

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC
OF SRI LANKA

**In the matter of an application under
and in terms of Articles 17 and 126 of
the Constitution of the Democratic
Socialist Republic of Sri Lanka.**

Rev. Fr. Cyril Gamini Fernando,
Parish Priest,
St. Anne's Church,
Kurana,
Negombo.

S.C. F/R Application No. / 2021

PETITIONER

-Vs-

1. Lalitha Dissanayake,
Chief Inspector of Police,
Officer in Charge,
Special Unit,
Criminal Investigations Department,
Colombo 01.
2. Rohan Premaratne
Senior Superintendent of Police
Director,
Criminal Investigations Department,
Colombo 01.
3. W. Thilakartne,
Deputy Inspector General of Police,
Criminal Investigations Department,
Colombo 01.
4. C.D. Wickramaratne,
Inspector General of Police,
Police Headquarters,
Colombo 01.

5. Major General Suresh Salley,
Director,
State Intelligence Service,
No. 10, Cambridge Place,
Colombo 07.
6. His Eminence Malcolm Cardinal Ranjith,
Archbishop of Colombo,
Archbishop's House,
Gnanartha Pradeepa Mawatha,
Colombo 08.
7. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

On this 02nd day of November 2021.

TO: HIS LORDSHIP THE CHIEF JUSTICE AND THE OTHER HONOURABLE JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

The Petition of the Petitioner above named, appearing by his Attorneys-At-Law, Namal Karunaratne and Udara Muhandiramge, carrying on business in partnership under the name and style of **Premier Legal Consultants**, states as follows;

1. The Petitioner states he is a citizen of Sri Lanka.
2. The Petitioner states that the Petitioner is a Catholic Priest of Archdiocese of Colombo, the head of which is His Eminence Malcolm Cardinal Ranjith, the Archbishop of Colombo, the 6th Respondent abovenamed.
3. The Petitioner states that the Petitioner was ordained a Catholic Priest on 27.07.1995.
4. The Petitioner states that the Petitioner holds the Degrees of Bachelor of Philosophy from the Urbana University in Rome, Bachelor of Theology from the Urbana University in Rome and Bachelor of Arts (Special) in Mass Communication awarded by the University of Kelaniya.

5. The Petitioner states at present he is the Parish Priest of St. Anne's Church, Kurana, Negombo.
6. The Petitioner states prior to being appointed the Parish Priest of St Anne's Church, Kurana, Negombo in September 2016, he has functioned, *inter alia*, as the Director of International Catholic Organization for Cinema and Audiovisual (OCIC) in Sri Lanka, National Director of SIGNIS Sri Lanka, Episcopal Vicar of Negombo and the Missionary Region of the Archdiocese of Colombo, Chief Editor of the Gnanarthapradeepaya, Catholic Weekly and Chief organizer of the Media Unit appointed by His Eminence Malcolm Cardinal Ranjith, the 6th Respondent abovenamed, to cover the visit of His Holiness Pope Francis to Sri Lanka in 2015.
7. The Petitioner states that;
 - a) the 1st Respondent abovenamed, is the Chief Inspector of Police who is the Officer in Charge of the Special Unit of the Criminal Investigations Department hererinafter referred to as the CID
 - b) the 2nd Respondent abovenamed, is the Senior Superintendent of Police, who is the Director of the CID, under whom the 1st Respondent abovenamed directly functions
 - c) the 3rd Respondent abovenamed, is the Deputy Inspector General of Police, who is in charge of the CID, under whose authority the 1st and 2nd Respondents abovenamed funtion
 - d) the 4th Respondent abovenamed, the Inspector General of Police under whose authority the 1st, 2nd and 3rd Respondents abovenamed function
 - e) the 5th Respondent abovenamed, is a Major General of the Sri Lankan Army, who is the Director of the State Intelligence Services, herein after referred to as the SIS
 - f) the 6th Respondent abovenamed, His Eminence Malcolm Cardinal Ranjth, the Archbishop of Colombo, under whom the Petitioner functions as a Catholic Priest in the Archdiocese of Colombo
 - g) the 7th Respondent abovenamed, is the Hon. Attorney General, who has been a party to this Application in terms of Rule 44 (1) (b) of the Supreme Court Rules 1978.

