

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

*In the matter of an application under and in terms
of the Article 126 read with the Article 17 of the
Constitution.*

***Duganna Walawwe Ravindra Bandara
Seneviratne***
No. 748, Mirisgoniyawa, Dambulla

APPLICATION NO: SCFR/

PETITIONER

-Vs-

1. ***Meril Ranjan Lamahewa***
Assistant Superintendent of Police,
Criminal Investigation Department,
No.534, New Secretariat Building,
Colombo 01.
2. ***Niroshini Hewapathirana***
Women Chief Inspector of Police,
Criminal Investigation Department,
No.534, New Secretariat Building,
Colombo 01.
3. ***Kavinda Piyasekara,***
Senior Superintendent of Police,
Director,
Criminal Investigation Department,
No.534, New Secretariat Building,
Colombo 01.
4. ***W. Thilakarathne***
Deputy Inspector General of Police,
Criminal Investigation Department,
No.534, New Secretariat Building,

Colombo 01

5. ***Nevil Silva,***
Assistant Superintendent of Police,
Acting Director,
Colombo Crimes Division,
No. 185, Kolonnawa Road,
Colombo 9.
6. ***Rohan Premarathne***
Deputy Inspector General of Police- Crimes,
Western Province,
No. 331, Olcott Mawatha,
Colombo 11
7. ***Deshabandu Thennakon***
Senior Deputy Inspector General of Police,
Western Province- Colombo,
Police Headquarters,
Colombo 12.
8. ***C.D. Wicremarathne***
Inspector General of Police,
Sri Lanka Police Headquarters,
Colombo 12.
9. ***Lalitha Dissanayake***
Chief Inspector of Police,
Officer in Charge of Special Branch,
Criminal Investigation Department,
No.534, New Secretariat Building,
Colombo 01.
10. ***D K Induka Silva***
Chief Inspector
Officer in charge of the Special Investigation
Unit III,
Criminal Investigation Department,
No.534, New Secretariat Building,
Colombo 01.
11. ***Major General (Retd.) Jagath Alwis***

Secretary to the Ministry of Public Security,
Ministry of Public Security,
Independence Square,
Colombo 07.

12. Hon. Sarath Weerasekara, MP
Minister of Public Security,
Ministry of Public Security,
Independence Square,
Colombo 07.

13. Kamal Gunaratne
Secretary to the Ministry of Defence,
Ministry of Defence,
No. 15/5, Bauddhaloka Mawatha,
Colombo 03.

14. Hon Attorney General
Attorney General's Department,
Colombo 12.

RESPONDENTS

On this the day of **March 2022**

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 registered Attorney-at-Law
..... states as follows;

THE PETITIONER

1. The Petitioner states that he is a citizen of Sri Lanka and he is 62 years of age, is married and is a father of two children.
2. The Petitioner states that he has rendered 37 years of service in the Sri Lanka Police, with an unblemished record and up until his retirement in 2019, he has been serving as the Head of the Criminal Investigation Department (CID), which is the apex Criminal

Investigation arm of the Sri Lanka Police and as the Head of National Central Bureau (INTERPOL)- Colombo, which functions, within the framework of the CID. The Petitioner further states that during his tenure as the Senior Deputy Inspector General of Police at the CID he had supervised both the Financial Crimes Investigation Division (FCID) and the Counter Terrorism and Investigation Division (CTID).

- **The Distinguished and Unblemished Career of the Petitioner**

3. The Petitioner states that he joined the Sri Lanka Police on the 26th July 1982 as a Probationary Sub-Inspector and on the 1st November 1986, he was promoted to the rank of Inspector of Police. The Petitioner states that on the 1st of June 1992, he was promoted to the rank of Chief Inspector of Police and thereafter, on the 5th of November 1993 he was promoted to the rank of Assistant Superintendent of Police. Thereafter on the 22nd of April 2000 he was promoted to the rank of Superintendent of Police and on the 22nd of May 2005 he was promoted as the Senior Superintendent of Police.
4. The Petitioner states that on the 17th of February 2012, he was promoted to the rank of Deputy Inspector General of Police and on the 15th of May 2015 he was promoted to the rank of Senior Deputy Inspector General of Police.
5. The Petitioner states that he has served inter alia in the following Police Divisions during his tenure;
 - a) In the Regular Police from 10th of July 1983 to 15th of February 1984 during which he was engaged in territorial policing activities;
 - b) In the elite Police Special Task Force from 07th of February 1984 to 18th of July 1997 and involved in counter terrorists' operations in the Eastern Province at the height of terrorist activities;
 - c) In the State Intelligence Service from 14th of July 1997 to 16th of November 2006 in different capacities namely as the Assistant Director Intelligence and as the Deputy Director Foreign Intelligence;
 - d) As the Deputy Inspector of Police in charge of Batticaloa and Trincomalee Districts from 18th of October 2011 to 21st September 2012.
6. The Petitioner states that during the course of his exemplary career, he has strived to continuously cultivate not only the academic credentials, but also endeavored to improve the Professional skills in the field. The Petitioner states that he has obtained various professional qualifications, and additionally, completed numerous training courses, both locally and internationally. A non-exhaustive list, demonstrative of the aforesaid professional qualifications of the Petitioner includes, inter alia;
 - **Professional Trainings**
 - a) Police ParaMilitary Training Course at the Special Task Force Training Wing at Katukurunda from 07.02.1984;
 - b) Basic Intelligence Course at National Intelligence Bureau in 1997;

- c) Anti-Terrorist Course conducted by Government of Israel at Israel Border Security Police Training Academy in 1988;
- d) Intelligence Training Programme conducted by French Experts in Colombo in 1998;
- e) Microsoft Windows Course conducted by Sri Lanka Development Administration Institute (SLIDA) IN 1998;
- f) Intelligence Analysis Training Course conducted by French Experts in Sri Lanka in 1998;
- g) Disciplinary Procedure Course conducted by Sri Lanka Development Administration Institute (SLIDA) in 1999;
- h) Individual Security Training Course conducted by French Experts in France, in 2000;
- i) Training Programme on management by Objectives conducted by NIBM, in 2001;
- j) General Course conducted by Bandaranaike International Diplomatic Training Institute from July to October 2002;
- k) Problem Solving and Decision-Making Course conducted by Sri Lanka Development Administration Institute (SLIDA);
- l) Investigation Techniques Training Course conducted by French Experts, from 10th to 14th November 2003.

7. The Petitioner states that in 2019, the Secretary General of the International Criminal Police Organization (INTERPOL), awarded him a certificate highly appreciating the Petitioners' high level of professionalism and excellent support to the Interpol incident response team in connection with the global response to the Easter Sunday suicide attacks in Sri Lanka.

*(In proof of the same, true copy of the personal profile of the Petitioner and the copy of the certificate issued by the INTERPOL is annexed hereto marked **P-1** and **P-1(a)** and pleaded as part and parcel hereof).*

THE RESPONDENTS

8. The Petitioner states that:
- a) **The 1st Respondent** is the Supervising Officer of the Special Branch of the CID and **the 2nd Respondents** is the Officer in Charge of Commercial Crime Unit 2 of the CID and that they are the officers who conduct the inquiry of the Anonymous Petition which is morefully described hereinafter in the Petition.
 - b) **The 3rd Respondent** is the Director of the Criminal Investigation Department,

- c) **The 4th Respondent** is the Deputy Inspector General of Police of the Criminal Investigation Department,
- d) **The 5th Respondent** is the Acting Director of the Colombo Crimes Division,
- e) **The 6th Respondent** is the is the Deputy Inspector General of Police of Crimes Western Province,
- f) **The 7th Respondent** is the is the Senior Deputy Inspector General of Police, Western Province of the Sri Lanka Police,
- g) **The 8th Respondent** the Inspector General of Police who is in the overall command of the Sri Lanka Police force;
- h) **The 9th Respondent** is the Officer in charge of the Special Branch, of the Criminal Investigation Department, and officer who has reported facts before the Magistrates Court of Kuliyaipitiya in the B report bearing No. B/1411/2022 against the Petitioner;
- i) **The 10th Respondent** is Officer in charge of the Special Investigation Unit III of the Criminal Investigation Department; and one of the officers who conduct the inquiry of the Anonymous Petition which is morefully described hereinafter in the Petition.
- j) **The 11th Respondent** is the Secretary to the Ministry of Public Security,
- k) **The 12th Respondent** is the Minister of Public Security,
- l) **The 13th Respondent** is the Secretary to the Ministry of Defence,
- m) **The 14th Respondent** is the Hon. Attorney General and is made a party to this application both in terms of the Rules of the Supreme Court as well as *Article 35 of the Constitution* as amended by the 20th Amendment thereto, to represent HE the President of the Democratic Socialist Republic of Sri Lanka, who is the Minister of Defence of Sri Lanka.

