

Revisiting Ten Emblematic Cases in
Sri Lanka: Why Justice Remains
Elusive

Centre for Policy Alternatives
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The Centre for Policy Alternatives (CPA) is an independent, non-partisan organisation that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

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1. Background

The cases discussed in this report are emblematic of the failings and inadequacies of the criminal justice system of Sri Lanka. They clearly demonstrate the multiple setbacks and barriers to justice and accountability. In the majority of these cases, victims and their families have been waiting for justice for over a decade, with slow progress at the investigative and prosecutorial stages. The few cases which were concluded show that justice has eluded the victims, with the accused acquitted and released, such as in the Trinco Five case and the assassination of Joseph Pararajasingham (Discussed in detail later in the report).

In this context, the present government has made clear their objective to renounce previous commitments toward accountability and human rights.¹ In 2015 the Government of Sri Lanka co-sponsored a landmark UN Human Rights Council resolution, 30/1, making commitments to promote reconciliation, accountability and human rights in Sri Lanka. Sri Lanka renewed these commitments in two further UNHRC resolutions in 2017 and 2019.

Through these resolutions, Sri Lanka committed to “establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law” and acknowledged “the importance of participation in a Sri Lankan judicial mechanism, including the special counsel’s office, of Commonwealth and other foreign judges, defence lawyers and authorized prosecutors and investigators.”² However, such a mechanism was never

¹ Office of the Cabinet of Ministers Sri Lanka, ‘Press briefing of Cabinet Decision taken on 2020-02-19, UNHRC Resolution 30/1 ‘Promoting reconciliation, accountability and human rights in Sri Lanka’ available at http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dID=10425 accessed on 14 November 2020.

² Amnesty International, ‘Sri Lanka: Withdrawal from UN commitments requires robust response by Human Rights Council’ available at <https://www.amnesty.org/en/latest/news/2020/02/sri-lanka-withdrawal-from-un-commitments-requires-robust-response-by-human-rights-council/> accessed on 14 November 2020.

established, and the present government has explicitly renounced previous commitments towards such a judicial mechanism.³

Following the change of government in November 2019, there has been a reversal in the position of the government on accountability for war crimes, violations of human rights and other serious criminal offences. The new government announced its intentions to withdraw from co-sponsorship of the resolution and accordingly from the commitments in the resolution, and declared the government's commitment "to achieve sustainable peace through an inclusive, domestically designed and executed reconciliation and accountability process, including through the appropriate adaptation of existing mechanisms, in line with the Government's policy framework." It was stated that "this would comprise the appointment of a Commission of Inquiry (COI) headed by a Justice of the Supreme Court⁴, to review the reports of previous Sri Lankan COIs which investigated alleged violations of Human Rights and International Humanitarian Law (IHL), to assess the status of implementation of their recommendations and to propose deliverable measures to implement them keeping in line with the new Government's policy."⁵

Previous experience with Commissions of Inquiry has demonstrated that far from being effective at providing sustainable reconciliation and accountability processes, COIs have been used as 'tools to launch partisan attacks against opponents or to

³ Permanent Mission of Sri Lanka to the United Nations, 'Foreign Relations Minister meets UN High Commissioner for Human Rights', available at <<https://www.un.int/srilanka/news/foreign-relations-minister-meets-un-high-commissioner-human-rights>> accessed on 14 November 2020.

⁴ As at the moment, the Cabinet has approved the new CoI, and according to media reports, an announcement is expected within a week, just days before the United Nations Human Rights Council (UNHRC) takes up Sri Lanka's case in Geneva. The Secretary to the Ministry of Foreign Affairs attributed the nearly year-long delay in setting up the body to COVID-19 priorities, dissolution of Parliament, elections and the formation of a new Cabinet. The Sunday Times, 'A new Commission of Inquiry to study human rights allegations', available at <<http://www.sundaytimes.lk/210117/news/a-new-commission-of-inquiry-to-study-human-rights-allegations-429116.html>> accessed on 17 January 2021.

⁵ Office of the Cabinet of Ministers Sri Lanka, 'Press briefing of Cabinet Decision taken on 2020-02-19, UNHRC Resolution 30/1 'Promoting reconciliation, accountability and human rights in Sri Lanka' available at <http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dID=10425> accessed on 14 November 2020. ; Ministry of Defence Sri Lanka, 'Sri Lanka is committed to achieve goals set on accountability and human rights - Minister Gunawardena' available at <http://www.defence.lk/Article/view_article/894> accessed on 14 November 2020.

deflect criticism when the state has been faced with overwhelming evidence of its complicity in human rights violations.⁶ They have also created delays in the criminal investigations, distorted evidence and resulted in backlash against victims and witnesses for their participation in the process. Further, there is limited information in the public domain of any follow up action or implementation of the recommendations made in the reports of most of these COIs appointed to investigate human rights violations and other serious crimes.⁷

Along with renouncing previous commitments towards accountability, there have also been recent setbacks in the form of acquittals and presidential pardon granted to those accused or convicted of grave human rights violations during the conflict.⁸ Additionally, the Attorney General has decided to discontinue prosecution in some cases and drop charges, such as most recently in the murder of Joseph Pararajasingham.⁹ The Centre for Policy Alternatives (CPA) has previously highlighted the problematic nature of the wide power exercised by the Attorney General, specifically in relation to criminal matters.¹⁰ Attempts to portray those accused or convicted in these cases as victims of political victimization has further hindered attempts to seek accountability and justice.¹¹ Such executive interference in

⁶ Groundviews, 'Sri Lanka's Problematic Past with Commissions of Inquiry: Are We Repeating Mistakes?', available at <<https://groundviews.org/2018/03/19/sri-lankas-problematic-past-with-commissions-of-inquiry-are-we-repeating-mistakes/>> accessed on 16 January 2021.; Centre for Policy Alternatives, 'A list of Commissions of Inquiry and Committees appointed by the Government of Sri Lanka 2006-2012', available at <<https://www.cpalanka.org/a-list-of-commissions-of-inquiry-and-committees-appointed-by-the-government-of-sri-lanka-2006-2012/>> accessed on 16 January 2021.

⁷ Centre for Policy Alternatives, 'A list of Commissions and Committees appointed by GoSL (2006-2013)' available at <<https://www.cpalanka.org/a-list-of-commissions-and-committees-appointed-by-gosl-2006-2013/>> accessed on 16 November 2020.

⁸ Groundviews, 'Justice Denied for Trinco 5', available at <<https://groundviews.org/2019/07/08/justice-denied-for-trinco-5/>> accessed on 20 November 2020. ; Centre for Policy Alternatives, 'The pardon in the Mirusuvil massacre: Sri Lanka's elusive quest for justice', available at <<https://www.cpalanka.org/the-pardon-in-the-mirusuvil-massacre-sri-lankas-elusive-quest-for-justice/>> accessed on 20 November 2020.

⁹ International Commission of Jurists, 'Sri Lanka: Acquittal emblematic of the State's failure to ensure accountability,' available at <<https://www.icj.org/sri-lanka-acquittal-emblematic-of-the-states-failure-to-ensure-accountability/>> accessed on 16 January 2021.

¹⁰ Centre for Policy Alternatives, 'Rethinking the Attorney General's Department in Sri Lanka: Ideas for Reform' available at <<https://www.cpalanka.org/rethinking-the-attorney-generals-department-in-sri-lanka-ideas-for-reform/>> accessed on 23 November 2020.

¹¹ *Centre for Policy Alternatives v Attorney General SC FR 32/2020* <https://www.cpalanka.org/centre-for-policy-alternatives-v-attorney-general-sc-fr-32-2020/>

the criminal justice system could potentially erode the rule of law and judicial independence.¹²

In light of these developments, this report briefly examines the continuing obstacles to securing accountability through the criminal justice system of Sri Lanka at present and makes detailed recommendations for structural and legal reforms. The recommendations for structural reforms focus largely on investigations and prosecutions, but recognises that reforms within the judiciary are also critical. The legal reforms are suggested for a few selected statutes. The present report revisits concerns raised in a previous publication by CPA,¹³ enlarging on the broad proposals for reform made in the previous report.

¹² Centre for Policy Alternatives, 'Fundamental Rights applications challenging the decision to pardon Sunil Ratnayake', available at <<https://www.cpalanka.org/fundamental-rights-applications-challenging-the-decision-to-pardon-sunil-ratnayake/>> accessed on 23 November 2020.

¹³ Centre for Policy Alternatives, 'The Need for Accountability in Sri Lanka's Criminal Justice System: A Glance at Seven Emblematic Cases', available at <<https://www.cpalanka.org/the-need-for-accountability-in-sri-lankas-criminal-justice-system/>> accessed on 23 November 2020.

2. Brief overview of emblematic cases in Sri Lanka

The report assesses ten emblematic cases to highlight the delays and setbacks in attaining justice and accountability through the criminal justice system in Sri Lanka. The previous report by CPA examines the investigations and legal proceedings of a number of these cases, and the present report serves as a continuation of it, examining more recent developments.

CPA studied a number of emblematic cases which demonstrate the need for reform of the criminal justice system of Sri Lanka and selected 10 cases for the present report that capture different aspects of the delays and setbacks in obtaining justice. The selected cases also capture different time periods and geographic areas, victim profiles, and status with investigations and prosecutions.¹⁴

This section gives a brief overview of the selected cases. For more details on these cases, refer to Annexure I containing a timeline and details of each case based on publicly available information.¹⁵

1. Murder of Joseph Pararajasingham, 2005

The case of the assassination of MP Joseph Pararajasingham has faced long delays in investigation and prosecution. The accused were finally acquitted in 2021 when the Attorney General decided to discontinue the prosecution, when the Court of Appeal ruled the confessions against the accused inadmissible as evidence.¹⁶

2. ‘The Trinco Five’: Murder of Five Tamil Students in Trincomalee, 2006

After a prolonged investigation and prosecution in this case concerning the execution of five Tamil students on January 2, 2006, all 13 accused were acquitted due to lack of

¹⁴ It must be noted here that the many emblematic cases in Sri Lanka is an indicator of the multiple challenges with justice in the country, the failings within the criminal justice system, and the impunity that prevails.

¹⁵ There is limited information on the cases available in the public domain, and the nature of the cases as well as the considerable lapse of time since their occurrence make it challenging to obtain information.

¹⁶ Economy Next, ‘Pillayan released due to CA decision’, available at <<https://economynext.com/pillayan-released-due-to-ca-decision-lawyer-77804/>> accessed on 16 January 2021.

evidence. The case had long been marked by serious threats against the survivors and witnesses, which forced the victims' family members to flee Sri Lanka.¹⁷

3. Killing of ACF Aid Workers, 2006

Successive governments have failed to bring to justice those responsible for the execution-style killing of 17 aid workers in Muttur on 4 August 2006, despite repeated assurances. Media reports from 2019 indicate that the Attorney General has ordered police to speed up investigations, but no further information on the progress of investigations is publicly available.

4. Abduction of Keith Noyahr, 2008

The case of the abduction of journalist Keith Noyahr has been marked by long delays in the investigation. There have been recent reversals with attempts to portray key witnesses and suspects as victims of political victimization.

5. The Missing Eleven': The Abduction of 11 Youth, 2008/09

The case against those accused in the abduction of 11 youth from Kotahena and suburbs between 25 August 2008 and 21 March 2009 was filed in 2020 after over a decade of investigations. However, there are concerns as to whether the case would progress due to attempts to stop the proceedings by the Presidential Commission of Inquiry (PCoI) appointed to probe the alleged political victimization of Public Servants under the previous administration (2015-2019). The report of this PCoI was handed to the President but no information is publicly available regarding its findings.¹⁸

6. Murder of Lasantha Wickramatunge, 2009

This is another case where justice and accountability have been elusive, with considerable delays in investigations and prosecutions for over a decade. The lack of genuine action by local structures to deliver justice has resulted in his family recently

¹⁷ Human Rights Watch, 'Sri Lanka: No Justice for 'Trinco 5' available at <<https://www.hrw.org/news/2019/07/08/sri-lanka-no-justice-trinco-5>> accessed on 15 December 2020.