8. Petitioner states after the bomb explosions at St. Anthony's Church, Kochchikade, St. Sebastian's Church, Katuwapitya, Shangri-La Hotel Colombo, Kingsbury Hotel Colombo, Cinnamon Grand Hotel, Colombo and the Zion Church in Batticaloa on 21.04.2019 (Easter Sunday) which claimed the lives of 269 persons both local and foreign, including several children and caused injuries to 596 persons, His Eminence Malcolm Cardinal Ranjith, the 6th Respondent abovenamed, along with several other Catholic Priests, including the Petitioner took a keen interest to ascertain those responsible for the said bomb explosions and bring justice to the victims.
9. The Petitioner states apart from the Catholic clergy, several other Christian clergy and several other leading Buddhist Priests also took a keen interest to bring justice to the victims of the Easter Sunday bomb blasts.
10. The Petitioner states owing to the keen interest that he took in the above effort to bring justice to the victims and the kith and kin of the victims of the bomb blast, he eventually became the spokesperson of the Catholic Church with regard to the aforesaid bomb blast.
11. The Petitioner states soon after the aforesaid bomb explosions, the then President of Sri Lanka, President Maithripala Sirisena on or about 30.04.2019 appointed a three-member committee, under the Chairmanship of His Lordship Justice Vijith Malalgoda, *inter alia*, to inquire into and report on the causes that led to the aforesaid bomb explosions and those responsible for it.
12. The Petitioner states the other members of the said committee were the former Inspector General of Police, N.K. Illanagakoon and Retired Secretary to the Ministry of Law and Order and Ministry of Justice, Padmasiri Jayamane.
13. The Petitioner states while the aforesaid committee was taking steps to prepare the said report, 40 members of the Parliament presented a resolution to appoint a Parliamentary Select Committee (PSC) to go into the matter and the said resolution was passed in the Parliament without a division on 22.05.2019.
14. The Petitioner states thereupon the Parliament of Sri Lanka appointed 08 members of the Parliament to constitute the said PSC.
15. The Petitioner states while the said PSC was hearing evidence of the witnesses in order to prepares it's report, the said committee appointed by the then President Maithripala Sirirsena handed over their report on 10.06.2019.

16. The Petitioner states to the best of the Petitioner's knowledge it was not made available to the public.

17. Petitioner states the PSC having held 24 sittings and having heard the evidence of 55 witness placed its report before the Parliament for its consideration.

The Petitioner annexes hereto a true copy of the Parliamentary Select Committee report marked "P1"

18. The Petitioner states thereafter the then President of Sri Lanka, Maithripala Sirisena, by warrant dated 21.09.2019, appointed a five-member Commission of Inquiry, under the Commissions of Inquiry Act No. 17 of 1948 (Chapter 393) as amended, presided by His Lordship Justice Janak De Silva (formerly of Court of Appeal and presently a Justice of the Supreme Court) to investigate and inquire into, take necessary action to enable future legal actions and report on the following matters;

- I. To call and receive public complaints, information and other materials against public servants / officers or other persons who were working at that time or who still work or any other persons who are alleged who have direct or indirect connections bomb explosions that took place on 21st April, 2019 causing loss of life or damage to properties or regarding acts or abuse of misuse and such allege acts and / or omissions.
- II. To help prompt, impartial, complete investigations and inquiries regarding complaints, information and other materials referred to in paragraph (I) above,
- III. To identify persons and organizations who are directly or directly connected to these terrorist acts referred to in paragraph (I) above,
- IV. To identify officers and authorities responsible failed to predetermine that a terrorist and extremist activity of this nature would take place within the country and to ascertain matters incidental to it and who failed or neglected to take action according to law and not taking proper actions in this regard,
- V. To identify all authorities who are responsible for failure to prevent the terrorist attacks that took place on 21st April, 2019 and for identify the authorities, who failed to perform their duties and did not take proper action due to incapacity,

- VI. To identify persons and organizations who are connected with public protests, acts of sabotage, causing damage to properties and persons and thereby causing public unrest, after attack took place on 21st April 2019,
- VII. To identify persons, organization, who aid and abet actions which caused racial and religious disturbances or give support to such acts within the country and which created public unrest and which disturbed social order and disrupted the social integrity and racial disturbances,
- VIII. To ascertain circumstances and causes that led to and the nature and particulars of the incidents which took place in the island on 21st April 2019 and resulting in;
 - a) death and total disablement or injury to persons;
 - b) destruction or damage of property belonging to or in the possession or state and institution or state or a place of religious worship or private institution;
- IX. Whether any person or body of persons or any organization or any person or any persons connected with such organization -
 - a) committed or conspired to commit;
 - b) aided and abetted in or conspired to aid or abet financially/physically or psychologically in the commission;
 - c) in any manner assisted encouraged or were concerned or conspired to assist or encouraged the commission or any of the acts referred to in paragraph (I) and to recommend such measures as any be necessary -
 - i. to rehabilitate or assist in any other manner the persons affected by such course of action;
 - ii. to ensure the safety of the public;
 - iii. to prevent the recurrence of such incidents.
- X. To identify which of the acts coming within the ambit of matters referred to in above, should be forwarded to the Commission to Investigate Allegations of Bribery or Corruption or to the Police or to any other law enforcement authority or statutory body for the conduct or necessary investigations and

inquiries with the view to instituting of criminal proceeding against persons alleged to have committed to such offenses,

- XI. To transmit to the Attorney General such materials on investigation and inquiry, enabling the Attorney General to consider the institution of criminal proceedings against the persons alleged to have committed said offences,
- XII. To present to me recommendations to the Commission regarding what action if any, should be taken against those responsible for having committed and acts of wrongdoing and recommendations aimed at preventing the occurrence of such offences and acts wrong doing in the future,
- XIII. To make recommendations on measures to be taken to prevent the possible damage to national security and nation unity by such acts of terrorism and extremism.

