Portioner has not obtained any personal gains from the project, Tourist Welfare Association has been by a letter marked P 08, that Tourist Welfare Association was informed not to pay the residue of Rs 1,341,213/- after the promotional programme, a large-scale financial fraud has taken place and FCID is investigating on the matter.
- Complainant was informed by the Minister Ranjith Madduma Bandara that the Complainant and the President were about to be arrested, the Complainant will have to make a statement and Mr Basil Rajapaksa will also be arrested and by that time the Complainant had already handed over his letter of resignation.

- Several statements have been obtained from the Complainant by the FCID, on 27/04/2015, 29/07/2015 and February or March 2016
- Although a statement has been obtained by the FCID from the Complainant, without any information a restriction has imposed against him to travel beyond seas.
- When a motion has been filed in the Pettah Magistrates' Court by the Complainant to temporarily remove this restriction, Chandra Wickramasinghe has called the Complainant and influenced him to withdraw the motion.
- Since the Inspector of Police Saajith and Sargent Weerasinghe have attempted to arrest the Complainant in the court premises, the Complainant has lodged a human rights infringement case in the Supreme Court which was later dismissed upon negotiation that there is no urge of remanding the Complainant.
- However, in the Magistrates Court, has decided otherwise and remanded the Complainant and has discharged Mr. Ranawaka, Mrs Hema Dharmawardena, Chandra Wickremasinghe, Mr. Serasinghe of the Ministry of Finance on 17/01/2018.
- Although Complainant has requested to remove the restriction traveling beyond the seas, Senior Counsel Thusith Mudalige rejecting the said request has lodged the case against the Complainant in the Magistrates' Court.

Witnesses: 1. Complainant- Don Satharasinghage Jayaweera

2. Asanga Bandara Gunatilleke- Assistant Superintendent of Police

3. 6th Respondent- Ananda Wijepala

4. 3rd Repondent- Malik Samarawickrama- Former Parliament Minister

Cross examined Complainant for Assistant Respondent Superintendent of Police Asanga Bandara Gunatilleke

Findings:

1. The Complainant and the other accused persons Basil Rohana Rajapaksa, Yakdehige Don Nihal Jayatilleke and Ranawaka Archchilage Amitha Kithsiri Ranawaka with the intention of remanding and aiding and abetting to remand the Complainant along with the others have fabricated false evidence.

2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Report B 2881/16 and further relevant reports against the Complainant along with the others filed in the Pettah Magistrates Court.

3. The Commission has further unanimously decided, to acquit the Complainant along with the others a from all the charges against him by withdrawing the indictment in case No HC 50/2018 filed in the Colombo High Court.

Recommendations:

1. The Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences.
4. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption
- 5 Compiling a charge sheet against the Respondents under the Police Disciplinary Rules for concealing the truth, corruption and defaming the police service
6. The Commission considering the Complainant being subject of a political revenge in order to redress the damages undergone by the Complainant by held in remand grant a suitable remedy.

10. A case of a Financial Fraud of a Basil Rajapaksa associate

Decision: To acquit the Complainant from all the charges in the B Report B 629/15 and further relevant reports against the Complainant along with the others filed in the Pettah Magistrates Court.

Page No: 512-522

Complaint No: 319/2020

Complainant: W Wimalasena

Respondents: 1. Ananda Wijepala, 2 Thusith Mudalige

Issues:

1. Discontinuation of Complainant's employment contract due to Political influence
2. FCID compiling a charge sheet containing 7 charges on 09/04/2018 in the Pettah Magistrates' Court against the Complainant and Bhashwara Senanka Gunaratne, Don Sarathchandra Jayaweera, Irshad Rumi Jawufar, Chathukarage Wimalasena and Chanuka Weerabandara
3. Publishing a false news report in the Silumina Newspaper tarnishing the image of the Complainant

Background:

- The Complainant has been appointed as the chief accountant of the Ministry of Economic Development in 02/03/2011 where he had to work with Minister Basil Rajapaksa and he was falsely labeled as a Rajapaksa biased personnel.
- Although later he was retired from office in 31/12/2013 and started working as the Advisor Financial Control in the Sri Lanka Institute of Tourism and Hotel Management, Sri Lanka Tourist Hotel Management Board has discontinued his contract of employment on 06/03/2015 disregarding his performance due to his false political labeling.
- FCID compiling a charge sheet containing 7 charges on 09/04/2018 in the Pettah Magistrates' Court against the Complainant and Bhashwara Senanka Gunaratne, Don Sarathchandra Jayaweera, Irshad Rumi Jawufar, Chathukarage Wimalasena and Chanuka Weerabandara for,
 - i. Complainant not taking an action towards the Rs 5,738,075/- that has been paid to execute the Promotional Programme which is a duty of the Tourist Welfare Association on 03/09/2014 by way of a voucher.
 - ii. When Sri Lanka Tourism Bureau has paid Rs 42,349,200/- to the First Media Solutions Group (Pvt) Ltd Although the Complainant should act according to 139 under the Monetary Regulation Act and also under 137 and 138, he has only acted under section 139.
 - iii. When Sri Lanka Tourism Bureau has paid Rs 57,090,700/- to the First Media Solutions Group (Pvt) Ltd Although the Complainant should act according to 139 under the Monetary Regulation Act and also under 137 and 138, he has only acted under section 139.
 - iv. Containing of another person's signature on a pay order made to the All-Island Priestly Organization by Sri Lanka Tourism Bureau.
 - v. In relation to providing food for a Minister of Gampaha, Oruthota Road, not containing Complainant's signature in any document under monetary regulations 137 138 and 139
- Although Complainant has requested to rectify a false news report in the Silumina Newspaper tarnishing the image of the Complainant, without doing that, confirming that

report, a report has made to an advisor and it has been forwarded to Mr Thusith Mudalige with the Petition and the annexures.

Witnesses: Complainant- W Wimalasena

Findings:

1. The Complainant with the intention of remanding and aiding and abetting to remand the Complainant along with the others have fabricated false evidence.
2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Report B 629/15 and further relevant reports against the Complainant along with the others filed in the Pettah Magistrates Court.

Recommendations:

1. The Respondents are guilty of the offence of “fabricating false evidence” under section 189 to be read with section 191 of the Penal Code
2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences
- 4 The Commission has also unanimously decided that the charges should be compiled and cases should be filed against police officers for “wrongful confinement for ten or more days” under section 335 of the Penal Code for misusing the Prevention of Terrorism Act.
5. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption
6. The Commission considering the Complainant being subject of a political revenge in order to redress the damages undergone by the Complainant by held in remand grant a suitable remedy.
- 7 Compiling a charge sheet against the Respondents under the Police Disciplinary Rules for concealing the truth, corruption and defaming the police service

11. A Financial Fraud Case / Anti Corruption Committee

Decision: To acquit the Complainant from all the charges in the B Report B 2881/2016 and further relevant reports against the Complainant along with the others filed in the Pettah Magistrates Court; To report Pettah Magistrate Lanka Jayarathna to the Supreme Court)

Page No: 523-549

Complaint No: 816/2020

Complainant: Gewagunaratna Bashwara Senaanka

Respondents: 1. Mangala Samaraweera- Former Minister

2 Patali Champika Ranawaka- Former Parliament Minister

3 Rauff Hakeem- Former Parliament Minister

4 Sarath Fonseka- Former Parliament Minister

5 R Sambandan- Tamil National Alliance Leader

6 M A Sumanthiran- Former Parliament Minister

7 Anura Kumara Dissanayake- J V P Leader

8 J C Weliamuna – Attorney at Law

9 Dr Jayampathi Wickramarathna

10 Malik Samarawickrama- Former Minister

11 M K Ananda Wijepala- Director Anti-Corruption Secretariat

12 Rajamanthri- Police Constable

13 Sajeek Ratnayake

Issues:

1. Complainant and Don Satharasinghe Jayaweera have been indicted before Colombo High Court under Case No HC 20/2018 for the charges of criminal breach of trust on sum of Rs 5,738,075 of Sri Lanka Tourist and Development Authority under Prevention of Offences Against Public Property Act.
2. Unfair dismissal of the Complainant

3. Imposing a restriction against the Complainant on travelling beyond the seas.

Background:

- Complainant held office as the chairman of Sri Lanka Tourist Development Authority, Sri Lanka Tourism Bureau and Sri Lanka Convention Bureau, acting chairman of Sri Lanka Institute of Tourism & Hotel Management and director general of Development Authority.
- Complainant and Don Satharasinghe Jayaweera have been indicted before Colombo High Court under Case No HC 20/2018 for the charges of criminal breach of trust on sum of Rs 5,738,075 of Sri Lanka Tourist and Development Authority under Prevention of Offences Against Public Property Act.
- Senior State Counsel of the attorney General's Department sending a letter on 18/05/2016 to FCID has stated that Complainant and Don Satharasinghe Jayaweera have are guilty of criminal breach of trust or criminal appropriation on sum of Rs 5,738,075, therefore to arrest them take statements and take them before the Magistrate and send their copies to Deputy Solicitor General.
- After the change of Government in 8/01/2015, the Complainant has been forcibly subjected to an unfair dismissal. In meeting this end, on 10th 12th of January 2015 Ministers of United National party Naveen Dissanayake, Nandana Gunatilleke and President of the Employees' Union Roshan along with some police officers has forcibly entered the Complainant's office and harassed its employees.

Witnesses: 1. Complainant- Gewagunaratna Bashwara Senaanka
2. Sarath Ranasinghe- Secretary, Sri Lanka Tourist Welfare Board

Findings: 1. The Respondents with the intention of remanding and aiding and abetting to remand the Complainant along with the others have fabricated false evidence.

2. After considering all oral and documentary evidence, the Commission has unanimously decided to acquit the Complainant from all the charges in the B Report B 2881/2016 and further relevant reports against the Complainant along with the others filed in the Pettah Magistrates Court.

3. The Commission has further unanimously decided, to acquit the Complainant along with the others a from all the charges against him by withdrawing the indictment in case No HC 50/2018 filed in the Colombo Hight Court.

Recommendations:

1. The Respondents are guilty of the offence of "fabricating false evidence" under section 189 to be read with section 191 of the Penal Code.

2. Moreover, for abetting the above offences, the Respondents are guilty of the offence of “abetment of doing of a thing” under section 100 of the Penal Code.
3. Furthermore, the Respondents are guilty of the offence of “corruption” under section 70 of the Bribery Act. And cases should be filed in respective courts having jurisdiction, against the Respondents for committing the aforementioned offences
- 4 Compiling a charge sheet against the Respondents under the Police Disciplinary Rules for concealing the truth, corruption and defaming the police service
5. To grant some sort a redress against the Respondents for holding the Complainant in remand custody in violation of the Prevention of Terrorism Act.
6. In order to file cases in respective courts having jurisdiction against the Respondents, the commission recommends to send the evidence and documents pertaining to this case to the Attorney General or the Commission to Investigate Bribery or Corruption.
7. The Commission considering the Complainant being subject of a political revenge in order to rectify the grave damages undergone by the Complainant including loss of promotions, wages in arrears, foreign training recommends to reinstate the Complainant to the apt position.
8. Additional Secretary Hema Dharmawardena who has been presented before the Court and has been released on bail on one hour time by the Magistrate Lanka Jayaratne of Pettah Magistrates Court although the Supreme Court and the Attorney General have stated that there is no necessity to remand Hema Dharmawardena (19th Respondent- Case 88/2020) but yet the Pettah Magistrate Lanka Jayarathna has remanded Hema Dharmawardena thereby the Magistrate Lanka Jayarathna has acted in contempt of Court for not adhering to the orders of the Supreme Court. Consequently, the Commission has decided it is suitable to report this matter to the Supreme Court.

12. A financial fraud related to **Minister Udaya Gammanpila**

Decision: the Case filed at the Colombo Fort Magistrate Court filed B Report B 2254/2015 against the Complainant be withdrawn and for all accusations and allegations against the said Complainant to be acquitted.)

Page No: 550 to 588

COMPLAINT NO: 545/2020

Complainant: Udaya Prabath Gamampilla

Respondents:

1. Former IGP N. K. Illangakoon
2. Former IGP Pujith Jayasundara
3. Former Minister Patali Champika Ranawaka
4. Lasith Indeewara Perera
5. Kevin Kodituwakku
6. Director of Police Mevan Silva
7. Police Inspector Gunatilleka
8. Brian Shaddick
9. Janet Shaddick

Witnesses:

Brian Shaddick

Janet Shaddick

Udaya Gammanpila

Issues: Was the case against the Complainant politically motivated?

Background: An indictment filed against MP Udaya Gammanpila and Sydney Jayasinghe for allegedly misappropriating Rs.21 million following their alleged fraudulent share transaction that took place in 2000.

The Former Attorney General Jayantha Jayasuriya charged that the alleged business transaction had taken place using a fraudulent Power of Attorney to sell shares belonging to Australian businessman Brian Shaddick.

Findings:

The Commission finds that the above-named Respondents had aided and abetted by providing false and fabricated evidence with the intention of charging an offence against the Complainant and imprisoning him.

Recommendations:

1. The Commission recommends that the Case filed at the Colombo Fort Magistrate Court filed B Report B 2254/2015 against the Complainant be withdrawn and for all accusations and allegations against the said Complainant to be acquitted.
2. The Commission recommends that the Charge Sheets lodged in the Colombo High Court bearing Numbers 8394/2016 and 8395/2016 to be withdrawn and thereby for the Complainant to be acquitted from all accusations and allegations against him.
 - The Respondents have committed the offense of providing false and fabricated evidence and the Commission recommends punishment to be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
 - The Respondents have committed the offense of abetting as per Section 100 of the Penal Code,
 - The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
 - All oral and written evidence against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
3. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant whereby bring disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.
4. The Commission recommends that the 6th 7th and 8th Respondents, upon their return from Australia to Sri Lanka, be fined and punished as per Section 70 of the Bribery Act of Sri Lanka

for the offence of 'Willful neglect to carry out direction of, or obstruction of, investigating officer'

13. A case related to **Yoshitha Kanishka Rajapaksa**, Second son of Mahinda Rajapaksa.

Decision: to withdraw and abandon Case No: HC 8331/16 filed at the High Court in Colombo and for the acquittal of all accusations and indictments against the Complainant.)

Page No: 573 to 588

COMPLAINT NO: 1963/2020

Complainant: Yoshitha Kanishka Rajapaksa

Respondents: 1.Ravi Waidyalankara 2.Magistrate Dhammika Hemapala 3. Ananda Wijepala

Witnesses: Yoshitha Kanishka Rajapaksa (Complainant)

Issues:

- The Complainant, Mr Yoshitha K. Rajapaksa, states that he has been a victim of political victimization.
- He has been defamed and been in remand prison as a result of false and fabricated evidence provided by the abovenamed Respondents who have abetted together to criminalize the Complainant.
- Arrest during the previous Government, alleging financial fraud and misappropriation of state property when launching the CSN channel.
- Whether the Carlton Sports Network is owned by or is there any connection to it by the Complainant.
- When the Complainant was arrested by the Financial Crimes Investigation Division and produced before former Kaduwela Magistrate Dhammika Hemapala, the Complainant had observed that some telephone calls were received by the former Magistrate on his official telephone on 30.01.2016.

Background: Instructions had been sent to the Complainant to refrain from attending the Navy Rugby sessions. Several investigations have been carried out regarding the ownership of the television channel named CSN (Carlton Sport Network) since the election of the new Government.

Findings

1. It has been found by this Commission, which has been supported by strong evidence from witnesses, that the evidence given by the 3 Respondents abovenamed is false and fabricated. This aiding and abetting to offer such false and fabricated evidence had resulted in the imprisonment of the Complainant.
2. The Commission proposes to deem the evidence provided in B Report B 9823/2015 filed with the Kaduwela Magistrates Court and the B Report B 828/2016 filed with the Mount Lavinia Magistrates Court to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes the Respondents to withdraw and abandon Case No: HC 8331/16 filed at the High Court in Colombo and for the acquittal of all accusations and indictments against the Complainant.

