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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION**

14 AHIMSA WICKREMATUNGE, in her individual
15 capacity and in her capacity as the legal
16 representative of the estate of LASANTHA
17 WICKREMATUNGE,

18 *Plaintiff,*

19 v.

20 NANDASENA GOTABAYA RAJAPAKSA,

21 *Defendant.*

Case No. 2:19-cv-02577-R-RAO

22 **DECLARATION OF JOSEPH**
23 **ASOKA NIHAL DE SILVA IN**
24 **SUPPORT OF DEFENDANT'S**
25 **MOTION TO DISMISS**
26 **PLAINTIFF'S FIRST**
27 **AMENDED COMPLAINT**

28 Date: September 16, 2019
Time: 10:00 am
Courtroom: 880
Judge: Hon. Manuel L. Real

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14 * Applications to appear *pro hac vice* pending.
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1 I, Joseph Asoka Nihal de Silva, hereby declare as follows:

2 **I. Introduction**

3 1.1 I received my Bachelor of Laws Degree from the Law Faculty of the
4 University of Sri Lanka in 1971, was admitted to the bar by the Supreme Court of Sri
5 Lanka in 1972, and practiced law as an attorney-at-law of the Supreme Court.

6 1.2 I joined the Department of the Attorney-General on February 4, 1974, as a
7 State Counsel, which required that I appear as counsel for the State in civil and
8 criminal matters in both the original and appellate courts in Sri Lanka. I held the
9 position of Senior Deputy Solicitor General when I was elevated as a Judge of the
10 Court of Appeal in 1995.

11 1.3 On August 1, 2001, I was appointed as a Judge of the Supreme Court and
12 assumed the office as the 42nd Chief Justice of Sri Lanka on June 9, 2009. I demitted
13 from that office on May 17, 2011, upon reaching the age of retirement.

14 1.4 After my retirement, the President of Kenya appointed me as a member of
15 the Vetting Board of Judges and Magistrates with two other judges from the
16 Commonwealth of Countries.

17 1.5 In 2004, I was appointed as Judge of the International Criminal Court for
18 Rwanda and functioned in that capacity for four years, during which time I was a
19 member of the bench that dealt with several cases of genocide.

20 1.6 Annexed to this declaration is a copy of my curriculum vitae as Exhibit 1.

21 **II. Scope of Engagement**

22 2.1 I submit this declaration at the request of Counsel for Defendant
23 Nandasena Gotabaya Rajapaksa in support of his motion to dismiss this action on the
24 basis of *forum non conveniens*.

25 2.2 In preparing this declaration I have read Plaintiff's First Amended
26 Complaint in Case No. 2:19-cv-02577-R-RAO, as well as relevant Sri Lankan law and
27 other legal authorities as set out in this declaration.
28

1 2.3 The opinion provided in this declaration is based upon the common law of
2 Sri Lanka and statutory law as set out in the Sri Lankan Constitution, Civil Procedure
3 Code, Judicature Act, and upon academic writings and relevant precedent. I reserve to
4 myself the right of providing an appropriate addendum to this declaration in the event
5 any other relevant materials are subsequently made available to me.

6 2.4 The opinions in this declaration are expressed on the basis of my expertise
7 and experience. The opinions expressed represent my complete, true, and professional
8 opinion and are entirely mine.

9 2.5 My opinions have been requested on the following questions:

- 10 i. Assuming that all allegations contained in the First Amended
11 Complaint are true and correct, would Sri Lankan courts have
12 jurisdiction over claims brought by the Plaintiff against the
13 Defendant based on similar allegations?
- 14 ii. What is the procedure for service of process on a defendant in Sri
15 Lankan judicial proceedings?
- 16 iii. What Sri Lankan civil causes of action are available to the Plaintiff
17 and what types of damages could be recovered?
- 18 iv. Is there a process in Sri Lanka for recommending the initiation of
19 criminal proceedings to the government?
- 20 v. Could the Plaintiff seek redress in Sri Lanka through any other type
21 of proceeding or avenue for relief?
- 22 vi. Must a plaintiff be physically present in Sri Lanka in order to file a
23 civil action, recommend the initiation of criminal proceedings, or
24 otherwise seek relief as discussed above?
- 25 vii. Have civil actions based on allegations similar to those contained in
26 the First Amended Complaint been brought against former or
27 current government officials in Sri Lanka?
- 28 viii. Have criminal actions based on allegations similar to those

1 contained in the First Amended Complaint been brought against
2 former or current government officials in Sri Lanka?

3 ix. Would the Plaintiff's claims be time-barred by the statute of
4 limitations in Sri Lanka?

5 2.6 In this declaration, I will set out a comprehensive narrative of the Sri
6 Lankan legal system, describing the basic features of the system, *i.e.*, its history and
7 origin, its structure and courts, the availability of appeals, and the role of judges and
8 other stakeholders.

9 2.7 I will also set out the jurisdiction of the Sri Lanka courts and the legal
10 provisions with regard to the service of process, what civil causes of action are
11 available to a plaintiff, and what types of damages may be recovered.

12 2.8 I will also describe the process for obtaining evidence in civil
13 proceedings, including whether the Sri Lankan courts can compel evidence from the
14 parties to a case, as well as non-parties, and whether a Sri Lankan court can access
15 evidence held by the Sri Lankan government.

16 2.9 I will also explain the procedure in Sri Lanka in respect of the initiation of
17 criminal proceedings against government officials; whether the plaintiff may seek
18 redress through any other type of proceedings for relief; and whether there is a need for
19 a plaintiff to be physically present in Sri Lanka to file a civil action.

20 **III. The Legal System in Sri Lanka**

21 **A. Background**

22 3.1 The laws of Sri Lanka have been influenced by both the civil and
23 common law legal traditions and systems. Sri Lanka, which was known as Ceylon
24 until 1972, was colonized by the British for over 200 years until it secured its
25 independence on February 4, 1948. For this reason, the English common law tradition
26 had a great influence on Sri Lanka's legal system. At the same time, as a result of
27 being colonized by the Dutch prior to the British, Roman Dutch Law also left its
28 impression, which has made Roman Dutch Law Sri Lanka's residuary/common law.

1 The Roman Dutch Law in British times came to be applied in all situations in which
 2 there was no relevant statute and, in cases of those subject to the special laws, where
 3 those laws were inapplicable or silent.

4 3.2 Criminal law and the law of evidence are statutory. The Criminal
 5 Procedure Code of 1898, which was a copy of the Indian enactment, was replaced by
 6 the Administration of Justice Law of 1973, which in turn was replaced by the Code of
 7 Criminal Procedure Act of 1979, as amended.

8 3.3 The rules of civil procedure were embodied in the Civil Procedure Code
 9 of 1889 and were derived from the rules of Indian procedural law, English rules of
 10 court, and the New York Civil Procedure Code. The Civil Procedure Code of 1889
 11 was replaced by the Administration of Justice Law in 1973, which in turn was replaced
 12 by the Civil Procedure Code (Amendments) Law in 1977, as amended.

13 **B. Constitutional Structure of Government**

14 3.4 The Ceylon (Constitution) Order in Council 1946 which took effect on
 15 February 4, 1948, gave Ceylon (as the State was then called) a constitution based on
 16 the Westminster model. British conventions were generally followed within a
 17 parliamentary system of government.

18 3.5 In 1972, Ceylon declared itself the Republic of Sri Lanka within the
 19 British Commonwealth and repudiated the link with the British sovereign, which had
 20 endured since 1796.

21 3.6 Sri Lanka's current Constitution was enacted in August 1978. The
 22 Constitution of 1978 drastically altered the nature of governance in Sri Lanka. It
 23 replaced the previous Westminster style of parliamentary government with a new
 24 presidential system modeled after France, with a powerful chief executive. The
 25 President, who is elected by direct suffrage for a six-year term, is empowered to
 26 preside over Cabinet meetings and has discretion to appoint the Prime Minister.

27 3.7 The Sri Lankan legislature is a unicameral Parliament. The law governs
 28 the writs of certiorari, prohibition, mandamus, and quo warranto, which have been

1 incorporated by reference to successive statutory enactments.

2 3.8 The incorporation of English Law, together with the existence of a civil
3 service modeled on the British system, gave birth to a body of administrative law with
4 a notable English character. Today, the courts apply English principles of judicial
5 review of administrative action.

6 3.9 The rules relating to the exercise of discretionary power and of natural
7 justice are based on English principles. The principle of individual liberty has been
8 recognized as an essential element in Sri Lanka democracy and the writ of habeas
9 corpus has been retained as a vital safeguard of the liberty of the individual (*In Re*
10 *Bracgirdle* [1937] 39 New Law Reports pg. 193).

11 **C. Sources of Law**

12 3.10 Sri Lanka's legal system has a long and well-established history and a
13 sophistication that can be matched with any common law country with regard to the
14 concept of the rule of law and of democratic constitutional values.

15 3.11 Sri Lanka enjoys a unique position as it has inherited both the common
16 law doctrine of judicial precedent and Roman Dutch Law principles of textual
17 precedent.

18 3.12 The authoritative sources of law in Sri Lanka are:

- 19 i. Legislation passed by Parliament, the National State Assembly
20 (under the 1972 Constitution), or the Parliament of Ceylon, as well
21 as colonial legislation still in force;
- 22 ii. Rules made under authority of legislation that have the force of
23 such legislation;
- 24 iii. Authoritative Roman Dutch law; and
- 25 iv. Cases decided by the Superior Courts (The Supreme Court and
26 Court of Appeals);
- 27 v. Customs that have the force of law by their long standings.

28 3.13 Custom is accepted by the courts subject to certain rules; the custom must

1 be ancient; it must be reasonable; it must be certain; and the custom must be observed
 2 as one of right. Finally, the custom must be in conformity with the statutory and
 3 common law.

4 **D. The Judiciary of Sri Lanka**

5 3.14 Sri Lanka's Court System is based primarily on the British judicial
 6 system, modified to some extent to suit Sri Lanka's needs.

7 3.15 After independence in 1948, the court system was reformed by the
 8 Administration of Justice Law of 1973. Later, the 1978 Constitution made several
 9 important changes that continue to apply today. Important provisions in our
 10 Constitution dealing with the judiciary, the independence of the judiciary, and the
 11 superior courts (the Supreme Court and the Court of Appeal) are Chapters XV and
 12 XVI, containing within them Articles 105 to Articles 147 of the Constitution.

13 3.16 Article 4(c) of the Constitution states that the judicial power of the people
 14 shall be exercised by Parliament through courts, tribunals, and institutions created and
 15 established by law. Article 105(1) of the Constitution stipulates that the institutions for
 16 the administration of justice shall be—

- 17 i. The Supreme Court of Sri Lanka;
- 18 ii. The Court of Appeal of Sri Lanka;
- 19 iii. The High Court of Sri Lanka and such other courts of first instance
 20 created by Parliament.

21 3.17 Section 2 of the Judicature Act No. 2 of 1978 states that the courts of first
 22 instance for the administration of justice are—

- 23 i. The High Court of Sri Lanka;
- 24 ii. The District Courts;
- 25 iii. The Family Courts;
- 26 iv. The Magistrates' Courts; and
- 27 v. The Primary Courts.

28 3.18 The Judicature (Amendment) Act No. 71 of 1981 transferred the

1 jurisdiction of Family Courts in respect of applications for maintenance to the
2 Magistrates' Courts.

3 3.19 The Judicature (Amendment) Act No. 16 of 1989 made provisions for the
4 creation of the Small Claims Court, while repealing the provisions for Family Courts
5 and Primary Courts. This amendment transferred the criminal jurisdiction of the
6 Primary Courts to the Small Claims Court, and transferred the criminal jurisdiction of
7 the Primary Courts to the Magistrates' Courts. Further, matrimonial actions heard in
8 the Family Courts were transferred to the District Courts.

9 **1. The Supreme Court and Court of Appeal**

10 3.20 The Supreme Court and the Court of Appeal are both superior appellate
11 courts and possess all the powers of such courts, including the contempt power.
12 Chapter XVI of the Constitution (Articles 118–48) deals with matters relating to these
13 two courts.

14 3.21 The Chief Justice, the President of the Court of Appeal, and every other
15 judge of the Supreme Court and Court of Appeal are appointed by the President,
16 subject to the approval of the Constitutional Council, an independent commission
17 established under the Seventeenth and Nineteenth Amendments. All such judges of
18 the Supreme Court and Court of Appeal hold office during good behavior and can be
19 removed by the President only upon an address passed by Parliament on account of
20 proved misbehavior or incapacity.

21 3.22 The Supreme Court exercises its jurisdiction ordinarily by a bench of no
22 fewer than three judges, and by a bench of five or more judges in certain circumstances
23 described in Article 132. In cases that are not unanimous, the decision of the majority
24 constitutes the judgment of the Court.

25 3.23 The decisions of the Supreme Court are binding on the Court of Appeal
26 and the courts of first instance.

27 3.24 The Court of Appeal exercises its jurisdiction by a bench of at least three
28 judges when reviewing an appeal of the High Court, at least two judges in respect of

1 judgments and orders of all other courts of first instance and tribunals, at least two
 2 judges in respect of the issue of writs and injunctions, and by a bench presided over by
 3 the President of the Court or any judge nominated by the President to hear matters in
 4 respect of election petitions regarding parliamentary petitions.

5 3.25 The decisions of the Court of Appeal bind all courts of first instance.

6 **2. The High Court**

7 3.26 Article 111(1) of the Constitution as amended by the Eleventh
 8 Amendment provides for a High Court of Sri Lanka, which exercises such jurisdiction
 9 as Parliament may by law vest or ordain. The judges of the High Court are appointed
 10 by the President. High Court judges can be removed or subjected to disciplinary
 11 control by the President on the recommendation of the Judicial Service Commission.