¹⁸ News First, 'Final report by PCoI on political victimization handed over to President', available at <<https://www.newsfirst.lk/2020/12/08/final-report-by-pcoi-on-political-victimization-handed-over-to-president/>> accessed on 16 January 2021.

filing a complaint with the UN Human Rights committee seeking its assistance in probing the assassination.¹⁹

7. Disappearance of Prageeth Eknaligoda, 2010

Investigations into the disappearance of journalist Prageeth Eknaligoda have been delayed and side-tracked due to attempts to withhold evidence. This case has also been marked by the intimidation of victims and witnesses with impunity.

8. Murder of Wasim Thajudeen, 2012

After initial attempts to pass off the death of rugby player Thajudeen as an accident, those involved in the cover-up were finally charged in 2019. Recent attempts to portray those involved as victims of political victimization raise concerns about the possibility of realising accountability in this case.

9. Welikada Prison Incident, 2012

In this case, 27 prisoners were killed while 43 were injured during what later came to light as a coordinated operation to eliminate certain identified prisoners. This case too has been marked by extensive intimidation of victims and witnesses, and attempts to portray those accused as victims of political victimization.

10. Rathupaswala Shooting, 2013

After delays in investigations, indictments were filed in this case of shooting of unarmed civilians during a peaceful protest. This case too has been marked with the intimidation of witnesses.

The selected cases demonstrate the prolonged delays with investigations, delays in filing charges as well as delays with prosecutions. There are multiple instances of allegations of conflict of interest and charges being dropped for extraneous reasons without regard to the real merits of the case.²⁰ They also highlight the grave

¹⁹ The Globe and Mail, 'Daughter of slain Sri Lankan journalist files complaint with UN rights committee', available at < <https://www.theglobeandmail.com/world/article-daughter-of-slain-sri-lankan-journalist-files-complaint-with-un-rights/>> accessed on 16 January 2021.

²⁰ Daily FT, 'Attorney General's role in defending Sri Lanka must be revisited: Lawyers' available at <<http://www.ft.lk/News/attorney-generals-role-in-defending-sri-lanka-must-be-revisited-lawyers/56-476705>> accessed on 25 November 2020. ; International Commission of Jurists, 'Sri Lanka: Acquittal emblematic of the State's failure to ensure accountability,' available at

shortcomings in the victim and witness protection mechanism. All these cases show that accountability will face multiple hurdles and many years, sometimes decades. With such setbacks and with limited prospects of success in the Sri Lankan courts, there is fear many victims will not see justice being served during their lifetime.

<<https://www.icj.org/sri-lanka-acquittal-emblematic-of-the-states-failure-to-ensure-accountability/>> accessed on 16 January 2021.

3. Recommendations for reform

The recommendations made in this section for structural and legal reforms are based on the delays and setbacks identified in the selected cases. It is emphasized that the recommendations made here are not exhaustive but are merely indicative of the reforms needed to ensure accountability and justice within the criminal justice system of Sri Lanka.

Structural reform

Prosecutors/Attorney General's Department

The Attorney General has the sole discretion to decide whether or not to issue indictments against individuals and to discontinue criminal proceedings before a High Court in respect of a suspect (*nolle prosequi*).²¹ The Attorney General is also assigned the role of defending the State before the courts as well as in various international fora and advising the state. These conflicting roles lead to a conflict of interest, especially as demonstrated in the prosecution of grave human rights abuses, and war crimes where state actors are suspects.²²

The lack of capacity and technical expertise in the areas of international criminal law and international humanitarian law as well as the politicization and lack of independence of this office²³ casts doubt on the ability of the Attorney General to effectively carry out prosecutions.²⁴ Additionally, the Attorney General's Department

²¹ Section 12 and Section 135 of the Code of Criminal Procedure Act No. 15 of 1979.

²² Daily FT, 'Attorney General's role in defending Sri Lanka must be revisited: Lawyers' available at <<http://www.ft.lk/News/attorney-generals-role-in-defending-sri-lanka-must-be-revisited-lawyers/56-476705>> accessed on 25 November 2020. ; The Office on Missing Persons, 'Interim Report' (August 2018) available at <http://www.jdslanka.org/images/documents/disappearances_executions/the_office_on_missing_persons_interim_report_2018_august.pdf> accessed on 25 November 2020 at para 30.

²³ United Nations Human Rights Council, 'Report of the OHCHR Investigation on Sri Lanka (OISL)' available at <<https://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>> accessed on 26 November 2020. See pages 233, 96, 104, 235.

²⁴ Isabelle Lassée (ed.), Sri Lanka's Time to Try: Prosecuting Conflict-Related Abuses (1 edn, South Asian Centre for Legal Studies 2019).

itself has highlighted that delays in prosecutions are due to the massive workload of the Department.²⁵

Both the 1994 Western, Southern and Sabaragamuwa Disappearances Commission and the 1998 All Island Disappearances Commission put forward the recommendation for an 'Office of Independent Prosecutor' with their observations highlighting the serious lack of prosecutorial independence.

The UN Human Rights Council resolutions on reconciliation, accountability and human rights in Sri Lanka also acknowledge the importance of special counsel to prosecute those accused of war crimes and other grave human rights violations.

In addition to these, several other independent bodies and recent studies have recommended the establishment of an Independent Special Prosecutor's Office to initiate and carry out prosecutions.²⁶

The previous report by CPA recommends the establishment of an Independent Public Prosecutor's Office (IPP Office) for credible and impartial investigations and prosecutions, as well as immediate action to reform prosecution processes within the Attorney General's Department.²⁷ The present report reiterates the recommendations made in the previous report. The following are several of the recommendations in brief for a possible legal and structural framework for an IPP Office.

1. It is recommended that the IPP Office consist of the Director and the members of the staff of the Office. The head office of the Office shall be situated in

²⁵ Sectoral committee submissions by AG ; News First, 'Lasantha Wickrematunge homicide cases postponed', available at <<https://www.newsfirst.lk/2020/12/04/lasantha-wickrematunge-homicide-cases-postponed/>> accessed on 12 December 2020.

²⁶ Recommended by Resolution 30/1 adopted by the Human Rights Council on 1 October 2015 on promoting reconciliation, accountability and human rights in Sri Lanka, the Report of the OHCHR Investigation on Sri Lanka (OISL)', The Report of the Commission of Inquiry on Lessons Learnt and Reconciliation, The Final Report of the IIGEP (International Independent Group of Eminent Persons) as well as a recent report by CPA. See 'Rethinking the Attorney General's Department in Sri Lanka: Ideas for Reform' available at <<https://www.cpalanka.org/rethinking-the-attorney-generals-department-in-sri-lanka-ideas-for-reform/>>

²⁷ Centre for Policy Alternatives, 'The Need for Accountability in Sri Lanka's Criminal Justice System: A Glance at Seven Emblematic Cases', available at <<https://www.cpalanka.org/the-need-for-accountability-in-sri-lankas-criminal-justice-system/>> accessed on 23 November 2020.

Colombo, with such regional offices as may be necessary, to achieve its mandate.

2. The Director of the Office may be appointed by the President through a transparent procedure with parliamentary oversight.²⁸
3. Drawing on the requirements for such a position in other commonwealth legal systems, it is recommended that the Director shall be a legal practitioner who has been a legal practitioner for not less than 10 years and has previous experience in fact finding or investigation, human rights law and international humanitarian law, or possess other qualifications relevant to the carrying out of the functions of the Office.
4. It is recommended that the period of office of the Director shall not exceed 5 years, but he/she will be eligible for re-appointment on the approval of the Parliament.
5. In making recruitments to the Office, due regard must be paid to ensure that the composition of the Office reflects the pluralistic nature of Sri Lankan society including gender and that the members of the Office shall be persons of integrity and possess experience and qualifications relevant to the carrying out of the functions of the Office.
6. In order to ensure that there is no conflict of interests, the Director and the members of the staff of the Office who are legal practitioners must not engage in practice as a legal practitioner outside the duties of his or her office or engage in paid employment outside the duties of his or her office.
7. When making appointments to the staff of the Office, persons who have publicly expressed an opinion against accountability for conflict-related crimes, represented the government in an official capacity or with any other conflict of interest should not be recruited.
8. To ensure that victims have the opportunity to hold the Office accountable, it is recommended that they be enabled to seek a review of a decision of the Office

²⁸ CPA has consistently recommended the strengthening of parliamentary oversight over law and order departments and officials. See 'The Need for Accountability in Sri Lanka's Criminal Justice System: A Glance at Seven Emblematic Cases' cited above.

not to charge, to discontinue or otherwise terminate all proceedings in a particular case.

Investigators

The law on the investigation of offences and the powers of investigative officers is laid out in Part V, Chapter XI of the Code of Criminal Procedure. The Chapter refers to the powers of investigation given to both police officers and inquirers. Apart from this, police officers are given wide powers in criminal investigations under the Police Ordinance. In several instances, there have been acquittals due to the inadequacy of evidence provided by the police.²⁹ There have also been allegations of destruction of or tampering with evidence.³⁰ Concerns have been raised with regard to the independence of investigating officers and political interference with investigations.³¹ Additionally, the delays in the investigation process has resulted in consequential delays in the process of prosecution and adjudication in many cases.³² It has also been identified that the non-attendance of police in courts and failure to comply with court orders also causes delays in court processes.³³

²⁹ Human Rights Watch, 'Sri Lanka: No Justice for 'Trinco 5' available at <<https://www.hrw.org/news/2019/07/08/sri-lanka-no-justice-trinco-5>> accessed on 15 December 2020.

³⁰ Verite Research, 'The Thajudeen saga: Murder cover-up trial set to begin in October' available at <<https://www.veriteresearch.org/2019/07/22/wasim-thajudeen-murder/>> accessed on 16 January 2021.

³¹ Daily FT, 'Lawyers for Democracy concerned over IP Silva transfer', available at <<http://www.ft.lk/News/Lawyers-for-Democracy-concerned-over-IP-Silva-transfer/56-667202>> accessed on 16 December 2020.

³² News First, 'Keith Noyahr assault : Identification parade cancelled', available at <<https://www.newsfirst.lk/2019/08/20/keith-noyahr-assault-identification-parade-cancelled/>> accessed on 17 December 2020. ; Sunday Observer, 'AG declares war on CID', available at <<http://www.sundayobserver.lk/2019/09/15/news/ag-declares-war-cid>> accessed on 17 December 2020.

³³ Asian Human Rights Commission, 'Sri Lanka's Dysfunctional Criminal Justice System', available at <<http://www.humanrights.asia/resources/books/sri-lankas-dysfunctional-criminal-justice-system/>> accessed on 18 December 2020.

The present report examines possible structural reforms in detail, as well as the possibility of establishing a special criminal investigation unit within the IPP Office.³⁴ The following are several recommendations in brief:

1. In order to ensure that evidence is preserved according to international standards, the investigating officers must be made responsible for the proper preservation, storage and security of information and physical evidence obtained in the course of investigations. The investigating officers must draw up a comprehensive inventory of all the evidence relevant to the investigation.³⁵
2. It is suggested that a database containing evidence collected under each case accessible to other actors such as a Parliamentary oversight body or the relevant judicial actors, would enhance the transparency and efficiency of the process of gathering evidence.³⁶
3. The doctrine of command responsibility needs to be established within the police hierarchy.³⁷ This would ensure that superior officers are held liable for torture and other forms of cruel, inhuman and degrading treatment and punishment (CIDTP) in police custody.
4. The investigating officers should be provided with adequate forensic facilities and training as well as resources to conduct investigations. The availability of necessary human and physical resources including vehicles, trained personnel and equipment should be ensured.