The Petitioner respectfully reserves the right to add parties to the instant application in limine and/or in the event of further material becoming available regarding the action complained of in the following paragraphs.

SUBJECT MATTER OF THIS APPLICATION

9. The Petitioner states that the Petitioner respectfully invokes the Jurisdiction of Your Lordships Court under and in terms of *Articles 17 and 126 of the Constitution* against the violation and/or imminent violation of the Petitioner's Fundamental Rights as guaranteed by *Article 12(1), Article 13(1) and 13(2)* of the *Constitution*.

THE BASIS OF THIS APPLICATION

10. The Petitioner states that on or about 20th December 2021, he became aware that an anonymous petition has been addressed to the 11th Respondent, alleging that certain CID officers are responsible for the Easter Sunday Attacks which took place on the 21st of April 2019, and that an inquiry with regard to the said anonymous petition has already commenced by the Special Branch of CID which includes 1st, 2nd and 10th Respondents as the supervising officer and the inquiring officers respectively.

*A copy of the Anonymous Petition marked as **P-2** is annexed and pleaded as part and parcel of this Petition.*

11. The Petitioner states that statements were taken from his subordinate officers namely Inspector of Police Marasinghe, Sub Inspector of Police Dias, Police Sargent Nandalal and Police Sargent Palitha who conducted investigations relating to National Thowfeek Jamath (hereinafter sometimes referred to as 'NTJ') terror group led by M.C.M. Saharan which is morefully described herein after.
12. The Petitioner further states that he became aware that statements have not been obtained from the Superintendent of Police C.W. Wickremasekara who acted as the supervising officer of the said investigation team, from the Senior Superintendent of Police (SSP) Mr. Shani Abeysekara who was the then Director of the CID and from the Petitioner who was the Senior Deputy Inspector General of Police (DIG), and the head of the CID at the time in question.
13. The Petitioner states that the allegations as stated above in the anonymous petition marked as **P-2**, are belated and false and fabricated created to cause prejudice to the Petitioner. The Petitioner further states that no proof of evidence has been produced by the complainants and/or victims of the said Petition, as to any of the allegations as

mentioned in the said Petition and has not raised the above-mentioned allegations in any fora. The Petitioner further states that on 11.11.2021 the 12th Respondent in a parliamentary speech from page 2317 to page 2325 of the Hansard has mentioned all the allegations which were included in the said anonymous petition, and given that the anonymous petition was referred to the 8th Respondent on 03.12.2021, the Petitioner verily believes that there is a connection between the said anonymous petition and the said parliamentary speech.

A copy of the Hansard dated 11.11.2021 marked as P-3 and pleaded as part and parcel of this petition.

14. The Petitioner states that he received information from a reliable source that the said inquiry file on the anonymous petition, has been referred to the Attorney General's Department to obtain advice from the Hon. Attorney General (14th Respondent) under file number CR 01/294/2021, in order to initiate criminal proceedings against the Petitioner.
15. The Petitioner states that he became aware on 10.02.2022 a B report bearing No. B/1411/2022 had been filed before the Magistrate Court of Kuliyaipitiya with the intention to impute criminal charges against the Petitioner and the former Director CID, SSP Mr. Shani Abeysekarawhich will be morefully described hereinafter in the Petition. The Petitioner states that the Petitioner respectfully seeks Your Lordships' Courts' permission to allow the Petitioner to submit the said B report bearing No. B/1411/2022, to your Lordships' Court once it is made available to him.
16. The Petitioner further states that he became aware that one or more of the Respondents including the 1st, 2nd 9th and 10th Respondents are planning to maliciously and/or arbitrarily arrest the Petitioner under the section 6(1) (a) of the Prevention of Terrorism (Temporarily Provisions)Act No.48 of 1979 (*Herein after sometimes referred to as the PTA*), for the purpose of investigation on the allegations levelled against the Petitioner based on the anonymous Petition and the B Report bearing No. B/1411/2022 which has been filed before the Magistrates Court of Kuliyaipitiya and thereafter to obtain an order to detain the Petitioner under the section 9 (1) of the Prevention of Terrorism (Temporarily Provisions)Act No.48 of 1979, to accomplish ulterior motives of one or more of the Respondents as described herein after.
17. The Petitioner states that in the said B Report it has been revealed that through the said B report, the 1st to 14th Respondents are attempting to incriminate the Petitioner under and in terms of section 102 read with sections 296 and 300 of the Penal Code.

18. The Petitioner vehemently denies the aforesaid allegations and states that they are *ex facie* baseless, illogical, capricious, unreasonable and tainted with malice for the reasons morefully explained hereinafter.

THE INVESTIGATIONS CONDUCTED BY THE CRIMINAL INVESTIGATION DEPARTMENT RELATING TO NATIONAL THAWHEED JAMATH PRIOR TO THE EASTER SUNDAY ATTACK.

● **THE CID INVESTIGATIONS INTO THE MURDER OF TWO POLICE OFFICERS AT VAVUNATHIVU AND THE ATTEMPT BY THE MILITARY INTELLIGENCE TO MISLEAD THE CID**

17. The Petitioner states that on 30.11.2018 two police constables namely Ganesh Dinesh and Walpita Gamage Niroshan Indika Prasanna were stabbed and shot to death by an unidentified group of assailants at a checkpoint in Vavunathivu in the Eastern Province, Batticaloa. The Petitioner further states that the revolvers (bearing No. 641042 and No. 639927) and 10 ammunition which were under the possession of the said two deceased police constables and parts of their official uniforms (belts and peak caps) have also been taken by the said group of assailants.
18. The Petitioner states that, the Petitioner and the then Inspector General of Police (IGP) visited the crime scene and on the same day i.e 30.11.2011, and further states that the Special Investigation Unit (SIU) of the CID was assigned to investigate the aforesaid murder by an order of the then Inspector General of Police (IGP). The Petitioner further states that during the aforesaid investigations, the CID officers have obtained statements from more than 30 individuals including some police officers in the said area and in addition, the Directorate of Military Intelligence (hereinafter called and referred to as the 'DMI') has also provided information to the CID related to the said incident.
19. The Petitioner further states that, accordingly, the reports dated 05.12.2018, 08.12.2018, 14.12.2018, and 03.01.2019 sent by the DMI made the case that the murder of the two police officers was committed by ex-LTTE Cadres provoked by Vavunathivu Police for interrupting war memorial events honoring the LTTE terrorists which was supposed to be held on 27.11.2018.
20. The Petitioner further states that the report dated 08.12.2018 claimed that one of the murdered Police Constables has been involved in an extra-marital affair with a married woman, whose husband has taken out a contract with an ex-LTTE cadre to have the Police Constable murdered. Moreover, the Petitioner states that the recent report of the DMI dated 03.01.2019, further confirmed that the suspects are from the LTTE and that

the two suspects are namely Ajanthan and Rasayagam Sarvanandan alias Imiyawan are responsible for the murder of the said two police constables. Moreover, the Petitioner states that before the said intelligence reports were shared by the DMI, the CID investigations, did not have any other evidence to prove that the suspects were the Ex- LTTE members who were involved with the murder of the two constables.

*Copies of the reports dated 05.12.2018, 08.12.2018, 14.12.2018, and 03.01.2019 marked as **P-4(a)** to **P-4(d)** are annexed and pleaded as part and parcel of this Petition.*

21. The Petitioner further states that on or about 03.12.2018, the then Director of SDIG SIS Nilantha Jayawardene, upon an information provided by a Sub Inspector attached to the SIS, informed the Petitioner, about a “motorcycle jacket” found inside a channel in a paddy field which was 3 kilometers away from the crime scene, alleging that the jacket was linked to the murderer. The Petitioner states that the said information was provided by the then SIS, Director only after three days of the said murder. The Petitioner states that thereafter upon the information provided by the then SDIG SIS Nilantha Jayawardena, a team of CID officers were assigned to conduct the investigations related to the said “motorcycle jacket”. the Petitioner states that on the same day, i.e. 03.12.2018 the team of CID officers including the then Director of CID SSP, Mr. Shani Abeysekara visited the said place and when the CID officers arrived at the said location, SIS officers were already at the location.
22. The Petitioner further states that, Superintendent of Police Jayasinghe attached to the CID was deployed to conduct investigations with a team of Police Kennel Division. The Petitioner states, the sniffer dogs picked up a scent from the jacket and followed the scent to the ex-LTTE cadre’s house namely Ajanthan but not to the crime scene.
23. The Petitioner further states that the CID officers carried out further investigations, and detained the said Ajanthan and Rasayagam Sarvanandan alias Imiyawan whom were suspected to be the masterminds of the murder of the said two police officers under the provisions of the Prevention of Terrorism (Temporarily Provisions) Act No.48 of 1979 (*Herein after sometimes referred to as the PTA*).