(Vide letter dated 31.01.2021 addressed to His Excellency Gotabaya Rajapaksa President of Democratic Socialist Republic of Sri Lanka pleaded herein below as “P2B”)

- 19. The Petitioner states the rest of the members of the said Commission of Inquiry were, His Lordship Justice Bandula Karunaratne, a present Judge of the Court of Appeal, Retired Judge of the Court of Appeal, His Lordship Justice Sunil Rajapakse, Retired Judge of the High Court, Honorable Bandula Atapattu and Retired Ministry Secretary Ms. W. M. M. R. Adikari.
- 20. The Petitioner states the said Commission of Inquiry having considered 1588 statements recorded by the investigating team that assisted the said Commission of Inquiry, having heard the evidence of 457 witnesses recorded in 37,314 pages of proceedings and having considered 2377 pages of documents including, 206 audio and video recordings, over a period of approximately one year and 3 months, prepared the report in 6 volumes and submitted same to His Excellency Gotabaya Rajapaksa, the President of the Democratic Socialist Republic of Sri Lanka on 31.01.2021.
- 21. The petitioner states of the aforesaid 6 volumes, only Vol I was released to His Eminence Malcolm Cardinal Ranjith, the 6th Respondent abovenamed, but the other volumes were not released to the latter or to the public.

The Petitioner annexes hereto a true copy of the said Vol I of the said report marked “P2”, wherein the said warrant issued by President Maithripala Sirisena dated 21.09.2019 is marked “P2(a)” and the matters to be gone into summarized by the said

Commission of Inquiry marked "P2(b)" and pleads same as part and parcel of this application.

22. The petitioner states in Chapter 19 of the "**P2**" titled "Accountability" the said Commission of Inquiry, while setting out reasons therefore, recommended to the Hon. Attorney General to consider instituting criminal proceedings under suitable provisions of the Penal Code against the following;
- i. President Sirisena (*Vide page 265 of "P2"*)
 - ii. Former Secretary of Defense Hemasiri Fernando (*Vide page 284 of "P2"*)
 - iii. Retired DIG Sisira Mendis Former Chief of the National Intelligence Service (NIS) (*Vide page 285 of "P2"*)
 - iv. Former Director of State Intelligence Service (SIS) Senior DIG Nilantha Jayawardena (*Vide pages 287-288 "P2"*)
23. The Petitioner states similarly the aforesaid Commission of Inquiry, in Chapter 20 of "**P2**" titled "Failures on the part of Law Enforcements Authorities" setting out reasons therefore recommended to the Hon. Attorney General to consider instituting criminal proceedings under suitable provisions of the Penal Code against the following;
- i. Former IGP, Pujith Jayasundara (*Vide Page 308 of "P2"*)
 - ii. Former Senior DIG (Western Province), Nandana Munasinghe (*Vide page 312 of "P2"*)
 - iii. Superintendent of Police, Sanjewa Bandara, then Division SP, Colombo North (*Vide page 314 pf "P2"*)
 - iv. Senior Superintendent of Police, Chandana Athukorala (*Vide page 315 of "P2"*)
 - v. SP B.E.I. Prasanna, then Director, Western Province Intelligence Division, (*Vide page 317 of "P2"*)
 - vi. Chief Inspector, Sarath Kumarasignhe, then Acting OIC, Fort (*Vide page 320 of "P2"*)
 - vii. Chief Inspector, Sagara Vilegoda, then OIC Fort (*Vide page 323 of "P2"*)
24. The Petitioner states, the said Commission of Inquiry in the said Chapter 20 of "**P2**", further recommended to the Inspector General of Police to take disciplinary action against the following;
- i. DIG Deshabandu Thennakoon, then DIG Colombo-North (*Vide pages 312-313 of "P2"*)
 - ii. ASP Sisila Kumar, (*Vide pages 317-318 of "P2"*)
 - iii. Then OIC Kotahena Police, Chaminda Navaratne (*Vide pages 323-324 of "P2"*)
25. The Petitioner states although the rest of the volumes of the said report of the said Commission of Inquiry; i.e. Volumes 2-6 were not made available to His Eminence Malcolm Cardinal Ranjith, the 6th respondent abovenamed, and/or to the public, the said report in its entirety was made available to the Hon. Attorney General, the 7th Respondent abovenamed, almost immediately thereafter for the purpose of, *inter*

alia, considering the implementation of the recommendation of the said Commission of Inquiry.

26. The Petitioner states thereafter the former Attorney General, Dappula De Livera, PC prior to relinquishing office on 25.05.2021, in an exclusive interview given to Zulfick Farzan of the Sirasa News1st Tv Channel on 12.05.2021 said;

- i. There is a Grand Conspiracy with regard to the 2019 April Attacks,” adding, the information by the State Intelligence Service with times, targets, places, method of attacks and other information is clear evidence there was a Grand Conspiracy in place.
- ii. “This needs to be looked at holistically and time would tell,” adding the present investigation is on a group of people who participated in planning the attacks.
- iii. “The conspirators of these attacks are at a different level. People like Zaharan Hashim (the leader of the group that carried out the attacks) would have been involved in the conspiracy though he decided to explode himself,”.
- iv. “We cannot say the investigations on the Grand Conspiracy has been concluded,”
- v. The death of Pulasthini Rajendran alias Sarah Jasmine (wife of Zaharan), at the Sainthamaruthu gun battle followed by an explosion is yet to be confirmed.