³⁴ "The serious concerns regarding the independence of police officers should be primarily addressed. A reform that leaves out this aspect would receive very little public attention, support or credibility. Perhaps the example of Hong Kong where a similar situation was successfully addressed through an agency outside the policing system itself, the Independent Commission Against Corruption (ICAC) should be seriously studied." From *Sri Lanka's Dysfunctional Criminal Justice System*.

³⁵ United Nations International Residual Mechanism for Criminal Tribunals, 'ICTR Rules of Procedure and Evidence', available at <<https://unictr.irmct.org/en/documents/rules-procedure-and-evidence>> accessed on 21 December 2020.

³⁶ Centre for Policy Alternatives, 'The Need for Accountability in Sri Lanka's Criminal Justice System: A Glance at Seven Emblematic Cases', available at <<https://www.cpalanka.org/the-need-for-accountability-in-sri-lankas-criminal-justice-system/>> accessed on 20 December 2020.

³⁷ Asian Human Rights Commission, 'Sri Lanka's Dysfunctional Criminal Justice System', available at <<http://www.humanrights.asia/resources/books/sri-lankas-dysfunctional-criminal-justice-system/>> accessed on 18 December 2020.

5. Additionally, the protections available for investigating officers should be strengthened in terms of both physical risks for investigators as well as institutional safeguards to ensure independence and transparency in the transfer process and removals from office.
6. Ensure that the composition of the police force represents the diversity of Sri Lankan society, including race, religion and gender.
7. Introduce administrative measures to mandate compulsory attendance in court by officers assigned to a case on the given date.

In a recent judgment, the Supreme Court of Sri Lanka ‘noted with concern the increasing number of incidents of abuse of power by law enforcement authorities.’ The court also directed the Inspector General of Police to lay down guidelines to be followed by law enforcement authorities.³⁸

The issues of corruption, political interference, inefficiency and disciplinary issues have led many to question whether a system such as the one existing in Sri Lanka can be reformed at all.³⁹ It is emphasised here that the focus should be on larger political and societal issues which has resulted in such deep-rooted dysfunction within the law enforcement authorities. In light of such doubts, the examination of possible structures where investigative power is shared by the police and prosecutors would be useful. A potential structure would be to establish a special criminal investigation unit within the IPP Office proposed earlier in the report with the following proposed powers:

1. This unit would be composed of specially trained investigative officers drawn from the police force as well as legal practitioners (prosecuting officers) who are members of the IPP Office.⁴⁰

³⁸ The guidelines would broadly cover respect for human rights, the principles of legality, necessity, non-discrimination, proportionality, equal protection of the law and special care in the detention of women and children. *Landage Ishara Anjali (Minor) and another v Officer-in-charge, Matara Police Station, and others* SC (FR) Application No. 677/2012.

³⁹ Asian Human Rights Commission, ‘Sri Lanka’s Dysfunctional Criminal Justice System’, available at <<http://www.humanrights.asia/resources/books/sri-lankas-dysfunctional-criminal-justice-system/>> accessed on 21 December 2020.

⁴⁰ “In countries where prosecutors initiate investigation, it was realized that due to the effective role of prosecution, there are certain benefits which lead to a good investigation. As prosecutors have adequate legal knowledge and are conversant in legal interpretation, they prepare good cases for indictment. Their ability and experience have been deemed a benefit for the law enforcement system

2. The investigative officers attached to the unit would have concurrent investigative powers with the police in criminal cases, including the authority to interrogate suspects, interview witnesses, search, seize, inspect, examine, detain and arrest suspects.
3. The investigative/ prosecuting officers of the unit must ensure the secrecy of evidence in ongoing cases to avoid political pressure to tamper with evidence.
4. Any attempt to exert such political pressure on officers of the unit shall be an offence of contempt committed against the authority of the IPP Office.
5. An inventory of the relevant evidence would be compiled by the police officer in charge of the investigation and handed over to the unit.
6. The police and the prosecuting officers establish a system to hold regular meetings to discuss the position of pending investigations where prosecuting officers can advise on the completion of the investigation in a correct and timely manner. The prosecutors should also advise the police about the importance of scientific evidence like blood tests in murder cases, or in cases where firearms are used, ballistic tests.⁴¹

Legislative reforms

The previous report by CPA recommends the review and reform of legislation to address issues of accountability, incorporate international crimes and addresses procedural gaps.⁴² The present report will examine limitations in legislation which

in combating crime. Earlier involvement by prosecutors in investigation guarantees a successful prosecution and conviction." United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), 'The Relationship of the Prosecution with the Police and Investigative Responsibility', available at <https://www.unafei.or.jp/publications/pdf/RS_No53/No53_29RC_Group1.pdf> accessed 22 December 2020.

⁴¹ United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), 'The Relationship of the Prosecution with the Police and Investigative Responsibility', available at <https://www.unafei.or.jp/publications/pdf/RS_No53/No53_29RC_Group1.pdf> accessed 22 December 2020.

⁴² Centre for Policy Alternatives, 'The Need for Accountability in Sri Lanka's Criminal Justice System: A Glance at Seven Emblematic Cases', available at <<https://www.cpalanka.org/the-need-for-accountability-in-sri-lankas-criminal-justice-system/>> accessed on 23 November 2020.

hinder accountability and make suggestions for reform, drawing on experience from comparative jurisdictions.

The legislative drafting process of Sri Lanka has been critiqued for its lack of transparency and participation.⁴³ Once draft legislation receives Cabinet approval, it is published in the Gazette.⁴⁴ Upon the lapse of one week from the date the Bill was gazetted, the Bill can be tabled in Parliament. A citizen may challenge a Bill within a period of one week from this.⁴⁵ This limited time period reduces the space for citizen engagement with the process of legislative drafting and creating debate and discussion involving all stakeholders.⁴⁶

The following are a few of the relevant laws that require further consideration:

Code of Criminal Procedure Act No. 15 of 1979

The Code of Criminal Procedure (CCP) gives wide powers of prosecution in criminal cases to the Attorney General.⁴⁷ In order to establish an Independent Public Prosecutor's Office as recommended earlier in the report, the CCP would have to be amended to remove the Attorney-General's powers of prosecution. Additionally, these wide powers of prosecution would be handed over to the Director of the IPP Office.

According to the Report of the Independent Expert to update the Set of Principles to Combat Impunity, in many countries the right to justice has been bolstered by laws that enable victims and civil society to institute and participate in criminal

⁴³ Centre for Policy Alternatives, 'A Survey of the Right to Information in South Asia - Sri Lanka', available at < http://www.cpalanka.org/wp-content/uploads/2007/8/Sri_Lanka.doc> accessed on 16 January 2021.

⁴⁴ Article 78 of the Constitution of the Democratic Socialist Republic of Sri Lanka (as amended).

⁴⁵ Article 121 of the Constitution of the Democratic Socialist Republic of Sri Lanka (as amended).

⁴⁶ Centre for Policy Alternatives, 'Summary of Changes Under the Proposed 20th Amendment', available at < <https://www.cpalanka.org/wp-content/uploads/2020/09/Final-doc-Summary-of-Changes-Under-the-Proposed-20th-Amendment.pdf>> accessed on 16 January 2021.

⁴⁷ Centre for Policy Alternatives, 'Rethinking the Attorney General's Department in Sri Lanka: Ideas for Reform' available at <<https://www.cpalanka.org/rethinking-the-attorney-generals-department-in-sri-lanka-ideas-for-reform/>> accessed on 23 November 2020.

proceedings.⁴⁸ The lack of adequate prosecution, delays in the prosecution process as well as concerns regarding the independence of prosecutors suggest that this might be a positive reform for Sri Lanka as well.

The CCP empowers victims to initiate private prosecutions before the Magistrate's Court under section 136, without the prior sanction of the Attorney General. However, such private prosecutions can only be initiated against offences that are within the jurisdiction of the Magistrate's Court, and in some circumstances the Attorney General may take over the prosecution, especially where such complaint has been filed against an officer or employee of the State in respect of a matter connected with or relating to the discharge of the official duties of such officer or employee.⁴⁹

Penal Code Ordinance No. 11 of 1887

The substantive criminal law is contained in the Penal Code of Sri Lanka. The Penal Code does not contain international crimes arising from violations of international human rights law and international humanitarian law. Sri Lankan domestic criminal law does not specifically criminalise genocide, crimes against humanity and war crimes committed in the context of a non-international armed conflict.⁵⁰

Consequently, existing criminal offences would have to be used to prosecute war crimes and other grave human rights violations. This may result in the failure to take account of the most serious and systematic aspects of the offence. The Penal Code would have to be amended taking into consideration the need to address human rights violations occurring in the context of armed conflict such as sexual offences (especially custodial sexual assault), the use of human shields, denial of humanitarian relief, enforced disappearances, extra judicial killings and other violations.

⁴⁸ UN Commission on Human Rights, 'Report of the independent expert to update the set of principles to combat impunity,' available at <<https://www.refworld.org/docid/42d66e780.html>> accessed on 20 December 2020, at Para 44.

⁴⁹ Section 191(2) of the Code of Criminal Procedure Act No. 15 of 1979.

⁵⁰ Isabelle Lassée and Eleanor Vermunt, 'Fitting the Bill': Incorporating International Crimes into Sri Lankan Law'. in Isabelle Lassée (ed), Sri Lanka's Time to Try: Prosecuting Conflict-Related Abuses (South Asian Centre for Legal Studies 2019).

The Penal Code provisions may also fail to sufficiently fulfil the elements of international crimes.⁵¹ Additionally, modes of liability available under international humanitarian law such as command responsibility is absent in domestic criminal law. Thus, those most responsible for the offence would escape prosecution.

For example, the ICTY rules of evidence and procedure provide that on receipt of an indictment for review, the Bureau⁵² has to determine whether the indictment, prima facie, concentrates on one or more of the most senior leaders suspected of being most responsible for crimes within the jurisdiction of the Tribunal. If the Bureau determines that the indictment does not meet this standard, the indictment is returned.⁵³

Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015

The provision of effective victim and witness protection is essential to the credibility of any justice system and to the battle against impunity.⁵⁴ CPA has previously made recommendations to improve the victim and witness protection mechanism established under the Act, including the development of technical expertise and capacity of the National Authority for The Protection of Victims and Witnesses of Crimes as well as the independence of the Authority.⁵⁵ For instance, the National Authority may be susceptible to interference from state parties involved in the protection mechanisms, compounded by the corruption and politicization occurring in state institutions. Reforms should therefore aim to fortify the independence and transparency of the Authority in exercising its functions, by ensuring that

⁵¹ *ibid* 'Fitting the Bill'.

⁵² The Bureau is composed of the President, the Vice-President and the Presiding Judges of the Trial Chambers.

⁵³ United Nations International Residual Mechanism for Criminal Tribunals, 'ICTY Rules of Procedure and Evidence', available at <https://www.icty.org/x/file/Legal%20Library/Rules_procedure_evidence/IT032Rev50_en.pdf> accessed on 21 December 2020. see rule 28.

⁵⁴ Centre for Policy Alternatives, 'The draft Bill for the assistance and protection of victims of crime and witnesses: Critique and recommendations', available at <<https://www.cpalanka.org/the-draft-bill-for-the-assistance-and-protection-of-victims-of-crime-and-witnesses-critique-and-recommendations/>> accessed on 21 December 2020.

⁵⁵ Centre for Policy Alternatives, 'The need for a strong victim and witness protection mechanism', available at <<https://www.cpalanka.org/the-need-for-a-strong-victim-and-witness-assistance-and-protection-mechanism/>> accessed on 21 December 2020.

independent members are included within the composition of its Board of Management.