Recommendations:

1. The Respondents have committed the offense of providing false and fabricated evidence and the Commission recommends punishment to be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. The Respondents have committed the offense of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. An action should be instituted against the Respondents under Section 335 of the Penal Code of the offense of illegal arrest and confinement by Police Officials as directed by the Prevention of Terrorism Act of Sri Lanka.
5. All oral and written evidence against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
6. Furthermore, for the political victimization and of the Complainant, the Complainant should be compensated for all damages by any relief offered to him by a Court that has the jurisdiction to hear and determine his case.
7. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant whereby bring disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

14. A case related to **Rohan Walivita**, President Mahinda Rakapaksa's media director.

Decision: to withdraw and abandon Case No: HC 8331/16 filed at the High Court holden in Colombo and for the acquittal of all accusations against the Complainant.

Page No: 589 to 607

Complainant No: 1964/2020

Complainant: W. V. D. Sunilal Rohan Welivita

Respondents:

1. Ravi Waidyalankara
2. Inspector of Police Ranasinghe
3. Police Constable Sudantha Gunawardena
4. Thusith Mudalige
5. Anti-Corruption Secretariat Director Ananda Wijepala
6. Inspector of Police Ranasinghe
7. Police Constable 25284 Sudhirikkuge Ajith Sudantha Gunawardena
8. Sub-Inspector of Police Weerasinghe

Background:

The Complainant, Mr W. V. D. Sunilal Rohan Walivita, states that he has been a victim of political victimization. He has been defamed and been in remand prison as a result of false and fabricated evidence provided by the abovenamed Respondents who have aided and abetted together to criminalize the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated. This aiding and abetting to offer such false and fabricated evidence had resulted in the imprisonment of the Complainant.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B

Report B 9823/2015 filed with the Kaduwela Magistrates Court and any further Reports filed against him regarding the same to be null and void and to be free from all encumbrances thereto.

3. The Commission proposes the Respondents to withdraw and abandon Case No: HC 8331/16 filed at the High Court holden in Colombo and for the acquittal of all accusations against the Complainant.

Recommendations:

1. The Respondents have committed the offense of providing false and fabricated evidence and the Commission recommends that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. The Respondents have committed the offense of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. An action should be instituted against the Respondents under Section 335 of the Penal Code of the offense of illegal arrest and confinement by Police Officials as directed by the Prevention of Terrorism Act of Sri Lanka.
5. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
6. Furthermore, for the political victimization and of the Complainant, the Complainant should be compensated for all damages by any relief offered to him by a Court that has the jurisdiction to hear and determine his case.
7. The commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

15. A case related to Nalaka Godahewa, former SEC Chairman and presently a Minister.

Decision: to withdraw and abandon Case No: HC 8133/15 filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainants.

Page No: 608 to 628

Complainant No: 432/2020

Complainant:

1. Nalaka Godahewa (SEC Former Commission Chairman)
2. Dhammika Manjira Perera (SEC Former Deputy Director General)

Respondents:

1. Former Minister Mangala Samaraweera
2. Former Minister Paatali Champika Ranawaka
3. Former Minister Rauf Hakim
4. Democratic Party Leader Sarath Fonseka
5. Tamil National Alliance R. Sambandan
6. P. M. A. Sumanthiran
7. Janatha Vimukthi Peremuna Leader Anura Kumara Dissanayake
8. J.C. Waliamuna – Attorney at Law
9. Professor Jayampathi Wickramarathne
10. Mallik Samarawickrama
11. Thilak Karunaratne
12. Dinesh Perera
13. Vajira Wijegunawardene
14. Ayanthi Jayaratne
15. Sarath Kulatunge
16. (FCID) Lalith
17. Thushara Jayaratna
18. Director Ananda Wijepala

Background:

The case filed against Securities and Exchange Commission (SEC) former Chairman Nalaka Godahewa, SEC former Deputy Director General Dhammika Manjira Perera and Tharunyata Hetak Organisation Sports Director Ronnie Ibrahim had conspired to misappropriate Rs. five million of funds which were granted as a sponsor to the Tharunyata Hetak Organisation (A tomorrow for youth) by the SEC and the money in question had been transferred to a bank account belonging to the Ceylon Premium Sports Limited to promote rugby in contrary to a decision of the SEC.

Three accused were indicted on three counts under the Public Property Act. The Attorney General further alleged that the three accused had committed this offence between August 6 and 18, 2013. The third accused Ronnie Ibrahim was charged for aiding and abetting this offence.

The Complainants, Nalaka Godahewa and Dhammika Manjira Perera, state that they have been victims of political victimization. They have been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainants.

Findings

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated. This aiding and abetting to offer such false and fabricated evidence had resulted in the imprisonment of the Complainants.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 787/2015 filed with the Colombo Magistrates Court No. 03 and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes the Respondents to withdraw and abandon Case No: HC 8133/15 filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainants.

Recommendations:

1. The Respondents have committed the offence of falsely charging the Complainants of an offence as per Section 208 of the Penal Code and thereby should be accordingly punished for providing false accusations,
2. The Respondents have committed the offence prescribed under Section 70 of the Bribery Act of Sri Lanka,

3. The Respondents have committed the offence of abetting as per Section 100 of the Penal Code an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
5. Furthermore, the Commission states that as a result of the defamation and imprisonment caused by the political victimization of the Complainants, the Complainants should be compensated for all damages by way of any relief offered to them including any promotions and foreign training in their professional careers as though they were never absent from their positions in their employment.

16. A case of Financial Accountability

Decision: to withdraw and abandon Case No: HC/PTB/02/02/2019 filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainants.

Page No: 629 to 649

Complainant No: 619/2020

Complainants: 1.Vadanakonda Aarachige Nishantha Fernando 2. Sellakapu Kaminda Harshajith

Respondents:

1. Kiran Attapattu
2. Ananda Wijepala
3. Police Inspector R. A. C. P. Ranasinghe
4. Police Inspector Anjalee

Background:

The Complainants, Vadanakonda Aarachige Nishantha Fernando and Sellakapu Kaminda Harshajith, state that they have been victims of political victimization. They have been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainants.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated. This aiding and abetting to offer such false and fabricated evidence had resulted in the imprisonment of the Complainants.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 884/2016 filed with the Colombo Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Respondents withdraw and abandon Case No: HC/PTB/02/02/2019 filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainants.

Recommendations:

1. The Respondents have committed the offense of providing false and fabricated evidence and the Commission recommends that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. The Respondents have committed the offense of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
5. Furthermore, for the political victimization and of the Complainant, the Complainant should be compensated for all damages by any relief offered to him by a Court that has the jurisdiction to hear and determine his case.
6. The commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

17. A case of Possessing An Elephant Calf by a Magistrate.

Decision: To withdraw and abandon Case No: HC555/2019 filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainants.

Page No: 650 to 703

Complainant No: 04/2020

Complainant: Polpagoda Gamage Thilana Sajotha Vincent (Former Colombo Magistrate)

Respondents:

1. SIU Special Correspondent Sagara Karasinghaarracchi
2. Police Constable 59622 Wijesinghe

Background:

Former Magistrate Thilina Gamage states that he has been a victim of political victimization.

The Complainant stated that he was interdicted from his position as a Magistrate at the Colombo Fort Magistrate's Court as he did not deliver rulings on six high profile cases, in favor of the previous government.

For having disregarded the pressure from the former Government, he was later interdicted by another cause of falsely being embroiled in to an incident of possessing an elephant calf.

He has states he had purchased an elephant calf in June 2012 by paying a sum of Rupees 3 Million to an individual identified as Chandraratne Yatawara from Meepe.

He added, that despite efforts of applying to the Department of Wildlife to convert the ownership of the elephant calf, he was denied a permit.

The Complainant requested for the Commission to suspend the case taken up against him with the High Court citing political persecution.

He has been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated. This aiding and abetting to offer such false and fabricated evidence had resulted in the imprisonment of the Complainants.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 1912/2016 filed with the Nugegoda Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Respondents withdraw and abandon Case No: HC555/2019 filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainants.

Recommendations:

1. The Respondents have committed the offense of providing false and fabricated evidence and the Commission recommends that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. The Respondents have committed the offense of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
5. The commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.
6. Furthermore, the Commission states that as a result of the defamation and imprisonment caused by the political victimization of the Complainant, the Complainants should be compensated for all damages by way of any relief offered to them including any promotions in their professional careers as though they were never absent from their positions in their employment.

18. The Case of Convicted Murderer, Former Ruling party MP Duminda Silva. His conviction was reconfirmed by the Supreme Court.

Decision: the Charge Sheet of the Case No: HC7781/2015 filed at the High Court in Colombo against the Complainant's son to be withdrawn. His death sentence to be judicially reviewed. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and thereby causing disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

Page No: 704 to 720

Complainant No: 1969/2020

Complainant: Arumaaduru Vincent Premalal Silva

Respondents: 1. Ranjan Ramanayaka 2. Padmini Ranawaka 3. Shaani Abeysekara

Issues: Was the Complainant's son, Former Member of Parliament Duminda Silva, defamed, sentenced to death and imprisoned as a result of false evidence provided by the abovenamed Respondents and the failure to submit new evidenced and thereby resulting to having committed a false charge thereby being criminalized by the Respondents.

Background:

The Complainant, Arumaaduru Vincent Premalal Silva, state that his son has been a victim of political victimization. His son, Former Member of Parliament Duminda Silva, has been made the Accused in the below mentioned cases, who was convicted of murdering SLFP politico Bharatha Lakshman Premachandra and five others in 2011 by a High Court Trial at Bar. That verdict was upheld and ratified by a five-judge bench of the Supreme Court of Sri Lanka in 2019.

Findings

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated with respect to the Complainant's son, Duminda Silva, for the offence of causing the death of Mr Premachandra. **This aiding and abetting to offer such false and**

fabricated evidence had resulted in the Complainant's son being sentenced to death and imprisonment.

2. The Commission proposes that the Charge Sheet of the Case No: HC7781/2015 filed at the High Court in Colombo against the Complainant's son to be withdrawn.
3. As provided by the Charge Sheet for the High Court Case HC 8331/16 Duminda Silva is named as the Accused and has been sentenced to death and imprisonment. While this case was ongoing some new evidence which came to light were not submitted to court and therefore the Commission requests the Attorney General to have the decision to make Duminda Silva to be named as the Accused (the 11th Witness in the said case) to be Judicially Reviewed.

Recommendations:

1. The Respondents have committed the offense of providing false and fabricated evidence and the Commission recommends that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. The Respondents have committed the offense of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. An action should be instituted against the Respondents under Section 335 of the Penal Code for the offence of an arrest within the provisions of the Prevention of Terrorism Act of Sri Lanka and confinement by Police Officials in the Criminal Investigation Department (CID) remand prison.
5. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
6. Furthermore, the Commission states that as a result of the defamation, death sentence and imprisonment caused by the political victimization of the Complainant, the Complainant should be compensated for all damages by way of any relief.
7. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and thereby causing disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

19. A case of harboring and assisting a rape suspect

Decision: Withdraw and abandon Case No: HCR 215/2017 filed at the HighW Court holden in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Page No: 721 to 860

Complainant No: 115/2020

Complainant: Lalith Anuruddha Jayasinghe (Former Senior Deputy Inspector General)

Respondents:

1. Dr Wijemanne Mohottige Dona Thusitha Prashakthi
2. Assistant Superintendent of Police K. K. Gunasekara
3. Superintendent of Police Shani Abeysekara
4. Police Inspector Nishantha De Silva
5. Assistant Superintendent of Police B. S. Tissera

Witnesses:

1. Lalith Anuruddha Jayasinghe (Complainant)
2. Assistant Superintendent of Police K. K. Gunasekara

Issues: For an interim order be made on the National Police Commission to re-instate him in services.

Background: Senior DIG Lalith Jayasinghe was arrested, remanded, granted bail and he was later interdicted after he was charged with harboring and assisting Mahalingam Sivakumar also known as Swiss Kumar to flee, the main suspect of the Vidya Sivaloganathan rape and murder.

ASP K. K. Gunasekera provided evidence to the Presidential Commission with regard to the allegations made against the Complainant for his conduct on a homicide based on political interference.

Background:

The Complainant, Lalith Jayasinghe, states that he has been victims of political victimization. They have been defamed and been in remand prison as a result of false evidence provided by the

abovenamed Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated against the Complainant. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainant imprisoned.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 757/2017 filed with the Pallmadulla Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Respondents withdraw and abandon Case No: HCR 215/2017 filed at the High Court holden in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Recommendations:

1. The Respondents have committed the offense of providing false and fabricated evidence and the Commission recommends that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
1. Furthermore, Former Director of the Criminal Investigation Department Shani Abeysekara and other Officials including Sri Gajantha who fled arrest has committed the offence of harboring an offender under Section 209 of the Penal Code.
2. Thereby the Respondents have committed the offense of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
5. The Commission recommends the immediate reinstatement of the Complainant as the Senior Deputy Inspector General of Sri Lanka Police, any arrears in his monthly salary, any promotions, increments to his salary, and any other entitlements to him which could not be provided to him as a result of his imprisonment and interdictment.

6. The commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.
7. The Commission states that as per Section 208 of the Penal Code, Dr Thusitha Wijemanne had persuaded the Complainant through the Former Prime Minister Ranil Wickramasinghe with the intention to cause injury to the Complainant by instituting a criminal proceeding against him by falsely charging him with having committed an offence knowing that there is no just or lawful ground for such proceeding or charge.
8. Furthermore, as a result of aiding and abetting by Assistant Superintendent of Police K. K. Gunasekara and Dr Thusitha Wljemanne against the Complainant, Lalith Jayasinghe, a case was instituted in the High Court of Rathnapura whereby the Complainant was suspended from his office of employment as the Senior Deputy General of Police. Therefore, the Commission recommends that Section 102 read alongside Section 208 of the Penal Code should be used to determine the punishment for the offences committed by the Respondents.

20.Re Assassination of Sunday Leader Editor Lasantha

Wickrematunga:

Decision: Withdraw and abandon Case No: HC 212/2019 filed at the High Court in Gampaha and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Page No: 861 to 870

Complainant No: 238/2020

Complainant: Prema Ananda Udalagama (Intelligence Officer)

Respondents:

1. Assistant Superintendent of Police B. S. Tissera
2. Inspector of Police Nishantha De Silva

Background:

The Complainant, Prema Ananda Udalagama, Intelligence Officer suspected of involvement in the murder of former Sunday Leader Editor Lasantha Wickrematunga, in 2009, states that he has been a victim of political victimization. He has been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated against the Complainant whereby criminalizing him. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainant being imprisoned.

2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 92/2009 filed with the Mount Lavinia Magistrates Court, B Report B 294/2009 filed with the Gampaha Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Respondents withdraw and abandon Case No: HC 212/2019 filed at the High Court holden in Gampaha and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Recommendations:

1. The Respondents having committed the offense of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
3. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
4. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
5. Furthermore, the Complainant being a victim of political victimization, was imprisoned and for the damage done to him should be given some relief.
6. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

21. Re Assassination of Former Parliamentarian Joseph Pararajasingham

Decision: Respondents withdraw and abandon Case No: HCD/3057/17 filed at the High Court in Batticaloa and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Page No: 871 to 892

Complainant No: 885/2020

Complainant: Sivanesathurai Chandrakanthan (Former Chief Minister of the Eastern Province)

Respondents:

1. Member of Parliament M. Sumanthiran
2. Inspector of Police Jayasekara
3. Police Sergeant 27695 Siriwardena
4. ASP Wickramasinghe

Issues: Was the Complainant arrested over the case of murder of former Parliamentarian Joseph Pararajasingham the result of political persecution. The case was filed against 05 people including the Complainant.