“We understand that she fled to India, but that too is not confirmed. Actually, her whereabouts remain unknown,”.
- vi. “These matters need to be investigated and more evaluation needs to be done,”.
- vii. “The investigations are incomplete and I am unable to move the cases due to this reason,”.
- viii. “This will be probably the only case that I would not be in a position to forward indictments during my tenure due to delays in investigation. Otherwise, all these cases would have been carried forward during my tenure,”.

The Petitioner annexes hereto a true copy of a document containing the said interview downloaded from the website named www.news1st.lk (<https://www.newsfirst.lk/2021/05/17/exclusive-grand-conspiracy-behind-2019->

[april-attacks-ag-dappula-de-livera/](#)) marked “P3” and plead same as part and parcel of this application.

27. The Petitioner states so far, the Hon. Attorney General, the 7th Respondent abovenamed, has only indicted the said Hemasiri Fernando and Pujith Jayasundara and has so far failed to implement the rest of the recommendations made by the said Commission of Inquiry, having considered a large amount of evidence and a large number of documents led before the said Commission of Inquiry.
28. The Petitioner states to the best of his knowledge the Inspector General of Police, the 4th Respondent abovenamed, too did not carry out the recommendations made by the said Commission of Inquiry to take disciplinary action against the said DIG Deshabandu Thennakoon, ASP Sisila Kumar and Chamida Navaratne.
29. The Petitioner States His Eminence Malcolm Cardinal Ranjith, the 6th Respondent abovenamed, on 21.06.2021 wrote to the Hon. Attorney General the 7th Respondent abovenamed, requesting him to take steps to implement the aforesaid recommendations made to him by the said Commission of Inquiry but to date His Eminence Malcolm Cardinal has not received a reply to it.

The Petitioner annexes hereto the true copy of the letter dated 21.06.2021 marked “P4” and plead same as part and parcel of this application.

30. The Petitioner states in the backdrop of the Hon. Attorney General, the 7th Respondent abovenamed, not taking action to implement the recommendations made by the said Commission of Inquiry, save for the recommendations made in respect of the said Hemasiri Fernando and Pujith Jayasundara, the former Attorney General, PC Dappula De Livera’s claim that there is a grand conspiracy behind the Easter Sunday attack, the CID not investigating the matter fully, and the IGP the 4th respondent abovenamed, not implementing the recommendations made to him by the said Commission of Inquiry, the Catholics in Sri Lanka and abroad, more particularly the kith and kin of those who were murdered and injured on the said Easter Sunday attack became anxious and enthusiastic to ascertain the current status of bringing home justice to the victims and to know whether this matter will end without carrying out further investigations and not carrying out the recommendations made by the said Commission of Inquiry incurring great costs to the public.
31. Petitioner states in order to inform them of what is going on, several press conferences, discussions and media fora, wherein the Petitioner participated were held and most of them were covered by several national television news channels and excerpts of same were telecast during the news telecasts of the day and also reported in several daily News Papers.

32. The Petitioner states in the meantime an organization called “Global Forum for Justice for Victims of Easter Sunday” organized a webinar through Zoom on the topic “Justice for the Easter Sunday Bomb Victims in Sri Lanka in Pursuit of the Truth”, for countries in Europe and invited His Eminence Malcolm Cardinal Ranjith, the 6th Respondent abovenamed, Rev. Fr. Rohan Silva and Rev. Fr. Julian Patrick Perera and the Petitioner to be panelists of the said webinar and they acceded to the request.

The Petitioner annexes hereto true copy of the advertisement published by the said “Global Forum for Justice for Victims of Easter Sunday” in the Facebook marked “P5” and plead same as part and parcel of this application.

33. The Petitioner states accordingly the said webinar on Zoom was held on 23.10.2019 commencing at 12.20 pm and ending at 2.30 pm local time.

34. The Petitioner states that the said webinar was structured to cover the incidents that happened in the run up to the Easter Sunday bomb attack, the attack itself and post attack, investigation and outcome.

35. The Petitioner states during the said zoom meeting a power point presentation of 25 slides apparently prepared by the organizers of the meeting were displayed and the Petitioner had no hand whatsoever in preparing or displaying the said slides.

The Petitioner annexes hereto the true copy of the said power point presentation marked “P6” wherein the said 25 slides have been marked “P6(a) – P6(y)” plead same as part and parcel of this application

36. The Petitioner states as per “P6(b)”, that the said webinar was conducted based on the contents of the report of the said Malalgoda Committee Report, the said Presidential Commission of Inquiry (“P2”), the Report of the said Parliamentary Select Committee (“P1”) and the book titled “Easter Sunday Tragedy” written by Prof. Rajan Hoole.

37. The Petitioner states that during the said webinar, one Mr. Steve Muller, a Sri Lankan expatriate, while having “P6(c)” displayed asked the question;

“It has transpired during the last, all the investigations that the NTJ, the group that is alleged to have committed it started a little prior to 2009 but we’ll take 2009, there just as the war was finishing, now it’s interesting again you would we will be quoting chapter and verse so that it is fact so the NTJ, if I may use the phrase was born let us say 2009, they became quite acting in the Eastern Province, we all remember who

was in power then, it was President Mahinda Rajapakse, the current president was as Defense Secretary now NTJ was born. Important year was that sometime later after the war was finished this group was very close to directorate of military intelligence. There we have through this investigation, one name that transpired over and over again, Brigadier Suresh Salley. Now he was the head of the Military Intelligence Division, quite worked some extent knowing with a lot knowledge about the NTJ. But I think the best person to my knowledge that could elaborate on this, ns%ගේඩියර් iqfraYa if,a ගැන වඩාත් තොරතුරු අප දැනුවත් කරන්න පුලුවන් කෙනා මං හිතන්නේ අපේ පැනල් එකේ ඉන්නවා, Fr. Cyril Gamini may I invite you to share with us what you know about, or facts about Brigadier Suresh Salley in this whole picture at the pre-attack? Over to you Father.”