Reforms to strengthen the protection mechanisms should also be made with input from all stakeholders, most importantly including those who seek protection from the Authority, to prevent re-victimisation and effective implementation of the Act.⁵⁶

Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979

Enacted as a temporary measure in 1979, the Prevention of Terrorism Act (PTA) has effectively become permanent. The PTA provides broad powers of search, arrest and detention and guarantees immunity for officials responsible if they are deemed to be acting in good faith.⁵⁷ However, there is no definition of good faith which enables a wide range of actions to be interpreted as carried out in good faith.⁵⁸

Under the PTA, the Minister may direct a person arrested under the Act to be detained up to one and a half years, and contrary to the requirements of the Evidence Ordinance, a statement or confession made in custody may be proved against such person, and the burden of proving it irrelevant due to duress falls on the accused.⁵⁹ This has resulted in encouraging the torture and other forms of cruel and inhuman treatment of detainees by law enforcement authorities in attempts to obtain a confession from them.⁶⁰

There has been an increased number of arrests under the PTA recently following the Easter Sunday attacks. This is a disturbing development set against the past

⁵⁶ International Truth and Justice Project, 'Witness Protection: Putting the Wolf to Guard the Sheep', available at <<https://itjpsl.com/reports/witness-protection>> accessed on 21 December 2020.

⁵⁷ Section 26 of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

⁵⁸ International Commission of Jurists, 'Challenges to Accountability for Human Rights Violations in Sri Lanka: A Discussion Paper' available at <<https://www.icj.org/wp-content/uploads/2017/03/Sri-Lanka-FCO-Accountability-1-Advocacy-Analysis-brief-2017-ENG.pdf>> accessed on 21 December 2020.

⁵⁹ Section 16 of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

⁶⁰ Amnesty International, 'Sri Lanka: Countering Terrorism At the Expense of Human Rights' available at <<https://www.amnesty.org/download/Documents/ASA3797702019ENGLISH.PDF>> accessed on 20 December 2020. ; Human Rights Watch, 'Locked Up Without Evidence: Abuses under Sri Lanka's Prevention of Terrorism Act', available at <<https://www.hrw.org/report/2018/01/29/locked-without-evidence/abuses-under-sri-lankas-prevention-terrorism-act>> accessed on 20 December 2020.

experience in Sri Lanka in relation to the PTA. The PTA has been used by successive governments to target and intimidate opponents and critics of the government. It has resulted in countless instances of torture and death in police custody, for which redress and accountability have been extremely rare within the criminal justice system of Sri Lanka.

The Report of the OHCHR Investigation on Sri Lanka (OISL) recommends the review of the PTA with a view to its repeal.⁶¹ It further recommends reviewing all cases of detainees held under the PTA, and investigating and prosecuting all allegations of torture committed by law enforcement and security agencies. CPA has consistently raised concerns regarding the violation of contemporary human rights standards by the PTA and called for its repeal.⁶²

⁶¹ United Nations Human Rights Council, 'Report of the OHCHR Investigation on Sri Lanka (OISL)' available at <<https://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>> accessed on 20 December 2020. See page 249.

⁶² Centre for Policy Alternatives, 'The need to repeal and replace the Prevention of Terrorism Act (PTA)', available at <<https://www.cpalanka.org/the-need-to-repeal-and-replace-the-prevention-of-terrorism-act-pta/>> accessed on 21 December 2020. ; Centre for Policy Alternatives, 'CPA Statement on the new regulations under the Prevention of Terrorism Act', available at <<https://www.cpalanka.org/cpa-statement-on-the-new-regulations-under-the-prevention-of-terrorism-act/>> accessed on 22 December 2020. Centre for Policy Alternatives, CPA intervenes on the challenge to the proposed Counter Terrorism Bill', available at <<https://www.cpalanka.org/cpa-intervenes-on-the-challenge-to-the-proposed-counter-terrorism-bill/>> accessed on 22 December 2020.

4. Conclusion

The repudiation of Sri Lanka's commitments to promote reconciliation, accountability and human rights in Sri Lanka by the present government as well as policies and actions intended to reverse even the limited progress made raises serious concerns about the possibility of obtaining justice for victims of human rights violations. Additionally, these measures undermine the rule of law and the independence of the judiciary, as has been highlighted by CPA consistently.⁶³

In this context, CPA reiterates the urgent need for structural and legal reforms recommended in the present report as well as its previous publication on the subject. The emblematic cases highlighted in this report are only a handful among countless similar cases where progress has been slow and long drawn out. The victims of these violations are losing confidence in ever obtaining justice through the criminal justice system of Sri Lanka, and it is imperative to address their concerns through comprehensive and genuine reforms.

⁶³ Centre for Policy Alternatives, 'Fundamental Rights applications challenging the decision to pardon Sunil Ratnayake', available at <<https://www.cpalanka.org/fundamental-rights-applications-challenging-the-decision-to-pardon-sunil-ratnayake/>> accessed on 22 December 2020. ; *Centre for Policy Alternatives v Attorney General SC FR 32/2020* <https://www.cpalanka.org/centre-for-policy-alternatives-v-attorney-general-sc-fr-32-2020/>

Annexure I - Timeline and details of the ten emblematic cases

The following information is based on information received by CPA and media reports. For progress and background on these cases prior to March 2019, see previous report by CPA on the subject.⁶⁴

1. Murder of Joseph Pararajasingham, 2005	
24 Dec 2005	Mr. Joseph Pararajasingham, a senior Tamil politician and the Batticaloa district Member of Parliament (MP) of the Tamil National Alliance (TNA) was shot and killed by two unidentified gunmen at St. Mary's cathedral church in Batticaloa.
11 Oct 2015	The former Chief Minister of Eastern Province Sivanesathurai Chandrakanthan alias Pillayan was arrested by the CID over the killing of former MP Joseph Pararajasingham. Two other suspects, Edwin Silva Krishna Kandaraja alias Pradeep Master, a resident of Batticaloa and Rengasami Kanayagama alias Caajan Mama were also arrested.
4 Jan 2018	Pillayan and several of his associates appeared at the Batticaloa High Court.
13 Jan 2019	<p>The Batticaloa High Court ruled that the confessions of the two main suspects in the murder of TNA MP Joseph Pararajasingham were made voluntarily and admissible in court.</p> <p>Judge M.Y.M. Irshadeen granted permission to the prosecution to produce the confessions of Rengasamy Kanaganayagam alias Kajan Mama and Edwin Silva Krishnanantharajah alias Pradeep Master. Lawyers for paramilitary leader and former Chief Minister of the Eastern Province Sivanesanthurai Chandrakanthan alias Pillayan, had refuted the confessions which linked Pillayan to the murder.</p> <p>This was appealed to a two Judge bench of the Court of Appeal.</p>

⁶⁴ Centre for Policy Alternatives, 'The Need for Accountability in Sri Lanka's Criminal Justice System: A Glance at Seven Emblematic Cases', available at <<https://www.cpalanka.org/the-need-for-accountability-in-sri-lankas-criminal-justice-system/>> accessed on 23 November 2020.

22 Jan 2020	The case hearing for the investigation into the assassination of former Tamil National Alliance (TNA) MP Joseph Pararajasingham ruled that the case will be adjourned until 25 February 2020.
12 March 2020	Former Eastern Province Chief Minister Sivanesathurai Chandrakanthan alias Pillayan was granted permission to contest in the General Election, while in remand custody.
11 May 2020	The case against former Eastern Province Chief Minister and the incumbent Leader of the Tamil Makkal Viduthalai Pulikal (TMVP), Sivanesathurai Chandrakanthan alias Pillayan, who is in remand in connection with the murder of late Tamil National Alliance Parliamentarian, Joseph Pararajasingham will be taken for hearing on 27 July.
18 Aug 2020	The Batticaloa High Court granted leave to Sivanesathurai Chandrakanthan, who was elected to Parliament at the 2020 parliamentary election on August 5th, to attend the first session of the new parliament and future sessions.
22 Sep 2020	'Pillayan' appointed as Co-Chairman of Batticaloa District Coordinating Committee.
14 Nov 2020	The Court of Appeal ruled that the confessions were inadmissible. When the statement was originally made, the Judge had told the 1st accused to keep in mind that his statement could be beneficial or detrimental to him. It was held that this amounted to an 'inducement or threat'.
24 Nov 2020	With the confession being deemed inadmissible, Parliamentarian Sivanesathurai Chandrakanthan alias 'Pillayan', was granted bail by Batticaloa High Court. Time was granted by the Court to the Attorney General to arrive at a decision whether he intended to proceed with the case or not.
11 Jan 2021	The Attorney General's Department (AG) decided to drop the case against Pillayan in connection to the murder of former MP Joseph Pararajasingham. The AG's Coordinating Officer Nishara Jayaratne said that the AG's Department has informed the Batticaloa High Court of its decision.
13 Jan 2021	Pillayan along with four other suspects in relation to the murder of former Parliamentarian Joseph Pararajasingham, were acquitted and released.

	Batticaloa High Court Judge S. Susaidasan ordered the dismissal of the case.
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2. 'The Trinco Five': Murder of Five Tamil Students, 2006

3 July 2019	STF suspects acquitted in Trinco students murder case by Trincomalee Chief Magistrate, M. Hansa.
10 July 2019	AG directs fresh investigation into Trinco students murder case instructing Acting Inspector General of Police (IGP) C. D. Wickramaratne to try and locate the witnesses in the case. Most of the witnesses are believed to be overseas.

3. Killing of ACF Aid Workers, 2006

13 June 2019	Attorney General, Dappula de Livera, ordered police to speed up investigations into the ACF massacre
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4. Abduction of Keith Noyahr, 2008

11 June 2019	The Mount Lavinia Additional Magistrate C.H.G.Liyanage ordered the revoking of bail conditions imposed on former Army Chief of Staff Maj.Gen. (Rtd) Amal Karunasekara and Chandraba Jayasinghe in connection with the abduction of former The Nation Deputy Editor Keith Noyahr.
23 Aug 2019	Army Intelligence Sergeant Chamika Sumith Kumara arrested over Keith Noyahr case.
12 Sep 2019	The Attorney General (AG) has urged the Acting Police Chief to investigate the Criminal Investigations Department (CID)'s delayed probe into journalist Keith Noyahr's abduction case.

22 Sep 2019	The Criminal Investigation Department (CID) is to seek the assistance of the US Federal Bureau of Investigation (FBI) in the probe over the abduction and assault of former Deputy Editor Keith Noyahr.
1 Sep 2020	<p>Testifying before the Presidential Commission of Inquiry appointed to probe into the political victimisation of public officials, Retired Army Staff Sergeant, Somasuriya said that Inspector of Police Nishantha Silva threatened him to say that Journalist Keith Noyahr was abducted and held at a house in Dompe where he was assaulted upon the instructions of former Defence Secretary and incumbent President, Gotabaya Rajapaksa.</p> <p>He added that on an occasion that he was summoned to the Criminal Investigations Department (CID), he was attacked by certain CID officers following which Silva after having taken Somasiri to his house also questioned his wife. "I was threatened by Silva that if I fail to make such statements, I would lose my pension and that the future of my children will be affected," he said, adding that out of fear of repercussions, he agreed to do so.</p> <p>Following this undertaking, Somasuriya was taken to the house that he had rented in Dompe where he was forced to agree to everything that was said to him by Silva and that this was videoed.</p> <p>"Later, I was taken to the Magistrate of the Mount Lavinia Magistrate's Court, Lochana Abeywickrama upon instructions made by Silva to provide statements with regard to the abduction of Noyahr, whereby I told Abeywickrema that I was not involved in such an incident and that I was not instructed by Rajapaksa or Bulathwatte to do so," he added. However, he informed Silva that he acted according to Silva's instructions.</p>

5. 'The Missing Eleven': The Abductions of 11 Youth, 2008/09

5. 'The Missing Eleven': The Abductions of 11 Youth, 2008/09	
23 Sep 2018	CID witness in navy abductions case, Lt. Commander Krishan Welagedara, faces persecution.
14 June 2019	Two suspects in the case of abduction of 11 youths released on bail

7 July 2019	Investigators of the Criminal Investigations Department (CID) probing the Navy abductions case say former Navy Commander Admiral Wasantha Karannagoda has admitted to having knowledge of the youth being abducted
7 Aug 2019	President Maithripala Sirisena promotes Wasantha Karannagoda, a suspect charged with the murder of 11 young men abducted and illegally detained by his intelligence officers in 2008-2009 to the rank of Admiral of the Fleet
21 Aug 2019	Promotion of Navy officers charged in abduction of 11 youths is a regret for aggrieved parties, court was told. When the case was taken up before Colombo Fort Magistrate Ranga Dissanayake, the OIC of the Organized Crimes Investigation Unit of the Criminal Investigation Department (CID), Inspector Nishantha Silva told the court that justice should be served to the aggrieved parties.
22 Jan 2020	Former Navy Commander Admiral of the Fleet Wasantha Karannagoda, Rear Admiral D.K.P. Dassanayake and Commander R. K. Sumith Ranasinghe filed complaints to the CoI citing a case filed against the, at the Permanent High Court Trial-at-Bar allegedly based on false and fabricated evidence.
28 Jan 2020	The Presidential Commission of Inquiry (PCoI) appointed to probe the alleged political victimization of Public Servants under the previous administration (2015-2019) has ordered the Attorney General (AG) not to proceed with the case against former Navy Commander Admiral Wasantha Karannagoda and former Navy Spokesman Commodore D.K.P. Dassanayake until it reached a conclusion on the matter.
29 Jan 2020	Attorney General Dappula de Livera PC has informed the Presidential Commission of Inquiry (PCoI) appointed to look into alleged political victimisation of public servants that the Commission of Inquiry has no statutory or legal authority to order the Attorney General to refrain from performing his statutory functions regarding the abduction of eleven persons in 2008 and 2009.