Background: The Complainant, Sivanesathurai Chandrakanthan, states that he has been victims of political victimization. He was arrested on the 11th of October 2015 by the Criminal Investigation Department when he arrived at the CID office to give a statement.

They have been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and

fabricated against the Complainant whereby criminalizing him. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainant being imprisoned.

2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 1357/2005 filed with the Batticaloa Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Respondents withdraw and abandon Case No: HCD/3057/17 filed at the High Court holden in Batticaloa and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Recommendations:

1. The Respondents having committed the offense of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. An action should be instituted against the Police Officials under Section 335 of the Penal Code for the offence of an arrest within the provisions of the Prevention of Terrorism Act of Sri Lanka and confinement by Police Officials in the Criminal Investigation Department (CID) remand prison.
5. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.
6. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
7. Furthermore, the Complainant being a victim of political victimization, was imprisoned and for the damage done to him should be given some relief.

22. A case related to **Jaaliya Chithran Wickramasuriya, a cousin of Mahinda Rajapaksa and former Sri Lankan Ambassador to the United States.**

Decision: To deem the evidence and annexures provided in B Report B 21/2016 filed with the Fort Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.

Page No: 893 to 906

Complainant No: 1116/2020

Complainant: Jaaliya Chithran Wickramasuriya (Former Sri Lankan Ambassador to the United States)

Respondents:

1. Upul Jayasuriya, President's Counsel, AAL
2. Prasad Kariyawasam
3. C. A. H. M. Wijerathna
4. Priyanga Wickramrathne
5. Ravinath Ariyasinghe, Ambassador to Washington DC
6. Pujitha Wickramasinghe
7. Ravi Waidyalankara, Senior DID & former head, FCID
8. Pavithra Dayaratne
9. Sanjeewa Fernando

Issues:

- Whether the Financial Crimes Investigation Division had misled the Judiciary
- and whether they thereby obtained a warrant against him with the intention of political revenge.

Background:

The Complainant, Jaaliya Chithran Wickramasuriya, was the former Ambassador to the United States of America between July 2008 and May 2014. Jaliya Wickramasuriya said that he served as Sri Lanka's Ambassador to the US from July 2008 to May 2014.

When the Complainant arrived at the Bandaranaiyaka International Airport with his family on November 17th 2016, to leave for the United States, officers of the Financial Crimes Investigation Division (FCID) told that he was banned from traveling and asked him to provide a statement.

The Complainant had been unaware that the FCID had conducted an investigation against him and obtained a court order to place a travel ban. He had also asked FCID officials how he was suddenly banned from flying to the US without being informed about the relevant investigation during his two and a half years in Sri Lanka; they failed to provide a proper answer.

He said that the investigating officers were continuously inquiring about the Rajapaksa family and their kinship, the whereabouts of the son of the current President Gotabhaya Rajapaksa in the US, as well as other members of that household and the relatives of Basil Rajapaksa's family.

The Complainant was told that the officers of the Financial Crimes Investigation Division informed him that these interrogations were being carried out based on an order received from above. The FCID officers also inquired about the new Sri Lankan Embassy which he had purchased from Washington.

Jaliya Wickramasuriya said that Pavithra Dayaratne, the OIC of the Seventh Unit of the Financial Crimes Investigation Division, maliciously rejected the request he made for an opportunity to continue providing statements the next day as he was tired of making statements for a long time. The Complainant states that a high ranking officer had received a call after which he was further interrogated until midnight and was instructed to arrest him.

Jaliya Wickramasuriya further informed the Commission that accordingly, after being produced before the Fort Magistrates Court on November 18, 2016, he was remanded on the basis of B-reports containing false information submitted by the officers of the Financial Crimes Investigation Division.

He, therefore, states that he has been victims of political victimization. They have been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated against the Complainant whereby criminalizing him. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainant being imprisoned.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 21/2016 filed with the Fort Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Complainant pleads from the Sri Lankan Government that all travel restrictions be removed from him and after doing so for the Sri Lanka Government to thereafter immediately inform the same to the United States Government and to the Foreign Ministry of Sri Lanka.

Recommendations:

1. The Respondents having committed the offense of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.
5. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
6. Furthermore, the Complainant being a victim of political victimization, was imprisoned and for the damage done to him should be given some relief.

23. A case of **Financial Fraud by a political supporter**

Decision: to deem the evidence and annexures provided in B Report B 20911/01/2015 filed with the Colombo Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.

Page No: 907 to 915

Complainant No: 28/2020

Complainant: Kahandagamage Mahindaratne

Respondents:

1. Rev. Uvathanna Sumana
2. Inspector of Police Wanathunge
3. Sub Police Inspector Piyathilake

Background:

The Complainant, Kahandagamage Mahindaratne, states that he has been victims of political victimization. They have been defamed and been in remand prison as a result of false evidence provided by the above named Respondents and thereby resulting to having committed a false charge thereby criminalizing the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated against the Complainant whereby criminalizing him. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainant being imprisoned.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 20911/01/2015 filed with the Colombo Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.

Recommendations:

1. The Respondents having committed the offense of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
5. Furthermore, the Complainant being a victim of political victimization, was imprisoned and for the damage done to him should be given some relief.
6. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

24. Financial Misconduct at Sri Lanka Rupavahini Cooperation

Decision: The Attorney General should get involved and finalized without court proceedings Case Numbers 74133/01/17 and 26239/01/15, against the Complainant, lodged before the Colombo Magistrates Court.

Page No : 941 to 958

Complainant No: 141/2020

Complainant:Wimalasena Rubasinghe

Respondents:

1. Karunasena Paranavitha
2. Rohan Perera
3. Vikum Basnayake
4. Anurasiri Hettige
5. Mahesh Ratnayake
6. Saman Fernando

Background:

The Complainant, Wimalasena Rubasinghe, states that he has been victims of political victimization where he was accused of doing something he had not in fact done thereby resulting to having committed a false charge thereby criminalizing the Complainant.

Findings:

1. The Ministers and the Directors of Rupavahini have decided that certain productions by Rupavahini Cooperation should be telecasted in other countries by satellite, the payments with regard to the same has been allegedly subject to an act of bribery by the Complainant. The Complainant has, therefore, been instituted proceeding against him by the under Section 70 of the Bribery Act.
2. The procurement for putting flag poles on the road has been subject to an act of bribery.

Recommendations:

1. The Attorney General should get involved and finalized without Court proceeding Case Numbers 74133/01/17 and 26239/01/15, against the Complainant, lodged before the Colombo Magistrates Court.
2. The Unions should not interfere with the Rupavahini Management and that laws should be enacted to prevent such Unions from interfering in the management of the work carried out by the Cooperation.

25. A Case against Avant Garde Maritime Services Company

Decision: Withdraw and abandon Case No: HC/TAB/751/19 (against the 1st Complainant) filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainants.)

Page No : 959 to 978

Complainant No: 402/2020

Complainant:

1. Dissanayaka Mudhihanselega Samansiri Dissanayaka
2. Dissanayaka Mudhihanselega Sujatha Damayanthi Jayaratne

Respondents:

1. Former Navy Commander Ravindra Wijegunawardena
2. CID Superintendent of Police Shani Abeysekara

Background:

The Complainants state that they have been victims of political victimization. They have been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge whereby criminalizing the Complainant.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided, that the evidence given by the Respondents abovenamed is false and fabricated against the Complainants whereby criminalizing them. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainants being imprisoned.
2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 44146/15 filed with the Colombo Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Respondents withdraw and abandon Case No: HC/TAB/751/19 (against the 1st Complainant) filed at the High Court in Colombo and

for the acquittal of all accusations and charges and Charge sheet against the Complainants.

Recommendations:

1. Ravindra Wijegunawardane has committed an offence under Section 128 of the Penal Code by going against the orders given by the Defense Ministry Secretary where he had illegally ordered Navy Officials to take custody of the Avante Garde Ship.
2. The Respondents having committed the offence of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
3. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
4. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
5. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
6. Furthermore, the Complainants being a victims of political victimization, were imprisoned and for the damage done to them should be given some relief.
7. Furthermore, the Commission states that as a result of this political victimization of the 2nd Complainant, she should be compensated for all damages by way of any relief offered to her including any arrears in her monthly salary, any promotions, increments to the salary, and any other entitlements which could not be provided in her professional careers as though she was never absent from her position of employment.
8. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

26. A case against Nissanka Senadhipathi/Avant Garde Maritime Services Company

Decision: Withdraw and abandon Case No: HCB/ 25/2017 filed at the High Court in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Page No : 979 to 1063

Complainant No: 50/2020

Complainant: Yapa Hettipathirathnanahallage Nissanka Yapa Senadhipathi

Respondents:

1. Former Navy Commander Admiral Ravindra Wijegunawardena
2. Lieutenant Commander W. M.P. Weerasinghe
3. Rear Admiral J J Ranasinghe
4. Rear Nilantha Heenatigala
5. CID Superintendent of Police Shani Abeysekara
6. Former Deputy Inspector General S.A.D. Gunawardena
7. President Counsel Upul Jayasuriya
8. President Counsel Dilrukshi Dias Wickramasinghe
9. Inspector of Police Induka Silva
10. CID P.P.A. Aluthge Senaratne
11. CID S.P.A Lasantha Ranatunge
12. Wasantha Nawarathne Bandara
13. Senior State Council Janaka Bandara
14. Former Minister Rajitha Senaratne
15. Former Minister Patali Champika Ranawaka
16. Former Minister Arjuna Ranatunge
17. Member of Parliament Aruna Kumara Dissanayaka

Witnesses: Yapa Hettipathirathnanahallage Nissanka Yapa Senadhipathi (Complainant)

Issues:

- Had some or all of the Respondents conspired to shut down operations of Avant-Garde in order to gain political advantage.

- The Complainants state that they have been victims of political victimization. They have been defamed and been in remand prison as a result of false evidence provided by the abovenamed Respondents and thereby resulting to having committed a false charge whereby criminalizing the Complainant.

Background:

Nissanka Yapa Senadhipathi, the Complainant, is charged with illegally operating a floating armory on board the MV Avant Garde, The Attorney General (AG) has filed over 7000 charges against 13 suspects including Nissanka Senadhipathi involved in the Avant-Garde floating armory case before a three-member trial-at-bar at the Colombo High Court.

- The Complainant was initially the subject of an inquiry by the Presidential Commission of Inquiry to Investigate and Inquire into Serious Acts of Fraud, Corruption, and Abuse of Power (PRECIFAC), which was commissioned in March 2015 to probe large scale corruption and fraud involving public funds and instances of abuse of power. One of the complaints which the PRECIFAC inquired into concerned the role of Avant Garde Maritime Services Private Limited (of which the Complainant is the Chairman) and Rakna Lanka Private Limited in connection with a Floating Armoury off the Port of Galle and the possession of large quantities of firearms contrary to law.
- Based on the statements that were recorded and evidence that was led before the said Commission, the PRECIFAC in its Report to His Excellency the then President of the Republic made a finding that Messrs Avant Garde Maritime Services Private Limited and Rakna Lanka Private Limited including members of the Senior Management of the said entities should be held responsible for Criminal Misappropriation of Public funds and Corruption. The PRECIFAC Report was thereafter forwarded by His Excellency the then President to the Attorney General and the CIABOC for necessary action.
- Further to the findings made by the PRECIFAC in its Report, the Criminal Investigation Department (CID) initiated an investigation with regard to MV/Avant Garde, a ship which had entered Sri Lankan waters from the Red Sea.
- Having considered all the evidence and the statements recorded, the Attorney General indicted the Complainant, Mr. Nissanka Senadhipathi for having committed offences under the Firearms Ordinance and the Explosives Act. In fact, based on the gravity of the offences disclosed in the Indictment, the Attorney General later made an application to the Chief Justice to consider nominating a Trial-at- Bar to hear and determine this case and, accordingly, a Trial-at-Bar was duly constituted by His Lordship the Chief Justice having being satisfied with the material submitted for his consideration.

- The Complainant is the 7th Accused in Case No. TAB/751/2019 and the trial before the Trial-at-Bar is to commence shortly.
- Meanwhile, based on a complaint received directly by the Commission to Investigate Allegations of Bribery and Corruption (CIABOC) in connection with Avant-Garde Maritime Services Private Limited, Rakna Lanka Private Limited and the Floating Armory off the Port of Galle, the CIABOC instituted the following two cases under the Bribery Act.
 - (a) A Corruption case bearing No. MC 59287/01/16 in the Magistrate's Court of Colombo based on a complaint of causing loss to the State in a sum of Rs.11.4 Billion. The Accused in the said case included the Complainant, among others. The Accused in this case were subsequently discharged by the Magistrate due to a technical defect in the Charge Sheet.
 - (b) A Bribery case bearing No. HCB/25/2017 in the High Court of Colombo, where the Complainant and the former Chairman of Rakna Lanka Private Limited, Major General Palitha Fernando have been named as accused for offering and accepting a bribe in a sum of Rs.35.5 Million.
- The Complainants were charged over this case for violating the Firearms Ordinance, Explosives Ordinance, and the Penal Code in connection with the possession of 816 automatic firearms and ammunition 200935 on board the MV Avant Garde without proper license or permit between April 7, 2014, and October 6, 2015. The former Government probed the Complainant as to whether the Avant Garde Company supplied arms to the Nigerian Insurgents by MV Avant Garde.

Findings:

1. It has been found by this Commission after analyzing the strong evidence provided, that the evidence given by the Respondents abovenamed is false and fabricated against the Complainant whereby criminalizing him. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainant being imprisoned.
2. The Commission states that after having analyzed all evidence and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Reports B 32528 and B 44146 filed with the Galle Magistrates Court and any further Reports filed against the Complainant regarding the same to be null and void and to be free from all encumbrances thereto.
3. The Commission proposes additionally that the Respondents withdraw and abandon Case No: HCB/ 25/2017 filed at the High Court holden in Colombo and for the acquittal of all accusations and charges and Charge sheet against the Complainant.

Recommendations:

1. The Respondents having committed the offence of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. The Navy Officials had illegally taken custody of the MV Avante Garde vessel whereby committing an offence under Section 128 of the Penal Code by going against the orders given by the Defense Ministry Secretary.
5. An action should be instituted against the Respondents under Section 335 of the Penal Code for the offence of a detention order under the direction of the Prevention of Terrorism Act of Sri Lanka and illegal detention in the CID by Police Officials.
6. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
7. Furthermore, the Complainants being a victims of political victimization, were imprisoned and for the damage done to them should be given some relief.
8. Furthermore, the Commission states that as a result of this political victimization of the 2nd Complainant, she should be compensated for all damages by way of any relief offered to her including any arrears in her monthly salary, any promotions, increments to the salary, and any other entitlements which could not be provided tin her professional careers as though she was never absent from her position of employment.
9. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

27. A case against Nissanka Senadhipathi/Avant Garde Maritime Services Company

Decision: The Commission to Investigate Bribery and Corruption should also make void the allegations with respect to the sums offered to some athletes.

Page No : 1064 to 1081

Complainant No: 1907/2020

Complainant: Waduge Palitha Piyasiri Fernando (Rakna Lanka Security Company and Major General (Rtd.))

Respondents:

1. Former Minister Mangala Samaraweera
2. Former Minister Paatali Champika Ranawaka
3. Former Minister Rauf Hakim
4. Former Minister Sarath Fonseka
5. Member of Parliament R. Sambanthiran
6. Former MP M. A. Sumanthiran
7. MP Anura Kumara Dissanayaka
8. J. C. Walamuna
9. Prof. Jayampathi Wickramrathne
10. Former Minister Mallik Samaraweera
11. Director of Anti Corruption Secretariat M. K. Ananda Wijepala
12. Solicitor General Dilrukshi Dias Wickramasinghe

Issues: Avante Garde Bribery Case for allegedly soliciting and accepting a bribe of Rs 35.5 million to maintain a floating armory at the Galle Fort during the administration of the former government.