38. The Petitioner states in reply, the Petitioner, based on the contents of the question and the contents of “P2” said;

“සුආය් සලේ මහත්මයා ඔහු නමා ඔබ කියන Id,mrsfcaofha ta lshkafka 2009 සිට fus රාජ්‍ය බුද්ධි අංශයේ ප්‍රධානියා yegshg කටයුතු කලේ එනකොට 2006 ඉදන්ම අපි දැකිනවා” නහුහිද් ජමාත් කණ්ඩායම ක්‍රියාකාරීව සිටිනවා' fus නැගෙනහිර පළාතේ විශේෂයෙන්” ඒ වගේම ඒ කාලයේ සුආ මුස්ලිම්වරුන් සහා අත්තවාදී කණ්ඩායම් අතර සටන් කිහිපයක්ම සිදුවෙනවා' ප්‍රචණ්ඩකාරී සිදුවීම් සිදුවෙනවා' කළකෝලdහල we;sවෙනවා' එනකොට එහෙම වෙද්දි සුආ මුස්ලිම්වරුන් නොයෙක් අවස්:d වලදී විශේෂයෙන්ම කාන්තන්කුඩියේ පොලිසියටත්” ඒ වගේම මේ ජනාධිපති කොමිසම් සභා:fjs වාර්තාවේ සදහන් fj,d ;sfnk mrsos ඒ කාලයේ ysgmq ආරක්ෂක ලේකම්වරයාටත්” ta jf.au ජනාධිපතිවරයාටත් කරුණු දැනුම්දීලා තියෙනවා' මෙහෙම කණ්ඩායමක් මෙහෙම අත්තවාදී කණ්ඩායමක් ගොඩනැගීගෙන යනවා. ඒ අය සාම්ප්‍රදායික මුස්ලිම්වරුන්ට ඒ කියන්නේ සුආ මුස්ලිම්වරුන්ට jsreoaOj නොයෙක් ප්‍රශ්න ඇති කරනවා' ඒ වගේම ප්‍රචණ්ඩකාරීව හැසිරෙනවා lshk tl ms,snoj දැනුම්දීලා lr,d තියෙනවා' එනකොට රාජ්‍ය බුද්ධි අංශය fus පිලිබදව fus lkavdhus ms,snoj හොදටම දැනුවත්ව සිටියා කියන එක ms,snoj lsisu සැකයක් නැහැ දැන් එනකොට kuq;a මේ පැමිණිලි, නිල වශයෙන් කරmq පැමිණිලි ඒ වගේම සුආ මුස්ලිම්වරුන්ගේ නිල සංවිධාන විසින් නිල වශයෙන්ම ලිඛිතව කරපු පැමිණිලි පිලිබදව කිසිම ක්‍රියාකාරී දෙයක් සිද්ද වෙලා නැහැ' රජය පැත්තෙන් iy rdch බුද්ධි අංශය පැත්තෙන් සහා පොලිසිය පැත්තෙන් එනකොට අපිට අහkak තියෙන ප්‍රශ්නය තමයි මේ කණ්ඩායම, ඒ කියන්නේ සහරාන් ඇතුලු මේ කණ්ඩායම ප්‍රචණ්ඩකාරීව හැසිරෙන කොට;a” අත්තවාදී