<p>7 Feb 2020</p>	<p>The Centre for Policy Alternatives (CPA) and its Executive Director, Dr. Paikiasothy Saravanamuttu filed a Fundamental Rights application challenging some powers granted to the Commission of Inquiry to Investigate Allegations of Political Victimization During the Period Commencing 08th January 2015 and Ending 16th November 2019.</p> <p>Former Navy Commander Admiral Wasantha Karannagoda has been issued summons for the third time pertaining to the case over the disappearance of eleven youth in Colombo in the years 2008/2009.</p>
<p>17-18 Feb 2020</p>	<p>The Presidential Commission of Inquiry (PCoI) to investigate political victimization summoned former Navy Commander Wasantha Karannagoda, who appeared before the Commission. Rear Admiral D.K.P. Dassanayake too appeared at the commission to provide evidence on the complaint he filed.</p> <p>Karannagoda testifying before the CoI said various criminal charges were brought against former Defense Secretary Gotabaya Rajapaksa and himself by influencing witnesses during the previous government.</p> <p>Karannagoda alleged that former Criminal Investigation Department (CID) Director Shani Abeysekera and Inspector Nishantha Silva have hunted down war heroes at the behest of the previous government. He added that such actions had a serious impact on national security and resulted in the Easter Sunday attack.</p> <p>Karannagoda alleged that former Minister Mangala Samaraweera had entered into an agreement with the US government and convinced that the Sri Lankan military committed war crimes during the military operations to liberate the country from terrorists. He testified that attempts were made to take the former Defense Secretary, the then President Mahinda Rajapaksa, and other key personnel in war against the terrorists before the UNHRC by the previous government.</p>

<p>24 Feb 2020</p>	<p>For the fourth time, Colombo High Court Trial-at-Bar ordered to re-issue summons on former Navy Commander Admiral of the Fleet Wasantha Karannagoda in connection with the indictments filed over the abduction of eleven persons in 2008 and 2009.</p> <p>Rear Admiral D.K.P. Dassanayake testified before the CoI</p> <p>If the Government of Good Governance did not bring him back to the country, when he was following post-graduate studies on counter-terrorism in the United States, he could have served to prevent the April 21st Terror Attacks from taking place. Dassanayake said he left for the United States of America on the 14th of September 2014 to follow post-graduate studies on counter-terrorism and it contained an important program on countering Islamic-Extremism.</p> <p>He said, after the Government of Good Governance was elected, then Navy Commander Vice Admiral Jayantha Perera informed him to return to the country as per the instructions of then Prime Minister Ranil Wickremesinghe following a decision made by the Security Council at the time. Dassanayake said he returned to the country on a 14-day educational holiday adding he was requested to appear at the Criminal Investigations Department on the 19th of February 2015 to provide a statement on the abduction and enforced disappearances of 11 youth in 2008 and 2009.</p> <p>Dassanayake said rather than recording a statement from him, the OIC of the Criminal Investigations Department Nishantha De Silva filed a motion and obtained an overseas travel ban against him. Dassanayake went on to note he made multiple requests for the travel ban to be lifted, however they were turned down by court. He added the situation added serious mental stress on his wife and two children who were in the US.</p> <p>Dassanayake said CIDs Nishantha De Silva had attempted to make him a state's witness by adding pressure on his wife and children. He further said he was pressured to state that a camp operated under code name GOTA was used for this, under Former Navy Commander Wasantha Karannagoda , who is now Admiral of the Fleet and Former Defence Secretary Gotabaya Rajapaksa, who is now the president.</p>
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03 March 2020	Rear Admiral Dassanayake produced two voice clips of telephone conversations among SSP Shani Abeysekera, IP Nishantha Silva and MP Ranjan Ramanayake. The lawyers appearing for the respondents informed the commission that ASP BS Tissera would not appear before the Commission today.
24 June 2020	Former Navy Commander Admiral of the Fleet Wasantha Karannagoda filed a writ petition in the Court of Appeal challenging indictments filed against him at Colombo High Court Trial-at-Bar.
25 June 2020	Appeal Court issued interim injunction preventing Trial-at-Bar from hearing the '11 youth abduction case' against Admiral of the Fleet Wasantha Karannagoda
01 July 2020	<p>Rear Admiral D.K.P. Dassanayake summoned to the CoI.</p> <p>Rear Admiral Dassanayake appearing before the PCoI said his politically motivated arrest in connection with the abduction and disappearance of 11 youth has hindered several promotions that he could have obtained had he not been indicted , there was a possibility of even being appointed the Navy Commander. He said these individuals who were made respondents to his complaint had also formerly held discussions about his transfer from Navy Headquarters to serve in the Disaster Management Centre for two years and that this too had affected both his profession and reputation as he was forced to perform duties outside of what he was mandated to perform.</p> <p>Dassanayake said during the period where action was initiated against him in July 2017, he was due to be promoted to the position of a Commodore, but that this was hindered due to the investigations carried out by the CID, despite the statements made by the Attorney General and the Ministry of Law and Order that such investigations should not affect due promotions. Dassanayake was later appointed as a temporary Commodore. He added that the Office on Missing Persons had also sent recommendations to the former Secretary to the Ministry of Defence, Hemasiri Fernando on 17 January 2019 stating that since a case was pending against Dassanayake and therefore should not be promoted.</p> <p>He added the main evidence that the CID brought against him was that he was the supervising officer of two main suspects of the case, Commander</p>

	<p>Sumith Ranasinghe and Lieutenant Commander Prasad Hettiarachchi during the period when the incident took place. However, Dassanayake noted that he did not operate as their supervising officer. The Attorney-at-Law who appeared for the Rear Admiral produced a letter from Navy Headquarters which proved that the latter was not the supervising officer during the time of the incident.</p> <p>Dassanayake further said that Chief Inspector of Police attached to the CID, Nishantha De Silva had given information regarding the investigation in an unlawful manner to Ramanayake prior to the proceedings of the case, adding that the former Director of the CID, Senior Superintendent of Police Shani Abeysekera had also held conversations with Ramanayake with regard to this case.</p>
03 July 2020	<p>Testifying before the Commission, Dassanayake said attempts were made to use him as a witness to charge the then Defense Secretary Gotabhaya Rajapaksa and former Navy Commander Wasantha Karannagoda in an abduction case. Dasanayake said that after the attempt failed, he was indicted on false charges.</p> <p>He also said an investigation team of the Criminal Investigation Department attempted to prove that former Defense Secretary Gotabhaya Rajapaksa and former Navy Commander Wasantha Karannagoda committed war crimes. Dasanayake said he was arrested on false evidence given by former Navy Commander Travis Sinniah.</p> <p>Chairman of the PCoI, retired Supreme Court Judge, Justice Upali Abeyratne gave instructions to send notice to summon former MPs Ranjan Ramanayake, Dr. Rajitha Senaratne, D.M. Swaminathan, Ranjith Madduma Bandara and Ajith P. Perera, Senior DIGs Ravi Waidyalankara and Ravi Seneviratne, and J.C. Weliamuna PC, named as respondents in the complaint.</p>
10 Aug 2020	Former Ministers Ranjith Madduma Bandara, Rajitha Senaratne, Ajith. P. Perera and Ranjan Ramanayake appeared before the CoI.
26 Aug 2020	Former Director of the Criminal Investigations Department SSP Shani Abeysekera and MP Ranjan Ramanayake requested for further time to give evidence before the CoI.

	<p>Meanwhile, Senior Deputy Inspector General of Police Ravi Seneviratne, who was also named as a respondent to the same complaint as he was present at a meeting held at the Home Affairs Ministry in the presence of politicians including Ramanayake in 2018 where discussions were held pertaining to the hindrances faced in the investigations into abduction and disappearance of 11 youths, appearing before the PCoI, said that irrespective of the fact that politicians were present at said meeting, he spoke of the hindrance based simply on his duties.</p> <p>Dassanayake’s counsel said that if there are such hindrances, it has to be presented to Court and if necessary, an opinion should be sought from the Attorney General but that Seneviratne had instead spoken about the case in the midst of politicians. Seneviratne, speaking at the meeting had also stated that if Dassanayake remained at the Navy Headquarters where he was based at the time, it would be of hindrance to the investigations, following which Dassanayake was transferred, the counsel noted. Dassanayake remaining in the Navy Headquarters was a hindrance as the witnesses for the same case were also at the same headquarters, Seneviratne noted.</p>
<p>15 Sep 2020</p>	<p>Commander R. K. Sumith Ranasinghe testifying before the CoI said that former CID Director Shani Abeysekera, IP Nishantha De Silva, and several other officers presented fabricated evidence to the Attorney General’s Department during the period of the Government of Good Governance.</p> <p>He claimed that his arrest along with several others was the result of a conspiracy carried out by the Criminal Investigations Department that investigated the incident, to defame the Political Leadership, that brought an end to the war, locally and internationally, claiming it committed war crimes.</p> <p>Commander R. K. Sumith Ranasinghe said he had investigated an individual who was in the Sri Lanka Navy at the time, known as Lieutenant Commander Welagedara after information was received that the latter was involved in smuggling people by boat to Australia. ‘Thereafter he acted with a vengeance against me’, said Ranasinghe. He said that Lieutenant Commander Welagedara was used to fabricate false evidence against him after the Government of Good Governance was elected to power.</p>

6. Murder of Lasantha Wickramatunge, 2009

4 April 2019	Civil case filed in US over murder of Lasantha Wickramatunga by daughter Ahimsa Wickramatunga.
21 Oct 2019	The case filed against SLPP Presidential candidate Gotabhaya Rajapaksa by slain journalist Lasantha Wickrematunga's daughter Ahimsa has been denied and dismissed by the California District Court in the U.S.
13 Nov 2019	Ahimsa Wickrematunge and her legal team filed a notice of appeal to the Ninth Circuit Court of Appeals, contesting the United States District Court's decision to grant former Sri Lankan Secretary of Defense Gotabaya Rajapaksa immunity for suit related to the assassination of prominent Sri Lankan journalist Lasantha Wickrematunge.
16 Nov 2019	Gotabaya Rajapaksa was elected President of Sri Lanka. This is the first time a foreign head of state has been elected while an appeal was pending against them in U.S. courts. Rajapaksa is now entitled to head of state immunity.
20 Dec 2019	Ahimsa Wickrematunge and her legal team filed a motion to dismiss the appeal and vacate the underlying decision under the Munsingwear doctrine, which allows the lower court's decision to be vacated when a case becomes moot in the middle of an appeal.
15 Feb 2020	The travel ban imposed on former deputy inspector general in charge of Colombo south division Prasanna Nanayakkara in connection to allegedly covering up evidence on the assassination of Journalist Lasantha Wickrematunga has been lifted by Mount Lavinia Magistrate Court.
21 Feb 2020	Ahimsa Wickrematunge has filed a complaint against Senior Superintendent of Police W. Thilakaratna for attempting to aid Udayanga Weerathunga to escape arrest, at the Commission to Investigate Allegations of Bribery and Corruption.
02 March 2020	The Ninth Circuit Court of Appeals granted Ahimsa Wickrematunge's request to dismiss her case without prejudice, as Gotabhaya Rajapaksa's accession to the presidency of Sri Lanka last November gave him immunity from suits in US courts for so long as he remains president.