Findings:

The Complainant has been released from all allegations against him by a Three Judge Bench of the Supreme Court thereby providing that all such allegations were false. As to the times of his initial arrest, it can be connected to a result of political victimization by the former Government.

The Commission to Investigate Bribery and Corruption should also make void the allegations with respect to the sums offered to some athletes.

Recommendations:

1. The Respondents having committed the offence of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. The Navy Officials had illegally taken custody of the MV Avante Garde vessel by not abiding to the commands of the Defense Secretary,
5. An action should be instituted against the Police Officers for the offence of a detention order under the direction of the Prevention of Terrorism Act of Sri Lanka and illegal detention in the CID by Police Officials.
6. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
7. Furthermore, the Complainants being a victims of political victimization, were imprisoned and for the damage done to them should be given some relief.
8. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

28. a case against Nissanka Senadhipathi/Avant Garde Maritime Services Company

Decision: To deem the evidence and annexures provided in B Report B 44146 filed with the Galle Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.

Page No : 1082 to 1092

Complainant No: 431/2020

Complainant: Victor Samaraweera (Former Rakna Lanka Chairman)

Respondents:

1. Former Minister Rajitha Senarathna
2. Former Minister Paatali Champika Ranawaka
3. Shani Abeysekara- Former Director of Crime Investigation Department
4. Police Inspector Aluthge Senarath
5. State Counsel Janaka Bandara

Issues: Avante Garde Bribery Case for allegedly soliciting and accepting a bribe of Rs 35.5 million to maintain a floating armoury at the Galle Fort during the administration of the former government.

Background: The Attorney General had ordered the Acting Inspector General of Police (IGP) to take into custody eight suspects including Avant Garde Maritime Services Chairman Nissanka Yapa Senadhipathi and Victor Samaraweera in connection with the operation of a floating armoury in the Galle Port and produce before the court.

Findings:

1. It has been unanimously found by this Commission after analyzing the strong evidence provided by witnesses, that the evidence given by the Respondents abovenamed is false and fabricated against the Complainant whereby criminalizing him. This aiding and abetting to offer such false and fabricated evidence had resulted in the Complainant being imprisoned.

2. The Commission states that after having analyzed all evidences and annexures provided to them, the Commission proposes to deem the evidence and annexures provided in B Report B 44146 filed with the Galle Magistrates Court and any further Reports filed against them regarding the same to be null and void and to be free from all encumbrances thereto.

Recommendations:

1. The Respondents having committed the offence of providing false and fabricated evidence, the Commission therefore recommends accordingly that punishment should be given in accordance with Section 189 read beside Section 191 of the Penal Code of Sri Lanka,
2. Thereby the Respondents have committed the offence of abetting as per Section 100 of the Penal Code,
3. The Respondents have committed the offense prescribed under Section 70 of the Bribery Act of Sri Lanka, an action should also be filed against the abovenamed Respondents in a Court which has the jurisdiction to try and hear a case of this nature.
4. The Navy Officials had illegally taken custody of the MV Avante Garde vessel by not abiding to the commands of the Defense Secretary,
5. An action should be instituted against the Police Officers for the offence of a detention order under the direction of the Prevention of Terrorism Act of Sri Lanka and illegal detention in the CID by Police Officials.
6. All accusations against the Respondents to be forwarded to the Attorney General, the Commission to Investigate Allegations of Bribery or Corruption and or any Court that has the Jurisdiction to try and hear this case.
7. Furthermore, the Complainants being a victims of political victimization, were imprisoned and for the damage done to them should be given some relief.
8. The Commission recommends that the Police Officials who made true the false allegations against the Complainant and those Officials who committed acts of corruption and defamation towards the Complainant and disrepute to the Police Department should be examined and a Charge Sheet should be issued against them with respect to the Police Code of Conduct.

29. A case against **Rohitha Bogollagama**, Former Foreign Minister of present ruling party

Decision: All allegations on the Charge Sheet are by reason of political victimization and therefore should be made null and void and the Complainant should be free from all encumbrances therein. Action should be taken towards the Former Solicitor General and Director General of the Commission to Investigate Allegations of Bribery and Corruption Dilrukshi Dias Wickramasinghe .

Page No : 1093 to 1143

Complainant No: 184/2020

Complainant: Rohitha Bogollagama (Former Foreign Minister)

Respondents: Former Solicitor General and Director General of the Commission to Investigate Allegations of Bribery and Corruption Dilrukshi Dias Wickramasinghe

Background: The Complainant states that he was a victim of political persecution when a case was filed against him by the Commission to Investigate Allegations of Bribery or Corruption claiming he had spent \$ 3622.50 as expenses and GBP 5,878.49 in the supposed three days spent at the Park Lane Hilton Hotel when he attended a Trade and Investment Forum in the UK in 2006.

The Complainant states that the expenses incurred during the said trip include the expenses borne for travel of the entire delegation. The Complainant states that he has been subject to several other various grounds as well.

Findings: The Commission, being a decision making entity, after perusing all the allegations made against the Complainant any decisions against him have been made in order to satisfy the LTTE sympathizes as he was the Foreign Minister at the time. Additionally, the 2006 case (abovementioned) against the Complainant was made by fabricating and enhancing the situation in hand.

Recommendations:

1. The Complainant should be acquitted from the order against him by Magistrates Court as all such allegations were false and were created due to political reasons by the former Government. The Commission finds that it can be clearly seen that all allegations on the Charge Sheet are by reason of political victimization and

therefore should be made null and void and the Complainant should be free from all encumbrances therein.

2. The Commission finds that when the Respondent was in her capacity as Solicitor General and Director General of the Commission to Investigate Allegations of Bribery and Corruption, she had foreseen her duties with aggressiveness thereby bringing disrepute to her service to the State. The Commission recommends that disciplinary action should be taken towards the Respondent.

30. Re Killing of 27 Inmates of Welikada Prison in 2012 & case against Lamahebage Emil Ranjan, Former Prisons Commissioner

Decision: The Welikada Prison incident in 2012 against the Complainant and Former Defense Secretary Gotabhaya Rajapaksa were fabricated allegations of having committed the offence of killing the prisoners. An action (HC/TAB/493/19) instituted against the Complainant at Special High Court should be reconsidered by the Attorney General.

Page No : 1144 to 1152

Complainant No: 12/2020

Complainant: Lamahebage Emil Ranjan

Respondents:

1. Former Minister Thalatha Athukorale
2. Former IGP Pujith Jayasundara
3. Sri Lanka Enterprises Ministry

Background: The Complainant, Former Prisons Department Commissioner Emil Ranjan Lamahebage, was arrested and remanded on suspicion for allegedly being involved in the killing of 27 prisoners during the prison riots which took place at the Welikada prison in 2012.

The Complainant states that he was told to make a confession in court against former President Mahinda Rajapaksa and former Defence Secretary and present President Gotabaya Rajapaksa in connection with the deaths of inmates at the Welikada Prison.

The Complainant states that Charges were filed against him in the Colombo Special High Court with respect to his involvement in the Welikada prison incident abovementioned, based on false and fabricated evidence during the precious regime. He stated that these allegations have been based on political bias and due to disagreements in duty.

He states that the Respondents asked him to confess the names of persons who gave orders in connection with the Welikada prison incident. He felt the aim was to link Mr. Gotabaya Rajapaksa's name with the incident.

Findings: The Commission finds that the Welikada Prison incident in 2012 against the Complainant and Former Defense Secretary Gotabhaya Rajapaksa were fabricated allegations of having committed the offence of killing the prisoners. The Complainant was arrested as a result by filing a charge sheet against him by the Yahapalana Regime.

Recommendations:

1. An action (HC/TAB/493/19) was instituted against the Complainant by examination in front of a Three Judge Bench. The Commission recommends that this case be reconsidered by the Attorney General.
2. The Complainant by age was supposed to retire on the 6th of April 2020 but he was forced to retire on the 29th of March 2018. The Commission recommends that he should be given to be in employment for that amount of time that he was prohibited from his employment on a contractual basis and any amount of time that he was prohibited from such employment to be paid any arrears in salary.

31. The case against Udayanga Weerathunge, a cousin of Mahinda Rajapaksa and former Sri Lanka Ambassador to Russia

Decision: The B report B 639/15 filed in the Fort Magistrates Court where a search warrant was issued has been carried out as a result of false and fabricated evidence

Page No : 1153 to 1167

Complainant No: 1081/2020

Complainant: Udayanga Weerathunge

Respondents:

1. Former Minister Mangala Samaraweera
2. Ananda Wijepala
3. Former Senior DIG Ravi Widyalkara
4. Former Central Bank Monetary Board Member Nihal Fonseka
5. Harischandra Ranaweera
6. Former Foreign Secretary Chithrangani Wageshewari
7. Former Director General U. L. M. Jauffer
8. Former Director General A. L. Ratnapala
9. Director General Lakshitha Ratnayaka
10. Ambassador to Poland C. A. H. M. Wijeratne
11. Deputy High Commissioner Samantha Pathirana
12. S. Thivakarana
13. Former Ambassador to Turkey P. M. Amzar

Background: After the change of Government, the Complainant had lost his Diplomatic privileges. However, being the duty of the Government to return all his personal belongings to Sri Lanka. He sent the items to Sri Lanka, however, in the Sri Lanka Ports, they had done an investigation and confiscated his Computers and CDs and not released the items in the container after that. They had also not allowed the insurance to also investigate the loss. On 2016 September 30th, the Ports Authority had decided ex parte to auction his belongings. The Complainant had written to the then President Maithripala Sirisena, Foreign Minister, The Foreign Sec, The Ports Naval minister, and other Respondents to allow him to pay the due amounts and to be able to release the goods.

In 2016 July 25th summons had been sent to the Sri Lankan Embassy in Turkey but 8 days after that, 2016 August 3rd Senior Director General had informed the Fort Magistrate that summons were not sent to this address as he was not present at this address. The Ukrainian Foreign Ministry and the Ukrainian Government had stated that they had not received such summons by the Sri Lankan Government.

Findings: The Complainant was the Former Ambassador to Russia. Being an Ambassador, it was his privilege to send and receive his belongings before and during the period of this ambassadorship. He had sent all his personal items in a container. This particular container was withheld at the port due to false and fabricated evidence and was later auctioned. The Commission finds that the Complainant was clearly a victim of political victimization.

Recommendations:

1. The FCID has given false information to the Fort Magistrate Court reported in B report B 639/15. A warrant was issued which prevented the Complainant from accessing his belongings. The Commission recommends that the 6th Respondent should be questioned regarding the procedure of the said warrant.
2. The Commission recommends that Port waives the demurrage or the Foreign Ministry should bear the demurrage and release the goods to the Complainant.
3. The B report B 639/15 filed in the Fort Magistrates Court where a search warrant was issued has been carried out as a result of false and fabricated evidence. Additionally, the Commission recommends that summons and notices have not been issued as required by the procedure and should be questioned regarding the lack of by the 10th Respondent.

32. The case against Udayanga Weerathunge, a Cousin of Mahinda Rajapaksa and former Sri Lanka Ambassador to Russia.

Decision: The Attorney General should request the Court to release the Complainant's bank accounts. that the IGP should take action against the Police Officer IP M A C Nihal through the Police Commission as he had provided the details to Interpol and thereby caused his extradition to Sri Lanka from the UAE.

Page No : 1168 to 1191

Complainant No: 1080/2020

Complainant: Udayanga Weerathunge

Respondents:

1. Commercial Bank Nittambuwa Branch Manager Shira Kodisinghe
2. Commercial Bank Kotehena Manager Shantha Arugoda
3. Central Bank FIU Former Director H Amaratunge
4. Central Bank FIU Director E H Mohotti
5. HSBC Premier Centre Manager Gihan Punchihewa
6. Department Police IGP Pujith Jayasundara
7. FCID Former Senior Director Ravi Widyalkara
8. FCID Former Assistant Superintendent and Assitnat ASP Renuka Jayasundara

9. FCID Unit V Officer in Charge Superintendent of Police M A C Nihal Francis
10. Former Airforce Commander Wella Aarachige Don Roshan Mahesh James Gunathillake
11. Sri Lanka Air Force Engineers Section Former Director Allalagoda Game Jeewan Priyashnatha Silva
12. Shriyan Premal Samararatne
13. UAE Former Acting Ambassador Sabarulla Ahamed Khan
14. Polish Embassy Former Senior Director General of Law C A H N Wijeratne
15. Russia Acting Ambassador Samantha Pathirana
16. Anti Corruption Committee Secretariat Former Legal Advisor H M D L Thusith Mudalige
17. Anti Corruption Secretariat MP Anura Kumara Dissanayaka
18. Anti Corruption Secretariat Former Chairman, Former Prime Minister Ranil Wickremasinge
19. Former Foreign Minister Managal Samaraweera
20. Former Minister of Finance Ravi Karunanayake
21. Former MP and Former President Maithripala Sirisena
22. Anti Corruption Secretariat Former Director K M Ananda Wijepala

Background: The Complainant, Former Ambassador to Russia, was wanted by Sri Lankan Authorities for his unlawful interference in purchasing MiG Fighter Aircraft for the Sri Lankan Air Force from Ukraine.

Udayanga Weeratunga was named as a suspect in a case filed over the matter for embezzling millions, through the deal. Upon his arrival, Weeratunga was arrested by the CID and was being interrogated.

On multiple occasions, the Colombo Fort Magistrate issued open warrants for the immediate arrest of former Sri Lankan Ambassador to Russia Udayanga Weeratunga after considering facts presented by the Police Financial Crimes Investigation regarding the controversial deal which took place between 2007 and 2009.

Thereafter, he was arrested in the UAE following an INTERPOL Red Notice. He was released after a considerable period in prison overseas.

Findings: The Commission finds that the initial agreements for the purchase of the MiG for the Sri Lanka Air Force from Russia had taken place during the time of his capacity as the Ambassador to Russia. However, there were numerous financial fraud allegations against the Complainant. The Commission finds that these enormous financial frauds are alleged by the Yahapalanaya Government against the Complainant. He was arrested and extradited through the UAE to Sri Lanka and his Bank Accounts were also frozen with respect to the alleged crime.

Recommendations:

1. The Commission recommends that the Attorney General should get involved and report the same to the Courts.
2. The Commission recommends That the Attorney General should request the Court to release the Complainant's bank accounts.
3. The FIU of the Central Bank has frozen all of the Complainant's Bank Accounts and also the High Court of the Western Province has also lengthened the period of time for the freezing of the Accounts. The Commission recommends that the Complainant should be able to continue using his bank accounts and not to further lengthen the blockage of the Accounts.
4. The Commission recommends that the IGP should take action against the Police Officer IP M A C Nihal through the Police Commission as he had provided the details to Interpol and thereby caused his extradition to Sri Lanka from the UAE.

33. A case of a Custodial Death

Decision: The Appeal case be transferred to the Colombo High Court or another suitable Court in order to process, try, hear and determine the case in a more speedy manner.

Page No: 1192 to 1204

1. Complainant No: 650/2020

Complainant: Gnanalingham Daneshwari

2. Complainant No: 34/2020

Complainant: G. L. I Perera

3. Complainant No: 269/2020

Complainant: G. A. Malani

4. Complainant No: 403/2020

Complainant: K. V. Ranjith Malkanthi

Respondents:

1. Wijeyakala Maheswari (Former MP)
2. Kumaran Sharwananda
3. J. P. Nishantha De Silva

Background: This is regarding a complaint lodged against the Complainant in connection with a case of an individual being killed while escaping police arrest after being caught for a robbery.

Reportedly, the arrestee had run away from the Chavakachcheri Police officers while being handcuffed and jumped into a nearby lake in the escape attempt and had drowned and been killed in the incident. The Jaffna Magistrate's Court has ruled this as a death by natural causes.

