

## Case of State Minister Lohan Ratwatte

# IMPUNITYpapers 01

Sri Lanka Brief Update I 16 June 2023



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1. On 12 June 2021 then State Minister of Prisons Management and Prisoners Rehabilitation and of Gem and Jewellery [Lohan Ratwatte forcibly entered the Welikada and Anuradhapura Prisons](#) and intimidated several inmates at gunpoint.

2. There had been four parallel inquiries into the incident as a response to public outcry against the Ministers atrocious behaviour. But no action has been taken on the finding of any of these inquires. Only one of these reports is now in the public domain thanks to the successful RTI request by the [Center for Society and Religion](#) (CSR) based in Colombo. Report detailed his unlawful action and recommended immediate legal action.

3. On 23 September 2021, then [Minster of Justice Ali Sabry appointed one-member committee](#) of former High Court Judge Kusala Sarojini Weerawardena to investigate the said incidents and submit appropriate recommendations and observations. The report was handed over to the same minister on 24 November 2021.

4. Prisons Commissioner [Sunil Kodithuwakku also conducted an internal inquiry](#) and the final report was handed over to Prisons Commissioner. Although [RTI commission has ordered to provide certified copy of the report on 16 February 2023](#) to the appellatant even four months after the order it has not been released yet.

5. The Human Rights Commission of Sri Lanka [started a Suo Motu investigation](#) related to the same incidents but its recommendation have not been published on the website. And HRCSL has not responded to request to provide the report.

6. The [Police Criminal Investigations Department \(CID\) too started an investigation](#), upon an [order by the SC](#) but its outcome is a mystery.

7. Eight Tamil inmates [filed a Fundamental Rights petition at the SC](#) on 30 September 2021 seeking a ruling that their Fundamental Rights were violated when State Minister Lohan Ratwatte. In June 2022 the [Supreme Court ordered Inspector General of Police](#) Chandana D. Wickramaratne to hand over a progress report on the investigations regarding the allegations against the state minister Ratwatte. Case on going.

8. The Committee for Protecting Rights of Prisoners [\(CPRP\) lodged a complaint with the Criminal Investigations Department](#) (CID) on Sept 16 2021 urging the immediate arrest of MP Ratwatte under

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the terms of the Criminal Procedure Code Section 109 (1) the police could have initiated an inquiry without receiving a complaint. No action has been taken so far.

9. Following a public outcry after threatening prisoners at gunpoint, Lohan Ratwatte, State Minister of Prison Management and Prisoners' Rehabilitation [tendered his resignation on 15 June 2021](#), Although Presidential Media Unit issued a statement saying that he had taken the responsibility for the incidents that took place at the Welikada and Anuradhapura Prison premises, [Lohan Ratwathe denied all allegations](#).

10. Four days after the incident on exactly two months' time [on 12 August 2021 he was appointed as Plantation Industries State Minister](#) by the president Gotabaya Rajapaksa. Later he was given more ministries. On [10 March 2022 he was appointed as State Minister](#) of Container Warehouse Facilities, Container Yards, Port Supply Facilities and Boats and Shipping Industry.

11. In July 2022 Ranil Wickremasinghe took over the presidency became vacant after Rajapaksa fled the country Lohan Ratwatte was appointed [as State Minister of Plantation Industries](#) on 08 September 2022.

12. Justice Ministry held up the report 9 months after being ordered to release it by the Right to Information Commission based on CSR's appeal. CSR also notes that the Justice Ministry had informed the Cabinet about the report through a Cabinet Note on 7th December 2021, but had not received a decision of the Cabinet till 25th August 2022 (or possibly till to date).

13. The report states that is is based only on information that "passes the tests of consistency, probability, and spontaneity" permitting the Committee to conclude that the "information is truthful and trustworthy, and not mere fiction". [CSR released to the public full report](#) on 12 June 2023.

14. The Committee has, in its final report, recommended that the Police file a B-report under several charges including those of attempted murder, to the Anuradhapura Magistrate against Ratwatte. Indict Ratwatte in a court of law for purported offenses should happen quickly; Charges should be filed against Ratwatte under Ss 79(1) – (5)] of the Weapons Ordinance, S. 44(a) of the Guns Ordinance read together with Ss. 118, 120 of the Penal Code, for several offenses (see section 1 above) including attempted murder at the Anuradhapura prison.

15. [Rejecting this recommendation](#) Police spokesperson Senior Superintendent of Police Nihal Thaldudwa says that it is not possible to do so until the Justice Minister makes a decision regarding the implementation of the relevant recommendations. Further Minister of Justice and Police have ignored the above-mentioned recommendations.

16. Then president Rajapaksa re-appointed him as a state minister ignoring the recommendation that "President should take appropriate action against Ratwatte for violating the Prison Ordinance as there are no there are no prescribed punishments." Appointed President Wickramasinghe too has ignored the same recommendation.

17. Impunity for human rights violations is imbedded in the Sri Lankan state culture and without a sustained advocacy and campaign political criminals like Lohan Ratwatte will not face justice.