12 3.27 The High Court of Sri Lanka has original criminal jurisdiction over grave
 13 offences and matters contained in Section 9 of the Judicature Act No. 2 of 1978.
 14 Section 9 states that the High Court has the power to hear, try, and determine all
 15 prosecutions on indictment instituted therein against any person in respect of—

- 16 i. Any offence wholly or partly committed in Sri Lanka;
- 17 ii. Any offence committed on or over the territorial waters of
- 18 Sri Lanka;
- 19 iii. Any offence committed in the air space of Sri Lanka;
- 20 iv. Any offence committed on the high seas, where such offence is
- 21 piracy by the law of nations;
- 22 v. Any offence wherever committed by any person on board or in
- 23 relation to any ship or any aircraft registered in Sri Lanka; or
- 24 vi. Any offence wherever committed by any person who is a citizen of
- 25 Sri Lanka.

26 3.28 Where an offence referred to in the Second Schedule of the Judicature Act
 27 has been committed, the accused can opt for a trial by jury before a judge of the High
 28 Court. Section 11(2) of that Act states that all other trials must be held before a single

1 judge of the High Court. However, under Section 12, Trials at Bar are held before a
 2 bench of three judges nominated by the Chief Justice. By a further recent amendment
 3 of the Judicature Act, provision has been made for the nomination of three judges, two
 4 special High Court at Bar as directed by the Chief Justice, to hear and try offences
 5 connected with economic crime. Section 18 of the Judicature Act also grants the High
 6 Court the power to punish for contempt.

7 3.29 The Thirteenth Amendment to the Constitution established a High Court
 8 for each province. Article 154P(3) provides that every Provincial High Court has the
 9 power to—

- 10 i. Exercise, according to law, the original criminal jurisdiction of the
 11 High Court of Sri Lanka, in respect of offences committed within
 12 the province;
- 13 ii. Exercise, notwithstanding anything in Article 138 and subject to
 14 any law, appellate and revisionary jurisdiction in respect of
 15 convictions, sentences, and order made by Magistrates' Courts and
 16 Primary Courts within the province; and
- 17 iii. Exercise such other jurisdiction and powers as Parliament may, by
 18 law, provide.

19 3.30 Under Section 3 of the High Court of the Provinces (Special Provisions)
 20 Act No. 19 of 1990, the Provincial High Court has the power to exercise appellate and
 21 revisionary jurisdiction in respect of orders made by Labour Tribunals within the
 22 province, as well as in respect of orders made under Sections 5 and 9 of the Agrarian
 23 Services Act No. 58 of 1979 concerning land situated within the province.

24 3.31 Article 154P(4) grants the Provincial High Court the power to issue orders
 25 in the nature of habeas corpus in respect of persons illegally detained within the
 26 province. It also has the power to issue writs of certiorari, prohibition, procedendo,
 27 mandamus, and quo warranto in respect of any matter set out in the Provincial Council
 28 List.

3. District Courts

3.32 Section 19 of the Judicature Act as amended by the Judicature (Amendment) Act No. 16 of 1989 states that all District Courts are courts of record, and have unlimited original jurisdiction in all civil, revenue, trust, matrimonial, insolvency, and testamentary matters, except such as are assigned by any law to any other court. This section also provides that all District Courts will have jurisdiction over the persons and estates of persons of unsound mind, minors, and wards, over the estates of beneficiaries of trusts, over guardians and trustees and over all other matters assigned to them by law. Section 21 grants testamentary jurisdiction to the District Court. Section 19A further stipulates the civil jurisdiction of District Courts by stating that they have the power to hear all civil matters—

- i. Where the party defendant resides within the district;
- ii. Where the cause of action arises within the district;
- iii. Where the land in respect of which the action is brought is situated within the district; and
- iv. Where the contract sought to be enforced was entered into within the district.

3.33 The Judicature (Amendment) Act No. 16 of 1989 also transferred the jurisdiction of Family Courts to the District Court. Thus, the District Court enjoys sole original jurisdiction in respect of matrimonial disputes, actions for divorce, nullity and separation, damages for adultery, claims for alimony, disputes between spouses, parents, and children as to matrimonial property, custody of minor children, dependents' claims, guardianship and curatorship matters, claims in respect of declarations of legitimacy and illegitimacy, adoption, and applications for amendments of pecuniary and other limitations.

4. Magistrates' Courts

3.34 Section 30 of the Judicature Act states that every Magistrates' Court shall have and exercise all powers and authorities conferred on it by the provisions of the

1 Penal Code, the Code of Criminal Procedure, or any other enactment.

2 3.35 According to Section 9 of the Code of Criminal Procedure Act No. 15 of
3 1979, Magistrates' Courts have the power to try, determine, and summarily dispose of
4 all suits and prosecutions for offences committed wholly or partly within their local
5 jurisdiction, which offences are by law made cognizable by a Magistrate's Court.
6 Magistrates' Courts also have jurisdiction to inquire into the commission of offences,
7 to summon and examine all witnesses concerning such offences, and to issue warrants
8 and other processes to apprehend and summon all criminals and offenders and deal
9 with them according to law. Magistrates can also issue search warrants, require
10 persons to furnish sureties for peace and good behavior, and inquire into cases of
11 sudden or accidental death.

12 **E. Judicial Independence**

13 3.36 Article 106 of the Constitution ensures that justice must be administered
14 in public. The sittings of every Court and tribunal must be in public and all persons
15 are entitled to freely attend such sittings. In certain circumstances, however, public
16 sittings may be curtailed or restricted on grounds of national security or public safety,
17 or where the procedures relate to family or sexual matters. In such cases, the Judge
18 hearing the case can order the public to leave the courtroom.

19 3.37 In recognition of one of the most essential features of a democratic and
20 free society, the Sri Lankan judicial system and the judges who administer justice must
21 be independent of the executive and the legislature branches.

22 3.38 Independence of the judiciary is guaranteed by several provisions in the
23 Constitution.

24 3.39 Article 107 provides as follows:

- 25 i. The appointment of judges of the Supreme Court and the Court of
26 Appeal is by the President.
- 27 ii. All such judges shall hold office during good behavior and cannot
28 be removed from office before they reach retiring age or voluntarily

1 resign, except by an order of the President made after an address in
2 Parliament supported by a majority of members, on the ground of
3 proved misbehavior or incapacity.

4 iii. The salaries of the above Judges shall be decided by Parliament and
5 paid out of the Consolidated Fund. Such salaries shall not be
6 reduced after the judges' appointment.

7 3.40 Article 110 prohibits any Superior Court Judge from holding any other
8 paid office or employment except with the written approval of the President. The same
9 Article provides that no judge of the Supreme Court or Court of Appeal, after ceasing
10 his office as a judge, may practice as a lawyer in any Court or tribunal without the
11 written approval of the President.

12 3.41 Articles 112 through 117 of the Constitution provide for a Judicial Service
13 Commission which consists of the Chief Justice (as Chairman) and two other Supreme
14 Court judges appointed by the President. The Judicial Service Commission is
15 responsible for the appointment and disciplinary control of all "judicial officers" other
16 than Judges of the Supreme Court and Court of Appeal. Article 117 protects the
17 members of the Commission and states that no legal action can be filed against the
18 Commission or any of its members for any act done by them in good faith in the
19 performance of their duties. Articles 115 and 116 of the Constitution make it a
20 criminal offence for any person directly or indirectly to influence or interfere in any
21 way with the administrations of justice by judicial officers (judges).

22 **F. Jurisdiction**

23 **1. Civil Jurisdiction**

24 3.42 Original civil jurisdiction is vested in the District Courts, with two notable
25 exceptions:

26 i. The Mediation Boards Act No. 72 of 1988 stipulates that where the
27 value of an action does not exceed Rs. 25,000, such matter should
28 first be referred for mediation.

- 1 ii. The High Court of the Provinces (Special Provisions) Act No. 10 of
2 1996 states that where an action is commercial in nature and the
3 value of such action exceeds Rs. 4,000,000, such action should be
4 instituted in the Commercial High Court (a High Court vested with
5 civil jurisdiction).

6 3.43 An action must be instituted in the court within the local limits of whose
7 jurisdiction—

- 8 i. A party defendant resides; or
9 ii. The land in respect of which the action is brought lies or is situated
10 in whole or in part; or
11 iii. The cause of action arose; or
12 iv. The contract sought to be enforced was made.

13 3.44 Every person is deemed in law to have a dwelling or place of residence,
14 and where he has none he will be deemed to reside at the place at which he may be
15 actually staying at the time. A person can have more than one residence. Where a
16 court once obtains jurisdiction over a suit, it is not deprived of it because the defendant
17 changes his residence.

18 3.45 Appeals lie from the District Court, the High Court, and the Commercial
19 High Court to the Court of Appeal, and thereafter to the Supreme Court.

20 3.46 The Supreme Court is the highest court in Sri Lanka, from which there
21 can be no further appeal.

22 **2. Criminal Jurisdiction**

23 3.47 In the ordinary course, criminal cases brought in Magistrates' Court may
24 be appealed to the High Court, then to the Court of Appeal, and finally to the Supreme
25 Court.

26 3.48 The Magistrates' Courts exercise original criminal jurisdiction in most
27 criminal actions, but in respect of serious offences and matters contained in Section 9
28 of the Judicature Act, original criminal jurisdiction lies with the High Court. At the

1 end of a preliminary inquiry, a Magistrate may commit an accused to stand trial before
2 the High Court.

3 3.49 Appeals lie from both the Magistrate's Court and the High Court to the
4 Court of Appeal, and then to the Supreme Court. However, in respect of matters
5 coming under the purview of the High Court of the Provinces (Special Provisions)
6 Acts No. 19 of 1990 and No. 10 of 1996, appeals lie directly to the Supreme Court.

7 **G. Suits Against Government Officials**

8 3.50 Sections 456 to 465 of the Civil Procedure Code provide for suits—
9 including suits for damages—against the State and against sitting public officials,
10 including Cabinet Secretaries, so long as certain procedural and notice requirements
11 are followed.

12 3.51 Under the State (Liability in Delict) Act No. 22 of 1969, an individual
13 may sue public officials, including Cabinet Secretaries, for tortious conduct undertaken
14 in their official capacities.

15 3.52 All forms of remedies—including declarations, injunctions, compensatory
16 damages, and punitive or exemplary damages—are available in suits against sitting
17 and former public officials if it can be demonstrated that they have acted outside their
18 remit; shown crass disregard for the procedures established by law; shown mala fides,
19 ill will, or malice; or indulged in a frolic of their own.

20 3.53 Public officials, including Cabinet Secretaries, are subject to criminal
21 liability for wrongful conduct undertaken in abuse of their offices. Criminal cases may
22 be pursued both during and after a public official's tenure in office. As one treatise
23 explains, "the criminal law neither favours nor discriminates against public officials as
24 a matter of general policy, whether in regard to the incidence of liability or as to the
25 quantum of punishment. Their special duties and responsibilities justify particular
26 protection in some contexts but render applicable sanctions of exceptional severity in
27 others." Wickrema S. Weerasooriya, *The Law Governing Public Administration in Sri*
28 *Lanka* 172 (2004) (quoting G. L. Peiris, *Offences under the Penal Code of Sri Lanka*

343-44 (1973)). Public officials can be criminally prosecuted for offences that include taking a gratification other than legal remuneration in respect of an official act, disobeying a direction of the law with intent to cause injury to any person or the government, fabricating an incorrect document with intent to cause injury, and impersonating a public official or wearing a uniform or carrying a public official token for fraudulent intent, among other things. *Id.* at 173.

H. Civil Procedure

1. Source of Law

3.54 The Civil Procedure Code No. 2 of 1889 consolidated and amended the laws relating to the procedure of the civil courts of Ceylon, and was proclaimed on August 1, 1890.

3.55 The Civil Procedure Code repealed Ordinance No. 1115 of 1856 and Ordinance No. 18 of 1864, which embodied the rules of the District Courts, and Ordinance No. 9 of 1859, which embodied the rules of the Courts of Requests, and henceforth came to regulate all proceedings in the Ceylon civil courts.

3.56 The Civil Procedure Code is based on the earlier Indian Civil Procedure Code of 1877 and the Code of 1882, with the amendments of 1888; the Civil Procedure Code of New York of 1880; and the English Rules of Court as framed in 1883 and 1885 under the Supreme Court of Judicature Act.

3.57 Since its enactment in 1889, the Civil Procedure Code has undergone several amendments. Sri Lanka has recently enacted the Civil Procedure Code Amendment Act, No. 8 of 2017, to further improve civil case management and the timely adjudication and disposal of civil cases. More generally, Sri Lankan courts are committed to providing timely redress and in recent years have implemented case-management systems to significantly improve judicial efficiency.

2. Cause of Action Defined

3.58 A civil action is based on a cause of action. The popular meaning of the expression “cause of action” is that particular act on the part of the defendant which

gives rise to the plaintiff's cause of complaint.

3.59 A cause of action is the entire set of facts that gives rise to an enforceable claim, comprising every fact which, if traversed, the plaintiff must prove in order to obtain a judgment.

3.60 A person is free to institute an action if he has a cause of action.

3.61 Under Sri Lankan law, an action may be instituted—

- i. For the prevention or redress of a wrong;
- ii. To assert a right which is denied;
- iii. To enforce an obligation, the fulfillment of which is refused;
- iv. To enforce the performance of a duty, the performance of which is neglected;
- v. To obtain redress for the infliction of an affirmative injury;
- vi. To have a right or status declared.

3.62 A plaintiff can pursue a claim for damages from the date of the cause of action as prescribed in the Prescription Ordinance No. 22 of 1871 and No. 2 of 1889, as amended by Act No. 5 of 2016.

3. Available Causes of Action and Remedies

3.63 Sri Lanka recognizes civil causes of action for wrongful death, assault, and battery that sound in tort. It is commonly pursued in Sri Lanka in the ordinary course of legal activity and would encompass the allegations raised in the First Amended Complaint.

3.64 There is no statute that sets out the elements of this cause of action; rather, it is structured according to the particular acts taken by defendants that give rise to a plaintiff's complaint.

3.65 Sri Lankan courts have the power to issue all remedies available in law and equity that are necessary to make a plaintiff whole. Such remedies include declarations of rights, injunctions, compensatory damages, and punitive or exemplary damages.