*A copy of the letter dated 19.12.2018 and the report addressed to IGP by the Petitioner is marked as **P-5(a)** and **P-5(b)**, A copy of the report on the progress of the investigation dated 2018.12.19 addressed to the Petitioner by J.P.D. Jayasinghe SP is marked as **P-5(c)**, A copy of the letter by the Petitioner addressed to the SDIG, CID to extend the Detention Order for further investigation is marked as **P-5(d)** are annexed and pleaded as part and parcel of this Petition.*

24. The Petitioner states that later, the investigations conducted after the Easter Sunday attacks it was revealed that the said Ajanthan and the ex LTTE member is not

responsible for the murder of police officers and that the said Ajanthan and the ex LTTE member had been **falsely framed** for the murder of police officers by the intelligence services (DMI and SIS). **The Petitioner further states that the DMI and SIS are suspected to have conspired to plant the motorcycle jacket in a school bag**, to mislead CID investigations on the murder of two police officers in to prevent them from discovering the real assailants involved in the murder. The Petitioner further states that due to the confusions caused by the SIS and DMI, CID officers discovered only after the attacks of Easter Sunday, that the murder of the two officers was committed by the NTJ terror group led by M.C.M Saharan, which is more fully described in the following paragraphs.

- **MAWANELLA AND WANATHAWILLUWA INVESTIGATIONS**

25. The Petitioner states that the initial confrontation of the Criminal Investigation Department (CID) with the NTJ, occurred when the CID was involved with the investigation of the terrorist activities of Muslim terror groups, in the incidents of causing vandalism to Buddha statues in the Mawanella, Peradeniya and Velambada Police areas that took place in Mawanella and surrounding areas from 23.12.2018 to 26.12.2018. The Petitioner states that the preliminary investigation of the said incident was conducted by the Mawanella Police Station and Crime Division of Kegalle. The Petitioner states that under the verbal order received on 26.12.2018 by the then IGP, a CID team was assigned to assist the Mawanella Police Station and the Crime Division of Kegalle in the investigation of the aforesaid Mawanella incident. The Petitioner states that a team of CID officers including Inspector of Police Marasinghe and Assistant Superintendent of Police C.W.Wicremasekara, were assigned to assist about the said Mawanella incident.
26. The Petitioner further states that with the assistance of the said team of CID officers, the Kegalle Police Division was able to arrest 9 suspects connected to the Mawanella incident on 26.12.2018. The Petitioner states that after further interrogating the said 9 suspects, the CID was able to reveal two persons namely, Mohammed Ibrahim Sadik Abdulla and Mohammed Ibrahim Zahid Abdul Haqq as the main suspects behind mobilizing the said terror activity.
27. The Petitioner states that in order to arrest the aforesaid two main suspects, the Investigation team has obtained and scrutinized the Call Data Records of the previously arrested 9 suspects. The Petitioner states that through the Call Data Records it transpired that the aforementioned Mohammed Ibrahim Sadik Abdulla and Mohammed Ibrahim Zahid Abdul Haqq have closely associated a person namely A.H.M.Mufees from Vanathawilluwa, Puttalam.

28. The Petitioner states that on or about 27.12.2018 all the 9 suspects related to these investigations were produced before the Learned Magistrate of Mawanella Magistrate's Court under the Cases bearing No. B 11330/18 and B 11343/18 for the offenses under the section 3(1) of the International Covenant for Civil and Political Rights Act no. 56 of 2007 and under section 32 read with 140, 102, 113(b), 314, 317, 410, 290, 290(a) and 291(b) of the Penal Code of Sri Lanka.
29. The Petitioner further states that during the investigations of the Mawanella incident, Superintendent of Police, Chamika Wickremasinghe attached to the Kegalle Police Division has requested from the then Director CID SSP, Mr. Shani Abeysekara to get assistance from the INTERPOL to verify whether the Mawanella incident is an act of an International Terrorist Organization to disrupt the unity, peace and security of Sri Lanka. The Petitioner states that the then Director CID SSP, Mr. Shani Abeysekara has requested the assistance of INTERPOL, from Superintendent of Police, Ranjith Wedasinghe who was the then data protection officer of the INTERPOL Branch of CID and the Petitioner further states that when the then Director CID SSP, Mr. Shani Abeysekara has requested the assistance of INTERPOL, Superintendent of Police, Ranjith Wedasinghe has reported to the then Director CID SSP, Mr. Shani Abeysekara, that according to the mandate of INTERPOL, it can intervene in a situation only if the alleged International Terrorist Organization has an identified country which is involved in aiding the terrorist organization, have identified persons behind the international conspiracy and the way the attacks were planned and conducted according to the mandate of INTERPOL, and that it can intervene in a situation only if the alleged International Terrorist Organization has an identified country which is involved in aiding the terrorist organization, have identified persons behind the international conspiracy and the way the attacks were planned and conducted. The Petitioner states that the then Director CID SSP, Mr. Shani Abeysekara was informed by the Superintendent of Police, Ranjith Wedasinghe that since the Mawanella incident is not clearly identified as an attack carried out by an International Organization, the INTERPOL were unable to provide the necessary assistance as requested.

The copy of the letter dated 28.12.2018 addressed to Petitioner by SP Chamika Wickremasinghe marked as P-6(a), a copy of the letter dated 24.01.2019 by SP Ranjith Wedasinghe marked as P-6(b) and copy of the letter dated 29.01.2019 addressed to SP Chamika Wickremasinghe by the the Petitioner marked as P-6(c) Are annexed and pleaded as part and parcel of this Petition.

30. The Petitioner states that thereafter, on 31.12.2018, the then IGP ordered the CID to take over the overall investigations of the Mawanella incident.

A copy of the letter addressed to the IGP by the Petitioner dated 31.12.2018 is marked as P- 7 is annexed and pleaded as part and parcel of this Petition.

31. The Petitioner states that thereafter, with the assistance of an informant named Thaslim, and by a thorough investigations of digital forensic evidence on or about 16.01.2019 the team of CID officers have been able to locate a NTJ safe house and/or a training base in an estate called *Lactowatte* in Wanathawilluwa, Puttalam. The Petitioner states that at or around 5.30 pm, on the same day the aforesaid team of CID officers raided and recovered over a hundred Kilograms of locally manufactured explosives (Urea Nitrate), 99 detonators, detonation cords, firearm parts, compasses, and other munitions inside the said safe house and/or the training base. The Petitioner states that Inspector of Police Marasinghe has reported to the then Director of the CID, about the said explosives found in the estate of *Lactowatte*, and thereafter, the then CID director Mr. Shani Abeysekara has taken steps to inform the Commander of the Special Task Force to neutralize the explosives discovered in the said *Lactowatte* and to provide security to the officers who were involved with the raid. The Petitioner further states that the then CID Director Mr. Shani Abeysekara, reported the Petitioner, about the progress of the investigations from time to time.
32. The Petitioner further states that at the time of the raid, the team of CID officers have arrested 4 suspects namely, A.H.M. Mufiz, A.H.M. Hamas, M.N.M. Nafrid and M.N.M. Navid who were in *Lactowatte*. The Petitioner states that the aforesaid 4 suspects were detained under Section 6(1) and 9(1) of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 for a period of 90 days for further interrogation. The Petitioner *inter alia* states that the following facts were revealed from the aforementioned suspects namely A.H.M. Mufiz, A.H.M. Hamas through the extensive interrogations conducted by the CID;
- i) M.C.M. Saharan was the leader of the NTJ,
 - ii) That M.C.M. Saharan has conducted extremist preaching and workshops,
 - iii) That M.C.M. Saharan has conducted short training courses to NTJ members relating to weapons in Nuwara Eliya,
 - iv) That all the members in NTJ were given an alias apart from their original name,
 - v) That the members of this organization have been categorized under two teams as Suicide Attackers and Lone Wolf Attackers,
 - vi) That M.C.M. Saharan and head members of the organization has engaged in collecting weapons and manufacturing explosives in *Lactowatte*, Puttalam,
 - vii) That M.C.M. Saharan has planned to establish a training camp at *Lactowatte*.