දේශන පවත්වන කොට; a" ඒ වගේම අනිකුත් මුස්ලිම්වරුන්ට කරදරයක් yrsyerhla වෙන විදියට l%shdlrk කොටත්, රටේ නීතියට පිටින් ගිහි, a, අපරාධ කරන කොටත්" කොහොමද මේ අය fusflka බේරලා හිටියේ අත්අඩංගුවට ගැනීමෙන් බේරලා හිටියේ මේ කණ්ඩායම විසුරුවා හරින්නට හෝ මේ කණ්ඩායම නීතිය ඉදිරියට ගේන්නද හෝ කිසිම පියවරක් ගත්තේ නැත්තේ ඇයිම එනකොට එනන bo, ;uhs ug fmfkkafka ප්‍රශ්න lrkakg අවශ්‍ය වෙන්නේ. මේ බුද්ධි අංශය බාරව හිටිය පුද්ගලයා මේ පිලිබදව නොදැන සිටියාද කියන එක" එනකොට එහෙම දැනගෙන සිටියානම් tfykus ඇයි ඒ පිලිබදව lsisu පියවරක් නොගත්තේ කියන එක" එනකොට fus ඔබ කියන මේ තනුහිදී ජමාත් සංවිධානය බිහි වුනාට පස්සේ fus uqia,sus ඒ ප්‍රදේශfha කාන්තන්කුඩි වගේ ප්‍රදේශhla සම්පූර්ණයෙන්ම වගේ මේ අන්තවාදී කණ්ඩායමට නතු වෙලා වගේ තිබුනා කියන එක මේ සාක්ෂි වලින් ජේන්න තියෙනවා' එනකොට එහෙම වෙද්දි කාන්තන්කුඩියේ හිටපු රජයේ පොලිසිය සහා බුද්ධි අංශය මොනjo කලේ කියන ප්‍රශ්නය අපිට ඇති වෙනවා. එනකොට එනන ඉදන් තමා ප්‍රශ්නය එන්නේ මේ දිගටම ආපු මේ ආරක්ෂා කිරීම, මේ කණ්ඩායම Bg miafia fus lKavdhug කොහොමද මුදල් හදල් ලැබුනේ? එනකොට ඒකට සම්බන්ධ වෙව්ව අය කවුද? එනකොට මේ කණ්ඩායම වර්ධනය කලේ කවුද? මේ ප්‍රශ්න මූලික වශයෙන් wmsg අහන්න තියෙනවා' එනකොට fus වර්ධනය වූ කාල පරිච්ඡේදයේදී" මේ කණ්ඩායම uraOkh නීතිය ඉදිරියට ගේන්න කටයුතු කලා නම්, එහෙම නම් මේ ප්‍රශ්නය ඇති නොවෙන්නට ඉඩ තිබුනා' එනකොට එනනදී තමයි අපිට ප්‍රශ්නයක් එන්නේ මේ කණ්ඩායම පාවිච්චි කරන්න ඒ කාලේ ඉදලම කාටහර් වුවමනාව තිබුනදම ඒ නිසාද මේ කණ්ඩායම ආරක්ෂා කරගෙන මේ කණ්ඩායම වර්ධනය වෙන්න අවශ්‍ය කරන මුදල් හදල් සහා ආරක්ෂාව සැපයුනේ' t;fldg ta වගේම මේ කාල පරිච්ඡේදය තුළ මේ රජයේ නීතිය ක්‍රියාත්මක නොවුනේ ඇයිම ඉතින් ඒවා ප්‍රශ්න කරන කොට ඒවා ගැන කල්පනා කරනකොට අපිට හිතෙනවා රාජ්‍ය බුද්ධි අංශය සහ tys ප්‍රධානියා මුල සිටම ඒ කියන්නේ මේ කණ්ඩායම වර්ධනය fjkakg ඉඩ දීමේ සහ මේ කණ්ඩායම නීතිය ඉදිරියට ගෙන නොඒමේ සහ ආරක්ෂා කිරීමේ පැත්තෙන් ගත්තොත් මම හිතන්නේ මේකට එක්තරා විදිylg වග කියන්න ඕනේ' ඉතින් මේ තමයි එහි අතීතය' ඒ නිසා fus t;kska tydg තියෙන දේවල් uu ys;kjd මේ slides වලින් අපිට කියෝ ගන්න පුලුවන් වෙයි'

The Petitioner annexes hereto a DVD covering the said question and the said answer marked "P7" pleads same as part and parcel of this application.

39. The Petitioner states that in the aforesaid answer, he questioned the failure on the part of the Police and the Intelligence Service that operated in Kattankudy to bring

the members of the extremist group called Thoweed Jamath operating in that area who were, preaching extremism, committing atrocities against the Sufi Muslims and committing crime but he did not refer in particular to the then Brigadier Suresh Salley, the 5th Respondent abovenamed, who was attached to the Directorate of Military Intelligence.

40. The Petitioner states that sequel to the said webinar, the Petitioner on 27.10.2021 received a notice issued by the 1st Respondent abovenamed, under and in terms of 109(6) of the Criminal Procedure Act No. 15 of 1979 dated 26.10.2021 informing the Petitioner that he has defamed the 5th Respondent abovenamed during the said webinar and requiring the Petitioner to present himself before the CID on 28.10.2021 at 10 am for the purpose of questioning him on the aforesaid.

Petitioner annexes hereto a true copy of the said notice dated 26.10.2019 marked "P8" and pleads same as part and parcel of this application.

41. The Petitioner states he thereafter learned from various news broadcasts on 27.10.2021 that the CID has already reported facts to the Chief Magistrates Court, Colombo.

42. The Petitioner states as defamation is not a criminal offence in Sri Lanka now, the Petitioner with the hope of obtaining legal advice, by letter dated 27.10.2021 informed the 1st Respondent abovenamed on 28.10.2021 that he requires time to obtain legal advice.

Petitioner annexes hereto a certified copy of the letter dated 27.10.2021 marked "P9" and plead same as part and parcel of this application.

43. The Petitioner states as the 1st Respondent abovenamed has already reported facts to Court as aforesaid, the Petitioner through his Attorney-at-law, filed a motion on 29.10.2021 applying for a certified copy of the case record of the said case bearing No. MC Colombo B58615/01/2021.

The Petitioner annexes hereto a certified copy of the said case record marked "P10" in which the B-report dated 27.10.2021 is marked "P10(a)" and plead same as part and parcel of this application.