1 3.66 Compensatory damages may include damages for pain and suffering,
2 including emotional pain and suffering, as well as lost wages and other economic
3 damages. A successful plaintiff is usually awarded interest on damages and legal costs
4 and disbursements in filing the action. In calculating damages, the Sri Lankan courts
5 will consider the nature of the pecuniary consideration that will compensate Plaintiff,
6 as far as money can, for the loss suffered as a natural result of the wrong done.

7 **4. Available Forums**

8 3.67 There are several available forums wherein a plaintiff could raise claims
9 like the ones at issue in this litigation.

10 3.68 In the ordinary course, a legal action raising claims like the ones in the
11 First Amended Complaint usually would be instituted in the District Court by way of a
12 regular civil action for wrongful death, assault, and battery, and would seek a
13 declaration and pray for damages or compensation.

14 3.69 It is also possible to invoke the fundamental rights jurisdiction of the
15 Supreme Court by seeking a declaration of an infringement of a fundamental right,
16 coupled with a prayer for damages or compensation.

17 3.70 A plaintiff can also invoke the epistolary jurisdiction of the Supreme
18 Court by simply sending a postcard addressed to the Chief Justice setting out a claimed
19 infringement of a fundamental right. Should the Court agree to hear the matter, it
20 would treat it no differently from any other petition and could order compensatory
21 damages as a remedy.

22 3.71 Additionally, or if a plaintiff chooses not to invoke the jurisdiction of the
23 courts, a complaint of this nature could be referred to the Human Rights Commission
24 (HRC) of Sri Lanka, which is a creature of statute. The HRC is empowered to make a
25 strong direction or recommendation or to refer the matter to the Supreme Court.

26 3.72 Yet another method of presenting a complaint of this nature is to petition
27 the Attorney-General or the Inspector General of Police. The Attorney-General has the
28 authority to direct an investigation and to initiate a criminal action. The Inspector

1 General of Police has the authority to investigate a matter and pursue it in criminal
2 court or have it referred to the Attorney-General.

3 3.73 However, money damages can only be obtained from an established court
4 of law, *e.g.*, the Magistrates Court, the District Court, the High Court, or the Supreme
5 Court.

6 **5. The Complaint and Service of Process**

7 3.74 An action of regular procedure is instituted by presenting a duly stamped
8 written complaint to the court or to an officer appointed by the court for that purpose.

9 3.75 There is no requirement for a plaintiff to be physically present in Sri
10 Lanka in order to file civil actions or to initiate criminal proceedings. A plaintiff living
11 abroad can initiate any legal proceedings in Sri Lanka by granting a power of attorney
12 to a competent person.

13 3.76 Where the action is for the recovery of money, the precise amount
14 claimed must be stated. In an action for a specific chattel, or to establish, recover, or
15 enforce any right, status or privilege, or for mesne profits, or for an amount due on
16 unsettled accounts, it is sufficient to state the approximate value of the chattel, right,
17 status, or privilege, or the amount sued for.

18 3.77 Once the complaint is filed, and copies of concise statements of the complaint are
19 presented, the court issues summons requiring the defendant, or each of the defendants,
20 to appear and answer the complaint on a specified date. A summons is the first of several
21 writs that are incidental to the proceedings in a suit, and serve as official notification to
22 the defendant that she has been sued and should appear in court and answer the claim.
23 When the complaint is accepted there is no need for a separate motion for summons,
24 because it is the duty of the court to issue summons if it accepts the complaint.

25 3.78 Sri Lanka is a party to the Hague Convention, which provides for the
26 rendering of mutual assistance in civil and commercial matters between Sri Lanka and
27 other countries. It enacted a law, cited as the Mutual Assistance in Civil and
28 Commercial Matters Act No. 39 of 2000, to give effect to the Hague Convention on

1 the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial
 2 Matters and the Hague Convention on the Taking of Evidence Abroad in Civil or
 3 Commercial Matters. The Act states at 13(1) that the Sri Lanka Central Authority shall
 4 refuse to execute a foreign request “if he considers that the execution of the request
 5 will be prejudicial to the sovereignty or security of Sri Lanka.”

6 **6. Procedure**

7 3.79 The procedure of a civil action is either regular or summary. Ordinarily,
 8 the procedure of an action should be regular. Actions in which procedure may be
 9 summary are specially provided for in the Civil Procedure Code.

10 3.80 Chapter XXIV of the Code describes the summary procedure to be
 11 followed in appropriate cases. In the case *Pitche Bawa v. Meera Lebbe*, it was held
 12 that the summary procedure can only be adopted in cases for which it is expressly
 13 made applicable by the Code.

14 3.81 Claims such as those raised by Plaintiff are ordinarily heard by a judge
 15 who makes findings of fact and law. The burden of proof is on the plaintiff to prove
 16 liability by a balance of probabilities on the basis of materials averred in the plaint, as
 17 well as causation and the extent of loss and damages.

18 3.82 Sri Lankan courts are able to compel both parties to litigation and non-
 19 party witnesses to give testimony and to produce documents. Testimony is generally
 20 given orally and documents can be tendered in evidence. There is also a provision for
 21 producing evidence by way of an affidavit of evidence in chief. Plaintiffs and
 22 witnesses are permitted to proceed anonymously in Sri Lankan courts in the
 23 appropriate case and are afforded substantial legal protections from intimidation and
 24 retaliation under the Protection of Victims of Crime and Witnesses Act, No. 4 of 2015.

25 3.83 Where a government official is listed as a witness, the Sri Lankan court
 26 will issue a summons on that official to give evidence and produce documents, subject
 27 to the rules governing official secrecy and matters of State security.

28 3.84 Witnesses are examined by the legal representatives of the parties—

usually by counsel, who is an attorney-at-law. Judges may also ask questions of a witness.

3.85 All civil actions against the State must be filed against the Attorney-General and must include a letter of demand to the Attorney-General. The Attorney-General is named as a defendant in an action against the President and must be made a party in all petitions concerning violations of fundamental rights and constitutional matters.

3.86 Once a public official has left office, he may be sued directly in his individual capacity.

I. Initiation of Criminal Proceedings

3.87 Criminal proceedings can be initiated by both the State and private individuals.

3.88 Sri Lanka has enacted the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act No. 22 of 1994, which criminalizes acts of torture.

IV. Legal Opinions

4.1 I have fully reviewed the First Amended Complaint filed by Ahimsa Wickrematunge against Nandasena Gotabaya Rajapaksa in the U.S. District Court for the Central District of California (Case No. 2:19-cv-02577-R-RAO).

4.2 Based on my review of the First Amended Complaint and my knowledge of Sri Lankan law, I have come to the following legal opinions.

A. Available Causes of Action and Remedies

4.3 Assuming that all allegations contained in the First Amended Complaint are true and correct, Sri Lankan courts would have jurisdiction over the types of claims brought by the Plaintiff against the Defendant. If properly pleaded, the allegations set out in the First Amended Complaint would constitute the basis for a cause of action as recognized under the laws of Sri Lanka and for which, subject to questions of proof, a remedy would be available from the courts of Sri Lanka.

1 4.4 Plaintiff could bring a suit for wrongful death, assault, and battery in the
2 District Court by way of a regular civil action seeking a declaration and praying for
3 damages or compensation. Under Sri Lankan law, including the Recovery of Damages
4 for the Death of a Person Act, No. 2 of 2019, a plaintiff can bring an action in her
5 personal capacity to recover damages (including emotional damages) caused by harm
6 suffered by a parent who is legally incapacitated.

7 4.5 Plaintiff could invoke the fundamental rights jurisdiction of the Supreme
8 Court by seeking a declaration of an infringement of a fundamental right coupled with
9 a prayer for compensation or damages.

10 4.6 Plaintiff could invoke the epistolary jurisdiction of the Supreme Court by
11 simply sending a postcard addressed to the Chief Justice setting out a claimed
12 infringement of a fundamental right.

13 4.7 The Sri Lankan judiciary is an impartial and independent body that is
14 capable of fully and fairly vindicating Plaintiff's rights.

15 4.8 The potential damages recoverable in the Sri Lankan courts for claims of
16 this nature include compensatory damages and punitive or exemplary damages.

17 4.9 Even if Plaintiff did not wish to pursue her claims in Sri Lankan court, she
18 could file a complaint with the Human Rights Commission of Sri Lanka. Or she could
19 petition the Attorney-General or the Inspector General of Police.

20 4.10 There have been instances in which the courts have directed the Attorney-
21 General to consider the filing of charges against public officials in respect of similar
22 offences. There have been instances in which the Attorney-General has filed
23 indictments against high-ranking public officials, including in cases against a former
24 Secretary to the President, a former Chief of Staff, and a former Minister. Some of
25 these cases have resulted in convictions, while others are ongoing or currently on
26 appeal.

27 4.11 For example, criminal charges are pending in Sri Lanka against
28 Nandasena Gotabaya Rajapaksa, the defendant in this case. A copy of the indictment,

1 with certified translation, is annexed to this declaration as Exhibit 2.

2 4.12 All of these potential avenues for relief were available to Plaintiff from
3 the time her claims accrued, both while Defendant was the sitting Secretary to the
4 Ministry of Defence and after he left office.

5 4.13 To the best of my knowledge, based on publicly available court filings,
6 there is no evidence that Plaintiff has availed herself of any of the remedies described
7 above.

8 **B. Jurisdiction**

9 4.14 In the event that the plaintiff's claim were to be dismissed on *forum non*
10 *conveniens* grounds, and if the plaintiff were to re-file her claim in Sri Lanka, the
11 courts of Sri Lanka would have jurisdiction to hear her claims.

12 4.15 Jurisdiction would be proper in Sri Lankan courts because (1) the cause of
13 action arose in Sri Lanka; (2) Defendant is a citizen and permanent resident of Sri
14 Lanka; and (3) there is no legal impediment to invoking the jurisdiction of the Sri
15 Lankan courts.

16 4.16 There is no requirement for a plaintiff to be physically present in Sri
17 Lanka in order to file similar actions or to initiate criminal proceedings.

18 4.17 A plaintiff living abroad can initiate any legal proceedings in Sri Lanka by
19 granting a power of attorney to a competent person who is a resident of Sri Lanka.
20 Powers of attorney can be general or special.

21 4.18 A plaintiff living abroad can also avail herself of the epistolary
22 jurisdiction of the Supreme Court even without granting power of attorney to a Sri
23 Lankan resident. The Court has discretion to review the matter.

24 **C. Potential Defences**

25 4.19 The Sri Lankan courts would have subject-matter jurisdiction over
26 Plaintiff's case if it were to be dismissed for *forum non conveniens* and re-filed in Sri
27 Lanka, subject, however, to several defences Defendant would be entitled to raise.

28 4.20 Such defences would likely include laches, the principles of which are set

1 out in the Prescription Ordinance No. 22 of 1871 and No. 2 of 1889, as amended by
2 Act No. 5 of 2016.

3 4.21 Under the Prescription Ordinance, “[n]o action shall be maintainable for
4 any loss, injury, or damage, unless the same shall be commenced within two years
5 from the time when the cause of action, shall have arisen.” However, courts have
6 equitable powers to toll laches when there are valid and acceptable reasons to entertain
7 complaints notwithstanding the lapse of time. For causes of action giving rise to both
8 civil and criminal liability, civil actions can be filed simultaneous to criminal
9 proceedings.

10 **D. Ongoing Investigation in Sri Lanka**

11 4.22 The death of Lasantha Wickrematunge is currently under investigation by
12 the Criminal Investigation Department, by the courts of first instance, and by the
13 Attorney-General, who has been directing the investigations at the highest level.

14 4.23 The investigations are presently ongoing.

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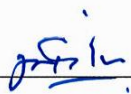
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1 I hereby declare, under the penalty of perjury, pursuant to 28 U.S.C. § 1746, and
2 under the laws of the United States, that the foregoing is true and correct.
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4 Executed on August 12, 2019 in Colombo, Sri Lanka.
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8 Joseph Asoka Nihal de Silva
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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019, I electronically filed the foregoing
**DECLARATION OF JOSEPH ASOKA NIHAL DE SILVA IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED
COMPLAINT** with the Clerk by using the CM/ECF system. I certify that all
participants in the case are registered CM/ECF users and that service will be
accomplished by the CM/ECF system.

s/ Vicky Apodaca

Vicky Apodaca

Exhibit 1

CURRICULUM VITAE

1. NAME: JOSEPH ASOKA NIHAL DE SILVA
2. DATE OF BIRTH: 17.05.1947
3. PRELIMINARY & SECONDARY EDUCATION: ST. ANTHONY'S COLLEGE, KANDY
4. EDUCATION:

Obtained LLB Degree from the University of Colombo in 1971 and enrolled as an Advocate of the Supreme Court of Sri Lanka in 1972

Joined the Attorney General's Department in 1974 as a State Counsel and was promoted as a Senior State Counsel in 1981 and again promoted as a Deputy Solicitor General in 1988.

Whiles working in the Attorney General's Department I obtained a Masters Degree in Constitutional & Administrative Law from the University of Colombo in 1982.

After 21 years of service in the Attorney Generals Department in the year 1995 I was elevated to the Court of Appeal, the 2nd Highest Court in Sri Lanka as a Judge. After serving 6 years as a Court of Appeal Judge I was made the President of the Court of Appeal and within 8 months I was promoted as a Supreme Court Judge in 2001. In 2004 Honorable Koffi Annan the then Secretary General of United Nation appointed me as a Permanent Judge of International Court for Rwanda in which capacity I served in Arusha- Tanzania for 4 years.

In the year 2008 I reverted to the Supreme Court of Sri Lanka and was appointed the Chief Justice of Sri Lanka in year 2009. I was the 42nd Chief Justice of the Republic of Sri Lanka.

On my retirement His Excellency President of the Republic of Sri Lanka sought my services as Presidential Advisor on International Affairs.

Whiles serving in that capacity President of the Republic of Kenya, His Excellency Uhuru Kenyatta appointed me to the Judges and Magistrates Vetting Board as one of the Common Wealth Judges to restore the confidence in the Judiciary in Kenya. I served in that capacity for little over 3 years.