	The Ninth Circuit's decision clears the way for future litigation against Rajapaksa once he no longer enjoys immunity as a head of state.
18 June 2020	Ahimsa Wickrematunge, the daughter of late journalist and Editor Lasantha Wickrematunge, appealed to the Police Commission to block the appointment of SSP A.R.P.J. Alwis as Director of the Criminal Investigation Department (CID). Wickrematunge releasing a statement said that Alwis was ordered to be arrested in connection to her father's murder and he was unsuited to such a high office.
22 June 2018	The Acting Inspector General of Police (IGP) is to submit a report on the recently appointed Criminal Investigation Division (CID) Director Senior Superintendent of Police (SSP) A.R.P.J. Alwis, as directed by the National Police Commission (NPC).
28 Oct 2020	The Criminal Investigations Department had misled the court with regard to the investigations on the assassination of journalist Lasantha Wickrematunge, said Prem Ananda Udalgama, a Former Military Intelligence Office, in his testimony to the Presidential Commission of Inquiry probing incidents of Political Victimization.
4 Dec 2020	The case filed over the homicide of the late Senior Journalist Lasantha Wickrematunge was postponed to the 04th of June 2021 by Mount Lavinia Magistrate. Though officers from the Criminal Investigations Department were present in the court, there was no representation from the Attorney General's Department.
8 Jan 2021	The daughter of Lasantha Wickrematunge filed a complaint with the UN Human Rights committee seeking its assistance in probing the killing of her father.

7. Disappearance of Prageeth Ekmaligoda, 2010

23 May 2019	President pardons Bodu Bala Sena (BBS) General Secretary Galagoda Aththe Gnanasara
25 May 2019	Sandya Ekmaligoda, the wife of missing journalist Prageeth Ekmaligoda, writes to Prime Minister Ranil Wickremesinghe requesting for security

	for herself and her children after the release of Bodu Bala Sena (BBS) General Secretary Galagoda Aththe Gnanasara
24 June 2019	Sandya Eknaligoda filed a fundamental rights petition against the decision to release Galagoda Aththe Gnanasara on a presidential pardon.
10 Sep 2019	The Supreme Court ordered to hear two petitions filed by Sandya Eknaligoda and Centre for Policy Alternatives against President Maithripala Sirisena's decision to pardon Galagoda Aththe Gnanasara Thero on 5 December.
6 Nov 2019	Sandya Eknaligoda, wife of the missing journalist Prageeth Eknaligoda, lodged a complaint with the Chairperson of the Human Rights Commission of Sri Lanka (HRCSL) with regard to a statement made by SLPP Presidential candidate Gotabaya Rajapaksa on an election campaign stage in Anuradhapura, saying that he will release intelligence officers and soldiers who are in custody as soon as he comes to power on November 17.
27 Nov 2019	<p>Attorney General Dappula de Livera filed indictments against nine suspects, who are allegedly involved in the disappearance of Prageeth Eknaligoda, before the Permanent High Court Trial-at Bar.</p> <p>The Colombo Special Trial-at-Bar served indictments on nine army officials over the allegations of 'kidnapping and conspiring to murder' journalist Prageeth Eknaligoda during a time between January 25 to 27, 2010.</p> <p>The Special Trial-at-Bar subsequently released the accused on previous bail conditions as the prosecution did not object on bail because the accused have not so far violated the previous bail conditions (during the magisterial inquiry by the HC). However, the Court imposed a travel ban on the accused and ordered to surrender the passports to the court.</p>
18 Dec 2019	The Permanent High Court Trial-at-Bar today decided to commence the examination of evidence in the case filed against 09 Intelligence Officers and issued summons on witnesses.
31 Dec 2019	Sandya Eknaligoda, wife of missing cartoonist Prageeth Eknaligoda claims that witnesses connected to the case are being intimidated by Army intelligence officers. She also denied claims that former Minister Patali Champika Ranawaka was linked to the disappearance of her

	husband, and requested the new President Gotabaya Rajapakasa not to influence the judicial process.
20 Jan 2020	The Colombo High Court ordered the Eknaligoda abduction case to be postponed until 06 February.
6 Feb 2020	The Special High Court Trial-at-Bar ordered to hear the case filed by the Attorney General against nine Army intelligence officers accused of abducting and disappearing journalist Prageeth Eknaligoda on the 13th of February.
13 Feb 2020	The Colombo High Court Trial-at-Bar decided to fix the hearing of the Prageeth Eknaligoda abduction case to 20 February 2020.
20 Feb 2020	Evidence examination in the case filed over the abduction and assassination of Journalist Prageeth Ekneligoda to commence on the 11th of March at the Permanent High Court Trial at Bar in Colombo.
11 March 2020	<p>The nine suspects who are named as defendants in the case filed regarding the disappearance of journalist Prageeth Eknaligoda claimed that they were not guilty of the charges filed against them.</p> <p>DSG Sudarshana de Silva who appeared on behalf of the Attorney General for the prosecution, urged the Court to postpone the further hearing of the case until 16 March as DSG Dileepa Peiris was unable to appear in Court today (11) due to being away on official duty. He also requested the Court to issue a warrant to Sumathipala Suresh Kumar, a former LTTE cadre who has been named as the fourth witness in the case. Kumar is currently in custody in Paris, the warrant was requested in the event that he is deported, to enable the Police to arrest him at the Bandaranaike International Airport.</p> <p>Furthermore, notice was also issued to Sandhya Eknaligoda, first witness in the case and wife of the late journalist to appear in Court on 16 March to testify.</p>
13 March 2020	The Colombo High Court yesterday(12) issued a warrant for the arrest of former L.T.T.E member Sumathipala Suresh Kumar alias Ravindran in the case filed against nine army intelligence officers in connection with the abduction and murder of Journalist Prageeth Ekneligoda.

	<p>Deputy Solicitor General Sudharshana de Silva appearing on behalf of the Attorney General informed the Court that prosecution witness Suresh Kumar is staying in France illegally and prosecution failed to repatriate him back.</p>
15 July 2020	<p>The Supreme Court dismissed the Fundamental Rights petitions filed by two defendants in the case of the abduction and forced disappearance of journalist Prageeth Ekneligoda. The FR petitions had been filed by Army Intelligence Officer Lieutenant Colonel Erantha Peiris and Corporal S.K. Ulugedara, claiming that placing them under arrest over the alleged abduction and murder of Ekneligoda is unlawful.</p> <p>Deputy Solicitor General Dileepa Peiris, raising fundamental objections, told the bench that there is sufficient evidence to prove the charges against the two accused. He further stated that charges were laid against the duo based on the information discovered via analysis reports on phone records and other evidence. Taking the submissions into consideration, the bench decided to dismiss the FR petitions filed by Erantha Peiris and S.K. Ulugedara.</p>
25 Aug 2020	<p>The Presidential Commission of Inquiry probing Incidents of Political Victimization issued notices on Former Director of the Criminal Investigations Department SSP Shani Abeysekera, IP Nishantha De Silva, IP Premathilake and Sergeant Mendis to appear at the PCoI on the 10th of September.</p> <p>They were noticed following a complaint filed by Colonel Prabodha Siriwardena with the commission. His complaint claimed the officers of the Criminal Investigations Department pressured him to state the abduction and enforced disappearance of journalist Prageeth Ekneligoda was carried out on the instructions of then Defence Secretary Gotabaya Rajapaksa.</p>
19 Oct 2020	<p>Two Fundamental Rights petitions filed challenging former President Maithripala Sirisena's decision to grant pardon to Bodu Bala Sena (BBS) General Secretary Ven. Galagoda Atte Gnanasara Thera were re-fixed for support by the Supreme Court.</p>

8. Murder of Wasim Thajudeen, 2012

17 May 2012	Rugby player Wasim Thajudeen was found dead in his burning car near Shalika Hall on Park Road, Colombo 05.
April 2013	The conclusion of the interim report by JMO Prof. Ananda Samarasekara indicated the cause of death was a combination of blunt force trauma to the head and Carbon Monoxide toxicity and burning.
July 2013	The police ruled the incident as a vehicular accident.
March 2015	CID took over the investigation.
27 July 2015	The CID noted at the Colombo Magistrate's Court that since there were disparities in the reports of the judicial medical officer and the post-mortem examination, the responsible officials were questioned. Information had come to light that foul play may have been involved in Thajudeen's death. The CID also made a request to exhume the body in order to carry out further investigations.
6 Aug 2015	<p>Following the request made by the CID, Colombo Additional Magistrate Nishantha Peiris ordered on August 6 that the body of national rugby player, Wasim Thajudeen be exhumed in the presence of the panel of the JMO, clerics and the Grama Niladhari Officer and also ruled that police protection be provided to the body.</p> <p>Evidence shows that the Land Rover Defender vehicle used to abduct Thajudeen shortly before he was murdered was in the possession of the Siriliya Foundation of Mrs. Shiranthi Rajapaksa.</p>
10 Aug 2015	The body of Wasim Thajudeen was exhumed and a new post mortem by a special three-member team of forensic specialists.
Sep 2015	This report found that Wasim Thajudeen's chest plate, windpipe and two long bones which had symmetrical fractures were missing from the remains of the slain Rugby player. It concluded that the cause of death was the 'effects of multiple injuries to the lower limbs, neck and chest of the decedent caused by blunt weapons along with the subsequent fire'. The report also stated, "Considering all the observations and comments given above, we are of the opinion that the deceased was not driving the vehicle

	at the time of the said accident or commencement of the fire. It is highly probable that the incapacitated person was kept on the passenger seat by another person”.
3 Nov 2015	Magistrate Nishantha Peiris, who was taking swift action to solve the Thajudeen case was transferred to the Matara District Court with effect from 1 January 2016 by the Judicial Services Commission.
Dec 2015	Three persons involved in the murder of ruggerite Wasim Thajudeen have been identified after analysing CCTV footage. Among these are two persons attached to the Navy.
30 Dec 2015	The Judicial Service Commission cancelled the transfer of Magistrate Nishantha Peiris.
5 Jan 2016	The University of Colombo School of Computing experts who analysed the CCTV footage pertaining to the murder of Wasim Thajudeen recommended that the CCTV footage should be sent for expert forensic analysis in a forensic laboratory such as the FBI Laboratory Service in the USA, the British Columbia Institute of Technology in Canada or the Metropolitan Police Service in the UK.
25 Feb 2016	Magistrate rules that Thajudeen’s death was murder.
3 March 2016	Colombo Additional Magistrate Nishantha Peiris ordered EPDP leader and former Minister Douglas Devananda to submit the storage hard disks of the CCTV records of an office located in Park Street Colombo 5 on May 16, 2012.
April-May 2016	Western province former senior DIG Anura Senanayake and former Narahenpita Crimes OIC Sumith Champika Perera arrested over their alleged role in the cover up of evidence. In a statement to the Criminal Investigations Department (CID), former Narahenpita Crimes OIC Sumith Champika Perera told that he received instructions from higher ranking police officers not to conduct further investigations in connection with the murder of former rugby player Wasim Thajudeen.
13 May 2016	The Sri Lanka Medical Council has issued charge sheets on the JMO panel led by former Colombo Chief JMO Dr Ananda Samarasekara who