However, during the Yahapalana regime, Vijayakala Maheswaran, the 1st Respondent, had reopened the case and police officers linked to the incident have been imprisoned under charges of murder.

Accordingly, the wife of the jailed police officer Mayuran Gnanalingam has lodged a complaint with the Presidential Commission of Inquiry alleging that he was subjected to injustice due to filing charges on false evidence with political motives, despite a court ruling.

Findings: This is regarding a complaint lodged against the Complainant in connection with a case of an individual being killed while in the custody of the police. The Post Mortem stated the same. A few years later, an action had been sorted against the Complainant making him the Accused.

Recommendations:

1. The Commission recommends that the Court of Appeal Case No 137 to 142/2017 which is in Appeal of the judgment by Jaffna Magistrates Court Case No. 2005/16 should be considered to be a final order.
2. The Commission recommends that because a huge delay is being caused since the same issues have arisen, the Attorney General should get involved in speedy hearing and determination of the case.
3. The Commission recommends that the Appeal case be transferred to the Colombo High Court or another suitable Court in order to process, try, hear and determine the case in a more speedy manner.

34. A case of a Custodial Death

Decision: Same as above

Complainant No: 1205/1235

Complainant: Sepala Ratnayaka

Respondents:

1. Wijeyakala Maheswari (Former MP)
2. Kumaran Sharwananda
3. J. P. Nishantha De Silva

Background: This is regarding a complaint lodged against the Complainant in connection with a case of an individual being killed while escaping police arrest after being caught for a robbery.

Reportedly, the arrestee had run away from the Chavakachcheri Police officers while being handcuffed and jumped into a nearby lake in the escape attempt and had drowned and been killed in the incident. The Jaffna Magistrate's Court has ruled this as a death by natural causes.

However, during the Yahapalana regime, Vijayakala Maheswaran, the 1st Respondent, had reopened the case and police officers linked to the incident have been imprisoned under charges of murder.

Accordingly, the wife of the jailed police officer Mayuran Gnanalingam has lodged a complaint with the Presidential Commission of Inquiry alleging that he was subjected to injustice due to filing charges on false evidence with political motives, despite a court ruling.

Recommendations:

1. The Commission recommends that the Court of Appeal Case No 137 to 142/2017 which is in Appeal of the judgment by Jaffna Magistrates Court Case No. 2005/16 should be considered to be a final order.
2. The Commission recommends that because a huge delay is being caused since the same issues have arisen, the Attorney General should get involved in speedy hearing and determination of the case.
3. The Commission recommends that the Appeal case be transferred to the Colombo High Court or another suitable Court in order to process, try, hear and determine the case in a more speedy manner.

35. A case of an Arrest/ Anti Corruption Committee

Decision: The Anti Corruption Committee led by the Yahapalana Government was in fact an institution created to purpose political victimization.

Page No: 1205 to 1235

Complainant No: 1842/2020

Complainant: Lalith Sepala Rathnayaka

Respondents:

1. Former Minister Mangala Samaraweera
2. Former Minister Patali Champika Ranawaka
3. Former Minister Rauf Hakim
4. Former Minister Sarath Fonseka
5. TNA Leader R. Sambanthan
6. Former MP M. A. Sumanthiran
7. JVP Leader Anura Kumara Dissanayaka
8. Attorney at Law J C Waliyamuna
9. Prof. Jayampathi Wickramara
10. Former Minister Mallik Samaraweera
11. Former Director Anti Corruption Secretariat M. K Ananda Wijepala
12. Former DIG S. M. Wickramasinghe
13. Former Senior Superintendent of Police Jayasuriya (Child and Women's Division)
14. Former Officer P. M. Anzar

Background:

1. The Complainant had been called to the Bar on 1993.06.10.
2. He had temporarily held the post of State Counsel at the Attorney General's Department since 2007.07.03.
3. In 2001.07.03 his position as State Counsel had been made permanent by the Public Service Commission.
4. He was appointed as the position of Senior Assistant Secretary to President Mahinda Rajapakshe by letters dated 2006.05.05 and 2006.05.19 by the Presidential Secretariat.
5. When President Mahinda Rajapakshe was elected for the second time in 2010, he was once again appointed as the Senior Assistant Secretary to the President to carry out legal work that ensues under the Presidential Secretariat.

6. In November 2013 was appointed to Diplomatic Service and held a Minister post at Sri Lanka High Commission London until March 2015.
7. Upon the Complainant's arrival in Sri Lanka he was arrested by Police Arrest Warrant with respect to a case against him at the Colombo Magistrate Court where a B Report 20203/09/15 was filed against him.
8. The Complainant states that he did not arrive in Sri Lanka any sooner as he was a victim of political victimization as portrayed by the Yahapala Regime Anti Corruption Committee.
9. On 2016.09.20 upon the direction of the Attorney General the case filed against the Complainant in the Colombo Magistrate Court had been dismissed.

Findings:

1. The Complainant had been appointed as a Senior State Counsel in 2005 by the Presidential Secretariat in accordance with the Section 41 of the Constitution.
2. The Complainant had left his office as a Diplomat as per the instructions of the Presidential Secretariat.
3. The Commission finds that being a State Counsel and having left his services as a Diplomat, he should be reinstated and all promotions due to him should be awarded to him.
4. The Complainant had had to provide his letter of resignation to the Attorney General as a result of the detriment caused to him by the opposition and therefore, the Commission recommends that the Letter of Resignation should be made null and void.

Recommendations:

1. The Commission recommends that the Anti Corruption Committee led by the Yahapalana Government was in fact an institution created to purpose political victimization.
2. The facts made under B Report B 20203/09/15 filed in the Colombo Magistrate Court by the 12th Respondent is incomplete and false evidence upon the Complainant thereby bringing disrepute to the Police Department and disciplinary action should be taken against the above mentioned Respondents of the Police.

36. A case of a Police Officer closely associated to the Rajapakshe Family

Decision: The said case should be dismissed by the Court

Page No: 1240 to 1249

Complainant No: 1070/2020

Complainant: Lekham Mudhianselage Tissa Wimalasena

Findings: The Complainant being a close Member of the Official staff of the Former President Mahinda Rajapakse. He has been summoned by the FCID, CID, Bribery and Corruption Commission and by other Police Divisions from time to time. The Commission states that the Complainant has been a victim of political victimization as he was closely associated to the Rajapakse family.

Recommendations:

1. The Complainant had been named the Accused as per the Colombo Magistrate Court Case filed B report B/54100/05/16 due to political persuasion and therefore the Commission recommends that the said case should be dismissed by the Court.
2. The Commission recommends that any arrears in the payment of his salary, reinstatement of his employment and or any promotions and pension schemes due to him in his period of absence, should be rightfully provided to the Complainant.
3. The Commission recommends that Police Sergeant 13590 who was involved in the extraction of false evidence from the Complainant has brought the Sri Lanka Police to disrepute and therefore disciplinary action should be taken against the Said Police Officer by the State Services Commission or the Police Commission Committee for the IGP to take steps in giving the necessary disciplinary action.

37. Re Corruption Charges against Gotabhaya Rajapaksa

Decision : The corruption allegations against Gotabhaya Rajapakse are false and fabricated evidence by the Respondent. Thereby, the Respondent has brought

disrepute to the Police Department and the Commission recommends that disciplinary action should be taken against the Respondent.

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Case No : 77/2020

Complainant – P. K. Wijesundara Ratnayake Mudiyansele Tissa Bandara Pillapitiya

Respondent – Dilrukshi Dias Wickramasinghe

Findings: The Commission finds that the sudden transfer of the Complainant from Bribery and Corruption Investigation Commission he had been transferred out because he had not aided or abetted the Respondent to create false and fabricated allegations against Gotabhaya Rajapakse. This was done as an act of malice by the Respondent.

Recommendation:

1. The Commission recommends that the Complainant was the Chief Inspector of Police and he should be promoted to Assistant Superintendent of Police under the purview of the IGP who should recommend his promotion to the Police Commission.
2. The Commission recommends that the corruption allegations against Gotabhaya Rajapakse are false and fabricated evidence by the Respondent. Thereby, the Respondent has brought disrepute to the Police Department and the Commission recommends that disciplinary action should be taken against the Respondent.

38. Re the death of Wasim Thajudeen

Decision: Senior Superintendent of Police Nagahamulla and Assistant Superintendent of Police (ASP) Shani Abeysekera of the CID has made a concerted

effort, at the behest of politicians of the Yahapalana Government, to turn the **death of Wasim Thajudeen in a drunken accident into a homicide** and hold the family members of former President Mahinda Rajapaksa responsible for the death. Legal action be taken against the respondents for fabricating evidence to make criminal allegations against the Complainant.

Page 1486 -

Case No – 615/2020

Complainant : Angodage Don Sumith Chammika Perera

Respondents : Former IGP – Pujith Jayasundera, Former Director of the CID – Mr Nagahamulla

Background:

- Complainant’s good character evidence has been furnished.
- In the Complainant’s testimony he has mentioned that :
 - He was instructed to conduct an investigation in to a road accident on Park Road in May 2012
 - He was called in by the CID in mid-2015 to make statements on Wasim Thajudeen's death
 - Statements were recorded by by Sub Inspector Premathilaka of the Homicide Investigation Division and Police Sergeants Ratnapriya and Police Seregant Mendis.
 - Prior to the statement, Wickramasekara and Tissama had asked him to mention that the then Secretary of Defence Gotabhaya Rajapaksa and Member of Parliament Namal Rajapaksa had pressured him to conceal the incident.
 - As the Complainant did not comply to the above request, Shani Abeysekera has presented the Complainant to Nagahamulla.
 - Nagahamulla has threatened him to make these false statements and Shani abeysekera has Abeysekera has tried to obtain statements as required for the incident by promising the Complainant various privileges.
 - As the Complainant did not comply, he was arrested.
 - In April 2019, the Magistrate’s Court acquitted Sumith Perera on the ground that there was no evidence to charge him.
- Documents marked P1-P9 have been submitted as proof of evidence of the Complainant.

Findings:

Senior Superintendent of Police Nagahamulla and Assistant Superintendent of Police (ASP) Shani Abeysekera of the CID has made a concerted effort, at the behest of politicians of the Yahapalana Government, to turn the death of Wasim Thajudeen in a drunken accident into a homicide and hold the family members of former President Mahinda Rajapaksa responsible for the death.

Following attempts to use Inspector Sumith Perera for this purpose, the Commission decides that he has been subjected to a great injustice by being produced before the Magistrate's Court on a charge of manslaughter and remanded in custody despite the fact that no evidence has been laid against him. The commission also ruled that the dismissal of the officer, based on a disciplinary inquiry report into an incident that took place in 2009, was a retaliation by former IGP Poojith Jayasundara.

Recommendations:

- The Commission recommends that the Complainant be reinstated to his post.
- The Commission recommends that legal action be taken against the respondents for fabricating evidence to make criminal allegations against the Complainant

39. Re killing of 27 inmates of the Welikada Prison, 2012

Decision: Accordingly, the Commission concludes that Imaduwege Indika Sampath, a prison officer, has been subjected to political revenge as one of the acts of retaliation carried out to satisfy NGOs and certain foreign forces.

Page 1495 - 1506
Case No – 43/2020

Complainant : Imaduwege Indika Sampath

Respondents : Former Minister – D.M Swaminathan, Former IGP – Pujith Jayasundera

Background:

- Complainant's good character evidence has been furnished.
- In the Complainant's testimony he has mentioned that :
 - He is the 3rd witness of Case No 6540/12/02 in the Colombo Magistrate's Court and case No HC (TAB) 493/19/03 of a Trial at bar in the Colombo High Court filed on political revenge.
 - Prison officials who support the wrongdoings of prison inmates had developed a feud with the Complainant and other officers in the field as a result of the crackdown on drug traffickers in prisons.
 - Himself, his wife and children have received death threats resulting in his wife and children emigrating in 2010.

- He has been instructed to make a false statement that the Army operation at Welikada Prison was carried out under the supervision and orders of the then Defense Secretary Gotabhaya Rajapaksa.
- He has fled to save his life. His brother has testified before the Commission that and submitted an affidavit sent by the Complainant from the United States. Accordingly, the Complainant has testified before the Second Secretary of the Embassy of Sri Lanka via Skype.
- Documents marked P1-P18 have been submitted as proof of evidence of the Complainant.

Findings:

It was a well-known fact that with the coming to power of the Yahapalana Government, many attempts were made to disrupt the intelligence services of the Public Security Service. Simultaneously, the investigation reveals that the government has taken steps to deactivate the prison intelligence unit. Further, steps were taken to seek revenge from and retaliate against intelligence officers. **Accordingly, the Commission concludes that Imaduwege Indika Sampath, a prison officer, has been subjected to political revenge as one of the acts of retaliation carried out to satisfy NGOs and certain foreign forces.**

Recommendations

Imaduwege Indika Sampath had been forced to go abroad without the approval of leave while serving in the post of Assistant Superintendent of Prisons to escape the political revenge that has been pursuing him. He has the opportunity to serve for nearly 15 years ahead of him. The Commission recommends that it is appropriate for the Commissioner General of Prisons to take action to reinstate him in his post subject to appropriate conditions.

40. A case against the Anti Corruption Committee

Decision: To revoke community as the activities of politicians and bureaucrats; Complainants should be acquitted and discharged of all charges mentioned in the B- Report B 14297/19 produced at the Colombo Fort Magistrate's Court and the charges listed in all other reports submitted thereafter.)

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(1) Case No – 325 /2020

Complainant – Rajapaksa Pathirage Don Tharaka Seneviratne

(2) Case No – 326 /2020

Complainant : Jagath Premalal Wijeweera

Respondents :

Dhammika De Silva – Police Inspector

Jagath – Police Sergeant 9422

Densil – Police Sergeant 43508

Former Minister and Member of Parliament Rajitha Senaratne

Member of Parliament Hesha Withanage

Background:

- This investigation has been conducted by the Commission upon receiving complaints that the Anti Corruption Committee of the FCID has sought to seek political revenge against the then Director General of Customs Jagath Wijeweera and Additional Director General of Customs Tharaka Seneviratne by incriminating them for Criminal misuse claiming that they handed over, 8 kg of gold confiscated by the Sri Lanka Customs to create a Buddha statue to be placed in the Sandahiru Seya to the Navy.
- Good character evidence of the Complainants has been furnished.
- Documents marked P1-P18 have been submitted as proof of evidence of the Complainant.

Findings:

1. Upon rigorous inspection and analysis of the evidence and documents adduced by the Complainant The Commission unanimously holds that there exists strong evidence to indicate that the Respondents have fabricated evidence and/or aided and abetted such fabrication to indicate that Complainants Rajapaksa Pathirage Don Tharaka Seneviratne and Jagath Premalal Wijeweera have committed some offence.
2. Upon rigorous inspection and analysis of the evidence and documents adduced by the Complainant The Commission unanimously decides the Complainants should be acquitted and discharged of all charges mentioned in the B- Report B 14297/19 produced at the Colombo Fort Magistrate’s Court and the charges listed in all other reports submitted thereafter.