I have attended Post Graduated courses in the following Institutions:-

- i. University of London – Drafting of Legal & Contractual Documents
- ii. International Development Institute in Rome- Environmental Law
- iii. IDCI Sydney, Australia – Judicial Ethics & Anti Corruption Law
- iv. University of Illinois, Chicago, (USA) - International Criminal Justice , Under Professor Dick Ward

OTHER POSITIONS HELD:-

- i. Chairman of the Council of Legal Education of Sri Lanka
- ii. Chairman of the Judicial Services Commission of Sri Lanka
- iii. Consultant of the Environmental Authority of Sri Lanka
- iv. Board Director of the Dangerous Drugs and Narcotics
- v. Was a Constitutional Lecturer of the Sri Lanka Law College
- vi. Visiting Lecturer of University of Colombo- Administrative & Constitutional Law

CONFERENCES ATTENDED:-

- i. Sustainable Development Conference in Rio de Janeiro
- ii. Narco Terrorism Conference in Chicago and Montreal, Canada- 1987
- iii. Refugee Conference in India and Switzerland
- iv. International Trade Law in Jakarta
- v. International Symposium on Economic Crimes in Cambridge 2009 & 2013
- vi. 5th SARC Law Conference in Bangladesh

MEMBERSHIP OF ASSOCIATIONS IN SRI LANKA:-

- i. Life Member of the Bar Association of Sri Lanka
- ii. Life Member of the Organization of Professional of Sri Lanka

Presently I function as an Arbitrator in respect of the Arbitrations at the National Arbitration Centre.

Exhibit 2



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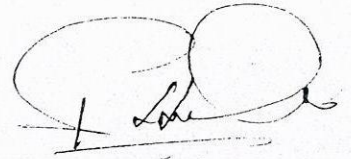
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මැතිතුමාගේ නියමය පරිදි පුෂ්පකොට/පුෂ්පකුන්ට අධිවෝදනා කරන අතර එම අධිවෝදනාවේ ඇතුළත් වෝදනාවල
වග හැටි නම් -

- 01). වර්ෂ 2013ක් වූ සැත්තැම්බර් මස 03වන දින සහ වර්ෂ 2015ක් වූ පෙබරවාරි මස 02වන දින අතර කාල සීමාව තුළ දී මෙම අධිකරණයේ බල සීමාවේ පිහිටි කොළඹ හි දී යුෂ්මතුන් වරදක් එනම් ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාවේ අධ්‍යක්ෂ මණ්ඩල සාමාජිකයින් වූ 02වන, 03වන, 04වන, 05වන සහ 06වන වූදිනයිත් වෙත භාර දෙනු ලැබූ හෝ ආධිපත්‍යයක් භාර දෙනු ලැබූ දේපලක් එනම් ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාව සතු මුදල් වලින් රුපියල් 33,900,000ක මුදලක් වීරකැටිය, මැදමුලන ලිපිනයේ පිහිටි ඩී.පී රාජපක්ෂ අනුස්මරණ ස්මාරකය සහ කෞතුකාගාරය ඉදිකිරීම සඳහා වැය කර එකී මුදල වංක ලෙස සාවද්‍ය පරිහරණය කිරීමෙන් එම මුදල පිළිබඳ සාපරාධී විශ්වාසය කඩ කිරීමේ වරද සිදු කිරීමට හෝ එකී වරද සිදු කිරීමට අනුබල දීමට එකඟවීමෙන් හෝ එකී වරද සිදු කිරීමේ දී හෝ සිදු කිරීම සඳහා හෝ එකී වරද සිදු කිරීමට අනුබල දීමේ දී හෝ අනුබල දීම සඳහා හෝ පොදු අරමුණක් සහිතව එක්ව ක්‍රියා කිරීමට එකඟ වීමෙන් එකී වරද සිදු කිරීමට හෝ එකී වරද සිදු කිරීමට අනුබල දීමට හෝ කුමන්ත්‍රණය කළ බවද එකී කුමන්ත්‍රණයේ ප්‍රතිඵලයක් වශයෙන් එකී රුපියල් 33,900,000ක මුදල සම්බන්ධයෙන් සාපරාධී විශ්වාසය කඩ කිරීමේ වරද සිදු වූ බවද එබැවින් යුෂ්මතුන් දණ්ඩ නීති සංග්‍රහයේ 113(ආ), 102 සහ 388 වගන්ති සමග කියවිය යුතු 1982 අංක 12 දරන පොදු දේපල විෂයෙහි ලා සිදු කරනු ලබන වැරදි පනතේ 5(1) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කළ බවය.
- 02). වර්ෂ 2014ක් වූ පෙබරවාරි මස 12වන දින සහ 2014ක් වූ නොවැම්බර් මස 28වන දින අතර කාල සීමාව තුළ දී ඉහත පළමු චෝදනාවේ සඳහන් ස්ථානයේ දී සහ එම ක්‍රියා කලාපයේ දී ම ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාවේ අධ්‍යක්ෂ මණ්ඩල සාමාජිකයින් වූ 02වන, 03වන, 04වන, 05වන සහ 06වන වූදිනයිත් වන යුෂ්මතුන් වෙත භාර දෙනු ලැබූ හෝ ආධිපත්‍යයක් භාර දෙනු ලැබූ දේපලක් එනම් ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාව සතු මුදල් වලින් රුපියල් 33,900,000ක මුදලක් වීරකැටිය, මැදමුලන ලිපිනයේ පිහිටි ඩී.පී රාජපක්ෂ අනුස්මරණ ස්මාරකය සහ කෞතුකාගාරය ඉදිකිරීම සඳහා වැය කර එකී මුදල වංක ලෙස සාවද්‍ය පරිහරණය කිරීමෙන් එම මුදල පිළිබඳ සාපරාධී විශ්වාසය කඩ කිරීමේ වරද සිදු කිරීම කළ බැවින් යුෂ්මතුන් දණ්ඩ නීති සංග්‍රහයේ 32 සහ 388 වන වගන්ති සමග කියවිය යුතු 1982 අංක 12 දරන පොදු දේපල විෂයෙහි ලා සිදු කරනු ලබන වැරදි පනතේ 5(1) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කළ බවය.
- 03). ඉහත දෙවන චෝදනාවේ සඳහන් වේලාවේ දී ස්ථානයේ දී සහ එම ක්‍රියා කලාපයේ දී ම 01වන වූදින වන යුෂ්මතා ඉහත දෙවන චෝදනාවේ සඳහන් වරද සිදු කිරීමට ඉහත නම් සඳහන් 02වන, 03වන, 04වන, 05වන සහ 06වන වූදිනයිත් හට අනුබල දුන් බවද එකී අනුබල දීමේ ප්‍රතිඵලයක් වශයෙන් එකී වරද සිදු වූ බැවින් 01වන වූදින වන යුෂ්මතා දණ්ඩ නීති සංග්‍රහයේ 102 වන සහ 388 වන වගන්ති සමග කියවිය යුතු 1982 අංක 12 දරන පොදු දේපල විෂයෙහි ලා සිදු කරනු ලබන වැරදි පනතේ 5(1) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කළ බවය.

- 04). ඉහත දෙවන චෝදනාවේ සඳහන් වේලාවේ දී, ස්ථානයේ දී සහ එම ක්‍රියා කලාපයේ දී ම 07වන වැදින වන යුෂ්මතිය ඉහත දෙවන චෝදනාවේ සඳහන් වරද සිදු කිරීමට ඉහත නම් සඳහන් 02වන, 03වන, 04වන, 05වන සහ 06වන වැදිනයිත් හට අනුබල දුන් බවද එකී අනුබල දීමේ ප්‍රතිඵලයක් වශයෙන් එකී වරද සිදු වූ බැවින් 07වන වැදින වන යුෂ්මතිය දණ්ඩ නීති සංග්‍රහයේ 102 වන සහ 388 වන වගන්ති සමග කියවිය යුතු 1982 අංක 12 දරන පොදු දේපළ විෂයෙහි ලා සිදු කරනු ලබන වැරදි පනතේ 5(1) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කළ බවය.
- 05). වර්ෂ 2014ක් වූ නොවැම්බර් මස 28වන දින සහ වර්ෂ 2015 ක් වූ පෙබරවාරි මස 02වන දින අතර කාල සීමාව තුළ දී ඉහත පළමු චෝදනාවේ සඳහන් ස්ථානයේ දී සහ එම ක්‍රියාකලාපයේ දී ම 02වන සහ 07වන වැදිනයිත් වන යුෂ්මතූන් වරදක් එනම් ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාවේ සභාපති වූ 02වන වැදින වෙත භාර දෙනු ලැබූ හෝ ආධිපත්‍යයක් භාර දෙනු ලැබූ දේපලක් එනම් ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාව සතු මුදල් වලින් රුපියල් 5,985,333.21ක මුදලක් වීරකැටිය, මැදමුලන ලිපිනයේ පිහිටි ඩී.එ් රාජපක්ෂ අනුස්මරණ ස්මාරකය සහ කෞතුකාගාරය ඉදිකිරීම සඳහා වැය කර එකී මුදල වංක ලෙස සාවද්‍ය පරිහරණය කිරීමෙන් එම මුදල පිළිබඳ සාපරාධි විශ්වාසය කඩ කිරීමේ වරද සිදු කිරීමට හෝ එකී වරද සිදු කිරීමට අනුබල දීමට එකඟවීමෙන් හෝ එකී වරද සිදු කිරීමේ දී හෝ සිදු කිරීම සඳහා හෝ එකී වරද සිදු කිරීමට අනුබල දීමේ දී හෝ අනුබල දීම සඳහා හෝ පොදු අරමුණක් සහිතව එක්ව ක්‍රියා කිරීමට එකඟ වීමෙන් එකී වරද සිදු කිරීමට හෝ එකී වරද සිදු කිරීමට අනුබල දීමට හෝ කුමන්ත්‍රණය කළ බවද එකී කුමන්ත්‍රණයේ ප්‍රතිඵලයක් වශයෙන් එකී රුපියල් 5,985,333.21ක මුදල සම්බන්ධයෙන් සාපරාධි විශ්වාසය කඩ කිරීමේ වරද සිදු වූ බවද එබැවින් යුෂ්මතූන් දණ්ඩ නීති සංග්‍රහයේ 113(අ), 102 සහ 388 වන වගන්ති සමග කියවිය යුතු 1982 අංක 12 දරන පොදු දේපළ විෂයෙහි ලා සිදු කරනු ලබන වැරදි පනතේ 5(1) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කළ බවය.
- 06). ඉහත පස්වන චෝදනාවේ සඳහන් වේලාවේ දී, ස්ථානයේ දී සහ එම ක්‍රියාකලාපයේ දී ම ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාවේ සභාපතිවරයා වූ 02වන වැදින වන යුෂ්මතා වෙත භාර දෙනු ලැබූ හෝ ආධිපත්‍යයක් භාර දෙනු ලැබූ දේපලක් එනම් ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාව සතු මුදල් වලින් රුපියල් 5,985,333.21ක මුදලක් වීරකැටිය, මැදමුලන ලිපිනයේ පිහිටි ඩී.එ් රාජපක්ෂ අනුස්මරණ ස්මාරකය සහ කෞතුකාගාරය ඉදිකිරීම සඳහා වැය කර එකී මුදල වංක ලෙස සාවද්‍ය පරිහරණය කිරීමෙන් එම මුදල පිළිබඳ සාපරාධි විශ්වාසය කඩ කිරීමේ වරද සිදු කළ බැවින් යුෂ්මතා දණ්ඩ නීති සංග්‍රහයේ 388 වන වගන්තිය සමග කියවිය යුතු 1982 අංක 12 දරන පොදු දේපළ විෂයෙහි ලා සිදු කරනු ලබන වැරදි පනතේ 5(1) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කළ බවය.

(4)

- 07). ඉහත හයවන චෝදනාවේ සඳහන් වේලාවේ දී, ස්ථානයේ දී සහ එම ක්‍රියා කලාපයේ දී ම 07වන චූදිත වන සුෂමතිය ඉහත හයවන චෝදනාවේ සඳහන් වරද සිදු කිරීමට ඉහත නම් සඳහන් 02වන චූදිත හට අනුබල දුන් බවද එකී අනුබල දීමේ ප්‍රතිඵලයක් වශයෙන් එකී වරද සිදු වූ බැවින් 07වන චූදිත වන සුෂමතිය දණ්ඩ නීති සංග්‍රහයේ 102 වන සහ 388 වන වගන්ති සමග කියවිය යුතු 1982 අංක 12 දරන පොදු දේපළ විෂයෙහි ලා සිදු කරනු ලබන වැරදි පනතේ 5(1) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කළ බවය.



රජයේ අධිකාරී.

වර්ෂ 2018 ක් වූ 08 මස 24 වන දින දී ය.