*A copy of the letter addressed to the director CID, dated 2019.04.11 by ASP, (CID) Wicremasekara regarding the extension of 90 days period of the Detention Order issued under section 9(1) of the PTA for further investigations is marked as **P- 8** and the copies of the said letter dated 2019.04.11 forwarded to the DIG CID by the director CID to the Petitioner, and to the Secretary to the Ministry of Defence by the Petitioner are marked as **P-8(a) to P-8(c)** and annexed and pleaded as part and parcel of this Petition.*

33. The Petitioner further states that from the interrogations conducted on A.H.M. Mufiz and A.H.M. Hamas, the CID investigation officers were able to reveal that the person named M.C.M. Saharan is intending to carry out several extremist activities in Sri Lanka in order to cause communal disharmony.
34. The Petitioner further states that on or around 17.01.2019, the then director of the CID, SSP Mr. Shani Abeysekera has visited the safe house and/or training base at Lactowatte, Vanathavilluva. The Petitioner states that he was informed that without any prior notice made to the CID, Assistant Superintendent of Police Mallawarachchi, the officers from the State Intelligence Service (SIS), Lieutenant Colonel Anuruddha Karunaratne and Captain Nanayakkara from the Directorate of Military Intelligence (DMI) and officers from the Special branch with each of their separate teams have been presented to conduct investigations. The Petitioner further states that officers from the Special Task Force have also been presented at the site to receive briefings from the CID officers when the contraband explosives and firearms tied to M.C.M. Saharan and NTJ were found by CID officers. The Petitioner further states that he was informed that the government analyst was also presented at the said site. The Petitioner further states that the officers of the SIS and DMI were also given permission to interrogate the aforementioned 4 suspects who were arrested from the *Lactowatte* raid and to examine and take photographs of the productions of the NTJ.
35. The Petitioner states that on or about 26.01.2019 all the 4 suspects related to these investigations were also produced before the Learned Magistrate of Mawanella Magistrate's Court under the Cases bearing No. B 11330/18 and B 11343/18.
36. The Petitioner states that on 06.02.2019 the CID officers have obtained a travel ban against M.C.M. Saharan from the Magistrates Court of Mawanella under the facts submitted in the B report bearing No. B 11330/18 and further an order was issued by the Learned Magistrate of Mawanella to the Department of Immigration and Emigration to prevent M.C.M. Saharan from traveling overseas.
37. The Petitioner states that after in depth investigation of each suspect related to the Mawanella incident it was revealed that two suspects namely, M.N.M. Nafrid and M.N.M. Navid were not directly or indirectly involved with any sort of terror activities related to the incident of Lactowatte and therefore they were released on 10.04.2019 subjected to conditions under Section 11(1) of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979. The Petitioner states that the said conditions are effective up to date.

*A copy of the Report addressed to Director CID from the OIC Special Investigation Branch of CID marked as **P-9(a)**, a copy of the letter 02.04.2019 to the DIG CID from the Petitioner marked as **P-9(b)** and a copy of the letter addressed to the Secretary to the Ministry of Defense and Urban*

Development from the Petitioner are marked as P-9(c) are annexed and pleaded as part and parcel of this Petition.

38. The Petitioner states that on 02.02.2019, the Petitioner, together with the then director CID MR, Shani Abeysekara had met the then President Maithripala Sirisena and explained that the attacks on Buddhist statues in Mawanella and the illegally storing over 100kg of explosives in *Lactowatta*, Vanathavilluva are suspected to be done by the same group, and therefore this matter should be given serious consideration. The Petitioner further states that since the CID was not a member of the Security Council, the Petitioner, has requested the then President Maithripala Sirisena, to bring this matter to the attention of the Security Council with a view of getting assistance from the intelligence services and the military to support the CID to prevent any terrorist bombings or extremist activities. The Petitioner states that although the then President Maithripala Sirisena, has mentioned that he will give an opportunity to the Petitioner to present a briefing of the aforementioned matter at the Security Council, the said undertaking was not put into effect by the then President Maithripala Sirisena.

39. The Petitioner states that after the Wanathavilluwa recovery, the CID officers conducted further investigations to arrest M.C.M Saharan and his close associates in NTJ. During the said investigations the CID officers were able to identify a person called Badurdeen Mohamed Mohideen alias Army Mohideen who was a suspect of an incident that took place in Aliyar Junction on 10.03.2017. The Petitioner further states that he became aware that the CID officers have investigated the background of the said Army Mohideen and that it has been revealed that the said Army Mohideen has been a close associate of M.C.M. Saharan, and after the aforementioned Aliyar incident he has severed his ties with M.C.M Saharan. The Petitioner states that after the said Aliyar incident, a warrant had been issued to arrest him from the Magistrate's court of Kalmunai. The Petitioner states that later on, Police Sergeant Nandalal and Sub Inspector of Police Dias attached to the CID, has used him as an informant to trace NTJ and its activities. The Petitioner states that after the Easter Sunday attacks, efforts were made to impugn the bona fides of these CID officers for using the said Army Mohideen as an informant for investigations however, the said Army Mohideen has not to-date been named as a suspect in investigations into any of the attacks that took place on or subsequent to 21st of April 2019.

- **FURTHER INVESTIGATION CONDUCTED BY THE CID WITH REGARD TO M.C.M. SAHARAN**

40. The Petitioner states that on the information provided by a suspect of Wanathavilluwa namely A.H.M. Hamas, the CID has conducted investigations in Puttalam on 02.02.2019 and in there, the CID has been able to obtain a statement from a person named A.R.A. Lebbe and revealed a telephone number which had been used by M.C.M

Saharan upon A.R.A. Lebbe's statement. The Petitioner states that however, the CID officers were only able to extract details of normal incoming and outgoing voice call records received to the said telephone number. The Petitioner states that it was discovered from the details of the said voice call records that M.C.M Saharan has used the said telephone number only to communicate with his family members.

41. The Petitioner states that the CID officers were able to discover through investigation of the aforesaid telephone number, that NTJ members including M.C.M. Saharan communicated through a paid mobile application called "Threema", which is an open-source end-to-end encrypted instant online messaging and calling application. The Petitioner further states that the CID officers have requested the details of the calls made over the internet by M.C.M. Saharan, however, the service providers have not produced any details and/or reports of the said telephone calls due to the lack of facilities to obtain the details of an open-source end-to-end encryption.

*Copies of the reports prepared by IP Marasinghe on the investigation to arrest M.C.M. Saharan and the investigations conducted by the CID on the Mawanella incident are marked as **P-10 (a)** and **P-10 (b)** are annexed and pleaded as part and parcel of the Petition*

42. The Petitioner further states that the CID has taken several statements from A.H.M. Mufiz on 05.02.2019, 07.02.2019, 08.02.2019 and 09.02.2019 and on the information gathered from the said statements, the CID officers were able to discover about a van which has been used by the NTJ members to transport materials used to manufacture explosives to *Laktowatte* and that the said van has been checked at the Kalpitiya Navy check point during a delivery. The Petitioner states that thereafter, on the said information, the CID officers have visited Kalpitiya Navy Camp on 15.02.2019 to get details of the said van. The Petitioner states that the team of CID officers have been able to trace a Nissan Vanette van bearing No. WP PA 2855 used by M.C.M. Saharan and his team from the records which have been recorded by the officers who were at the said Navy check point.
43. The Petitioner states that in order to find the owner of the Nissan Vanette van bearing No. WP PA 2855, a team of CID officers have searched the areas of Kuliypitiya, Kekunagolla, Alahitiyawa, Gallagama, Kegalle, Mawanella and Aranayaka on 18.02.2019 and 19.02.2019. The Petitioner states that during the search the team of CID officers have been able to obtain statements from about 6 persons.
44. The Petitioner states that from the statements obtained the CID officers were able to locate a house belonging to the wife of M.C.M. Saharan in Kekunagolla. The Petitioner states that on 19.02.2019 a team of CID officers visited M.C.M. Saharan's wife, Abdul Cader Fathima Hadia alias Siththiya, questioned her showing a photograph of Saharan. At that instance, she had acknowledged that the person in the said

photograph is her husband, but stated she was unaware about his location. Thereafter, the CID officers have requested her to place her signature on the back of the said photograph affirming her statement provided to the CID.

45. The Petitioner states that upon the statement given by the brother of Hadia, namely Mohommad Anwar Mohamed Riskan, the CID officers were able to recover the said Vanette van in Kekunagolla. The Petitioner further states that the ownership of the said vanette van has been changed at the time it was taken into the custody of the CID officers.

46. The Petitioner states the CID has produced the Nissan Vanette van bearing No. WP PA 2855, which was used by M.C.M. Saharan to the Mawanella Magistrates' Court under B report bearing No. B 11330/18 and the said van was sent to the Government Analyst under the orders of the Learned Magistrate of Mawanella Magistrates' Court.

47. The Petitioner states that further searches have been conducted by CID officers in several areas to locate M.C.M. Saharan and they are as follows;

a. From 27.02.2019 to 02.03.2019 a team of CID officers searched in Kuliypitiya, Kekunagolla, Paththampitiya, Hettipola and Puttalam in order to arrest M.C.M. Saharan. The Petitioner states that upon a statement obtained by one Donald Priyankara about the whereabouts of M.C.M. Saharan, the CID officers have been able to reveal that M.C.M. Saharan has kept himself hidden in *Laktowatte*, Palawith in Kuliypitiya and in Hettipola.

b. On 06.03.2019 and 07.03.2019 a team of CID officers conducted searches in a coconut estate in Pasikuda, Kalkuda.

c. On 19.03.2019 a team of CID officers searched the Grandpass Police area based on information received by the CID.

48. The Petitioner states that due to the continuous searches conducted by the CID, M.C.M Saharan has frequently changed his whereabouts.