	conducted the first autopsy on the body and a disciplinary committee will investigate the matter, the Medical Council informed the court.
20 Sep 2016	Chief Police Inspector at the CID Ravindra Wimalasiri informs Colombo Magistrate Court that remains of Thajudeen transferred to a private medical institute in Malabe (SAITM) by JMO Ananda Samarasekara.
2 Nov 2016	CID conducting investigations into the murder of former rugby player Wasim Thajudeen informed Court that they have initiated a comprehensive investigation into the telephone calls received by former Narahenpita OIC Damian Perera on the night Thajudeen's murder took place. At a previous occasion, the CID informed Colombo Additional Magistrate Nishantha Peiris former Narahenpita OIC Damian Perera had received three telephone calls from the phones belonging to the Presidential Secretariat Office on the night of May 17, 2012 at Shalika Ground where Thajudeen's murder took place.
2 June 2017	Senior DIG Anura Senanayake enlarged on bail.
28 Sep 2017	DSG Dilan Ratnayake informs Colombo Additional Magistrate Jeyram Trotsky multiple calls were made from presidential secretariat to former OIC of Narahenpita police.
2 Oct 2017	Former JMO named third suspect of the investigation.
19 Oct 2017	Chief JMO of Colombo, Dr. Ananda Samarasekara surrendered to court with regard to the Wasim Thadjudeen murder case anticipating a move by CID to arrest him on charges that he had falsified the post-mortem report into Thajudeen's death and destroyed evidence in the case. He filed for bail and was released in consideration of his ill health and treatment he is receiving.
26 Jan 2018	CID investigations revealed that several phone calls had taken place between the Presidential Secretariat (under the then government) and Senior DIG Anura Senanayake immediately following the incident. Deputy Solicitor General, Dilan Ratnayake, informed Colombo Additional Magistrate Dharshika Wimalasiri, that it is necessary to obtain several statements from a number of close associates of former president Mahinda Rajapaksa's family, in connection to the murder of rugby player Wasim

	<p>Thajudeen. Deputy Solicitor General, Dilan Ratnayake, speaking in court, revealed that a member of the Rajapaksa family had used two vehicles attached to the Presidential Secretariat to travel to the vicinity of the crime scene. He further notes that the two vehicles had been driven by two members of Sri Lanka Navy, and noted that steps will be taken to obtain statements from the two Navy personnel in question.</p>
June 2018	<p>The Navy informed the CID that reports regarding the Navy officers deployed to the security convoy of former President Mahinda Rajapakse and his family were unavailable.</p>
20 Sep 2018	<p>CID informs Colombo Additional Magistrate Isuru Neththikumara reliable evidence that a defender vehicle given to Siriliya Saviya Foundation by Sri Lanka Red Cross Society was used to abduct Thajudeen.</p>
Oct 2018	<p>The Magistrate ordered the Government Analyst to probe whether any human remains and explosives had been in the jeep used for the abduction and murder of the victim.</p>
29 Nov 2018	<p>Colombo Additional Magistrate directs CID to arrest suspects directly involved in the crime.</p>
28 Feb 2019	<p>Attorney General informs Court that indictments will be filed against three suspects, former crimes OIC of Narahenpita Police Sumith Perera, former Senior DIG Anura Senanyake and former JMO of Colombo Ananda Samarasekara.</p> <p>The Deputy Solicitor General further said investigations are underway regarding several Army and Navy officers, who had served as security detail for former President Mahinda Rajapaksa, however, attempts to track their official records have failed.</p> <p>Inspections into the laptop computer and the mobile phone used by Thajudeen have also failed to uncover any information useful for the ongoing investigations, the Deputy Solicitor General further told the court.</p> <p>Magistrate Neththikumara made a statement in open court that there is a lack of progress in finding evidence regarding this investigation. Hence the magistrate ordered the prosecution to expedite the conclusion of investigations and to file indictments if there is any evidence against the defendants of the case.</p>

24 May 2019	The Attorney General filed charges in the Colombo High Court under section 198 of the penal code against former Senior DIG Anura Senanayake for providing false information to protect the accused in the Wasim Thajudeen murder case from legal action and punishment. The Colombo High Court issued notice on former Senior DIG Anura Senanayake to appear in court on the charge of screening offenders from legal punishment in the Wasim Thajudeen murder case.
27 June 2019	Colombo Additional Magistrate Shalani Perera acquitted the first accused in the Wasim Thajudeen murder case, former Officer-in-Charge of the Narahenpita Police Crimes Division, Sumith Perera. Attorney General served an indictment on former Senior DIG Anura Senanayake, who will become the first accused person to face trial in connection with the 2012 murder. He faces charges in the Colombo High Court under Section 198 of the Penal Code - for attempting to cover up the sportsman's murder that was ruled a "motor traffic accident" until the case was reopened in 2015.
30 July 2019	The case filed against former Senior Deputy Inspector General of Police Anura Senanayake for allegedly covering up evidence in connection with the death of former Havelocks SC captain Wasim Thajudeen was fixed for trial on October 23 by the Colombo High Court.
7 Aug 2019	Former Judicial Medical Officer (JMO) Ananda Samarasekara was indicted by the Attorney General at the Colombo High Court.
27 Aug 2019	Prof Ananda Samarasekara indicted and released on bail.
16 Jan 2020	Colombo High Court Judge Vikum Kaluarachchi ordered to make submissions on 2 March on the case against former Senior DIG Western Province Anura Senanayake who is charged with concealing evidence of the murder of rugby player Wasim Thajudeen.
24 Feb 2020	The case filed against former Chief Judicial Medical Officer (JMO) Prof. Ananda Samarasekara over concealing evidence relating to the murder of national ruggerite Wasim Thajudeen, was re-fixed for trial on June 11 by the Colombo High Court.
22 July 2020	AG informs Actg. Magistrate that the 3rd suspect in Thajudeen's murder Ex-Chief JMO Prof Ananda Samarasekara has died. Ex-Senior DIG Anura Senanayake the 1st suspect is ill and is receiving treatment.

<p>26 Sep 2020</p>	<p>The Colombo High Court yesterday adjudicated the case that was being heard before the High Court and terminated further inquiry, as the suspect of the case had passed away.</p> <p>High Court Judge Manjula Thilakaratne, on considering the submission made by the Counsel who appeared on behalf of the relations of the former JMO of Colombo, asserted that Prof. Ananda Samarasekera had passed away. Consequently, the Judge closed further proceedings of the case.</p>
<p>6 Oct 2020</p>	<p>Former Officer-in-Charge (OIC) of the Narahenpita Police Station, Sumith Perera, claimed that he was threatened by the former Director of the Criminal Investigation Department (CID), Shani Abeysekara and other officers threatened him to produce evidence that President Gotabaya Rajapaksa and MP Namal Rajapaksa forced him to sweep under the carpet investigations of the murder of rugby player Wasim Thajudeen.</p> <p>Testifying before the Presidential Commission of Inquiry yesterday (5), Perera said he was the OIC at the Narahenpita Police Station Crimes Division and conducted the investigations into the death of Thajudeen.</p> <p>He further claimed that after the initial investigations and the evidence produced in Court, the Magistrate ruled that death of Thajudeen took place as a result of drinking and driving, following which the vehicle met with an accident and was on fire. However, following the appointment of the Yahapalana Government, he was summoned to the CID after the case had been ruled as a murder.</p>

9. Welikada prison incident, 2012

<p>9 Nov 2012</p>	<p>The Army and Special Task Force (STF) were deployed to overpower a group of prisoners at the Welikada Prison. The government claimed that the prisoners were terrorist suspects. 27 prisoners were killed while 43 were injured during this attack. According to the accounts of eye-witnesses, the Commissioner General of Prisons was seen inside the prison immediately after the incident, and therefore, it is believed that he is aware of army officers being present inside the prison during the massacre.</p>
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	<p>According to two available Certificates of Deaths, cause of death is due to shooting. However, one indicated that shooting was from afar, while eyewitnesses affirmed that all victims were shot at close range.</p>
2012 - 2015	<p>CID investigations inconclusive. Sudesh Nandimal an eyewitness who had been an inmate at the time said they had not taken his full statement as the investigators had said “that is enough” at a point.</p> <p>Commission appointed by the then Minister of Rehabilitation and Prison Reforms Chandrasiri Gajadeera. The Interim or Final report has not been made public. The three-man committee has concluded that the deaths were caused by fellow inmates and justified the summoning of the Special Task Force (STF) and the Army to control the situation. The Minister was also quoted as saying the recommendations of this report couldn’t be implemented as one Commissioner had disagreed with some of the recommendations made by the other two members.</p> <p>Commission appointed by then Commissioner General of Prisons, P.W.Kodippili. The report has not been made public.</p> <p>Investigation by the Human Rights Commission of Sri Lanka. The Chairman of the HRCSL was reported to have told the media that the HRCSL’s investigation was put on hold based on a request by the Commissioner General of Prisons.</p>
2014	<p>Sriyawathi, the mother of Wijaya Rohana alias ‘Gundu’, one of the inmates who was killed and Samanthi, her daughter in law, were arrested on false charges.</p>
2015	<p>The incident was subject to investigation by the Committee of Inquiry into the Prison Incident 2012 (CIPI) which was appointed in early 2015 by the Minister of Justice, and it presented its report in June 2015. The recommendations of the report were made public but not the contents as it would hamper ongoing or fresh investigations into the incident, the then Minister of Justice, Wijeyadasa Rajapakshe said.</p> <p>The committee had recorded evidence from inmates, prison officials, military and STF personnel and several other high-profile individuals, including Defence Ministry Officials, then head of Army Intelligence Kapila Henadawitarane, Senior DIG of State Intelligence and TID Chandra Wakishta and former Senior DIG/ Western Province Anura Senanayake.</p>

	<p>In his statement to the committee, former Secretary, Rehabilitation and Prison Reforms, Ariyasiri Dissanayake confirmed the raid was conducted due to the pressure exerted by then Defence Secretary, Gotabhaya Rajapaksa. Also providing evidence, the then Commissioner General of Prisons P.W Kodippili had said the need for conducting a raid using 798 STF personnel was discussed at a meeting held on July 17, 2012, at which Rajapaksa was also present.</p> <p>STF Commandant- Deputy Inspector General of Police Chandrasiri Ranawana now retired told the Committee that the search conducted on 9.11.2012 was not done on its own accord by the STF, but on the direction of Rajapaksa with the coordination of DIG Nimal Wakishta, Director- State Intelligence Service (SIS) and DIG Terrorist Investigation Division (TID) during 2012 following a series of discussions. Ranawana also confirmed that the STF functioned under the Ministry of Defence when the incident took place.</p>
June 2015	The report recommends fresh criminal investigations of matters that have not been taken into consideration with a special focus on alleged violations corresponding to torture and matters that constitute an offence under S. 162 of the Penal Code. It was recommended that investigations be conducted by a special team under the supervision of the IGP.
Feb 2016	Sriyawathi, who was suffering from cancer died in custody. Repeated efforts by her husband Alwis to obtain bail for her had failed. Alwis sought legal action against the injustice from The Human Rights Commission in Sri Lanka. Proceedings of the case HRC/2926/14 which lasted for two years, ended with no further action being taken. When inquired into by the HRCSL, it said their recommendations had already been sent to the relevant authorities and now it is not their job to follow the recommendations given.
19 March 2016	Sudesh Nandimal Silva, an inmate at the time of the incident, who had testified to the Criminal Investigation Department of the Police, Human Rights Commission of Sri Lanka and the Committee of Inquiry into the Prison Incident 2012 (CIPI) reported that he was being followed by unknown persons. One such vehicle -a black coloured jeep (model Pajero with number 62-0761) was found to belong to the Police Narcotics Bureau. He lodged a complaint with the Maligawatta Police station (under CIB I 148/146).