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පැමිණිලි පත්‍රයෙන් ඉදිරිපත් කිරීමට අපේක්ෂා කරන දේ

01. 2013.12.09 දිනැති අංක එම්.බී.ඩී./එස්.ඊ.පී./පී.ඒ./01 (15) දරණ ලිපිය.
02. 2013.09.03 වන දින නාවික හමුදා මූලස්ථානයට යොමු කළ ලිපිය.
03. නාවික හමුදා මූලස්ථානයට යොමු කළ නාවික හමුදා සංඥාව.
04. PK14000776 දරණ 2014.02.13 දිනැති වවුචරය හා ගෙවීමට අනුමැතිය ලබාගැනීමට අදාළ ලිපි.
05. PK14000776 දරණ 2014.05.08 දිනැති වවුචරය හා ගෙවීමට අනුමැතිය ලබාගැනීමට අදාළ ලිපි.
06. අංක 423262 දරණ 2014.02.13 දිනැති ප්‍රේෂණ පත්‍රය හා බැංකු රිසිට්පතේ සහතික පිටපත.
07. අංක 463200 දරණ 2014.05.08 දිනැති ප්‍රේෂණ පත්‍රය හා බැංකු රිසිට්පතේ සහතික පිටපත.
08. 2014.02.26 දිනැති 537 වන අධ්‍යක්ෂ මණ්ඩල රැස්වීමට අදාළ ලිපි කට්ටලය.
09. අංක 3270388 දරණ ගිණුමේ 2014.01.01 සිට 2014.12.31 දක්වා බැංකු ප්‍රකාශනය.
10. අංක 7041347 දරණ ගිණුමේ 2014.02.18 සිට 2014.05.30 දක්වා බැංකු ප්‍රකාශනය.
11. අංක 067-1-001-7-5533413 දරණ ගිණුමේ විස්තර.
12. අංක 067-1-001-7-5533413 දරණ ගිණුමේ ප්‍රේෂණපත හා බැංකු රිසිට්පත.
13. රුපියල් මිලියන 25 ක මුදල අංක 3270908 දරණ ගිණුමට බැරවීමට අදාළ බැංකු සටහන.
14. මෝදරවිල සහ පැනැළියගොඩ ව්‍යාපෘතියට අදාළව ගොනු 04.
15. රාජ්‍ය ඖෂධ නිෂ්පාදන සංස්ථාවේ ඉදිකිරීමට අදාළ ගොනුව.
16. 2014 මණ්ඩල වාර්තා ආරක්ෂක ලේකම්වරයා වෙත යොමු කිරීමට අදාළ ආවරණ ලිපි.
17. 2014.02.21 දිනැති HDS/3714 දරණ අධ්‍යක්ෂ මණ්ඩල පත්‍රිකාවේ ලිපි කට්ටලය.
18. අංක 537 වන අධ්‍යක්ෂ මණ්ඩල වාර්තාව අනුමැතියට යොමු කිරීමේ ආවරණ ලිපියේ පිටපත.
19. ඉදිකිරීමට අදාළ වවුචරවල කාබන් පිටපත් 72 ක් සහිත ගොනුව.
20. 2015.08.31 දිනැති අංක 10/3/8 දරණ ලිපිය.
21. 2015.08.20 දිනැති අංක ආර්.ඩී/89 දරණ ආවරණ ලිපිය.
22. 2015.08.03 දිනැති DGCE/DIR/SOUTH/11/2015 දරණ ලිපි කට්ටලය.
23. අංක 20535 දරණ ස්ප්‍රේඩ්.
24. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද ගමන් වියදම් ගොනුව.
25. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද කම්කරු වියදම් ගොනුව.
26. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද යන්ත්‍ර සූත්‍ර පිරිවැය ගොනුව.
27. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද ඉන්ධන පිරිවැය ගොනුව.
28. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද දුරකථන හා ඡායා පිටපත් පිරිවැය ගොනුව.
29. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද විවිධ වියදම් පිරිවැය ගොනුව.
30. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද විශේෂ වියදම් පිරිවැය ගොනුව.
31. චිරකූටිය ව්‍යාපෘතිය සඳහා සංස්ථාව විසින් දරණ ලද සුළු මුදල් වියදම් පිරිවැය ගොනුව.

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මහාධිකරණය

මේ අධිචෝදනා පත්‍රයේ ඇතුළත් චෝදනාවට / චෝදනාවලට වර්ෂ දෙදහස්

වන දින

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මස

මේ අධිචෝදනා පත්‍රයේ ඇතුළත් චෝදනාව / චෝදනා විසඳීමට තෝරා ගනු ලැබූ ජූරි සභාව වර්ෂ දෙදහස්

මස

වූ

වන දින දුන් තීරණය නම් -

මේ අධිචෝදනා පත්‍රයේ ඇතුළත් චෝදනාවට / චෝදනාවලට වර්ෂ දෙදහස්

වන දින

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අධිකරණ කළාපයේ මහාධිකරණය විසින් නියම කර ප්‍රසිද්ධ කරන ලද දඩුවම නම් --

32. වීරකැටිය ව්‍යාපෘතිය සඳහා සංස්ථාව අමුද්‍රව්‍ය මිලදී ගැනීමේ වියදම් පිරිවැය ගොනුව.
33. ලංකා බැංකුවේ අංක 3270388 දරණ ජංගම ගිණුමේ වෙක්සන් 36 කි.
34. 2014 වර්ෂයේ අධ්‍යක්ෂ මණ්ඩලය තීරණ හා වාර්තා අනුමැතියට යොමු කළ ලිපි ඇතුළත් ගොනුව.
35. 2014.02.19 දිනැති අංක HSD 3714 දරණ අධ්‍යක්ෂ මණ්ඩල පත්‍රිකාව අදාළ කෙටුම්පත.
36. 2013 අගෝස්තු සිට දෙසැම්බර් දක්වා අධ්‍යක්ෂ මණ්ඩල රැස්වීම් සඳහා පැමිණීමේ ලේඛනය.
37. වීරකැටිය ව්‍යාපෘතිය අදාළව පවත්වාගෙන ගිය අංක D&R/P/77/2014-Vol(1) දරණ ගොනුව.
38. බිල්පත ඉල්ලා ඉදිරිපත් කරන ලද 2014.08.04 දිනැති අංක Gm/01/09 දරණ ලිපිය.
39. 2015.08.28 දින අවසන් බිල්පත රාජපක්ෂ පදනමට ඉදිරිපත් කළ බිල්පත.
40. අංක HDS 3306 සිට HDS 3914 දක්වා අධ්‍යක්ෂ මණ්ඩල පත්‍රිකා 15.
41. 2013.06.19 දිනැති MOD/FD/TB7/61/2012 දරණ ලිපිය.
42. 2013.12.24 දිනැති MOD/FD/TB7/05/2013 දරණ ලිපිය.
43. 2014.06.30 දිනැති MOD/FD/TB7/05/2013 දරණ ලිපිය.
44. 2014 වර්ෂයේ සංස්ථාවේ අයවැය වාර්තාව හා වැඩ සැලැස්ම ඇතුළත් පොත.
45. ඉදිකිරීමට අදාළව නාවික හමුදාව විසින් පවත්වාගෙන ගිය ගොනුව.
46. 2013, 2014 හා 2015 වර්ෂවලට අදාළ අවසන් ගිණුම් වාර්තා ඇතුළත් පොත 03 ක්.
47. ස්වාධීන රූපවාහිනී සේවයේ ප්‍රවෘත්ති විකාශනයට අදාළ සී.ඩී. තැටිය.
48. ඉදිකිරීමට අදාළ තක්සේරු වාර්තාව.
49. ඩී.ඒ. රාජපක්ෂ ස්මාරකය සහ කොතුකානාරය ඉදිකිරීමට අදාළ දළ සැලැස්ම.
50. රජයේ සැකකටයුතු ලේඛන පරීක්ෂකගේ වාර්තාව.
51. වීරකැටිය ප්‍රාදේශීය සභාවේ අනුමැතිය ලබා නොමැති බව දන්වා ඇති ලිපිය.
52. රාජපක්ෂ පදනම වෙත ඉදිරිපත් කර ඇති අවසන් බිල්පත.
53. 2015.03.24 දිනැති විගණන විමසුම.
54. පදනම විසින් රුපියල් මිලියන 25 ක් ගෙවීමට අදාළ වෙක්සන්.
55. ගෝඨාභය රාජපක්ෂ නැමැත්තාගේ අත් අකුරු සහ අත්සන් සාම්පල.
56. රජ්‍ය ඉන්දිරා සිල්වා නැමැත්තියගේ අත්සන් සාම්පල.
57. ලක්ෂ්මන් වීරතුංග යන අයගේ අත්සන් සහ අත් අකුරු සාම්පල.
58. හර්ෂාත් ද සිල්වා නැමැත්තාගේ අත්සන් සාම්පල.
59. රොහාන් ප්‍රමිත්ද සෙනෙවිරත්න යන අයගේ අත්සන් සහ අත් අකුරු සාම්පල.
60. අංක 10/3/8 දරණ නාගරික සංවර්ධන අධිකාරියේ අධ්‍යක්ෂ විසින් එවන ලද ලිපිය.
61. ස්මාරකයට අදාළ සැලැස්ම සකස් කිරීම සඳහා වැයවූ මුදල් ඉදිරිපත් කරන ලද ආවරණ ලිපිය.
62. අංක DGCE/DIR/SOUTH/11/2015 දරණ ලිපිය ඇතුළත් පිටු 14 කින් සමන්විත ලිපි කවිච්ඡය.
63. 2013.04.26 දින සාමන්තාධිකාරී විසින් යොමු කරන ලද ලිපිය.
64. 2013.05.23 දින ජනාධිපති ලේකම් කාර්ය මණ්ඩල ප්‍රධානි විසින් යොමු කළ පිටු 02 කින් යුතු ලිපිය.
65. 2013.03.22 දින මානව හිමිකම් කොමිෂන් සභාවට යොමු කරන ලද ලිපිය.
66. 2011.02.02 දින කොළඹ ම/ල නඩු අංක 27827/5/2013 දරණ නඩුවට අදාළව යොමු කළ ලිපිය.

67. 2016.08.21 දින නීතිමය පියවර ගැනීම සඳහා යොමු කරන ලද ලිපිය.
68. 2010.08.19 දින සංස්ථාවේ ප්‍රධාන නීති නිලධාරී විසින් යොමු කරන ලද ලිපිය.
69. 2010.10.04 රාජ්‍ය ව්‍යාපාර දෙපාර්තමේන්තුවේ අධ්‍යක්ෂ විසින් යොමු කරන ලද ලිපිය.
70. 2013.06.12 දින නීතිඥ සමන් ගලප්පන්ති මහතා විසින් යොමු කර තිබූ ලිපිය.
71. 2013.07.01 දින බලය පැවරීම සම්බන්ධයෙන් ලබා දී ඇති ලිපිය.
72. 2011.06.06 දින ගණකාධිකාරී විසින් කළමනාකරණ මණ්ඩලය පත් කිරීමට අදාළව යොමු කළ ලිපිය.
73. 2013.11.12 දිනැති අතිරේක ලේකම් පාලන යොමු කරන ලද ලිපිය.
74. 2007.02.27 දිනැතිව සෘජු සහකාර ලේකම් පරිපාලන විසින් යොමු කළ ලිපිය.
75. 2007.03.14 දිනැතිව ජ්‍යෙ.ස.ලේ. විසින් නිල නිවසක් සම්බන්ධව යොමු කළ ලිපිය.
76. 2007.05.15 දිනැතිව අති.ලේ. (පා) විසින් නිල නිවාසයක් සම්බන්ධයෙන් යොමු කළ ලිපිය.
77. 2007.08.06 දිනැතිව ජ්‍යෙ.ස.ලේ (පරිපාලන) විසින් නිල නිවාස 03 ක් සම්බන්ධයෙන් යොමු කළ ලිපිය.
78. 2012.12.24 දින අ.ලේ. විසින් රා.ප. චක්‍රලේඛන 19/2012 ක්‍රියාත්මක කිරීම සම්බන්ධ ලිපිය.
79. 2013.06.12 දිනැති අ.ලේ. විසින් මදුරු මර්ධන කමිටුව පත් කිරීමට අදාළ ලිපිය.
80. 2014.05.06 දිනැති අ.ලේ. විසින් පශ්චාත් උපාධි පාඨමාලාව සම්බන්ධව යොමු කළ ලිපිය.
81. 2014.06.08 දින අ.ලේ. විසින් උපාධි පාඨමාලාවට මුදල් වෙන් කරගැනීමට යොමු කරන ලද ලිපිය.
82. 2014.08.22 දිනැති අ.ලේ. විසින් පශ්චාත් උපාධි පාඨමාලාවක් සම්බන්ධයෙන් යොමු කළ ලිපිය.
83. 2013.01.31 දින අ.ලේ විසින් උපාධි පාඨමාලා ගාස්තු පිළිබඳ යොමු කළ ලිපිය.
84. 2013.01.23 දින අ.ලේ වෙත මල්විම්සියා යන්ත්‍රයක් ලබාගැනීමට යොමු කරන ලද ලිපිය.
85. 2012.07.06 දින අ.ලේ. පාලන වෙත දුරකථනයක් ඉල්ලා යොමු කරන ලද ලිපිය.
86. 2011.12.22 දින අ.ලේ. වෙත යොමු කරන ලද ලිපිය.
87. 2011.12.14 දින හර්ෂ ලක්ෂ්මන් චිරතුංග විසින් භාණ්ඩ ලබාගැනීම සඳහා යොමු කරන ලද ලිපිය.
88. හර්ෂ ලක්ෂ්මන් චිරතුංග විසින් දීමනා ලබාගැනීමට ගණකාධිකාරීතුමාට යොමු කරන ලද ලිපිය.
89. නන්දසේන ගෝඨාභය රාජපක්ෂ යන අයගෙන් ඉංග්‍රීසි භාෂාවෙන් ලබාගන්නා ලද අකුරු සාම්පල.
90. කොළඹ ම/ල බී 30485/4/15 දරණ අධිකරණ නියෝගය පරිදි ලබාදෙන ලද අංක 3270388 දරණ ජංගම ගිණුමේ වෙක්සන් 36 කි.
91. 2013, 2014 වර්ෂයන්හි මූල්‍ය බලතලවලට අදාළ අංක 527, 536 දරණ අධ්‍යක්ෂ මණ්ඩල පත්‍රිකා.
92. 2014.03.20 දිනැති වැඩ තොරතුරු ගොනුව.
93. 2016.07.01 දින රාජපක්ෂ පදනම වෙත යොමු කරන ලද එන්නත්වාසිය.
94. 2013, 2014 වර්ෂවල සමන්ත ලොකු ලියනගේ ඉදිරිපත් කළ ව්‍යාපෘතිවල ආයා පිටපත් 10.
95. 2016.11.23 දිනැති ඉද්දවෙල මහතාගේ ලිපිය.
96. අංක 20525 දරණ ඔප්පුවට අදාළ පත්තිරූ.