Recommendations:

1. The Respondents are liable for the offence of fabricating false evidence as per the provisions of Section 189 read with Section 191 of the Penal Code by making false

- complaints to the Financial Crimes Division in their capacity as members of the Anti Corruption Committee.
2. Liable for aiding and abetting the commission of the aforementioned offence as per the provisions of Section 100 of the Penal Code.
 3. For a case to be filed against the respondents above named in a court of competent jurisdiction for committing the offense of corruption punishable under Section 70 of the Bribery Act.
 4. For a case to be filed against the police officers for breach of Section 353 of the Penal Code for illegally relying on the Prevention of Terrorism Act in detaining the complainant under detention orders.
 5. The commission has decided to hand over evidence and case files related to the 3 respondents above named to the Attorney General in order to pursue a case in a court of law with relevant jurisdiction to hear and determine a case based on the offences aforementioned.
 6. Further, the Commission recommends that the Complainant, who is a victim of political revenge, be granted some relief for the damages caused to him in light of him being remanded.
 7. Also, a charge sheet to be filed against the police officers under the disciplinary rules for perjury and for causing disrepute the police.
 8. The Commission recommends that a Special Commission of Inquiry be appointed to investigate the politicians involved in the acts of political revenge conducted by the Anti Corruption Committee and recommend those whose community rights should be revoked, as the activities of politicians and bureaucrats who have been directly involved in such political revenge are detrimental to society.
 9. It is recommended that the Complainants above named, who have now retired from the public service be appointed to a suitable advisory post of their choice in order to render useful service with their knowledge and experience.

41. A case against the Anti Corruption Committee

Decision: To revoke community rights, as the activities of politicians and bureaucrats

Page 1556 - 1579

Case No – 414/2020

Complainant – Piyadasa Kudabalage

Respondents:

1. Mangala Samaraweera (Former Minister)
2. Patalee Chmapika Ranawaka (Former Minister)
3. Rauf Hakeem (Former Minister)
4. Sarath Fonseka (Former Minister)
5. R. Sampanthan. (Leader, TNA)
6. M.A Sumanthiran, (Spokeperson, TNA)
7. Anura Kumara Dissanayake, (Leader, JVP)
8. J.C Weliamuna. (Senior Lawyer)
9. Jayampathi Wickramarathna ((Former Minister)
10. Malik Samarawickrama (Former Minister)
11. Ananda Wijepala (Director – Anti Corruption Secretariat)
12. Thusitha Mudalige (Legal Adviser)

Background:

- A case bearing No HC/PTB/1/012018 has been instituted for a Trial at Bar at the permanent High Court against the Complainant relating to a fraudulent deposit of Rs 500 million to a Bank of Ceylon account 72783012 of Halanko Hotel and Spa.
- This amount has initially been transferred from the accounts of Litro Gas to Canville Lanka (Pvt) Ltd of which the Complainant was the CEO and Director.
- According to the testimony given by the plaintiff before the Commission, he should receive both the insurance claims he had requested for however, both requests had been denied and the Chairman of the Sri Lanka Insurance Corporation has informed of the decision taken by the Board of Directors.
- The Commission has summoned the new Chairman of the Insurance Corporation Jagath Wellawatte for evidence and admitted that 2 insurance policies had been obtained.
- It has been stated that the approval of the Minister of Finance should be obtained and there is no room for payment as the premium has already been paid by the insurance company.
- The witness pointed out two ways to resolve this issue:
 - (1) To appeal to the Insurance Ombudsman
 - (2) For the corporation to appoint a committee to inquire into the matter

Findings:

- The Commission unanimously holds:
 1.
 - The Anti Corruption Committee established based on a cabinet approval of a cabinet paper presented by Respondents 1-12 is a committee established on no legal basis.
 - There exists strong evidence to indicate that the Director of the Secretariat, Ananda Wijepala who engaged in shortterm and longterm activities of the

committee, has made baseless, false complaints to the Financial Crimes Division, and has created false evidence against the Complainant causing him to be imprisoned

- There exists strong evidence to indicate that the Director of the Secretariat, Ananda Wijepala conspired and aided and abetted making indictments against the Complainant at the Provincial High court of the Western Province for a trial at bar.

2. The complainant is entitled to relief based on the evidence presented to this commission, from which it was understood that the Complainant was baselessly subjected to an air flight ban ,imprisonment and indictment at the High Court of the Western Province subjecting the Complainant to unfair treatment and abusive and malicious politically motivated revenge.

Recommendations:

1. The commission has decided to hand over evidence and case files related to the respondents to the Attorney General in order to pursue a case in a suitable court of law owing to the following :
2. Being liable for the offence of fabricating false evidence as per the provisions of Section 189 read with Section 190 of the Penal Code by subjecting Respondents 1-12 to a false investigation and attempting to present those findings as evidence in a legal case.
3. The above named Respondents, for aiding and abetting the commission of the aforementioned offence as per the provisions of Section 100 of the Penal Code.
4. The Complainant, an accountant by profession has engaged as a local and international management and economics consultant. In 2010, upon an invitation by the Chairman of Sri Lanka Insurance Corporation, he has served as a Director and Senior Manager of Sri Lanka Insurance Corporation and utilized his expertise to restructure the corporation and convert it to better benefit the economy of the country.

However, the actions of the Anti Corruption committee led to him being subjected to severe political revenge due to the establishment of the Financial Crimes Unit. Evidence shows that personal money has been expended in order to face a court case. It appears that issues relating to two insurance covers has surfaced based on the Complainant's testimony. The present Chairman Jagath Wellawatta has stated that a committee has been appointed to resolve any matters relating to the same. Therefore, the committee recommends that Complainant is appointed as a local or international management consultant in appreciation of his service.

5. It is clear that the purpose and role of the Anti Corruption committee, which was set up by the respondents who are members of the said Committee, have been to take actions through short-term and long term programs to unjustly and maliciously subject targeted groups including politicians, public officials, members of the police and armed forces who served before 2015, to political revenge through judicial and other means of action.

Based on the above, This Commission has unanimously decided to establish a special presidential commission under Act No 7 of 1978 to investigate into those who aided and abetted and played an active role in and deprive them of political rights for 7 years, amongst other actions.

43. A case against The Anti Corruption Committee

Decision: Revoke community rights, as the activities of politicians and bureaucrats; This Commission has unanimously decided to establish a special presidential commission under Act No 7 of 1978 to investigate into those who aided and abetted and played an active role in and deprive them of political rights for 7 years, amongst other actions.)

Page 1580 - 1601

Case No – 416/2020

Complainant – Kokkawita Liyanage Lasantha Bandara

Respondents –

1. Mangala Samaraweera
2. Patalee Chmapika Ranawaka
3. Rauf Hakeem
4. Sarath Fonseka
5. R. Sampanthan
6. M.A Sumanthiran
7. Anura Kumara Dissanayake
8. J.C Weliamuna
9. Jayampathi Wickramarathna
10. Malik Samarawickrama
11. Ananda Wijepala (Director – Anti Corruption Secretariat)

Background:

- Several complaints have been lodged before the Commission regarding this matter.
- Especially when Dr. Jayatilleke testified in Complaint No. 205/20 the then Prime Minister Ranil Wickremesinghe who played a key role in the establishment of this Anti-Corruption Committee was called in as a witness.

- Mr. Ranil Wickremesinghe testifying before this Commission as a witness stated that the National Executive Council did not have the legal status to establish an Anti-Corruption Committee.
- A similar idea was put forward by Patali Champika Ranawaka, who appeared as a respondent under complaint No 205/20.
- The activities of the Anti-Corruption Commission and its legitimacy have therefore been seriously questioned.
- Complainant's good character evidence has been furnished.
- In the Complainant's testimony he has mentioned the following :
 - Mr. Bandara has been under a lot of professional pressure since the new Board of Directors were appointed to the Sri Lanka Insurance Corporation and Kanvil Holdings Pvt.
 - The Complainant has been informed by a letter dated 2015.08.27 that the accommodation provided to him has been revoked and the reason for such revocation is due to him no longer holding the post of Chief Executive Officer of the Kanvil holding companies and its subsidiaries.
 - From the date of receipt of this letter, the Complainant has been questioned from time to time with the primary purpose of initiating an ongoing domestic investigation against the Complainant.
 - In the meantime, an indictment with 7 charges has been filed against the Complainant on 2015.05.10 (Document marked as P19)
 - The Complainant has given a written reply to the allegations made against him and has clearly stated in his reply that he is not guilty of any of the charges made against him.
 - A disciplinary inquiry found that the Complainant had been convicted and the Managing Director had informed him that relief could be provided if he the Complainant resigned, which led to his resignation.
 - However, the Magistrate has acquitted the complainant and the other directors to the extent that these complaints are not covered under the Public Property Act.
 - Despite this, the Financial Crimes Division has investigated these complaints has taken steps to seek political revenge by filing indictments through the and the Attorney General at the Provincial High Court for Trial at Bar.
- Documents marked P1-P32 have been submitted as proof of evidence of the Complainant.

Findings:

- The Commission unanimously holds:

1. There exists strong evidence to indicate that Ananda Wijepala of the Financial Crimes Division has fabricated false evidence and presented the same to the Financial Crimes Division against the Complainant causing him to be imprisoned
2. After examining and analyzing all the evidence and documents presented to this Commission, it appears that:
 - a. The anti corruption committee has made false allegations against the Complainant to the Financial Crimes Division, thus aiding the filing of a false complaint.
 - b. Further, there is evidence to the effect that the Financial Crimes Division having investigated the baseless accusations and sent to the Attorney General for indictments for trial at bar at the High Court of the Western Province where the High Court has acquitted and discharged the Complainant.
3. This Committee unanimously holds that the Complainant has been subjected to severe political revenge by the newly appointed Director of the Sri Lanka Insurance Corporation since 8th January 2015 by threatening the Complainant with dismissal and forcing him to retire.

Recommendations:

10. The Respondents are liable for the offence of fabricating false evidence as per the provisions of Section 189 read with Section 190 of the Penal Code by making false complaints to the Financial Crimes Division in their capacity as members of the Anti Corruption Committee.
11. Liable for aiding and abetting the commission of the aforementioned offence as per the provisions of Section 100 of the Penal Code.
12. It is clear that the purpose and role of the Anti Corruption committee, which was set up by the respondents who are members of the said Committee, have been to take actions through short-term and long term programs to unjustly and maliciously subject targeted groups including politicians, public officials, members of the police and armed forces who served before 2015, to political revenge through judicial and other means of action. Based on the above, This Commission has unanimously decided to establish a special presidential commission under Act No 7 of 1978 to investigate into those who aided and abetted and played an active role in and deprive them of political rights for 7 years, amongst other actions.
13. After examining and analyzing all the evidence and documents presented to this Commission, it appears that the loss of the Complainant's job at the Sri Lanka Insurance Corporation was a constructive termination and that it was an act that was done arbitrarily, maliciously, unjustly, unfairly and unlawfully and therefore the commission recommends that the Complainant is reinstated to a suitable senior post at Sri Lanka Insurance Corporation.
14. To pay the Complainant all salaries with salary increments for the time period between the termination and reinstatement.

15. It is recommended that upon reinstatement, the breach in service is disregarded and to consider continuous service from the original date of appointment.
16. The commission further decides to grant him necessary accommodation facilities to conduct his official duties from Colombo.
17. The commission recommends that the Complainant be paid the fuel allowance he was entitled to at the time of termination, as it befits today.

44. Re Assassination of Journalist Lasantha Wickrematunge

Decision: The Crime Investigation Division (CID) attempted to link president Gotabhaya Rajapakse to the murder of Lasantha Wickrematunga. 3 respondents named should be subjected to formal preliminary investigations and once found liable be subjected to strict punishment for being in breach of Section 1 of the Code of Discipline.

Page 1602 - 1620

Case No – 415/2020

Complainant : Witharana Arachchige Sirimewan Prasanna Nanayakkara

Respondents :

1. Shani Abeysekera
2. Assistant Superintendent of Police Tissera
3. Inspector of Police Nishantha Silva
4. Police Sergeant 35021 D.R Kannangara

Background:

- Complainant has been arrested and remanded in connection with the murder of Journalist Lasantha Wickrematunge in 2009.
- The Complainant has been recalled by the CID in 2017 and Inspector Nishantha de Silva and ASP Tissera has questioned him regarding Lasantha's field notebook.
- The CID has questioned whether the notebooks were handed over to the IGP or former Defense Secretary Gotabhaya Rajapaksa.
- During further investigation, it has been stated by the SSP that Sub Inspector Thissa Siri Sugathapala had removed pages off the notebook based on instructions from Deputy Inspector General of Police Nanayakkara.

- It is also stated that copies of the book were found in the house of Sub Inspector Tissa siri Sugathapala. Further details have been mentioned in report B 92/09 filed at the Magistrate's Court of Mount Lavinia.
- This report has been submitted to the Mount Lavinia Magistrate's Court with the intention of remanding the Complainant who is a Senior DIG.
- Due to this, the CID had requested the court to remand the Complainant the 2018.02.14 by presenting fabricated evidence such as attempting to obstruct investigation.
- According to the B- reports, the Complainants have been arrested for offenses punishable under Section 32 of the Penal Code read with Sections 102, 103 (a), 173, 174,190,193,198 first sub-sections , first subsections of sections 162.163 and 454 of the Sri Lanka Penal Code.
- Documents marked P1-P22 have been submitted as proof of evidence of the Complainant.

Findings:

3. Upon rigorous inspection and analysis of the evidence and documents adduced by the Complainant The Commission unanimously holds that there exists strong evidence to indicate that the Respondents have fabricated evidence and/or aided and abetted such fabrication to indicate that Complainant has concealed evidence from the murder case of Lasantha Wickrematunga resulting in the Complainant being imprisoned for a period of 5 months.
4. Upon rigorous inspection and analysis of the evidence and documents adduced by the Complainant The Commission unanimously decides that there lacks adequate reliable evidence against the Complainant to hold him liable for the offences mentioned in the B- Report B 92/2019 produced at the Magistrate's Court of Mount Lavinia and the offences listed in all other reports submitted thereafter.
5. The Crime Investigation Division (CID) attempted to link president Gotabhaya Rajapakse to the murder of Lasantha Wickrematunga.
This Committee unanimously holds that the Complainant has been subjected to political revenge due to failed attempts by the CID to obtain a statement by the Complainant, fabricated by the CID, to indicate such a link. There have been attempts to obtain a statement to such effect at the initial point of arrest and later during the 5-month imprisonment failing which he was subjected to prolonged imprisonment.

Recommendations:

1. Based on the evidence and documents adduced by the Complainant, the Respondents in producing the report B 92/2019 has misled the courts by creating false facts and are liable for the offence of fabricating false evidence as per the provisions of Section 189 read with Section 190 of the Penal Code.
2. Liable for aiding and abetting the commission of the aforementioned offence as per the provisions of Section 100 of the Penal Code.
3. The commission unanimously holds that the 3 respondents above named should be subjected to formal preliminary investigations and once found liable be subjected to

strict punishment for being in breach of Section 1 of the Code of Discipline of Appendix A7 B of the Police Ordinance which provides that a police officer shall not behave in a manner prejudicial and causing disrepute to the police service, due to their actions of fabricating false evidence and making baseless allegations against the Complainant in a court of law.

4. The commission unanimously holds that the 3 respondents above named should be subjected to formal preliminary investigations and once found liable be subjected to strict punishment for being in breach of Section 2 (g) of the Code of Discipline of Appendix A7 B of the Police Ordinance according to which a police officer shall not disobey orders or behave oppressively in a manner prejudicial and defamatory to the police service.
5. The commission has decided to hand over evidence and case files related to the 3 respondents above named to the Attorney General in order to pursue a case in a court of law with relevant jurisdiction to hear and determine a case based on the offences aforementioned.

45. A case of **Bribery and Corruption**

Decision: The indictment of case No HCB 09/2019 filed in the High Court of Colombo should be nullified by withdrawal and that the Complainant must be discharged and acquitted of all charges.

Page 1621 - 1648

Case No – 29/20

Complainant: Pittegama Gamlath Ralalage Chithrananda Abeyraj Gamlath

Respondents:

1. Member of Parliament - Palitha Range Bandara
2. Retired Inspector General of Police - Pujith Jayasundera
3. Senior DIG – Ravi Wijegunawardene
4. Retired Deputy IGP – Mewan Silva
5. Assistant Superintendent of Police – Kingsley Gunasekera

Background:

- Issue – The Complainant being prohibited from performing his official duties, 2 indictments have been issued against him, action has been instituted in the Magistrate's

Court of Colombo in case No HCB 09/2009 under Section 19 (b) and (c) of the amended Bribery Act.