● **THE CID INVESTIGATIONS ON THE BICYCLE BLAST WHICH TOOK PLACE IN KATTANKUDY**

49. The Petitioner states that he became aware that on or about 16.04.2019, an explosion had been conducted by detonating a bomb set on a bicycle at a land near Kattankudy. The Petitioner states that on 17.04.2019 the owner of the said land lodged a complaint to the Kattankudy Police Station. The Petitioner states that thereafter, on 18.04.2019 the

then SDIG SIS Nilantha Jayawardena informed the Petitioner about the said explosion and subsequently, on the same day, i.e. 18.04.2019, the Petitioner informed to the then IGP about the said explosion and thereafter upon the direction of the IGP, the Petitioner has assigned ASP Wickramasekara to investigate the said incident.

50. The Petitioner states that according to the investigations, the CID officers were able to discover that two identical motor bicycles have been bought by the group who conducted the said explosion in Kattankudy. The Petitioner states that the CID officers have requested the SIS to find the registered owner of the said two motor bicycles for further investigations of the CID to locate the other motorcycle. The Petitioner states that details of the chassis numbers of the said two motor bicycles were received on 20.04.2019 by the Petitioner and the said details have been forwarded to the then SDIG of Western Province Nandana Munasinghe on the orders of the then IGP.

51. The Petitioner states that on 7th April 2019, the Petitioner has left the country in order to attend the INTERPOL Country Head Conference 2019, which was held on the 9th of April at Lyon city in France. The Petitioner states that on 13th April 2019, he came back to Sri Lanka and on 16th April 2019 the Petitioner has reported back to work.

52. The Petitioner states that during his absence for a period of 12 days, the SIS director Nilantha Jayawardana has sent a letter dated 9.4.2019 to the then IGP and the same letter has been copied to the Petitioner by the SIS director Nilantha Jayawardana. The Petitioner states that the said letter contained an information about a suicide attack which is planned by the NTJ leader M.C.M Saharan in Sri Lanka. The Petitioner states that the said letter was received to the Petitioner on the 16.04.2019 and the Petitioner states that on the same day the Petitioner made a note and referred the said letter dated 16.04.2019 to the then DIG CID Mr. Nagahamulla.

EASTER SUNDAY SUICIDE ATTACKS CONDUCTED BY M.C.M SAHARAN AND NTJ

53. The Petitioner states that on the 21.04.2019, in the space of 20 minutes from 8.45 AM local time, there were a series of seven coordinated suicide bomb attacks taken place in popular hotels in Colombo and several Churches in Negambo, Batticaloa and Colombo. Furthermore, on the same day evening between 1.40 pm to 2.35 pm another two suicide bomb attacks were launched. Accordingly, the details of the times and the places of the suicide bomb attacks are as follows;

Time	Place
8.45 a.m and 8.55 a.m	Shangrila Hotel Colombo

8.45 a.m	St. Anthony's Church, Kochchikade
Between 8.45 a.m and 8.50 a.m	St. Sebastian Church, Katuwapitiya
8.47 a.m	The Kingsbury Hotel, Colombo
9.03 a.m	Zion Church, Batticaloa
9.12 a.m.	Cinnamon Grands, Colombo
Between 13.40 p.m and 13.45 p.m	Tropical Inn -Dehiwala
14.15 p.m and 14.35 p.m	No. 656/90, Mahawela Gardens, Dematagoda

Copy of the report containing investigation details of the Suicide Attacks carried on 21.04.2019 marked as P-11 is annexed and pleaded as part and parcel of this Petition.

THE AFTERMATH OF THE EASTER ATTACKS

54. The Petitioner states that the CID has launched investigations with regard to said Easter Sunday Terror attacks and upon the information obtained through the said investigations, the CID was able to arrest a NTJ operative known as Mohammed Sareef Adam Lebbe alias 'Gafoor Mama'. The Petitioner further states that the CID was able to apprehend and interrogate 'Gafoor Mama' and according to his information, it was revealed that the murder of the two Police Constables in Vavnathivu area had been committed by the NTJ terror group led by M.C.M Saharan. The Petitioner further states that based on the evidence provided by the NTJ operative 'Gafoor Mama'; the CID officers were able to recover two revolvers which belonged to the two murdered police constables from Vavunathivu and Kalmunai areas.
55. The Petitioner states that a week after the Easter Sunday attacks, officers attached to the Ampara Division have recovered a T56 rifle from a NTJ safe house located outside Sainthamaruthu area. The Petitioner states that sometimes later it was revealed upon the information of the Government Analyst Report that the particular T56 rifle has been used to assassinate the police constables in Vavunathivu. The Petitioner further states that the government analyst report also confirmed that the shell casings recovered at the Vavunathivu murder scene were fired from the same weapon recovered in Sainthamarudhu area.

56. The Petitioner states that he became aware that, at a NTJ safe house at Kalmunai at least 16 people were killed in a fierce gun battle which took place between NTJ terrorists and the military on the 26.04.2019. The Petitioner further states that M.C.M Saharan's father, namely Mohomad Hasheem, and his two brothers, namely Zainee Hasheem and Rilwan Hasheem, were among the people who were killed in the said gunfight. The Petitioner further states that M.C.M. Saharan's wife, Abdul Cader Fathima Hadia alias Siththiya and her child were also found injured inside the said house, and thereafter she was taken into Police custody and admitted to Ampara General Hospital.
57. The Petitioner states that through further investigations conducted by the CID officers it was revealed that,
- a. On 21.04.2019 a NTJ operative named Abdul Lathif Jamil has intended to detonate his suicide backpack in Hotel Taj Samudra, however, after receiving a call he had left Taj Samudra, which was also proved from the CCTV footages.
 - b. The Petitioner states that later he has gone to a hotel called Tropical Inn in Dehiwala and left his suicide backpack in a room reserved by him and thereafter, he has gone to a Mosque in Dehiwala to pray. The Petitioner states that while he was inside the Mosque, the others who were present at the Mosque noticed that the said Jamil was unfamiliar and unknown to them, therefore they have informed the security officer of the Mosque who was a retired Police Officer.
 - c. Thereafter, when the security officer questioned the said Jamil, Jamil informed the Security officer that he came from home after having a disagreement with his wife and asked the security officer to call his wife if he wanted confirmation. Thereafter, when the said security officer has telephoned Jamil's wife for further clarifications, Jamil's wife has informed the security officer that Jamil left his house in the previous night after a dispute and she has further informed the security officer that at the time being several Intelligence Officers are at his house in search of the said Jamil.
 - d. A few moments later another telephone call came to the security officer from Jamil's wife's phone, where he was informed by one of the officers of the Military Intelligence to keep Jamil until the arrival of the officers of Military Intelligence to the said Mosque, to which the Security officer has refused.
 - e. The Petitioner states that however, Jamil has left the Mosque before the arrival of the Military Intelligence officers and gone to the Tropical Inn and thereafter he has detonated his backpack inside the Tropical Inn.

- f. After the said blast the said security officer was summoned to the Wellawatte Police Station by the said Military Intelligence officers who contacted the said Security officer through Jamil's wife mobile on the same day. The Petitioner states that at that moment the Security officer becomes aware that the said Military Intelligence officers are from the Directorate of Military Intelligence.
- g. The Petitioner further states that the said security officer has testified the same before the Presidential Commission of Inquiry on Easter Attacks and revealed the chain of events that took place on the day of the said blast before the commission.
- h. The Petitioner further states that later it was revealed that Military Intelligence officers have firstly visited Jamil's mother's house in Wellampitiya to find the whereabouts of Jamil, and after that proceeded to the house of Jamil in Dematagoda before the blast in Tropical Inn occurred, without ever informing the CID who were engaged in the investigation of M.C.M. Saharan and NTJ at the time being. In the said circumstances, it can be reasonably inferred that despite repeated requests by the CID for assistance in locating M.C.M. Saharan, military officers attached to DMI had prior knowledge of Abdul Lathif Jamil's identity, his role in the NTJ and his whereabouts, but for reasons yet unknown they have decided not to share this information with the CID to help apprehend Saharan and dismantle the NTJ.

58. The Petitioner states that after the Easter Sunday Attacks, the CID officers became aware through the American Federal Bureau of Investigation (FBI) about an Internet Protocol (IP) address belonging to an individual who had been in frequent communication with M.C.M. Saharan which was discovered by analyzing computers, mobile devices and internet accounts tied to Easter attackers. The Petitioner states that the CID began interrogating the said individual who refused to give any information about his connection to M.C.M. Saharan or to NTJ. The Petitioner further states that thereafter, the Ministry of Defense through the then DMI Director Brigadier Chula Kodithuwakku prevented the CID from detaining the said individual asserting that that the activities of the said individual were classified as national security reasons as his activities were part of a secret military intelligence operation.

