

The Need for Accountability in Sri Lanka's Criminal Justice System

A Glance at Seven Emblematic Cases

Centre for Policy Alternatives
March 2019

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

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Contents

Introduction	4
Trends in Emblematic Cases	7
Recommendations for Structural and Legal Reform	10
General Recommendations	10
Recommendations for Specific Stakeholders	11
The Seven Emblematic Cases.....	15
1. Murder of Mylvaganam Nimalarajan, 2000.....	15
2. ‘The Trinco Five’: Murder of Five Tamil Students 2006.....	17
3. ACF Aid Workers’ Killing, 2006.....	23
4. ‘The Missing Eleven’: The Abductions of 11 Youth, 2008/09.....	32
5. Abduction of Keith Noyahr, 2008.....	40
6. Murder of Lasantha Wickrematunge, 2009.....	45
7. Disappearance of Prageeth Eknaligoda, 2010.....	56

Introduction

Background

Successive governments have promised investigations after numerous instances of human rights violations in Sri Lanka, both during the war and subsequently. Despite the long list of promises, limited legal action has been taken to apprehend, prosecute and hold alleged perpetrators to account. The few cases that have witnessed some legal action have devolved into long, drawn-out investigations, a few arrests and few steps are taken to indict and prosecute. Both the inability and the unwillingness to prosecute perpetrators has hindered progress towards accountability and ultimately contributed to a culture of impunity in Sri Lanka.

The lack of genuine action and trust with domestic structures to deliver on justice led to the growing calls for international involvement, investigations and action, which resulted in the United Nations Human Rights Council (UNHRC) Resolution 30/1 in 2015. The Resolution affirms a number of transitional justice commitments proposed by the Sri Lankan government, and on accountability for past human rights violations in particular, a commitment to establish a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law.¹ This commitment, reaffirmed again in UNHRC Resolution 34/1 in 2017, is welcome and necessary. International involvement in truth and justice initiatives is not new in Sri Lanka – previous governments have initiated mechanisms and appointed international officials, such as with the International Independent Group of Eminent Persons and the Advisory Council, both entities appointed by President Mahinda Rajapaksa.²

In March 2019 the UNHRC will take up Sri Lanka and examine progress made on the implementation of Resolutions 30/1 and 34/1. As seen in the past, there is generally increased government activity in implementing commitments, or rather, being seen to do so, in the immediate lead up to UNHRC sessions. This pattern has been repeated this year, with increased movement on several commitments since the start of 2019. However, the genuineness of rushed processes in this manner must always be questioned.³ There is also no known progress with the establishment of the accountability mechanism as committed to in 2015 and it is yet unknown whether there will be any movement on this in the near future.

¹ United Nations Human Rights Council, A/HRC/RES/30/1, (1 October 2015) available at <available at <<https://documents-dds-ny.un.org/doc/UNDOC/LTD/G15/220/93/PDF/G1522093.pdf?OpenElement>>

² For more information: Centre for Policy Alternatives, *Hybrid vs. Domestic: Myths, Realities and Options for Transitional Justice in Sri Lanka*, (January 2016) available at < available at, <<https://www.cpalanka.org/hybrid-vs-domestic-myths-realities-and-options-for-transitional-justice-in-sri-lanka/>>

³ “Acres of land used as Army farms to be released”, (*Daily Mirror*, 30 December 2018) available at <<http://www.dailymirror.lk/article/-acres-of-land-used-as-Army-farms-to-be-released-160448.html>>; “Army releases 1201 acres of land in the North”, (*News First*, 21 January 2019) available at <available at <<https://www.newsfirst.lk/2019/01/21/army-releases-1201-acres-of-land-in-the-north/>>

Despite perceptions to the contrary, there is considerable public support for accountability. In a recent survey conducted by Social Indicator, the survey arm of Centre for Policy Alternatives (CPA) 49.3% of the participants said it was extremely necessary that redress for victims affected by civil unrest in the past is addressed while 22.5% believe that it is somewhat necessary to investigate into and hold the perpetrators accountable before the law.⁴ On the question of accountability, a significant majority of respondents from all the minority communities were of the opinion that it is necessary to investigate and hold those accountable before the law with the highest support being among the Muslim community (89.4%) followed by the Up Country Tamil community (87.4%) and Tamil community (86.2%). While 67% of the Sinhala community also supported accountability.