Jan 2017	<p>The Human Rights Commission in Sri Lanka (HRCSL) recorded a statement from journalist Kasun Pussewela after he had filed a petition at the HRCSL.</p> <p>A complaint filed with the Nittambuwa police by the lawyer appearing for the aggrieved party for the threats he has been receiving.</p>
April 2017	An application filed by a witness before the Court of Appeal seeking a writ of mandamus to compel the CID and Police to investigate the incident.
17 Oct 2017	Senior State Counsel Madhava Tennekoon, appearing for the Attorney General, informed Court that there were inquiries conducted by teams from the Special Task Force, Army and prison officers. He said that a fresh investigation is being conducted by a team of police officers appointed by the IGP and 75% of the investigation has been completed and sought permission for another four to six weeks to complete the entire investigation. Counsel K.S. Ratnavale, appearing for the petitioner, pleaded that the investigation should be conducted in a transparent manner and its progress should be conveyed to Court.
Early 2018	Investigations into the incident initiated by CID.
20 March 2018	<p>IP Rangajeewa filed a Fundamental Rights Petition in Supreme Court seeking an Interim Order directing the respondents including DIG Ravi Seneviratne of CID, IGP Pujith Jayasundara and the Attorney General not to arrest him until the final determination of the FR application is made.</p> <p>Former Commissioner of Prisons Department Emil Ranjan Lamahewa and former Police Narcotics Bureau Inspector Niyomal Rangajeewa were arrested and remanded on suspicion of the killing of prisoners.</p>
24 April 2018	Magisterial inquiry into the case was taken up before the Colombo Chief Magistrate. Court ordered the investigators to uncover who gave orders to kill the inmates during the riots.
22 May 2018	Colombo Additional Magistrate Chamari Weerasooriya ordered the CID again to focus their investigations on the officials who ordered law enforcement and the armed forces to enter the prison on the day. Despite orders from the court, the CID never followed through.

25 Sep 2018	The Court of Appeal ordered Rangajeewa to be released on bail.
22 Nov 2018	Rangajeewa reinstated to his previous position at the Police Narcotics Bureau.
Dec 2019	A journalist who had been closely following the investigation lodged a complaint following numerous threats on social media reportedly from Rangajeewa. Investigations into the threats ongoing.
21 June 2019	The Attorney General requests the Chief Justice to appoint a three-judge bench to hear the case over the Welikada Prison riot case.
18 July 2019	<p>The Colombo High Court Trial-at-Bar bench served indictments on two accused, Inspector Moses Rangajeewa attached to the Police Narcotics Bureau and of Magazine Prison Superintendent Lamaheewa Emil Ranjan, over the killing of inmates during the Welikada Prison Riots.</p> <p>They were ordered to be released on bail by the Trial-at-Bar bench and were barred from leaving the country.</p> <p>Meanwhile, third accused Indika Sampath who was attached to the Prisons intelligence unit was not present in Court and Deputy Solicitor General Dilan Ratnayake informed the court that the prosecution is expecting to proceed with the case in absentia of the third accused.</p>
30 Aug 2019	Court ordered the case to proceed without serving indictments on prison intelligence officer Indika Sampath who has been named as the accused in the case. Sampath has been absconding since January 2018 and is believed to be residing in the United Kingdom now. The case has been fixed for October 14 by the Special High Court.
Jan 2020	Former Commissioner of Prisons, Emil Ranjan Lamaheewa lodged a complaint to the CoI investigating cases of political victimization (2015-2019) concerning the case filed at the High Court over the 2012 Welikada Prison riot alleging that it was filed to seek political vengeance.
19 June 2020	<p>Former Commissioner of Prisons, Emil Ranjan Lamaheewa testified before CoI.</p> <p>He stated that several Non-governmental organizations had attempted to use the Welikada prison incident to prevent Gotabhaya Rajapakse</p>

	<p>becoming the President. He said that the Nambuwasam Committee appointed to investigate the incident did not function independently but tried to further the interests of these Non-governmental organizations. He also said that even though the first accused in the case was released on bail, he was remanded for over a year because he refused to incriminate Gotabhaya Rajapakse in connection with the case. Lamahewa also said that the former director of the CID Shani Abeysekera conspired with the then government to fabricate evidence to file the case against him, and that he was deprived of all promotions due to him</p>
22 June 2020	<p>Police Inspector Neomal Rangajeewa of the Police Field Force Headquarters testified before CoI</p> <p>He said that original evidence has disappeared regarding the Welikada Prison incident. He said that when the incident occurred he was engaged in a mission to capture the drug dealer Velesuda who is now in prison. He said that due to this he and his family received death threats and also presented two CDs containing the alleged threats from Velesuda. He also said that one CD contains instructions from Velesuda to create public opinion through media that unarmed inmates were shot by police inside the prison.</p>
26 June 2020	<p>The Colombo Permanent High Court Trial at Bar strictly warned IP Neyomal Rangajeewa and former Prisons Commissioner Emil Ranjan Lamahewa, the first and second suspects in the Welikada prison riot case, that their bail order would be cancelled and they would be remanded. The warning was given after the Attorney General informed the court of the fact the two defendants had made comments to the media which pose a negative impact on the case and the prosecution.</p>
01 July 2020	<p>Former Commissioner of Prisons, Emil Ranjan Lamahewa testified before CoI</p> <p>Lamahewa said that in mid-2018, Mr. Mervin Silva who came to the prison proposed to him to make a confession in court against former President Mahinda Rajapaksa and former Defence Secretary and present President Gotabaya Rajapaksa in connection with the deaths of inmates at the Welikada Prison. It was also stated that a person called Ashoka Jayathunga came to Welikada Prison with a message from the former Prime Minister's Office to meet Lamahewa and that he was asked to state the name of Mr.</p>

Gotabaya Rajapaksa with the Welikada Prison incident and he was told that he would be freed soon if it was done.

Superintendent of the Mahara Prison Jagath Chandana Weerasinghe testified before CoI.

Weerasinghe said that when former Minister Thalatha Athukorala made an observation tour of the prison, he discussed with her about the release of Mr. Emil Ranjan. He said that former Minister Thalatha Athukorala asked him to say the names of persons who gave orders in connection with the Welikada prison incident.

Mr. Chandana Weerasinghe said that when he informed that he was not aware of this, the Minister then said he had to get release after appearing in the court case. He said that since there was an environment against Mr. Gotabaya Rajapaksa, the request of the Minister to give the persons who ordered the incident was aimed to link Mr. Gotabaya Rajapaksa's name with the incident. He said that Prison Superintendents led by him sent a letter to former President Maithripala Sirisena about the innocence of Mr. Emil Ranjan who was a former Chairman of Prison Superintendents Association. He said that they believed there would be a significant change in the country if Mr. Gotabaya Rajapaksa became the President. He pointed out that a major change is taking place in prisons with the intervention of the President and there will be a clear change in prison activities in future with the appointment of a Director General from the Prisons Department.

Former Senior DIG Gunasena Thenabandu, a member of the Bandula Atapattu Committee appointed to investigate into the incident

He said that the committee submitted a 540-page report including 17 recommendations. He said that the committee was appointed by the Ministry Secretary on the instructions of then Minister Chandrasiri Gajadeera three days following the incident. However, he said that appointing another Committee by the good governance government without considering that committee report, is questionable. He said that the aim was to act against Mr. Gotabaya Rajapaksa as a part of the process against state officials during the good governance government.

07 July
2020

Police Inspector Neomal Rangajeewa of the Police Field Force Headquarters testified before CoI

	Rangajeewa said that former DIG Pujitha Jayasundera assured him that he would be acquitted of all charges, if he admitted that he was sent to prison by former Defence Secretary Gotabaya Rajapaksa on the day in which a clash in the prison took place. He said that attempts were made to suspend his service by framing false charges at the behest of drug traffickers and certain political party representatives.
20 Aug 2020	Former IGP Pujith Jayasundara, former Minister D.M. Swaminathan, CID's Superintendent of Police Chithrananda Wickramasekara and several others appeared before the CoI following summons issued after a complaint lodged by former Inspector Neomal Rangajeewa.
24 Aug 2020	Former Minister Thalatha Athukorala and IGP Pujith Jayasundara appear at PCoI on Political Victimization
24 Sep 2020	Former IGP Pujith Jayasundara testified before the PCoI on Political Victimization that following the instructions of former Minister of Prison Reforms, Rehabilitation, Resettlement and DM Swaminathan, he had ordered the recommencement of investigations into the Welikada Prison incident in 2012. He also stated when questioned that considering the time frame, the instructions have been given in line with the UNHRC session which were to be held during this period.

10. Rathupaswala shooting, 2013

1 Aug 2013	Army soldiers of the 58th Division and commando regiments launched an armed attack on unarmed civilians protesting against the pollution of drinking water by release of acid from a factory in Rathupaswala, a village in Weliveriya in the Western Province of Sri Lanka. The military first removed media personnel away from the area by force before shooting at civilians. Following the shooting, 3 civilians were killed and more than 30 were injured.
3 Aug 2013 - 6 Aug 2013	Sri Lanka Army constituted a five-member board to investigate allegations against the military, including the assault on civilians and the killing of three protesters, including a 19-year-old and a 17-year-old boy, in Weliveriya. Amnesty International and UNP call for an international

	probe into the incident. Human Rights Commission of Sri Lanka announced a commission of inquiry to look into the incident
6 Aug 2013	The Ceylon Teachers' Union (CTU) and the Independent Educational Employees Union (IEEU) lodged a complaint with the Human Rights Commission of Sri Lanka (HRCSL) against the killing of two school children by the Army at Weliveriya last week.
9 Aug 2013	Military pressure on media reporting the incident
18 Aug 2013	Military intimidation of media reporting the incident continues
23 Aug 2013	The Bar Association of Sri Lanka (BASL) has expressed strong opposition to the investigations conducted by the Army into the Weliveriya incident on 1 August, where three persons were killed. They also requested Gampaha Chief Magistrate, Tikiri Jayatilleke, to call off all investigations conducted by the Army, alleging that they are to blame for the three deaths.
21 Aug 2013	The military court of inquiry into the Weliveriya shooting presented its report to the Army Commander. The report was never made public.
28 Aug 2013	The Magisterial inquiry was held by Gampaha Magistrate Tikiri K. Jayatillake into the deaths caused during the Weliveriya protests. Army Commander suspended a Brigadier and their Lieutenant Colonels implicated in the Weliveriya killings. The military proclaimed that those who broke the military law will be court-martialled.
18 Sep 2013	The Bar Association of Sri Lanka (BASL) charged that officers attached to the Colombo Crime Division (CCD) are intimidating the witnesses who have given evidence on the Rathupaswala incident.
May 2014	Military officers suspended for their implication in the shooting reinstated. Brigadier Deshapriya Gunawardhana who commanded the Army battalion involved in the Rathupaswala shooting appointed as the Military Attaché for Sri Lankan Embassy in Turkey. Following the incident, the government had publicized that Brigadier Deshapriya was interdicted.

March 2016	The investigation was handed over to the CID by former IGP N.K. Ilangakoon.
24 March 2017	Three Army personnel arrested by the CID in connection with the shooting incident at Rathupaswala in Weliveriya. However, Army Spokesman Roshan Seneviratne said no action had been taken so far against the personnel taken into custody.
April 2017	The government paid Rs 4.8 million in compensation for 33 people who were shot by the army in 2013 and Rs. 1 million each to the families of the three youths who were shot dead.
3 April 2017	Counsel Jayantha Dehiattage, appearing for the aggrieved party, submitted that the suspects arrested in the incident were officers of lower ranks, and prayed that the CID be ordered to arrest the higher-ranking officers who issued the command to open fire.
25 May 2017	Criminal Investigation Division (CID) of the Police arrested Brigadier Anura Deshapriya Gunawardena for involvement in the Rathupaswala shooting
11 July 2019	Attorney General requests Chief Justice to appoint trial-at bar over Rathupaswala shooting case.
11 Sep 2019	The Attorney General (AG) filed indictments against the suspects involved in the Rathupaswala shooting incident.