59. The Petitioner states that through the investigations conducted after the Easter Attacks the CID was able to find out about a person called 'Podi Saharan' alias Matale Saharan who lived in Matale, who had connections with NTJ. The Petitioner further states that the said 'Podi Saharan' was arrested by Police Officers attached to Matale Police station and later on the same day he was again arrested by the CID.

60. The Petitioner states that while the said 'Podi Saharan' was being interrogated by the CID it was transpired that he had communicated with a person called 'Sonic Sonic', thereafter the CID was able to locate the sim of the said 'Sonic Sonic' through an IP address. The Petitioner states that upon said revelation the CID investigated the details pertaining to SIM cards and IP addresses used by the said 'Sonic Sonic'.
61. The Petitioner states that according to the investigations it was revealed that the SIM which was used by 'Sonic Sonic' has been obtained under the name of a policewoman sergeant attached to Colombo City Traffic Division. The Petitioner states that consequently, the CID interrogated the said women police sergeant and she revealed that she has given the said SIM card to one Sub Inspector Bandara who is attached to the SIS, whom she claimed to have an affair with.
62. The Petitioner states that when the CID proceeded to interrogate said SI Bandara, DIG SIS Sampath Liyanage had contacted the Petitioner and informed the Petitioner to not to proceed with the said interrogation as the involvement of SI Bandara with Podi Saharan is a part of covert operation which is directly connected to the national security. However, the Petitioner refused to follow the request of said DIG and managed to get a statement, but the said Sub Inspector Bandara took the same stand in his statement and refused to divulge any information with regard to his connection with the said 'Podi Saharan'.
63. The Petitioner further states that he became aware that the then SDIG SIS Nilantha Jayawardena, has sent a report to the CID for the first time providing full details of the NTJ command structure and evidence of their involvement in the killings of the two Police Constables in Vavunathivu a few hours after the Easter Attacks. The Petitioner states that the CID has been searching for M.C.M. Saharan for the past four months with no support from the Intelligence Services and if this specific information related to the NTJ Command structure and the murder of the two constables in Vavunathivu were made available to CID or provided to the Security Council prior to the attacks by the then SDIG SIS Nilantha Jayawardena it may have been possible to prevent the attacks.
64. The Petitioner states that the Petitioner received a telephone call from the then Director SIS Nilantha Jayawardena on 20th April 2019, around 16.58 hours and a WhatsApp message which was forwarded by the then SIS Director Nilantha Jayawardena on the same day i.e, 20.04.2019, around 1730 hours. The Petitioner further states that he became aware that the said WhatsApp message has been received by the then SIS Director by an Indian intelligence confirming the said blast which took place in Palamunai was conducted by the NTJ and consequently informing about another attack by the NTJ targeting some important churches and Indian High Commission. The Petitioner states that in the said WhatsApp message it was also mentioned about the names of the attackers and how they are planning to carry out their attacks. The

Petitioner states that on the same day the Petitioner has made a telephone call and informed and has forwarded the said WhatsApp message to the then IGP and subsequently, on the instruction by the then IGP, the Petitioner has made a telephone call to the then SDIG of Western Province Nandana Munasinghe and thereafter the Petitioner has forwarded the said Whatsapp message to the SDIG of Western Province Nandana Munasinghe.

65. The Petitioner states that as a result of the CID investigations, suspects of the incidents related to Vavunathivu, Mawanella, Vanathavilluwa, Kattankudy and Easter Sunday attacks has been produced before the respective Magistrate Courts and some suspects were detained under the PTA at the CID. The Petitioner states that the details of the cases pending before respective courts are as follows;

Incident	Court	Case No.	No. of Suspects
Murder of two Police Constables	Magistrates Court of Batticaloa	MC/B/1077/2018	4 Suspects
Vandalism of Buddhist Statues in Mawanella and Recovery of explosives in Lakttowatte, Vanathavilluwa	Magistrates Court of Mawanella	MC/B/11330/2018 MC/B/11343/2018	22 Suspects
Kattankudy blasting of the Bicycle	Magistrates Court of Batticaloa	MC/B/397/2019	4 Suspects
Sainamardhu bomb blast	Magistrates Court of Kalmunai	MC/B/9924/2019	16 Suspects
Easter Sunday Attacks -	Magistrates Court of Negombo	MC/B/95839/2019	25 Suspects
Kingsbury Hotel bomb blast	Magistrates Court of Fort	MC/B/13100/2019	12 Suspects
Zion Church Blast	Magistrates Court of Batticaloa	MC/B/401/2019	7 Suspects

	Magistrates Court of Kalmunai	MC/B/9924/2019	
	Magistrates Court of Samanthurai	MC/B/4595/2019 MC/B/4596/2019	
Dematagoda Mahawila Blast	Magistrates Court of Colombo	MC/B/10263/8/2019	3 Suspects
Shangrila Hotel bomb blast	Magistrates Court of Fort	MC/B/13099/19	3 suspects
St. Anthony's Church, Kochchikade bomb blast	Magistrates Court of Colombo	MC/B/10193/19 MC/B/10262/19	2 Suspects
Cinnamon Grand Colombo blast	Magistrates Court of Fort	MC/B/13101/19	2 Suspects
St. Sebastian Church, Katuwapitiya blast	Magistrates Court of Negombo	MC/L/95839/19	13 Suspects

66. The Petitioner further states **he had provided statements to the CID when so required.** The Petitioner states that several other anonymous petitions have been filed against the officers of the CID including the then Director of the CID SSP Shani Abeysekaara, and that they are referred to the Colombo Crimes Division to conduct further inquiries pertaining to the anonymous petitioners.

A copy of the report dated 28.10.2021 address to the director CID by the Director of the Special Investigation unit are marked as P- 12 is annexed respectively and pleaded as part and parcel of the Petition.

67. The Petitioner states that, even after extensive investigations of the Easter Sunday 2019 Terror attacks by multiple quasi-judicial bodies including Malalgoda Committee, the Presidential Commission of Inquiry (PCoI) into the Easter Sunday Attack and the Parliamentary Select Committee, none of the reports compiled by any of these bodies after thorough investigations included any finding of wrongdoing by the CID or the Petitioner, nor did any of the reports recommend any action be taken against the Petitioner or the CID, nor any decisions of the Petitioner were impugned.

INQUIRING OFFICERS OF THE SPECIAL UNIT ON THE ANONYMOUS PETITION

68. The Petitioner states that the 1st, 2nd and 10th Respondents being the supervising officer and the inquiring officers respectively have an animosity towards the Petitioner since Petitioner has referred several disciplinary actions against them to the then IGP and has issued charged sheets and warning letter against them while he was in service. The Petitioner states that therefore the 1st, 2nd and 10th Respondents are disqualified to hold any inquiry against the Petitioner on the anonymous petition.

These are as follows:

1st Respondent-

- i) The 1st Respondent was served a charge sheet, for failing to represent the CID before Colombo Magistrates Court case bearing No. B3932/11 as the investigation officer of the murder of Baratha Lakshman Premachandra and four other persons. On the said ground on 01.04.2012 he was interdicted from the service. Thereafter, a disciplinary inquiry was carried against him for the offenses of act of misconduct, dishonest and fabricating truth under chapter XLVIII of the Establishment Code, Volume 2 and a charge sheet was issued against the 1st Respondent where he pleaded guilty.
- ii) The Petitioner further states that however, by the letter dated 11.04.2010, the 1st Respondent was reinstated in service for no reasons whatsoever and his promotion to the rank of Inspector of Police antedated from 01.02.2006 to 01.04.2001. The Petitioner further states that thereafter the 1st Respondent was promoted to the rank of Chief Inspector of Police by antedating his appointment from 01.01.2006 which the Petitioner vehemently believes to be for collateral reasons.
- iii) The Petitioner further states that the 1st Respondent has a personal interest to proceed with the said Anonymous Petition to the reason that when the Petitioner was the **Senior Deputy Inspector General of Police at the CID, the 1st Respondent has met the Petitioner personally to get assistant of the Petitioner to bail out the 1st Respondent's brother, namely Emil Ranjan, who was named as an accused in the incident of Welikada prison massacre in 2012 to which the Petitioner has refused.**

- iv) The Petitioner states that in 2018, during the investigations pertaining to the Avant Garde Maritime Services, the 1st Respondent was removed from the investigation upon the instruction of the then Hon. Attorney General and thereafter he was transferred out of CID to Child and Women Bureau due disciplinary grounds, however, he was appointed back to the CID in 2019, which the Petitioner vehemently believes to be a political decision. The Petitioner respectfully seeks the permission of Your Lordship Court to submit the document pertaining to the said transfer of the 1st Respondent upon the instruction of the then Hon. Attorney General.