44. The Petitioner states pursuant to "P8" above, the Petitioner has received a letter dated 29.10.2021 from the 1st Respondent abovenamed requiring him to appear before the CID on 03.11.2021 at 09:30 am

The Petitioner annexes hereto a true copy of the letter dated 29.10.2021 marked "P11" and pleads same as part and parcel of this application.

45. The Petitioner states although “**P8**” states that the Petitioner has only defamed the 5th Respondent abovenamed during the said webinar (zoom discussion), “**P10(a)**” indicates that the 5th Respondent abovenamed has made a written complaint on 25.10.2021 alleging, *inter alia*;
- i. caused prejudice to the National Security
 - ii. caused a prejudice to the 5th Respondent abovenamed
 - iii. committed offences under Sections 120, 128, 484 and 485 of the Penal Code and Section 3(1) and 3(2) of the International Covenant on Civil and Political Rights (ICCPR) Act No.56 of 2007,
 - iv. advocated national, racial and religious hatred that constitutes incitement to discrimination, hostility and violence

by participating in the said webinar (Zoom discussion) organized by “Global Forum for Justice for Victims of Easter Sunday” on 23.10.2021 to create awareness amongst the local and international community and that the CID is also investigating whether the Petitioner has committed an offence under Victim and Witness Protection Act No. 04 of 2015 since the 5th Respondent abovenamed, has testified before the said Commission of Inquiry.

46. The Petitioner states although the 1st Respondent abovenamed and the 5th Respondent abovenamed have alleged that the Petitioner has committed the offence advocating national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, it is the timely appeal made by His Eminence Malcom Cardinal Ranjith, the 6th Respondent abovenamed, to the Catholics and the rest of the community to refrain from hostility or violence that ensured the prevalence of peace in the aftermath of the Easter Sunday attack.

47. The Petitioner states several respected Buddhist clergy has publicly acknowledged the fact that the aforesaid timely appeal made by His Eminence Malcolm Cardinal Ranjith, the 6th Respondent abovenamed, avoided violence in the aftermath of the Easter Sunday attack.

48. The Petitioner states that he is advised that the contents of the aforesaid answer given by the Petitioner as to why the Police and the SIS and/or the Intelligence Services could not bring Zaharan and his group who were conducting themselves in a violent manner preaching extremism, and behaving in a way harmful to the Sufi Muslims in the area and committing crime, cannot in law constitute any criminal offense.

49. The Petitioner states even the aforesaid Commission of Inquiry in the following paragraphs of “**P2**” at pages 80-82 has, *inter alia*, observed that by 2009 Zaharan was openly identified as a Thowheed supporter, an extremist and was in possession of T-56 weapons.

“By 2009, Zaharan was openly identified as a thowheed supporter. By this time, he and Naufer appear to have fallen out and Naufer has proceeded to Qatar for employment.

In an article written in 2009, Zaharan is identified as the Propaganda Secretary of the towheed group operating in kattankuddy. Zaharan claims that they are not responsible for any of the incidents and that their members numbering around 2000 practice true Islam. Zaharan had critiqued the practices of the Sufi Muslims and said that they are following the wrong route. He denied that they got funding from West Asia or that they had arms. However, the interviewer testified that during the interview with Zaharan at his office, he observed some T-56 weapons in the premises.

It appears that Zaharan and his followers did have T-56 weapons by 2009. It was obtained during the LTTE period although the exact time at which they came to possess them and the amount is not clear. The evidence indicates that Rilwan had buried them since the security forces had started to check for weapons at the amnesty given to surrender to surrender the weapons at the end of 2009. Later they had been sold though the intervention of Firdouz. It appears they were not in an operational condition at that point of time.

Therefore, the evidence before the COI indicates that Zaharan was identified as an extremist around 2009 when he is identified in mainstream media as a thowheed supporter.

50. The Petitioner states even the PSC in the following passage of **"P1"** at pages 2-3 has stated that the intelligence apparatus the Secretary MOD, IGP, CNI and DMI failed in their responsibilities;

PSC also observes that the SIS missed a series of events that should have alerted the state security apparatus to the impending attacks and demonstrated to them the importance of the intelligence information received. This was in the context of intelligence already known on Zahran and his allies including police reports on him and arrest warrants issued on him in March 2017. Other incidents since 2018 (described in detail in the findings) demonstrate how the lead intelligence party should have been more vigilant and taken steps to keep the ICM, NSC and other relevant parties informed. This failure by the SIS has resulted in hundreds of deaths, many more injured and immeasurable devastation to Sri Lanka and Sri Lankans and that must not be treated lightly. The PSC makes this observation considering attempts made to shield the culpability of key individuals and the need to hold all individuals responsible without further delay.

The PSC further notes, that whilst the greatest responsibility remains with the Director SIS, others too failed in their duties. Within the security and intelligence apparatus, the Secretary MOD, IGP, CNI and DMI failed in their responsibilities. All were informed of the intelligence information prior to the Easter Sunday attacks but failed to take necessary steps to mitigate or prevent it. The PSC makes a very serious finding in terms of the status of the state intelligence apparatus, where intelligence information known to a few was not shared with relevant parties.