- Good character evidence of the Complainant has been furnished.
- In the Complainant's testimony he has mentioned the following :
 - The Complainant has been subjected to disciplinary inquiries from time to time
 - At one point, the Complainant has been told by the National Police Commission that he had been suspended. (Document marked as P28)
 - At that time, the complainant had appealed to the National Police Commission to lift the restraining order and reinstate him. However, the Commission has sent a reply letter stating that the Complainant's appeal had been rejected (Document marked as P29)
 - It has further been stated that the reason for the suspension is that the Bribery and Corruption Commission has informed that a case has been filed in the Colombo High Court.
- A testimony has been obtained by Police Seregant 7997 Hettiarachchige Chandana Premakumara and considered as evidence relating to this case.
- In his testimony, Police Seregant 7997 Hettiarachchige Chandana Premakumara has stated the following :
 - He has noticed that the disciplinary inquiries are being conducted in a prejudicial manner and had appealed for a change in the investigating officer. The investigating officer had been the Complainant to this case
 - The Deputy Inspector General of Police has rejected his request on the basis that the investigations have already been half way complete by that point
 - The Complainant has requested police sergeant 7997 to pay him Rs 20,000 to assist him in the cases against him
 - Police sergeant 7997 states that he has paid him Rs 10,000 however, there was no record of him doing so.
- Documents marked P1-P30 have been submitted as proof of evidence of the Complainant.

Findings:

1. Upon inspection and analysis of the evidence and documents adduced by the Complainant this Commission unanimously holds that there exists strong evidence to indicate that the Respondents have fabricated evidence and/or aided and abetted such fabrication and have lodged a complaint at the Commission to Investigate Allegations of Bribery and Corruption (CIABOC) through which a case has been filed at the High Court. Such attempts have been made in consideration of one individual's false evidence which has little credibility.
2. This Commission unanimously holds that the indictment of case No HCB 09/2019 filed in the High Court of Colombo should be nullified by withdrawal and that the Complainant must be discharged and acquitted of all charges.

3. This Committee unanimously holds that the Complainant has been subjected to political revenge due to the following :
 - i. The IGP in 2016 issuing 2 baseless charge sheets against the Complainant
 - ii. Failure to recommend the application for a vehicle license on a concessionary basis despite the Complainant qualifying for the same
 - iii. Transferring the Complainant from the Polonnaruwa Division to the Tangalle Division
 - iv. Filing a bribery and corruption case based on false allegations at the High Court of Colombo

Recommendation:

1. The Respondents are liable for the offence of fabricating false evidence resulting in CIABOC filing indictments against the Complainant at the High Court of Colombo. Such fabrication results in the respondents being in breach of the provisions of Section 189 read with Section 190 of the Penal Code.
2. The respondents are liable for aiding and abetting the commission of the aforementioned offence as per the provisions of Section 100 of the Penal Code.
3. The commission has decided to hand over evidence and case files related to the respondents above named to the Attorney General in order to pursue a case in a court of law with relevant jurisdiction to hear and determine a case based on the offences aforementioned.
4. The above named Senior DIG – Ravi Wijegunawardene and 5th Respondent Assistant Superintendent of Police – Kingsley Gunasekera should be subjected to formal preliminary investigations and once found liable be subjected to strict punishment for being in breach of Section 2 (d) of the Code of Discipline of Appendix A7 B of the Police Ordinance which provides that a police officer shall not deliberately or negligently make false complaint or false statement about a person.
5. The Commission recommends that the two indictments issued by The Police Department be withdrawn as no disciplinary action has been taken against them so far.
6. Since this Complainant is still in a state of suspension without a basis, this commission recommends that this suspension be lifted and the Complainant be reinstated and transferred to a suitable location.
7. The Commission recommends that the IGP should approve the application of the Complainant for the purchase of a vehicle at a concessionary price to the relevant department as the Complainant has fulfilled the required criteria.

46. Re a case Corruption and Anti Corruption Committee

Decision: Complainant has unjustly and maliciously been subjected to political revenge due to the acts of the Anti Corruption Secretariat and the Financial Crimes Division. Revoke community rights of the respondents named.

Page 1649 - 1672

Case No – 352/2020

Complainant: Neil Bandara Hapuhinna

Respondents:

1. Police Inspector – Chaminda Ranasinghe
2. Former Minister - Mangala Samaraweera
3. Former Minister - Patalee Chmapika Ranawaka
4. Former Minister - Rauf Hakeem
5. Leader of the Democratic Alliance - Sarath Fonseka
6. Leader of the Tamil National Alliance - R. Sampanthan
7. Member of Parliament - M.A Sumanthiran
8. Leader of the JVP - Anura Kumara Dissanayake
9. J.C Weliamuna AAL
10. Dr. Jayampathi Wickramarathna
11. Malik Samarawickrama
12. Director – Anti Corruption Secretariat- Ananda Wijepala

Background:

- Good character evidence of the Complainant has been furnished.
- The Director of the Anti-Corruption Committee has lodged a complaint with the Financial Crimes Investigation Division of the Colombo Police and the Colombo Magistrate's Court in case no B783/15 regarding the fraudulent sale of Hyatt Regency property of Ceylinco Group to Sino Lanka Pvt.
- The Complainant states that he has been arrested by the Police Financial Crimes Division as a suspect in connection with the purchase of land through a restructuring by the Sri Lanka Insurance Corporation in 2011, the establishment of several hotels owned by the corporation and the transfer of money to the accounts of those hotels.
- The Complainant states that The High Court acquitted the Complainant without even having summoned the accused, making it clear that this was a political revenge.
- Documents marked P1-P19 have been submitted as proof of evidence of the Complainant.

Findings:

1. Upon inspection and analysis of the evidence and documents adduced by the Complainant this Commission unanimously holds that there exists strong evidence to indicate that the Respondents have fabricated evidence and/or aided and abetted such fabrication resulting in the imprisonment of the Complainant.
2. The respondents above named who are members of the Anti Corruption committee have conspired and aided and abetted the Director of the Anti Corruption Secretariat Ananda Wijepala to take short-term and long term action to make baseless, false allegations against the Complainant at the Financial Crimes Division.
3. After examining and analyzing all the evidence and documents presented to this Commission, it appears that:
 - a. The anti corruption committee has made false allegations against the Complainant to the Financial Crimes Division, thus aiding the filing of a false complaint.
 - b. Further, there is evidence to the effect that the Financial Crimes Division having investigated the baseless accusations and sent to the Attorney General for indictments for trial at bar at the High Court of the Western Province where the High Court has acquitted and discharged the Complainant.
 - c. The Commission unanimously holds that the Complainant has unjustly and maliciously been subjected to political revenge due to the acts of the Anti Corruption Secretariat and the Financial Crimes Division

Recommendations:

1. The 1st Respondent above named, by producing a further report to the Fort Magistrate's Court on 2015.07.16 for case No B788/15 has misled the courts by creating false facts resulting in an air flight ban of the Complainant and two others and are liable for the offence of fabricating false evidence as per the provisions of Section 189 read with Section 190 of the Penal Code.
2. The Commission has observed the need to file cases against the respondents for the offence of fabricating false evidence resulting in the Complainant being falsely imprisoned, as per the provisions of Section 189 read with Section 190 of the Penal Code
3. The commission observes the need to file cases against the 2nd -11th respondents above named for being liable for conspiracy, aiding and abetting, making false charges at the Financial Crimes Division against the Complainant which are offences according to the provisions of Section 113 (a) (1) and Section 100 of the Penal Code.
4. The above named 1st Respondent should be subjected to formal preliminary investigations under the Police Ordinance and necessary disciplinary action should be taken as per Section 4 (g) of the Code of Discipline of Appendix A7 B of the Police Ordinance which prohibits disobeying orders and behaving in an oppressive manner, for making baseless allegations causing the imprisonment of the Complainant.

5. The commission recommends that the 1st respondent should be subjected to formal preliminary investigations for his actions during his tenure as the OIC of the Financial Crimes Division and once found liable be subjected to strict punishment for being in breach of Section 1 of the Code of Discipline of Appendix A7 B of the Police Ordinance which provides that a police officer shall not behave in a manner prejudicial and defamatory to the police service, due to his actions of fabricating false evidence and making baseless allegations against the Complainant in a court of law, resulting in the Complainant being issued an air flight ban and seeking political revenge based on false allegations.
6. The commission has decided to hand over evidence and case files related to the 1-12 respondents above named to the Attorney General in order to pursue a case in a court of law with relevant jurisdiction to hear and determine a case based on the offences aforementioned.
7. The Complainant was a senior public servant who lost his official posts in 2015 due to the change of administration. The appointment of the Complainant was a political appointment and so does not result in the loss of posts due to a change in administration, thereby he has reported to the pool of the Ministry of Public Administration regarding the loss of his posts. It is no secret, however, that the Complainant suffered the trauma and stress from the loss of his position. The Commission also acknowledges that there had been a large social impact of being suspended and falsely imprisoned for an offence that he did not commit. Further, it should not be forgotten that the Complainant contributed to the growth of the Sri Lanka Insurance Corporation from its inception in the period from 2010 to 2015. Therefore, the Commission recommends that there should be some evaluation of the service rendered and that it is appropriate to appoint him to a local and foreign position as an Economic Adviser/ consultant.
8. It is clear that the Anti Corruption committee, which was set up by the respondents who are members of the said Committee, have been to take actions through short-term and long term programs to unjustly and maliciously subject targeted groups including politicians, public officials, members of the police and armed forces who served before 2015, to political revenge through judicial and other means of action.

Based on the above, This Commission has unanimously decided to establish a special presidential commission under Act No 7 of 1978 to investigate into those who aided and abetted and played an active role in and deprive them of political rights for 7 years, amongst other actions.

47. Re Kidnapping and Abduction of journalist Prageeth Ekneligoda.

Decision: The indictment No HCB (TAB) 725/19 at the High court of Colombo filed against Complainants 1,2,3,4,5,6,7,8,9 should be nullified by withdrawal and that the Complainants must be discharged and acquitted of all charges mentioned therein.

The indictments against Complainants 1,11,2,3,4,12,10 in the case bearing No HC209/19 in the High Court of Homagama should be nullified by withdrawal and that the Complainants must be discharged and acquitted of all charges mentioned therein.

All Complainants above named to be compensated for

- i. Loss of salaries and salary increments
- ii. Loss of promotions
- iii. Loss of seniority
- iv. Loss of opportunities to attend local and international trainings and diplomas
- v. Loss of special offers

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(1) Case No – 24/2020

Complainant: Col. Shammi Arjuna Kumararatna

(2) Case No – 200/2020

Complainant: B/N Rajapaksha Mudiyansele Priyantha Kumara Rajapaksha alias Nandan

(3) Case No – 198/2020

Complainant: Authorised Officer Wadugedara Vinee Priyantha Dilanjan Upasena alias Suresh

(4) Case No – 196/2020

Complainant: V/ Corporal Senevirathna Mudiyansele Ravindra Roopasena alias Ranji

(5) Case No – 194/2020

Complainant : Retired Lieutenant Yapa Mudiyansele Chaminda Kumara Abeyrathna

(6) Case No – 197/2020

Complainant : Authorised Officer, Senevirathna Mudiyansele Kanishka Gunarathna

(7) Case No – 199/2020

Complainant: Authorised Officer, Aiyasaami Balasubramaniam

(8) Case No – 195/2020

Complainant : Staff Sergeant, Dangaha Gamaralalage Tharanga Prasad Gamage

(9) Case No – 104/2020

Complainant: Lieutenant Colonel Thelge Erange Radeesh Peiris

(10) Case No – 239/2020

Complainant: Retired M/S Senadheera Arachchige Hemachandra Perera

(11) Case No – 31/2020

Complainant: L/K Thanthulage Toshinath Prabodha Siriwardena

(12) Case No – 231/2020

Complainant: Corporal Meragal Pedigedara Wasantha Sudesh Kumara Ulugedara

(13) Case No – 1052/2020

Complainant: Sergeant , Warnakulasuriya Anura Jayalath Iluppakanniya

(14) Case No – 347/2020

Complainant: Sergeant , Tuan Nassar Muthaliph

Respondents:

1. Former Minister Mangala Samaraweera
2. Shani Abeysekera – Director, CID
3. B.S Tissera – Assistant Superintendent of Police
4. Nishantha Silva Kandappa – Police Inspector
5. Premathilaka - Sub Inspector (Retired)
6. R.S.M Mendis - Sub Inspector
7. A.A.S Ariyasingha (Anil) – Sergeant 87113
8. K.P Thushara Vishwajith - Sub Inspector
9. K.D Kapila Udawatta - Sub Inspector
10. Ruwan Pethiyagoda

Background:

- Separate complaints have been made by the aforementioned Complainants as they had been arrested and remanded by the CID to be produced in premeditated court

proceedings No HC 209/19 filed at the Homagama High Court and No HC/TAB 725/19 for Trial at Bar on the dates mentioned in this report .

- In their testimonies the Complainants mention that they have been accused for the abduction of journalist Ekneligoda
- It has been mentioned that the investigation was launched based on information obtained from suspects who were members of the LTTE that the CID had arrested previously.
- The B report B7417/2015 filed at the Homagama Magistrate's court mentions statements by Murali, a member of the LTTE arrested by the CID.
- Following the presentation of evidence before this Commission, the Complainants stated that the Director of the Criminal Investigation Department Shani Abeysekere, Sub Inspector Premathilaka and Police Sergeant Mendis who were specifically named as respondents had refused to give evidence under Section 16 of the Commission Act. This has resulted in an inability to question and verify the authenticity of the evidence uncovered by the police investigation.