*A copy of the charged sheet dated 11.05.2012 of the 1st Respondent issued by the then IGP marked as **P-13(a)**, Interdiction letter dated 10.04.2012 marked as **P-13(b)** and the promotion letters dated 12.04.2010 is marked as **P-13(c)** and the letter dated 27.04.2010 marked as **P-13(d)** are annexed and pleaded as part and parcel of the Petition.*

2nd Respondent-

- v) At the time the Petitioner was in service as the Head of CID, the then Director of CID Mr. Shani Abeysekera had received a complaint against the 2nd Respondent related to malpractice, where the said complaint had been referred to the Bribery Commission by the then Director of CID Mr. Shani Abeysekera on the instructions of the Petitioner and the inquiry on the said complaint bearing No. BC/2768/2019-B207 is still pending before the Bribery Commission.
- vi) The Petitioner states that while he was in service as the head of the CID, he has issued several warning letters to the 2nd Respondent with regard to her negligent conduct during investigations. The Petitioner states that there are several other complaints against the 2nd Respondent which are still pending at inquiry stage at the CID and the Petitioner further states that recently he became aware that while the 2nd Respondent was serving in the Child and Women Bureau, she has influenced a Child victim to give a statement with a predetermined intention to get a promotion.
- vii) The Petitioner further states that the on 10.11.2020, the 2nd Respondent was transferred from CID to the Matara Division however on 25.11.2021 just days after the said anonymous Petition been received the 2nd Respondent

was re-called back to the CID and assigned to conduct the investigations on the aforesaid anonymous petition.

Copies of the letter dated 16.01.2020 issued by the Commission to Investigate Allegations of Bribery or Corruption marked as P-14(a), transfer letters dated 2020.11.10 and 23.11.2021 are marked as P-14(b) and P-14(c) and are annexed and pleaded as part and parcel of the Petition.

10th Respondent-

viii) The Petitioner states that there have been a number of disciplinary actions against the 10th Respondent;

- a. Upon the IGP's order the then Director CID MR. Shani Abeyssekara has conducted a preliminary inquiry against 10th Respondent due to his failure to conduct an inquiry with regard to an illegal mining which took place in Pudukudi Iruppu, Devapuram Gramaya. At the conclusion of the inquiry the Petitioner has forwarded the recommendations of the inquiry to the then IGP and thereafter the 10th Respondent was transferred out of CID. Thereafter the 10th Respondent has filed a Fundamental Rights Application bearing SC FR 206/2017 against the recommendation to transfer the 10th Respondent but the said application has been dismissed in limine.

A Copy of the letter dated 31.01.2017 issued by the then IGP, Pujith Jayasundara with regard to Pudukudi Iruppu illegal mining case marked as P-15 (a), a letter dated 23.03.2017 issued by SDIG CID in order to conduct a preliminary inquiry against the 10th Respondent marked as P-15(b) are annexed and pleaded as part and parcel of this Petition.

- b. The Petitioner was informed by the then director of CID that a bribery complaint was filed against the 10th Respondent with regard to a corruption incident during an investigation.

A copy of the letter dated 29.03.2019 issued by Commission to Investigate Allegations of Bribery or Corruption arrested to the Petitioner marked as P-16, is annexed and pleaded as part and parcel of this Petition.

- c. The Petitioner has taken steps to forward the recommendations given by the then Director CID to a Complaint which was filed

against the 10th Respondent with regard to having an extra-marital affair with a Women Police Constable namely Iresha Chandani in the CID to the then IGP in order to implement the said recommendations. **Thereafter, the Petitioner has directed the then director of the CID to transfer the said Iresha Chandani out of CID.**

*Copies of the complaints dated 23.10.2017 and 01.11.2017 made by the wife of the 10th Respondent marked as **P-17(a) and P-17(b)**, copy of the report dated 13.11.2017 compiled by the Director CID marked as **P-17(c)**, and a copy of the letter dated 20.11.2017 issued by the Petitioner to IGP with regard to the complaint made by 10th Respondent's wife requesting to conduct a disciplinary inquiry against the 10th Respondent marked as **P-17(d)** are annexed and pleaded as part and parcel of this Petition.*

- d. On 25.09.2016 the 10th Respondent filed a false complaint at the Welikada Police Station stating that he was assaulted and robbed by the said assailants. Thereafter, based on the said false complaint, the 10th Respondent was issued a charge sheet by the CID.

*A copy of the letter dated 01.11.2016 issued to the then SSP Nugegoda, letter dated 19.11.2016 issued by the then SSP Nugegoda to the then DIG Western Province South Range, a letter dated 06.12.2016 issued to the then SDIG Western Province by the then DIG Western Province South Range, letter dated 28.03.2017 issued to the then IG by the then SDIG Western Province, a copy of the letter issued to the then IGP by the Petitioner are marked as **P-18(a) to P-18(e)** are annexed and pleaded as part and parcel of this Petition.*

- ix) The Petitioner states that the 10th Respondent was transferred out of CID on disciplinary ground in 2016, however he was re absorbed to CID on 15.12.2021, which the Petitioner verily believes to be a political appointment to conduct investigation against the Petitioner.

*A copy of the letter dated 15.12.2021 issued by DIG M.N. Sisira Kumara with regard to the transfer of the 10th Respondent back to the CID marked as **P-19** is annexed and pleaded as part and parcel of the Petition.*

iii) The Petitioner states that the 10th Respondent has lodged a false complaint to the Special Investigation Unit at the CID against the Petitioner alleging that the Petitioner has misused the official vehicles which were entitled by the Petitioner as a Senior DIG.

69. The Petitioner further states that the 1st, 2nd and 10th Respondents have built animosity against the Petitioner for taking action against them while the Petitioner was in service. Therefore, the Petitioner states that 1st, 2nd and 10th Respondents have inquired about the anonymous petition marked as P-2 with predetermined and/or ulterior motives to defame the Petitioners' good name.

B REPORT BEARING NO. 1411/2022 FILED IN THE MAGISTRATE'S COURT OF KULIYAPITIYA AGAINST THE PETITIONER

70. The Petitioner became aware that on 10.02.2022, a B report has been filed by the 9th Respondent *inter alia* alleging that as a result of the serious omissions made by the Petitioner paved the way to the Easter Sunday Attack. The Petitioner states that following allegations have been included in the said B report;

- a. That the Petitioner has failed to act on the Report dated 24.01.2018 sent by the SDIG SIS Nilantha Jayawardena.
- b. That the then director CID Mr. Shani Abeysekara has failed to obtain information from the INTERPOL in respect of vandalism of Mawanella Buddhist Statues.
- c. In the said B report, it was alleged that the then director CID Mr. Shani Abeysekara had not provided adequate strength for the investigations in Mawanella.
- d. That in the said B report, it was mentioned that on the night of 19.02.2019 Mohamed Casim Saharan and Mohommad Anwar Mohamed Riskan have come to take Hadia, her children and Sara Jasmine alias Mahendran Pulasththi from Hadia's house in Kekunagolla.

71. In respect of the allegation stated in Paragraph 68(a) of the Petition, the Petitioner states that he has neither received nor was aware about any report dated 24.01.2018 addressed to CID by the then SDIG SIS Nilantha Jayawardena. The Petitioner states that it was only after the Mawanella Incident which took place from 23.12.2018 to 26.12.2018 the Petitioner and/or the CID became aware of the terrorist organization named NTJ. The Petitioner further states that the then SDIG SIS Nilantha Jayawardena communicated with CID with regard to NTJ only after the Mawanella Incident, and states that any of the previous reports which had been sent by the then SDIG SIS Nilantha Jayawardena to CID does not relate to any NTJ extremist activities and further states that the Terrorist Investigation Division was in charge to conduct any investigations regarding terrorist activities. The Petitioner further states that only upon the orders of the IGP, the CID commences their investigations which do not fall within the mandate of the CID.

72. In respect of the allegation stated in Paragraph 68(b) of the Petition the Petitioner denies the said allegations leveled against the then director CID Mr. Shani Abeysekara and further states that he has taken due action upon the request of SP Chamika Wickramasinghe. The Petitioner states that as mentioned in the said B report the CID have not received any letter dated 2018.12.28 or any request from ASP Kamal Perera attached to Kegalle Police Station. The Petitioner referring to the attachment marked as P- 6(a) further states that during the investigations of the Mawanella incident, Superintendent of Police, Chamika Wickremasinghe attached to the Kegalle Police Division has requested from the then Director CID SSP, Mr. Shani Abeysekara to get assistance from the INTERPOL to verify whether the Mawanella incident is an act of an International Terrorist Organization to disrupt the unity, peace and security of Sri Lanka.
73. In respect of the allegation stated in Paragraph 68(c) of the Petition the Petitioner states that there were more than 30 officer under IP Marasinghe, and more than 100 officers under ASP Wickramasekara, and the said officers had no obstacle to select their own investigation teams therefore it is not the duty of the director of the CID to micromanage the investigation team and functions of the CID investigation teams. The Petitioner further states that he has provided another 5 officers including two Tamil speaking officers and three senior experienced officers from other branches of the CID (Sub Inspector of Police Dias, Police Constable Dissanayake (Driver), Sergeant Wijeratne, Sergeant Nadalal, Sergeant Palitha) for the Mawanella investigations upon the written request made by IP Marasinghe. The Petitioner states that no allegations were made by either IP Marasinghe or ASP Wickramasekara in respect of strengths of the teams assigned for the said investigations.
74. The Petitioner further states that his duty as the head of the CID was an Administration role and that he was not directly involved with the supervision of the investigations carried out by the CID officers at micro level. The investigation mechanism of the Criminal Investigation Department is moefully set out in the Departmental Orders No.C.4 marked as P-22 of this Petition.