97. 2015.09.14 දිනැති රාජපක්ෂ අනුස්මරණ අධ්‍යාපනික, සංස්කෘතික සහ සමාජ සේවා පදනමේ ලිපිය.
98. 2015.09.15 දිනැති විගණකාධිපති දෙපාර්තමේන්තුවේ ලිපිය.
99. 2015.10.02 දිනැති ශ්‍රී ලංකා ඉඩම් ගොඩනිවීමේ සහ සංවර්ධනය කිරීමේ සංස්ථාවේ ලිපිය.
100. 2014.05.29 දිනැති ශ්‍රී ලංකා ඉඩම් ගොඩනිවීමේ සහ සංවර්ධනය කිරීමේ සංස්ථාවේ ලිපිය.
101. 2015.04.23 දිනැති ශ්‍රී ලංකා නාවික හමුදාවේ ලිපිය.
102. 2015.09.01 දිනැති ලංකා බැංකුව වෙත යොමු කරන ලද ලිපිය.
103. 2016.08.05 දිනැති ශ්‍රී ලංකා ඉඩම් ගොඩනිවීමේ සහ සංවර්ධනය කිරීමේ සංස්ථාවේ ලිපිය.
104. විගණන විමසුමක්.
105. විගණන වාර්තාවක්.

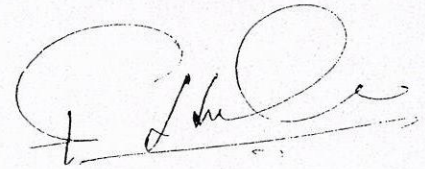
පැමිණිලි පත්‍රයෙන් ඉදිරිපත් කිරීමට අපේක්ෂිත සාක්ෂිකරුවන්

01. හේරත් මුදියන්සේලාගේ වසන්ත සමරසිංහ, අංක 259/9, සෙන්සිටි මාවත, කොස්වත්ත, නලංගම.
02. ප්‍රතිභාවක ආරච්චිගේ ඉපිරිහිවුස් සිවිනිමල් සෙරේරා, අංක 125/ඒ, මාකවිට, ජා-ඇල.
03. ගණේගොඩ අප්පහාමිලාගේ දොන් රොහාන් ප්‍රමිත්ද සෙනවිරත්න, අංක 26/ඒ/1, දුම්පියපොළ පාර, නුගේගොඩ.
04. රජනි ඉන්දිරා ද සිල්වා, අංක 160, ස්ටැන්ලි තිලකරත්න මාවත, නුගේගොඩ.
05. කපිතාන්, හිරාන් සවිත්‍ර සාසෙරිය, ශ්‍රී ලංකා නාවික හමුදාව, දකුණු නාවික විද්‍යාලය, මාගාල්ල, ගාල්ල.
06. ඇන්තිලිගොඩ ගමගේ හර්ෂනී මධුකා රණසිංහ, "සන්සර", හැල්පිටවත්ත, කරාගොඩ, ගාල්ල.
07. කමාන්ඩර්, රන්දිල මහගෙදර ගමරාළලාගේ උදේති සංජීව කරුණාරත්න, අංක 22, කහටගස්ලන්ද, විජයරජදහන, මීරිගම.
08. චන්තේ ගෙදර ප්‍රේමරත්න, අංක 27141, "අරුණ", මාගම්මන, හෝමාගම.
09. හේතක්ගේ කාන්ති කුමාරි විජේවර්ධන ඒකනායක, අංක 228/11, විහාර මාවත, කොතලාවල, කඩුවෙල.
10. සමන්ත ලොකුලියන, "කොමදි", හේනවත්ත, අංගන්ගොඩ, පයාගල.
11. සෙනෙහාස් ධනංජය ධර්මරත්න, අංක 52/10/සී, පල්ලිදොර පාර, දෙහිවල.
12. සුපින් ප්‍රියන්ත මුතුමාල, අංක 184, කැස්බෑව පාර, බොරැල්ලගමුව.
13. වාලුක්ගේ බුද්ධිත්‍ර අමරසිංහ, අංක 341/සී/156, හොයාය වත්ත, පිළියන්දල.
14. කරුණාරත්න රාජපක්ෂ, අංක 425/11, රණබිම මාවත, මුල්ලේපියාව.
15. කපිල ගාමිණී සමරසිංහ දිසානායක, "වියසර", මැදමුලන, වීරකැවිය.
16. නිල්බද්දේණිය ආරච්චිලාගේ දයානන්ද, අංක 1008/13, පැරකුමුණ පෙදෙස, මාලබේ.
17. හර්ෂ ලක්ෂ්මන් වීරතුංග, අංක 66/3, දුම්පියපොළ පවුමග, උඩහමුල්ල, නුගේගොඩ.
18. වමල් ජයන්ත රාජපක්ෂ, අංක 293/ඒ/3, හේතිකාරාම පාර, තලවතුගොඩ. (මැදමුලන, වීරකැවිය)
19. කමල් ධම්මික විමලරත්න, අංක 163/බී, උතුරු බටගම, ජා-ඇල.
20. උඩගේ ආරච්චිගේ අසෝක බණ්ඩුල, අංක 166/ඒ, සහල හංවැල්ල, හංවැල්ල.
21. චේමසාමි පුවරාජ, අංක 23/07, ශාන්ති ඇත්ත පෙදෙස, ශාන්ති ආනා පා

22. ලියනරාළලාගේ ලක්ෂ්මි දර්ශිකා ලියනගේ, අංක 496/බී, ඉහළ කරගහමුන, කඩුවන.
23. ඒකනායක මුදියන්සේලාගේ උදාපි අපේක්ෂා අබේරත්න, අංක 307/1, මිහිඳු මාවත, මාකොල උතුර, මාකොල.
24. දසනායක මුදියන්සේලාගේ ප්‍රියන්ත සංචාර දසනායක, අංක 394/1, සූරියගොඩ, මුරුතලාව, මහනුවර.
25. හේවානලගමගේ චන්ද්‍රසේන, අංක 267/ඒ, අලුත්ගෙදර, පාලෙන්කඩ, මුල්කිරිගල.
26. කපතන්ත්‍රිගේ අනුෂ්ක තෙරංජන් අංක 277/1/4, පට්ටියවල ෆාම්, උස්වැටකෙයිගාව.
27. කස්තුරි ආරච්චිගේ ප්‍රහාන් සංජීව, බිංබිටිගහවත්ත, මුල්කිරිගල, වීරකැටිය.
28. චලිමුනි තනුජා ගයනමාලි මෙනඩිස් අබේසේකර, අංක 382/9, මුනිපුර, කලේගොඩ, පත්තිමිටිය.
29. දන්ගහ ගමරාළලාගේ කිත්තිරි ජයසිංහ, නාවික හමුදාවේ සහකාර අධ්‍යක්ෂ මුදල්, අංක 718/2, දෙවැනි පටුමග, හේවත්ත පාර, කොරළඹුම, ගෝනපල.
30. ආරම්බරගේ බිලාන්ති නිමල්කා සහබන්දු, අංක 35/2, සුබෝධාරාම පාර, දෙහිවල.
31. තෙල්ගේ කසුන් නුවන්ත මිටිස්, අංක 66/ඒ, පළමු පටුමග, රාවතාලත්ත, මොරටුව.
32. කහවත්ත ගමගේ ප්‍රේමසිරි, "තුරිල නිවස", අරන්වෙල, බෙලිඅත්ත.
33. මැදියසොල මැදගනේ ගෙදර නදිකා සුනාමි විජේරත්න, අංක 03, නාමල්ගම, දිවෙල, පල්ලේගම, කෑගල්ල.
34. උපුල් රංජන් සමරසිංහ දිසානායක, දයාගිරි, මැදමුලන.
35. ආරියතිලක දහනායක, මුල්කිරිගල ගෙදර, ගැටමාන්න බටහිර, බෙලිඅත්ත.
36. මොහොමඩ් සුහති මොහොමඩ් හුස්මි, අංක 99, නිහාරිය පාර, උදුංගොඩ, රුක්මනවෙල.
37. මනින්ද පිනසේන, අංක 26, ඩික්මන් පාර, කොළඹ 05.
38. රියර් අදම්රාල්, දොන් ජරික් කැලිස්ටස් ජයකොඩි, නාවික හමුදා මුලස්ථානය, කොළඹ 01. (පුද්ගලික ලිපිනය:- තල්විල පාර, මාරවිල)
39. රියර් අදම්රාල්, විපුල සෙනරත් ජයසිංහ, අංක 61, ගල්වල පාර, දෙහිවල.
40. අශෝක කාරියවසම් පතිරගේ, අංක 65/13, කුමාරගේවත්ත පාර, වික්‍රමසිංහ මාවත, පැලවත්ත, බත්තරමුල්ල.
41. පුරුෂිමා මහේච් ආනන්දසිරි, අංක 401/5, පන්සල පාර, තලපත්තිමිය.
42. පරවාහුර කාකානම්ගේ අමිත් ප්‍රේමකුමාර, අංක 461/බී/116, "සිටි ගේ ලයිස්", කහතුඩුව, පොල්ගස්මුව.
43. ජයනාත් සිරිකුමාර කොළඹගේ, විශ්‍රාමික නාවික හමුදාපති, අංක 606/1, ගමමැද පාර, කදුනායක.
44. ලංකකාර මුදියන්සේලාගේ ප්‍රමිලා කුමාරි සංචාර, අංක 1/4, බණ්ඩාරවත්ත, ගම්පහ.
45. මිහඟපොලගේ මල්ලිකා ක්‍රිෂාන්ති, අංක 56, උගුරාගොඩ විලපැන්න, මතුගම.
46. විතාරනගේ චතුර ජයනාත් විතාරන, අංක 336/2/5, මැණික්කාගාර, කොරකොට, කඩුවෙල.
47. ජයසිංහ ආරච්චිලාගේ සුච්ඡකුමාර ජයසිංහ, අප්ගොල්ල වත්ත, පරබැවිල, පොතුහැර.
48. අන්තෝනිගේ ගුණතිලක, "ගිම්මිවංස", පොරොවෙල, වලස්මුල්ල.
49. උත්පලවර්ණ විජේසිංහ, අංක 97/4, පුරධාරාම මාවත, කිරුළපන, කොළඹ 05.
50. හේවාරත්ත ජයසිංහ මුදියන්සේලාගේ ප්‍රියංජිවනා සුශාන්ති මැණිගේ, රාජ්‍ය ආරක්ෂක අමාත්‍යාංශයේ සංවර්ධන නිලධාරී, අංක 185/ඒ, දෙවන පටුමග, ගල්උඩුව, රාගම.
51. නාවික හමුදා සෙබල, ඒ.සී. 104177, උඩලමත්ත ගමගේ ලසන්ත ලංකාතිලක, කුරියන්ගොඩ වත්ත, ඉහළ පල්ලේවල, වූරුම, ගාල්ල.

52. ගිනිගේ නලින්දා සංවිධානී පෙරේරා, අංක 279/2, වනවාසල පාර, කලණිය.
(ස්වාධීන රුපවාහිනී සේවයේ විධියෙන් දර්ශන ඇතුළත් සංක්‍රාන්ති කැටය ඉදිරිපත් කර සාක්ෂි දීමට)
53. අනුපමා ප්‍රියන්තසේකරගේ සුරේෂ් බංඩාර අනුපමා, අංක 778/8, රුක්මලේ පාර, කොට්ටාච්චි, පත්තිනිය.
54. වර්ණකුලසූරිය දොන් ඇන්තනි ලිනස් එල්දොයි ප්‍රනාන්දු, ලේක් ක්‍රිස්ටි, අංක 71/කී/25, තුන්වන හරස් පාර, අත්තිකිය, ගල්කිස්ස.
55. දොන් යමන් ප්‍රියන්ති ධර්මපාල, අංක 246/40, අත්තිකිය පාර, රාගම.
56. හේවා වසුගේ සයරත්න, හම්බන්තොට දිස්ත්‍රික් තක්සේරු නිලධාරී, අංක 24, උඩගොඩවත්ත, කඹුරුගමුව.
57. නීතිඥ මුහම්දරමලාගේ ධම්මික ස්තරත්න බංඩාර, අංක 100/ඒ, නිලමහර පාර, කටුවාවල, බොරැස්ගමුව.
58. නීතිඥ මධුරප්පෙරුමගේ චන්ද්‍රසිරි සයරත්න, අංක 165, කිරුළ පාර, නාරාහේන්පිට.
59. රණවත අළුතිගේ පාඨලී එම්සීක රණවත, අංක 121, විජේරාම පාර, කොළඹ 05.
60. කහඳව අප්පුහාමිලාගේ චාමිති මේකලා කහඳව, "සමපත්මලා", කඹුරුගොඩ, බණ්ඩාරගම.
61. කේ.කේ. අප්පරා, සැකකටයුතු රේඛන පිළිබඳ ආණ්ඩුවේ ප්‍රේමස් සහකාර පරිපූරක, රජ පරිසර දෙපාර්තමේන්තුව, අංක 31, ඉසුරු මාවත, පැලවත්ත, බත්තරමුල්ල.
(අංක H 63/17 දරණ සැකකටයුතු ලේඛන පිළිබඳ වාර්තාව ඉදිරිපත් කර සාක්ෂි දීමට.)
62. හමරා අධිකාරම්, පළාත් සංස්කෘතික, දකුණු පළාත් තක්සේරු කාර්යාලය, එච්.පී.එම්. ගොඩනැගිල්ල, කොදුරේගොඩ, මාතර.
(අංක හම්/ඉඩ/2476 දරණ තක්සේරු වාර්තාව ඉදිරිපත් කර සාක්ෂි දීමට.)
63. ග්‍රියා වන්නිසාරච්චි, ගණකාධිකාරී, ඉඩම් ගොඩ කිරීමේ හා සංවර්ධනය කිරීමේ සංස්ථාව, නැ.පෙ. 56, අංක 03, ශ්‍රී සංවර්ධනපුර මාවත, වැලිකඩ, රාජගිරිය.
64. ඩබ්ලිව්.ඒ. විජේරත්න, රාජ්‍ය ආරක්ෂක අමාත්‍යාංශයේ දේශපාලන සම්බන්ධීකරණ ලේකම්, රාජ්‍ය ආරක්ෂක අමාත්‍යාංශය, කොළඹ.
(රාජ්‍ය ආරක්ෂක අමාත්‍යාංශය විසින් 2015.09.02 ඉදිරිපත් කරන ලද ලිපිය ඉදිරිපත් කර සාක්ෂි දීමට.)
65. එස්.එම්.ඩී.එස්. සුදේශ් රෝහන, විගණන අධිකාරී, විගණකාධිපති දෙපාර්තමේන්තුව, අංක 306/72, පොල්ලුව පාර, බත්තරමුල්ල.
(අංක ACC/FC/2015/213 දරණ විගණන විමසුම ඉදිරිපත් කර සාක්ෂි දීමට.)
66. රිශර් අදම්රාල්, ඩබ්ලිව්.එස්. සයඩාන, නාවික හමුදා මූලස්ථානය, කොළඹ 01.
67. ඩබ්ලිව්.එම්.ඒ.එස්. ඉද්දෙවෙල, සහායක, ශ්‍රී ලංකා ඉඩම් ගොඩකිරීමේ සහ සංවර්ධනය කිරීමේ සංස්ථාව, නැ.පෙ. 56, අංක 03, ශ්‍රී සංවර්ධනපුර මාවත, වැලිකඩ, රාජගිරිය.
68. ඩබ්ලිව්.එම්. ගාමිණී විජේසිංහ, විගණකාධිපති, විගණකාධිපති දෙපාර්තමේන්තුව, බත්තරමුල්ල.
(2018.02.06 දිනැති ශ්‍රී ලංකා ඉඩම් ගොඩ කිරීමේ/සංවර්ධනය කිරීමේ සංස්ථාව විසින් මැදමුලන ඩී.ඒ. රාජසේන කොතුකාරාය හා සමාජය ඉදිකිරීම පිළිබඳ විගණකාධිපති විශේෂ වාර්තාව ඉදිරිපත් කර සාක්ෂි දීමට.)
69. පො.අ. දිනසිරි කමල් පලිස්කාර, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
70. පො.ප. ඩී.ඒ.ආර්.පී. විජේරත්න, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
71. පො.ප. ඒ.එල්.බී.එස්. ප්‍රනාන්දු, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
72. උ.පො.ස. ඩී.එම්. ධම්මික ලාල් ද සිල්වා, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
73. පො.සු. 35078 සෙනසිල්, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.