Findings:

1. Upon perusal of the evidence and documents adduced by the Complainant this Commission unanimously holds that there exists strong evidence to indicate that the Respondents have fabricated evidence and/or aided and abetted such fabrication to indicate that the Complainant is liable for the offence of kidnapping and abduction of Pradeep Ekneligoda.
2. Upon rigorous inspection and analysis of the evidence and documents adduced by the Complainant it is noted that there lacks adequate reliable evidence against the Complainant to hold him liable for the offences mentioned in the B- Report B 7417/2015 produced at the Magistrate's Court of Homagama and the offences listed in all other reports submitted thereafter. Thereby, The Commission unanimously decides that the Complainant should be discharged and acquitted of all charges made against him.
3. This Commission, upon inspection and analysis of the evidence and documents adduced in the investigations, unanimously holds that the indictment No HCB (TAB) 725/19 at the High court of Colombo filed against Complainants 1,2,3,4,5,6,7,8,9 should be nullified by withdrawal and that the Complainants must be discharged and acquitted of all charges mentioned therein.
4. This Commission, upon perusal of the evidence and documents adduced in the investigations, unanimously holds that the indictments against Complainants 1,11,2,3,4,12,10 in the case bearing No HC209/19 in the High Court of Homagama should be nullified by withdrawal and that the Complainants must be discharged and acquitted of all charges mentioned therein.
5. This Commission unanimously holds that the Complainants have been subjected to political revenge owing to failed attempts by the officers of the CID to obtain statements from the Complainants under Section 127 of the Penal Code for matters external to the mission and purview of the Anti Corruption Committee

Recommendations:

1. All respondents excluding the 1st respondent above named, are liable as per the provisions of Section 189 read with Section 191 of the Penal Code for the offences of fabricating false evidence and utilizing the same to obtain detention orders and imprison the Complainants.
2. All respondents excluding the 1st respondent above named, are liable for conspiracy and aiding and abetting under the provisions of Section 100 and 113 of the Penal Code.
3. The 3rd Complainant's evidence has indicated that the respondents have obtained detention order/arrest warrant to be effective from 2015.09.08 under the Prevention of Terrorism (Special Provisions) Act No 47 of 1978 which was marked as P2 and submitted to the Commission. The warrant had been signed by the then President Maithripala Sirisena however; an inconsistency with the signature was noted. This was inquired by another witness who stated that there is an inconsistency, this commission holds that the respondents 1,2,3,4 above named are liable for the offences of forgery and preparing false documents under the provisions of Section 452 and 453 read with Section 454 of the Penal Code.
4. Action should be instituted against the above named Respondents excluding respondents 1 to 10 , for aiding and abetting the commission of the aforementioned offence as per the provisions of Section 100 of the Penal Code.
5. The above mentioned respondents have committed an offence under section 335 of the Penal Code for arresting the Complainants under the Prevention of terrorism (Special Provisions) Act No 47 of 1978 with the motive of imprisoning the Complainants for a prolonged period of time and holding them in cells of the CID.
6. The commission recommends that all respondents excluding 1,5,10 respondents above named should be subjected to formal preliminary investigations and once found liable be subjected to strict punishment for being in breach of Section 1 of the Code of Discipline of Appendix A7 B of the Police Ordinance which provides that a police officer shall not behave in a manner prejudicial and defamatory to the police service, due to their actions of fabricating false evidence and presenting the same to a court of law resulting in the imprisonment of the Complainants.
7. The above named 1,5,10 Respondents should be subjected to formal preliminary investigations under the Police Ordinance and necessary disciplinary action should be taken as per Section 4 (g) of the Code of Discipline of Appendix A7 B of the Police Ordinance which prohibits disobeying orders and behaving in an oppressive manner towards a person of the general public.
8. The commission recommends respondent above named, Sub Inspector R.S.M Mendis be subjected to disciplinary inquiries and once found guilty be subjected to strict punishment for being in breach of 4 (g) of the Code of Discipline of Appendix A7 B of the Police Ordinance which prohibits disobeying orders and behaving in an oppressive manner towards a person of the general public for his actions of causing severe embarrassment to the wife of the Complainant, Randeni Walawwe Sandhya Kumari,

who had not been permitted time to change from her night dress when the Respondent arrived at the Complainant's house at midnight despite a request to do so, for threatening her son with a pistol to his head and for not allowing them to eat till that evening

9. Action should be instituted in a court of law against the first respondent above named, the then Foreign Minister Mangala Samaraweera for having committed the offence of corruption as per Section 70 of the Bribery Act for his actions of altering the original name list of 2014 of those related to the preparation of illicit documents, prepared in compliance with the UN Security Council Resolution 1373. The first respondent has scolded the first Complainant Col. Shammi Arjuna Kumaratnam who covered the activities of the Chief of State Intelligence, and had made changes to the name list especially to the effect of removing the name of Fr. S.J Emmanuel.
10. The Commission has decided that the main reason for the false accusations of abduction and disappearance of Ekneligoda resulting in the detention on remand orders and subsequent imprisonment of the Complainants was political revenge. Considering the personal harassment and damages caused, the commission recommends that the following reliefs are provided to the Complainants :

10.1 Recommends to give the post of First Secretary of the Foreign Embassy to Col. Arjuna Kumararatne which he was entitled to but not granted.

10.2 All Complainants above named to be compensated for

- vi. Loss of salaries and salary increments
- vii. Loss of promotions
- viii. Loss of seniority
- ix. Loss of opportunities to attend local and international trainings and diplomas
- x. Loss of special offers

10.3 The Commission recommends that all children of the Complainants that were arrested in connection with this incident should be enrolled in popular schools in the area to provide them with the necessary environment to pursue their education successfully in consideration of the adverse effects on their education during that period.

11. The commission recommends respondents 2-9 above named, who were served attached to the CID , be subjected to disciplinary inquiries and once found guilty be subjected to strict punishment for being in breach of Section 1 of the Code of Discipline of Appendix A7 B of the Police Ordinance which prohibits defamatory conduct, such as misconduct in the capacity as a police officer, exhibiting poor discipline, or acting in a manner prejudicial to the repute of the police service by

consuming alcohol together with the Complainants within the office and at the Galle Face while the Complainants were remanded in police custody.

48. Re Abduction and of assault of journalist Keith Noyer.

Decision: Respondents have fabricated evidence and/or aided and abetted such fabrication to indicate that the Complainants is liable for the offence of abduction and assault of Keith Noyer. The Complainant [Retd. Major General Amal Karunasekera] should be discharged and acquitted of all charges made against him. The Complainants have been subjected to political revenge owing to failed attempts by the officers of the CID to obtain statements from the Complainants.

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(1) Case No – 232/2020

Complainant: Retd. Major General of the Army Kuruppu Arachchige Dhammika Amal Karunasekera

(2) Case No – 353/2020

Complainant: Army L/K Bandara Dissanayake

(3) Case No – 297/2020

Complainant: M/S Hitihami Mudiyanseelage Nishantha Jayathilake

(4) Case No – 257/2020

Complainant: M/S Godallwaththa Arachchige Chamika Sumith

(5) Case No – 253/2020

Complainant: M. Chandrabhaya Jayasuirya - Retd. Staff Sergeant

(6) Case No – 241/2020

Complainant: Uyange Prabhath Duminda Weerarathna - Retd. Staff Sergeant

(7) Case No – 242/2020

Complainant: Corporal Pedige Nishantha Kumara

(8) Case No – 204/2020

Complainant: B/N – 1 Atatpattu Hunkiri Arachchige Lasantha Wimalaweera

(9) Case No – 239/2020

Complainant: Retired M/S Senadheera Arachchige Hemachandra Perera

(10) Case No – 203/2020

Complainant: Former Authorized Officer - 1 Rajapakshage Lalith Rajapaksha

(11) Case No – 296/2020

Complainant: Former M/S Galbindina Alegedara Priyantha Kumara Sojmasuriya

Respondents:

1. Shani Abeysekera – Former Superintendent of Police
2. Nishantha Silva Kandappa – Former Police Inspector
3. B.S Tissera – Assistant Superintendent of Police
4. A.A.S Ariyasingha (Anil) – Police Constable 87113
5. K.P Thushara Vishwajith - Sub Inspector
6. R.J.P.G Sampath Rajakaruna –Police Inspector
7. Premathilaka - Sub Inspector (Retired)
8. Seregeant 44890
9. R.S.M Mendis - Sub Inspector
10. Police Constable Samaraweera
11. D.R Kannangara – Seregant 35021
12. H.M.J Ariyaratna – Seregant 688
13. Ranjan Ramanayake - Member of Parliament
14. Hirunika Premachandra
15. Rajitha Senarathna – Former Minister
16. Ruwan Pethiyagoda

Background:

- It is stated that the above complainants were arrested by the CID on a premeditated court proceedings without any basis and were remanded in custody and later released on bail.
- In testimonies it has been mentioned that:
 - The intelligence officers aforementioned were arrested by the CID on suspicion of assaulting Keith Noyer.
 - A witness in the case, a Complainant above named, stated that IP Nishantha Silva, questioned him on details relating to the white flag issue surrounding the last stages of the war and tried to obtain intelligence by interrogating him.
 - In a testimony of one of the plaintiffs it is mentioned that Mr. Shani Abeysekera addressed him and asked him to declare that the incident had taken place at the behest of Gotabhaya Rajapaksa and that by doing so the plaintiff would have Abeysekere’s support. But he had stated that he could not do so.

- Compensation payable to the plaintiffs have been calculated and has been attached as appendices to this report.

Finding:

1. Upon perusal of the evidence and documents adduced by the Complainants this Commission unanimously holds that there exists strong evidence to indicate that the Respondents have fabricated evidence and/or aided and abetted such fabrication to indicate that the Complainants is liable for the offence of abduction and assault of Keith Noyer.
2. Upon rigorous inspection and analysis of the evidence and documents adduced by the Complainant it is noted that there lacks adequate reliable evidence against the Complainant to hold him liable for the offences mentioned in the B- Report B 1535/08 produced at the Magistrate's Court of Mount Lavinia and the offences listed in all other reports submitted thereafter. Thereby, The Commission unanimously decides that the Complainant should be discharged and acquitted of all charges made against him.
3. This Commission unanimously holds that the Complainants have been subjected to political revenge owing to failed attempts by the officers of the CID to obtain statements from the Complainants under Section 127 of the Penal Code for matters external to the mission and purview of the Anti Corruption Committee.

Recommendation:

1. The commission recommends that legal action be instituted against all respondents above named, for being liable as per the provisions of Section 189 read with Section 190 of the Penal Code for the offences of fabricating false evidence in a desperate attempt to take revenge from the Complainants.
2. All respondents above named, are liable for conspiracy and aiding and abetting conspiracy under the provisions of Section 100 of the Penal Code.
3. This Commission unanimously holds that the Complainants have been subjected to political revenge owing to the officers of the CID holding them in remand prison for a prolonged period of time to obtain statements from the Complainants under Section 127 of the Penal Code and that such action is an abuse of the powers vested in them by the Prevention of Terrorism Act. Thereby, the commission recommends action be instituted against the respondents 1-11 for commission of an offence under Section 338 of the Penal Code.
4. Action should be instituted against the above named Respondents, for aiding and abetting the commission of the aforementioned offence as per the provisions of Section 100 of the Penal Code.
5. The commission has decided to hand over evidence and case files related to the respondents 1-11 above named to the Attorney General in order to make indictments and pursue a case in a court of law with relevant jurisdiction.
6. The commission recommends that the respondents 1-11 above named should be subjected to formal preliminary investigations and once found liable be subjected to

- strict punishment for being in breach of Section 1 of the Code of Discipline of Appendix A7 B of the Police Ordinance which provides that a police officer shall not behave in a manner prejudicial and causing disrepute to the police service.
7. The commission recommends that the respondents 1- 11 above named should be subjected to formal preliminary investigations and once found liable be subjected to strict punishment for abusing the powers vested in them by the Prevention of Terrorism Act and holding the Complainants in custody and refusing to grant bail resulting in a breach of Section 2 (g) of the Code of Discipline of Appendix A7 B of the Police Ordinance which provides that a police officer shall not disobey orders and behave in an indecent or oppressive manner towards a person of the general public.
 8. In addition to the supplementary reports of each officer included in this report submitted by the Complainants, the Commission recommends the inspection of the period for which the Complainants were not paid their salaries due to the arrest or remand period and if there was a reduction in their salaries, and to pay all the entitlements due.
 9. If there are any issues regarding the increase in the salaries of the above Complainants during the period of this incident, the Commission decides to settle it immediately for the benefit of the Complainants and pay them the relevant amounts due.
 10. The Commission addresses that action should be taken to rectify if the Complainants had to experience any loss of their seniority due to this incident.
 11. If the above Complainants missed out on local and foreign courses, the Commission recommends that these officers be selected for such courses.
 12. The Commission also recommends that if any of the Complainants were being readied to be appointed to a foreign post and lost that opportunity due to this incident, such Complainant should be granted that opportunity and appointed to that post.
 13. The investigation revealed that the education of the children of the Complainants was disrupted due to the Complainants being held in police custody and remand custody. It is recommended that these children be enrolled in popular schools of the area and be granted any possible relief in university admission.
 14. In the investigation on the complaint relating to journalist Keith Noyer, it was revealed that Assistant Superintendent of Police B.S Tissera and Police Inspector Nishantha Silva Kandappa had visited Australia to obtain the statement from Keith Noyer. Thereby, issues arise as to the necessity of recording such statements, the expenses relating to the flights and a 9 day stay in Australia spending LKR 1,781,776.00/- of public funds. The Commission recommends that the IGP conduct a formal investigation and, if there is any misappropriation of funds, file charges against all responsible persons.
 15. Following the granting of bail by the Colombo Magistrate's Court No. 3, a letter has been to the Mahara Prison by the respondents to keep the above Complainants in remand although the court had not issued an order to remand the above Complainants for another case. The Commission recommends prosecution of the respondents under Section 336 of the Penal Code as they have committed the offense of unlawful imprisonment while an order has been issued for their release.

16. During the investigation against the Complainants, a passport was handed over to the court to restrict complainants from boarding a flight and the Commission recommends that the passport be returned to the Complainant.
17. The Commission recommends the removal of the order that Complainants must report to the CID on the last Sunday of each month.

49. A case of main operator of Basil Rajapaksa's election campaign.

Decision: The Complainants and other accused of case No B 1899/15 at the Magistrate's Court of Gampaha should be acquitted and discharged of all charges listed therein and that Disciplinary action should be taken against the police officers who submitted false reports resulting in the remand imprisonment of the Complainant.

Page 1942 - 1949

Case No – 1885/2020

Complainant: William Wijesinghe Gamage

Background:

- Good Character evidence of the Complainant had been furnished.
- In the Complainant's testimony he has mentioned the following :
 - Basil Rajapaksa contested from Gampaha District in the 2010 General Elections and at that time the two main operators of Basil Rajapaksa's election campaign were the complainant and former People's Bank Chairman W. Karunajeewa.
 - According to the Complainant, Mr. Basil Rajapaksa was a strong candidate from the Rajapaksa family and was heavily funded by open institutions and individuals in the Gampaha District and elsewhere.
 - Mr. Karunajeewa has suggested that it would be appropriate to do something durable with the money left over from the sum of money at the end of this election and has proposed that a land be purchased an office be set up under the Rajapaksa Education and Cultural Foundation
 - Upon this idea being confirmed, Gamini Gunaratne, a former provincial councilor affiliated to the Gampaha District, has informed that Mr. Rohan Pallewatta has mentioned to him that a land belonging to him, who was a a resident of Oruthota, could be given for this purpose.

- The Financial Crimes Investigation Division had commenced an investigation under the Money Laundering Act in relation to the the money allocated for the purchase of this land and had notified him through Police officers of the Welikada prison that wanted to obtain a statement from him.
- The complainant states that no complaint has been lodged regarding this incident and it is clear from the perusal of the case records.
- The complainant has been arrested and produced before the Gampaha Magistrate under Case No. 1899/15 of the Gampaha Magistrate's Court.
- Initially they were ordered a surety bond of Rs 40 million but remanded in custody for failure to meet this condition, but were later released on Rs. 50,000 bail.
- After being released on bail, the case was taken to court several times but no indictments have been filed so far.

Recommendation:

The Commission unanimously decides that the Complainants and other accused of case No B 1899/15 at the Magistrate's Court of Gampaha should be acquitted and discharged of all charges listed therein and that Disciplinary action should be taken against the police officers who submitted false reports resulting in the remand imprisonment of the Complainant.

50. A case of political violence against the UNP

Decision: To conduct an appropriate investigation to find out the facts and reasons for the repeated filing of a case [case at the High Court of Ratnapura case No HCR/32/2016.] against the Complainant for the same matter.

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Case No – 950/2020

Complainant: Kuruppu Mudiyanseelage Priyantha Gunathilaka Bandara

Background:

- Good Character evidence of the Complainant had been furnished.
- The complainant has given statements to the Commission's Investigation Division regarding the political revenge he has been subjected to.

- He was the Chairman of the Sabaragamuwa Provincial Transport Authority and was the Coordinating Officer for the Eheliyagoda electorate of Mr. Mahinda Rajapaksa during the 2005 Presidential Election.
- In his testimony the Complainant states that he has been accused of attacking persons who had been preparing to hold a UNP election rally near the main road leading to the National Housing Village about 300 meters from the complainant's house. UNP candidate Ajith Kumara Maddegama has lodged a complaint with the police against Ranjith Zoysa and seven other electioneers to his effect.
- The Complainant states that the Attorney General dismissed the original request to place the case in court.
- However, after the Yahapana Government came to power in 2015, Member of the Provincial Council and the UNP organizer for the Rakwana electorate, Ajith Kumara Maddegama had re-initiated and maintained the aforementioned case at the High Court of Ratnapura case No HCR/32/2016.

Recommendation:

To conduct an appropriate investigation to find out the facts and reasons for the repeated filing of a case against the Complainant for the same matter.

The End.