(In proof of the same a true copy of the Departmental Orders No.C.4 is annexed hereto marked as P-20 and pleaded as part and parcel hereof)

75. In respect of the allegation stated in Paragraph 75(c) of the Petition, the Petitioner further states that if the investigation officer, IP Marasinghe required additional personnel he could have made a request to his immediate supervisor who is ASP C.W. Wickramasekara, if it failed he could have requested the then Director of CID, and if that also failed he could have requested from the DIG of CID, and if that too fails IP Marasinghe could have made a request to the Petitioner who was the head of the CID

and further states that such requests should be recorded. The Petitioner states that, however, there have been neither such request made by IP Marasinghe for additional personnel nor has he had made any complaint against the then Director CID to the Petitioner for not providing additional personnel and therefore the said allegation as aforementioned in the B report bearing B/1411/2022 is a *prima facie* false accusation.

76. In respect of the allegation stated in Paragraph 75(d) of the Petition, the Petitioner further states that based on the information received by the CID, the said M.C.M. Saharan was presumed to be hidden in the Eastern Province, therefore, the CID has allocated additional teams for surveillance to locate M.C.M. Saharan within the areas of Eastern Province.
77. The Petitioner further states that, according to Hadia's statement given to the CID on 19.02.2019 and to the Presidential Commission of Inquiry into the Easter Sunday Attacks she has never mentioned that M.C.M. Saharan or Mohommad Anwar Mohamed Riskan visited her house in Kekunagolla on 19.02.2019 in order to bring his wife, children and Sara Jasmine alias Mahendran Pulasththi from Kekunagolla.
78. The Petitioner further states that after detaining the said Hadia on a Detention Order by the CID, she has been in the custody of the 2nd Respondent who was the OIC of the Registry of CID. Further to that the child of Hadia has been under the care of the 2nd Respondent while that child was suffering from Dengue fever.
79. The Petitioner states that he came to know from a reliable source and verily believes that the 2nd Respondent is planning to tally the information in the anonymous petition and in the B Report, by inducing Hadia as a witness to give a statement against the Petitioner.

IMMINENT INFRINGEMENT OF THE PETITIONERS' FUNDAMENTAL RIGHTS

80. In the aforementioned circumstances the Petitioner states that one or more of the Respondents: -
 - a. Are attempting to falsely implicate the Petitioner by launching a tainted, biased, illegal and unreasonable investigation based on a false and belated anonymous Petition marked as P-2 alleging that he was derelict in his duties during the investigations of NTJ and Saharan;
 - b. Have falsely implicated the Petitioner in the B report bearing No. B/1411/2022 which has been prepared for collateral purposes tainted with malice and abuse of process as set out above;

- c. Have attempted to falsely implicate the Petitioner with the intention to get revenge from him as he has given instruction to his subordinate officers as the head of the CID in conducting many high-profile cases during the period from 2015 to 2019 which included the investigations against persons of high ranks in the present regime and in the police and armed forces;
- d. Are attempting to wrongfully arrest the Petitioner and to have him detained under the PTA or otherwise incarcerated in the absence of any reasonable suspicion or reasonable ground or reasonable material;
- e. Are seeking to unlawfully arrest him although there is no *prima facie* case or evidence or whatsoever against the Petitioner;
- f. Are seeking to have him arrested and detained under the PTA or remanded *mala fide* and for collateral purposes

81. The Petitioner states that the fabricated investigation against him, the filing of the B-report in the Magistrate's Court of Kuliyaipitiya and the bid to have him arrested and detained under false and untenable allegations without reasonable cause are an infringement and/or imminent infringement of the Petitioner's Fundamental Rights as guaranteed under

- a) Article 12(1) of the Constitution guaranteeing to him equality before the law and the equal protection of the law;
- b) Article 13(1) of the Constitution guaranteeing to him freedom from arbitrary arrest;
- c) Article 13(2) of the Constitution guaranteeing to him freedom from arbitrary detention.

82. The Petitioner states that grave and irreparable prejudice and injustice would be caused to the Petitioner if the following interim reliefs are not granted and the Petitioner states he respectfully seeks the following interim reliefs from Your Lordships Court: -

- a. Issue an interim order restraining the 1st to 14th Respondents and/or their agents from arresting and/or otherwise detaining the Petitioner in respect of the allegations mentioned in the MC Kuliyaipitiya B Report 1411/2022 and in the anonymous Petition marked as P-2 until the final determination of this Petition;
- b. Issue an interim order restraining His Excellency the President Gotabaya Rajapakse from issuing a detention order in terms of section 9(1) of the PTA in his

capacity as the Minister of Defence in respect of the allegations set out in the MC Kuliyaipitiya B-Report 1411/2022 and in the anonymous Petition marked as P-2.

- c. In the event the Petitioner is arrested and detained or otherwise incarcerated prior to the support of this application, grant and issue an interim order directing that the Petitioner be released from detention forthwith and further direct that such order be effective until the final determination of this application.*

83. The Petitioner states that on a previous occasion a similar petition was sent to the National Police Commission by Rev. Agulugalle Sri Jinananda Thero alleging the CID has not conducted proper investigations with regard to NTJ when they had sufficient information about the NTJ. The Petitioner states that however, the said Petition was not entertained by the National Police Commission since the said allegations are baseless and made without any reasonable evidence.

A copy of the letter addressed to Director CID by the ASP Wickramasekara marked as P-21(a) and letter dated 28.10.2020 marked as P-21(b) are annexed and pleaded as part and parcel of the Petition.

84. The Petitioner states that according to the Sri Lanka Police Gazette bearing No. 654 dated 03.04.1991 Police Officers should not be penalized based on unsubstantiated allegations.

A copy of the Gazette bearing No. 654 dated 03.04.1991 marked as P-22 is annexed and pleaded as part and parcel of the Petition.

85. The Petitioner seeks compensation in the sum of one hundred million rupees or such as Your Lordships' Court deems equitable in terms of Article 126(4) of the Constitution for the damage caused to his reputation and goodwill he has earned as a respectable police officer has been gravely tarnished by the unsubstantiated, malicious and preposterous accusations leveled against the Petitioner by entertaining the anonymous petition marked as P-2 by the Respondents and for the attempts to have him arrested and detained.

86. The Petitioner further respectfully states that the Petitioner reserves the right to submit further documents if any which are not available to him in this instance and to add any other party to this application if Your Lordships' Court so requires and/or is revealed by the Respondents.

87. The Petitioner has not previously invoked the jurisdiction of Your Lordships' court in respect of this matter.

WHEREFORE THE PETITIONER PRAYS THAT YOUR LORDSHIPS' COURT BE PLEASED TO;

- a. Grant leave to proceed in the first instance;
- b. Declare that one or more or all of the Respondents have infringed or are in imminent infringement of the Petitioner's Fundamental Rights as guaranteed by *Articles 12(1),13 (1) and 13(2) of the Constitution*;
- c. Issue an interim order restraining the 1st to 14th Respondents and/or their agents from arresting and/or otherwise detaining the Petitioner in respect of the allegations mentioned in the MC Kuliypitiya B Report 1411/2022 and in the anonymous Petition marked as P-2 until the final determination of this Petition;
- d. Issue an interim order restraining His Excellency the President Gotabaya Rajapakse from issuing a detention order in terms of section 9(1) of the PTA in his capacity as the Minister of Defence in respect of the allegations set out in the MC Kuliypitiya B-Report 1411/2022 and in the anonymous Petition marked as P-2.
- e. In the event the Petitioner is arrested and detained or otherwise incarcerated prior to the support of this application, grant and issue an interim order directing that the Petitioner be released from detention forthwith and further direct that such order be effective until the final determination of this application.
- f. Grant an order to quash the B report bearing No. B/ 1411/2022;
- g. Make an order quashing the Detention Order issued against the Petitioner in the event such an order is issued;
- h. In the event that the Petitioner is detained or otherwise incarcerated direct that the Petitioner be released from custody forthwith;
- i. Grant the Petitioner Rs.100 Million as Compensation or such amount that Your Lordships' Court deem fit;
- j. Make such other and further orders that are just and equitable in terms of Article 126(4) of the Constitution;
- k. Grant costs;

1. Grant such other further relief that Your Lordships' Court shall seem to meet.

Attorney-at-Law for the Petitioner