74. පො.ස. 23746 කාලිංග බණ්ඩාර, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
75. පො.කො. 37959 ප්‍රනාන්දු, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
76. පො.කො. 77962 බණ්ඩාර, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
77. පො.කො. 86536 සෙනරත්, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
78. පො.කො. 90264 නාමල්, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
79. පො.කො. 86527 රනිල්, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
80. පො.කො. 36138 බණ්ඩාර, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
81. පො.කො. 68565 සමන්, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.
01. පො.කො. 85052 මනෝජ්, මූල්‍ය අපරාධ විමර්ශන කොට්ඨාශය.



රජයේ අධිකාරී.

වර්ෂ 2018 ක් වූ 08 මස 24 වන දින දී ය.

න/CR5-32-15-IND

Indictment

Western Province Permanent High Court Trial at Bar

Attorney-General's No – CR5/32/2015 High Court Criminal Litigation No – HC/PTB/1/02/201

Democratic Socialist Republic of Sri Lanka

Vs

1. Nandasena Gotabhaya Rajapaksha
2. Liyanaarachchige Prasad Harshan De Silva
3. Gamaethi Ralalage Bhadra Udulawathi Kamaladasa
4. Sudammika Keminda Atigala
5. Saman Kumara Abraham Galappaththi
6. Marukku Dewage Mahinda Saliya
7. Madamperuma Arachchilage Srimathi Mallika Kumari Senadheera

The defendants are prosecuted as ordered by Jayantha Chandrasiri Jayasoriya, Attorney-General of the Democratic Socialist Republic of Sri Lanka and the charges contained in such indictment are as follows:

- 01) During the period from 03rd of September 2013 and 02nd of February 2015, in Colombo that is situated within the jurisdiction of this Court, the defendants have committed an offence, i.e. have spent a property entrusted to or authorized to the 2nd, 3rd, 4th, 5th and 6th Accused and Defendants who are the members of the Board of Directors of the Land Reclamation and Development Authority i.e. a sum of rupees 33,900,000 that belonged to the Land Reclamation and Development Authority for the construction of DA Rajapaksha Memorial and Museum in the address of Medamulana, Weeraketiya and the misappropriation of the said money that amounted to the commitment of the criminal breach of trust or committing such offence by agreeing to abet such offence or by abetting such offence or by agreeing to act collectively for the common purpose that amounted to the commitment of such offence, abetting such offence or conspiring to commit such offence and as a consequence of such conspiracy, the criminal breach of trust with regard to such sum of rupees 33,900,000 has been committed and thus the defendants have committed an offence punishable under Section 5 (1) of the Offences Against Public Property Act No. 12 of 1982 that should be read with Sections 113 (b), 102 and 388 of the Penal Code.
- 02) During the period from 12th February 2014 and 28th November 2014, in the same place mentioned in the above first charge and within the same jurisdiction, the defendants have committed an offence, i.e. have spent a property entrusted to or authorized the 2nd, 3rd, 4th, 5th and 6th Accused and Defendants who are the members of the Board of Directors of the Land Reclamation and Development Authority i.e. a sum of rupees 33,900,000 that belonged to the Land Reclamation and Development Authority for the construction of DA Rajapaksha Memorial and Museum in the address of Medamulana, Weeraketiya and the misappropriation of the said money that amounted to the commitment of the criminal breach of trust, the defendants have committed an offence punishable under Section 5 (1) of the Offences Against Public Property Act No. 12 of 1982 that should be read with Sections 32 and 388 of the Penal Code.
- 03) In the same time and place mentioned in the above second charge and within the same jurisdiction, the 1st Accused had abetted the above named 2nd, 3rd, 4th, 5th and 6th Accused to commit the offence mentioned in the second charge above and as a result of such abetment such offence had been committed and the 1st Accused and Defendant has committed an offence punishable under Section 5 (1) of the Offences Against Public Property Act No. 12 of 1982 that should be read with Sections 102 and 388 of the Penal Code.

- 04) In the same time and place mentioned in the above second charge and within the same jurisdiction, the 7th Accused and Defendant had abetted the above named 2nd, 3rd, 4th, 5th and 6th Accused to commit the offence mentioned in the second charge above and as a result of such abetment such offence had been committed and the 7th Accused and Defendant has committed an offence punishable under Section 5 (1) of the Offences Against Public Property Act No. 12 of 1982 that should be read with Sections 102 and 388 of the Penal Code.
- 05) During the period from 28th November 2014 and 02nd of February 2015, in the same place mentioned in the above first charge and within the same jurisdiction, the 2nd and 7th Accused and Defendants have committed an offence, i.e. have spent a property entrusted to or authorized to the 2nd Accused, the Chairman of the Land Reclamation and Development Authority i.e. a sum of rupees 5,985,333.21 that belonged to the Land Reclamation and Development Authority for the construction of DA Rajapaksha Memorial and Museum in the address of Medamulana, Weeraketiya and the misappropriation of the said money that amounted to the commitment of the criminal breach of trust or committing such offence by agreeing to abet such offence or by abetting such offence or by agreeing to act collectively for the common purpose that amounted to the commitment of such offence, abetting such offence or conspiring to commit such offence and as a consequence of such conspiracy, the criminal breach of trust with regard to such sum of rupees 5,985,333.21 has been committed and thus the defendants have committed an offence punishable under Section 5 (1) of the Offences Against Public Property Act No. 12 of 1982 that should be read with Sections 113 (b), 102 and 388 of the Penal Code.
- 06) In the same time and place mentioned in the above fifth charge and within the same jurisdiction, the Accused has committed an offence, i.e. has spent a property entrusted to or authorized to the 2nd Accused, the Chairman of the Land Reclamation and Development Authority i.e. a sum of rupees 5,985,333.21 that belonged to the Land Reclamation and Development Authority for the construction of DA Rajapaksha Memorial and Museum in the address of Medamulana, Weeraketiya and the misappropriation of the said money that amounted to the commitment of the criminal breach of trust, the defendant has committed an offence punishable under Section 5 (1) of the Offences Against Public Property Act No. 12 of 1982 that should be read with Section 388 of the Penal Code.

07) In the same time and place mentioned in the above sixth charge and within the same jurisdiction, the 7th Accused and Defendant has abetted the 2nd Accused to commit the offence mentioned in the sixth charge and as a result of such abetment such offence had been committed and the 7th Accused and Defendant has committed an offence punishable under Section 5 (1) of the Offences Against Public Property Act No. 12 of 1982 that should be read with Sections 102 and 388 of the Penal Code.

[signature]

State Counsel

On 24th of 08 Month of the year 2018

C/CR-5-32-15-IND

Items to be produced by the Plaintiff Party

1. The letter no. M.O.D./ S.E.C./ P.A./01 (15) dated 09.12.2013
2. The sent to the Navy Headquarters on 03.09.2013
3. Navy signal sent to the Navy Headquarters
4. The voucher No. PK14000776 dated 13.02.2014 and the letters relevant to the approval for the payment
5. The voucher No. PK14000776 dated 08.05.2014 and the letters relevant to the approval for the payment
6. Transfer sheet No. 423262 dated 13.02.2014 and certified copy of the bank receipt
7. Transfer sheet No. 463200 dated 08.05.2014 and certified copy of the bank receipt
8. Set of documents related to the 537th Director Board meeting dated 26.02.2014
9. Bank statement of the account 3270388 from 01.01.2014 to 31.12.2014
10. Bank statement of the account 7041347 from 18.02.2014 to 30.05.2014
11. Details of the account 067-1-001-7-5533413
12. Remit Paper of the account 067-1-001-7-5533413 and bank receipt
13. Bank note on crediting the Rs. 25 million to the account No. 3270908
14. 04 files on the Modarawila and Eheliyagoda project
15. File related to the construction of the State Pharmaceutical Manufacturing Authority
16. Covering letter on referring 2014 Board reports to the Defence Secretary
17. File package on Board paper dated HDS/3714 dated 21.02.2014
18. Copy of the covering letter referring the 537th Director Board report for approval
19. File containing 72 carbon copies of the vouchers related to the construction
20. Letter No. 10/3/8 dated 31.08.2015
21. Covering letter No. RD/89 dated 20.08.2015
22. File set no. DGCE/DIR/SOUTH/11/2015 dated 03.08.2015
23. Deed No. 20535
24. Transport expenses file incurred by the Authority for the Weeraketiya project
25. Labour expenses file incurred by the Authority for the Weeraketiya project
26. Machinery expenses file incurred by the Authority for the Weeraketiya project
27. Fuel expenses file incurred by the Authority for the Weeraketiya project
28. Telephone and photocopy expenses file incurred by the Authority for the Weeraketiya project
29. Sundry expenses files incurred by the Authority for the Weeraketiya project
30. Special expenses and cost file incurred by the Authority for the Weeraketiya project
31. Petty cash expenses file incurred by the Authority for the Weeraketiya project

High Court

The decision of the

Jury panel selected to judge the charge/ charges contained in this indictment paper on this
..... monthof Two Thousand

on the charge/ charges contained in this indictment paper on this
..... monthof Two Thousand

The punishments imposed by the High Court of the jurisdiction on the charge/ charges
contained in this indictment paper on this
..... monthof Two Thousand

11045287-25,000 (2015/01) Sri Lanka State Printing Corporation

32. Cost file for purchasing raw material by the Authority for the Weeraketiya project
33. 36 cheques of the current account no. 3270388 of the bank of Ceylon
34. File containing the letters referred for approval for the Director Board decisions and reports in the year 2014
35. Draft related to the Director Board Paper No. HSD 3714 dated 19.02.2014
36. Attendance Register for the Director Board meetings from August to December 2013
37. File No. D&R/P/77/2014-Vol (1) maintained related to the Weeraketiya project
38. Letter No. Gm/01/09 dated 04.08.2014 submitted requesting the bill
39. Bill submitting the final bill to the Rajapaksha Foundation on 28.08.2015
40. 15 Director Board Papers from No. HDS 3306 to HDS 3914
41. Letter No. MOD/FD/TB7/61/2012 dated 19.06.2013
42. Letter No. MOD/FD/TB7/05/2013 dated 24.12.2013
43. Letter No. MOD/FD/TB7/05/2013 dated 30.06.2014
44. Book containing budget report and work plan of the Authority in the year 2014
45. File maintained by the Navy related to the construction
46. Three books containing final account reports for the years 2013, 2014 and 2015
47. Compact Discs related to news broadcastings of the ITN
48. Assessment report related to the construction
49. Plan related to the construction of the D. A. Rajapaksha Memorial and Museum
50. Report of the Government Examiner of Questioned Documents
51. Letter that had informed that the approval of the Weeraketiya Pradeshiya Sabha had not been obtained
52. Final bill forwarded to the Rajapaksha Foundation
53. Audit queries dated 24.03.2015
54. Cheque on the payment of 25 million rupees by the Foundation
55. Sample of handwritings and signatures of Gotabhaya Rajapaksha
56. Sample of signature of Rapphi Indira Silva
57. Sample of handwritings and signatures of Lakshman Weerathunga
58. Sample of signature of Harshan De Silva
59. Sample of handwritings and signatures of Rohan Praminda Senevirathna
60. Letter No. 10/3/8 sent by the Director of the Urban Development Authority
61. Covering letter submitting the expenses incurred for preparing the plan of the memorial
62. Set of files containing 14 pages of letter No. DGCE/DIR/SOUTH/11/2015
63. Letter sent by the General Manager on 26.04.2013
64. Letter containing 2 pages sent by the Chief of Staff of the Presidential Secretariat on 23.05.2013
65. Letter sent to the Human Rights Commission on 22.03.2013
66. Letter referred in relation to the Colombo M/C/ case No. 27827/5/2013 on 02.02.2011