The PSC also observes that further investigations will be needed to understand whether those with vested interests did not act on intelligence so as to create chaos and instill fear and uncertainty in the country in the lead up to the Presidential Election to be held later in the year. Such a situation would then lead to the call for a change of regime to contain such acts of

terrorism. Coincidentally or not so coincidentally, the security situation and fear would be unleashed months away from the Presidential Election. The PSC also notes that this occurred in the context of changes in the leadership in the Sri Lankan Army and DMI in 2019. These are extremely serious observations that can impact the democratic governance, electoral processes and security of Sri Lanka and must require urgent attention.

51. Petitioner states the 1st Respondent abovenamed instead of alleging that the Petitioner committed various offences by posing in his said answer given to the said question posed by the said Mr. Steve Muller, should in view of the observations made by the said Commission of Inquiry and Parliamentary Select Committee ascertain why the intelligence apparatus failed to curtail the activities of the said Zaharan and Thoweheed Jamath.
52. The Petitioner states it is the duty of the CID investigating the Easter Sunday bomb attack to investigate as to why the Police and/or SIS and/or the Directorate of Military Intelligence failed and/or neglected to bring to justice the aforesaid Zaharan, who ultimately led the team of suicide bombers to carry out the Easter Sunday bomb attack.
53. The Petitioner states the Petitioner hitherto has not been suspected of having committed any offence by any authority in Sri Lanka.
54. The Petitioner states the Petitioner has always been a law-abiding citizen of the country and as Catholic Priest and as an individual of the Sri Lankan society was actively involved in bringing home justice to the victims of the Easter Sunday bomb attack and he considers that to be a duty of any citizen in the Country.
55. The Petitioner states that the Petitioner verily believes that the purpose of the 1st Respondent abovenamed, in sending "**P8**" above, requesting the Petitioner to appear before the CID on 28.10.2021 at 10 am without disclosing the fact he is being suspected of having committed serious offences set out in "**P10(a)**", is not only for the purpose of recording a statement from him but to arrest him when he appears before the CID.
56. The Petitioner states the Petitioner also verily believes that the purpose of the 1st Respondent abovenamed is planning to arrest him is for the purpose of stifling the Catholic clergy and the public expressing their opinion on the Easter Sunday massacre and thereby preventing everyone from agitating for the truth behind the Easter Sunday massacre.
57. The Petitioner states he is ready to cooperate in whatever the investigation the 1st Respondent abovenamed, maybe carrying out as long as he or any other Police Officer does not effect an unlawful arrest.

58. The Petitioner states if the Petitioner is arrested by the 1st Respondent abovenamed and/or 2nd and/or 3rd and/or 4th Respondents abovenamed and/or by any other police officer acting on the directions of the 1st and/or 2nd and/or 3rd and/or 4th Respondents abovenamed, the fundamental rights guaranteed to the Petitioner under Article 12 (1) Article 13 (1) and Article 14(1) (a) of the Constitution would be violated.
59. The Petitioner states that there is great likelihood of the Petitioner being arrested when he appears before the CID on 03.11.2021 at 9:30 am pursuant to “**P11**” and as such there is an imminent danger of the fundamental rights guaranteed to the Petitioner under Article 12 (1), Article 13 (1) and Article 14(1) (a) of the Constitution being infringed.
60. The Petitioner states in the circumstances the Petitioner is advised that Petitioner could make an application under Article 126 read with Article 17 of the Constitution for a declaration that there is an imminent infringement of the fundamental rights guaranteed to the Petitioner under Articles 12 (1), 13 (1) and 14(1) (a) of the Constitution.
61. The Petitioner states in the aforesaid circumstances the Petitioner is also advised that the Petitioner could pray for a grant of an interim order staying the 1st and/or the 2nd and/or the 3rd and/or the 4th Respondents abovenamed and/or by any other police officer, acting on the directions of the 1st and/or the 2nd and/or the 3rd and/or the 4th Respondents abovenamed arresting the Petitioner until the final determination this application.
62. The Petitioner states he is further advised that if the aforesaid stay order is not granted by Your Lordship’s Court and if the Petitioner arrested by the 1st and/or the 2nd and/or the 3rd and/or the 4th Respondents abovenamed, and/or by any other police officer acting on the directions of the 1st and/or the 2nd and/or the 3rd and/or the 4th Respondents abovenamed, irreparable damage would be caused to the Petitioner.
63. The Petitioner states that the Petitioner has not previously invoked the Jurisdiction of Your Lordship’s Court in this regard.

WHEREFORE the Petitioner prays that Your Lordships’ Court be pleased to;

- a) grant leave to proceed

- b) issue notices on the Respondents
- c) issue a stay order staying the 1st and/or the 2nd and/or the 3rd and/or the 4th Respondents abovenamed, and/or by any other police officer acting on the directions of the 1st and/or the 2nd and/or the 3rd and/or the 4th Respondents abovenamed arresting the Petitioner until the final determination this Application
- d) declare there is an imminent infringement of the fundamental rights guaranteed to the Petitioner under Articles 12 (1) and/or 13 (1) and/or 14(1) (a) of the Constitution
- e) declare that the fundamental rights guaranteed to the Petitioner under Articles 12 (1) and 14 (1) (a) of the Constitution has been violated
- f) grant costs and
- g) grant such further and other reliefs that Your Lordship's Court may seem just.

**Attorney-at-Law
for the Petitioner**