67. Letter sent for legal action on 21.08.2016
68. Letter forwarded by the Chief Legal Officer of the Authority on 19.08.2010
69. Letter forwarded by the Director, Department of State Enterprises on 04.10.2010
70. Letter sent by Mr. Saman Galappaththi, Attorney-at-Law on 12.06.2013
71. Letter in relation to transfer of power on 01.07.2013
72. Letter sent on 06.06.2011 by the Accountant in relation to the appointment of the Management Board
73. Letter forwarded by the Additional Secretary Administration on 12.11.2013
74. Letter forwarded by the Field Assistant Secretary Administration on 27.02.2007
75. Letter forwarded by the Senior Assistant Secretary in relation to an
76. Letter forwarded by the Additional Secretary on 15.05.2007 regarding an official residence
77. Letter forwarded by the Senior Assistant Secretary (Administration) on 06.08.2007 regarding 3 official quarters
78. Letter on the implementation of the Public Administration Circular 19/ 2012 on 24.12.2012
79. Letter on the appointment of the Mosquito Repellent Committee by the Additional Secretary on 12.06.2013
80. Letter forwarded by the Additional Secretary on 06.05.2014 regarding the Post-Graduate course
81. Letter forwarded by the Additional Secretary on 08.06.2014 on allocation of funds for the degree programme
82. Letter forwarded by the Additional Secretary on 22.08.2014 on a Post-graduate degree programme
83. Letter forwarded by the Additional Secretary on 31.01.2013 on the fees of the degree course
84. Letter forwarded by the Additional Secretary on 23.01.2013 on obtaining a multimedia machine
85. Letter on 06.07.2012 requesting for a telephone for the Additional Secretary (Administration)
86. Letter forwarded to the Additional Secretary on 22.12.2011
87. Letter forwarded by Harsha Lakshman Weerathunga on 14.12.2011 for obtaining items
88. Letter forwarded by Harsha Lakshman Weerathunga to the Accountant to obtain the allowances
89. Handwriting sample in English obtained from Nandasena Gotabhaya Rajapaksha
90. Thirty Six cheques of the current accountant No. 3270388 obtained as per the court order 30485/4/15 of Colombo M/C.
91. Director Board Papers No. 527, 536 in relation to the financial powers for the years 2013, 2014
92. Work Information file dated 20.03.2014
93. The letter of demand sent to the Rajapaksha Foundation on 01.07.2016
94. Ten photo copies of the projects forwarded by Samantha Loku Liyanage for the years 2013, 2014
95. Letter of Mr. Iddawala dated 23.11.2016
96. Folios related to the Deed No. 20525

97. Letter dated 14.09.2015 of the Rajapaksha Memorial Educational, Cultural, and Social Service Foundation
98. Letter of the Department of the Auditor-General dated 15.09.2015
99. Letter of the Department of Land Reclamation and Development dated 02.10.2015
100. Letter of the Department of Land Reclamation and Development dated 29.05.2014
101. Letter of the Sri Lanka Navy dated 23.04.2015
102. Letter forwarded to the Bank of Ceylon dated 01.09.2015
103. Letter of the Department of Land Reclamation and Development dated 05.08.2016
104. An Audit query
105. An Audit report

Witnesses to be produced by the Plaintiff Party

1. Herath Mudiyanseelage Wasantha Samarasingha, No. 259/9, Sethsiri Mawatha, Koswatta, Talangama
2. Halihawadana Arachchige Irenius Sirinimal Perera, No. 125/A, Makawita, Ja-ela
3. Ganegoda Appuhamilage Don Rohan Praminda Senevirathna, No. 26/A/1, Railway Road, Nugegoda
4. Rappthi Indira De Silva, No. 160, Stanley Thilakarathna Mawatha, Nugegoda
5. Captain Hiran Sachindra Balasuriya, Sri Lanka Navy, South Navy Base, Magalle, Galle
6. Ethiligoda Gamage Harshani Madhuka Ranasinha, 'Sathsara', Helpitawatta, Karagoda, Galle
7. Commander Randila Mahagedara Gamaralalage Udeni Sanjeeva Karunarathna, No. 22, Kahatagaslanda, Vijayarajadahana, Meerigama
8. Watte Gedara Premarathna, No. 27141, 'Aruna', Magamma, Homagama
9. Henakge Kanthi Kumari Wijewardana Ekanayaka, No. 228/11, Vihara Mawatha, Kotalawala, Kaduwela
10. Samantha Lokuliyana, 'Kaumadi', Henawatta, Angangoda, Payagala
11. Sehenas Dhananjaya Dharmarathna, No. 52/10/C, Pallidura Road, Dehiwala
12. Sujith Priyantha Muthumala, No. 184, Kesbewa Road, Boralesgamuwa
13. Chalukge Buddhindra Amarasingha, No. 341/C/156, Mahayaya Watta, Piliyandala
14. Karunarathna Rajapaksha, No. 425/11, Ranabima Mawatha, Mulleriyawa
15. Kapila Gamini Samarasingha Dissanayaka, Piyasara, Medamulana, Weeraketiya
16. Heelbaddeniya Arachchilage Dayananda, No. 1008/13, Perakumba Mawatha, Malambe
17. Harsha Lakshman Weerathunga, No. 66/3, Railway Lane, Udahamulla, Nugegoda
18. Chamal Jayantha Rajapaksha, No. 293/A/3, Jothikarama Road, Thalawathugoda (Medamulana, Weeraketiya)
19. Kamal Dhammika Wimalarathna, No. 163/B, Batagama North, ja-ela
20. Udage Arachchige Asoka Bandula, No. 166/E, Pahala Hanwella, Hanwella
21. Welusamy Yuvaraj, No. 23/07, St. Anne Place, St. Aana Road, Wattala

22. Liyanaralalage Lakshmi Darshika Liyanage – No. 496/B, Ihala Karagahamuna, Kadawatha.
23. Ekanayaka Mudiyansele Udari Apeksha Abeyrathne – No. 307/1, Mihindu Mawatha, Makola North, Makola.
24. Dasanayaka Mudiyansele Priyantha Bandara Dasanayaka - No. 394/1, Sooriyagoda, Muruthalawa, Kandy.
25. Hewanalamage Chandrasena, No. 267/A, Aluthgedara, Palankada, Mulkirigala.
26. Kaluthanthrige Anushka Neranjan – No. 277/1/4, Pattiyawala Farm, Uswetakeiyawa.
27. Kasthuri Arachchige Prabath Sanjeewa – Binbirigahawatta, Mulkirigala, Weeraketiya.
28. Walimuni Thanuja Nayanamali Mendis Abeysekara – No. 382/9, Preethipura, Kalalgoda, Pannipitiya.
29. Dangaha Gamaralalae Kithsiri Jayasinghe – Assistant Director Finance – Sri Lanka Navy – No. 718/2, 2nd Lane, Tewatta Road, Korallaima, Gonapala.
30. Arambarage Bilanvi Nimalka Sahabandu – No. 35/2, Subodharama Road, Dehiwala.
31. Thelge Kasun Nuwantha Peiris – No 66/A, 1st Lane, Rawathawatta, Moratuwa.
32. Kahawatta Gamage Premasiri – ‘Thuthila House’ Aranwela, Beliatta.
33. Mediyapola Medagane Gedara Nadeeka Subhashani Wijerathne – No 03, Namalgama, Diwela, Pallegama, Kegalle.
34. Upul Ranjan Disanayaka – Dayagiri, Medamulana.
35. Ariyathilaka Dahanayaka – Mulkirigala Gedara, Getamanna West, Beliatta.
36. Mohomad Subootheri Mohomad Husmi – No 99, Thihariya Road, Udugoda, Rukgahawela.
37. Mahinda Jinasena – No.26, Dickmon Road, Colombo 05.
38. Rear Admiral, Don Eric Calistus Jayakody – Navy Head Quarters – Colombo 01.
(Private Address – Thawila Road, Marawila)
39. Rear Admiral. Vipula Senarath Jayasinghe, No 61, Galwala Road, Dehiwala.
40. Ashoka Kariyawasam Pathirige – No. 65/13, Kumaragewatta Road, Wickckramasinghe Mawatha, Pelawatta, Battaramulla.
41. Purnima Maheshi Anandasiri – No. 401/5, Temple Road, Thalpathpitiya.
42. Prawahera Kankanamge Ajith Premakumara – No. 461/B/116, ‘City of Life’ Kahathuduwa, Polgasowita.
43. Jayanath Sirikumara Kolambage, Retire Nave Commander - No. 606/1, Gammada Road, Katunayake.
44. Lansakkara Mudiyansele Pramila Kumari Bandara – No. 1/4, Bandarawatta, Gampaha.
45. Magahapolage Mallika Krishanthi – No. 56, Uguragoda Wilipanna, Matugama.
46. Witharanage Chathura Jayanath Witharana – No. 336/2/5, Menikkagara, Korathota, Kaduwela.
47. Jayasinghe Arachchilage Pushpakumara Jayasinghe – Alugolla Watta, Parabewila, Pothuhera.
48. Anthonige Gunatilake – ‘Gim Niwasa’ , Horewela, Walasmulla.
49. Uthpalawarna Wijesinghe – No. 97/4, Purwarama Mawatha, Kirulapana, Colombo 05.
50. Hewarathna Jayasinghe Mudiyansele Priyanjiwana Sushanthi Menike - Development Officer Ministry of Defense – No. 1485/D, 2nd Lane, Galudupita, Ragama.
51. Navy Officer - A.C. 104177, Udalamatta Gamage Lasantha Lankathilaka – Kuriyangoda Watta, Ihala Lellawala, Waduraba, Galle.

52. Ginige Nalinda Sanjeewani Perera, No. 279/2, Wanawasala Road, Kelaniya
(To give evidence by producing compact disks including the video footages of the ITN Service)
53. Athapattu Mudiya Selage Suresh Bandara Athapattu, No. 778/8, Rukmal Road, Kottawa, Pannipitiya
54. Warnakulasuriya Don Anthony Leenus Elroy Fernando, No. 71/B/25, Third Cross Street, Aththidiya, Mount Lavinia
55. Don Saman Priyanthi Dharmapala, No. 215/40, Thewatta Road, Ragama
56. Hewa Waduge Jayarathna, Assessment Officer of Hambantota District, No. 24, Udagodawatta, Kamburugamuwa
57. Muhamdamlage Dhammika Jayarathna Bandara, Attorney-at-Law, No. 100/A, Neelamahara Road, Katuwawala, Boralesgamuwa
58. Madhurapperumage Chandrasiri Jayarathna, Attorney-at-Law, No. 165, Kirula Road, Narahenpita
59. Ranawaka Arachchige Patali Champika Ranawaka, No. 121, Wijerama Road, Colombo 05
60. Kahadawa Appuhamilage Chamani Mekala Kahadawa, "Sampathmela", Kamburugoda, Bandaragama
61. K. K. Apsara, Senior Assistant Government Examiner of Questioned Documents, Department of Government Analyst, No. 31, Isuru Mawatha, Pelawatta, Battaramulla
(to submit and give evidence on the Report of the Government Examiner of Questioned Documents)
62. Thamara Adhikaram, Provincial Assessor, Assessment Office- Southern Province, HPPM Building, Kotuwegoda, matara
(to submit and give evidence on the Assessment Report No. Ham/Iwu/2476)
63. Sriya Wanniarachchi, Accountant, Land Reclamation and Development Corporation, P.O. Box. 56, No. 03, Sri Jayawardenepura mawatha, Welikada, Rajagiriya
64. W.A. Wijerathna, Coordinating Secretary to the Secretary of the Ministry of Defence, Ministry of Defence, Colombo
(to submit and give evidence on the letter dated 02.09.2015 produced by the Ministry of Defence)
65. SMDS Sudhesh Rohana, Audit Superintendent, Department of Auditor-General, No. 306/72, Polduwa Road, Battaramulla
(to submit and give evidence on the Audit report No. ACC/FC/2015/213)
66. Rear Admiral, WS Jayasinha, Navy Headquarters, Colombo 01.
67. WMAS Iddawela, Chairman, Sri Lanka Land Reclamation and Development Authority, P.O. Box. 56, No. 03, Sri Jayawardenepura Mawatha, Welikada, Rajagiriya
68. WM Gamini Wijesinha, Auditor- General, Department of Auditor-General, Battaramulla (to submit and give evidence on the special report of the Auditor-General on the construction of the D. A. Rajapaksha Museum and Memorial, Medamulana by the Sri Lanka Land Reclamation and Development Authority dated 06.02.2018)
69. Dinasiri Kamal Paliskara, SP, Financial Crimes Investigation Division
70. C.A.R.P. Weerarathna, IP, Financial Crimes Investigation Division
71. A.L.B.S. Fernando, IP, Financial Crimes Investigation Division
72. T.H. Dhammika Lal De Silva, Sub Inspector, Financial Crimes Investigation Division
73. Sergeant 35078 Densil, Financial Crimes Investigation Division

- 74. Sergeant 23746 Kalinga Bandara, Financial Crimes Investigation Division
- 75. Police Constable 37959 Fernando, Sergeant 35078 Densil, Financial Crimes Investigation Division
- 76. Police Constable 77962 Bandara, Financial Crimes Investigation Division
- 77. Police Constable 86536 Senarath, Financial Crimes Investigation Division
- 78. Police Constable 90264 Namal, Financial Crimes Investigation Division
- 79. Police Constable 86527 Ranil, Financial Crimes Investigation Division
- 80. Police Constable 36138 Bandara, Financial Crimes Investigation Division
- 81. Police Constable 68565 Saman, Financial Crimes Investigation Division
- 01. Police Constable 85052 Manoj, Financial Crimes Investigation Division

[signature]

State Counsel

On 24th of 08th month of the year 2018

C/CR-5-32-15-IND



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I, Anders Ekholm, hereby certify that the document "11.INDICMENT" is to the best of my knowledge and belief, a true and accurate translation from Sinhalese into English.



Anders Ekholm

Sworn to before me this
June 24, 2019



Signature, Notary Public

AURORA ROSE LANDMAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01LA6380858
Qualified in New York County
My Commission Expires 09-17-2022

Stamp, Notary Public

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