The same survey indicated that 72.4% of Sri Lankans believe that it is important to know the truth about alleged crimes against humanity committed by all parties during the three-decade long conflict in Sri Lanka – whilst 18.2% believe it is not important. The support for accountability and truth-seeking comes at a time when the Government has promised both but made limited progress with either and undertaken no advocacy on them.

The Report

This report examines seven emblematic cases to evaluate the levels of accountability in the prosecution of cases of human rights violations within Sri Lanka's criminal justice system. The report is structured in three parts. First, it establishes several recurrent trends causing system failures and exacerbating the culture of impunity in Sri Lanka that the selected cases demonstrate. Second, it makes recommendations for structural and legal reforms in order to address these trends to multiple stakeholders. The final part of the report is a presentation of the seven selected cases analysed in detail, laying out the timelines of the incidents and the investigation and prosecution processes.

CPA notes that cases were selected for this report based on their high profile and for their engagement of the criminal justice system. There are, however, numerous instances of human rights violations which have lower profiles and have not engaged the criminal justice system in any way, not being subject to even preliminary investigations. Many of these cases are invariably from during the war and involve, though not limited to, victims from minority communities. As this report focuses on possible reforms within the existing criminal justice system, however, it has necessarily had to examine cases which have engaged the system in some way, and involve a sufficiently wide range of circumstances to demonstrate different dynamics within the system.

All the cases discussed in this report have undergone initial investigations but have stalled at different times due to different reasons. The cases also span a variety of differing circumstances: cases that have gone through previous state investigations and

⁴ Centre for Policy Alternatives, *Values and Attitudes Survey on 70 Years of Independence in Sri Lanka* (February 2019) available at < <https://www.cpalanka.org/wp-content/uploads/2019/02/70-Years-of-Independence-Survey-Report-Social-Indicator.pdf> >

state initiatives with international involvement (Trinco Five and ACF cases); cases involving media personnel in both the North and South of Sri Lanka (Nimalarajan and Wickrematunge cases); cases where direct allegations have been made about the involvement of the armed forces (Trinco Five, ACF and Missing Eleven cases); and cases occurring following the war (Eknaligoda case).

Whilst some progress has been made with some investigations as a result of early reforms introduced by the present government, CPA stresses that much more is required. In the absence of progress with the accountability mechanism as committed to in Resolutions 30/1 and 34/1, CPA urges authorities to take immediate steps with regard to initiating structural and legal reforms necessary to address cases of grave human rights violations within the criminal justice system. CPA also notes that the call for these reforms is in no way a message to delay action with commitments made in 30/1 and 34/1 and that structural and legal reforms proposed here complement other recommendations CPA has proposed in connection with 30/1 and 34/1.⁵

⁵ Centre for Policy Alternatives, “CPA Calls on the Government of Sri Lanka to Uphold Commitments on Accountability and Security Sector Reform”, (January 2019) available at <<https://www.cpalanka.org/cpa-calls-the-government-of-sri-lanka-to-uphold-commitments-on-accountability-and-security-sector-reform/>>, Centre for Policy Alternatives “Human Rights Commitments made by the Government of Sri Lanka and Ways Forward” (February 2018) available at <<https://www.cpalanka.org/human-rights-commitments-made-by-the-government-of-sri-lanka-and-ways-forward/>>

Trends in Emblematic Cases

The seven cases examined in this report to understand some of the challenges facing the criminal justice system and areas for reform are:

1. Murder of Mylvaganam Nimalarajan, 2000
2. ‘Trinco Five’: Murder of Five Tamil students in Trincomalee, 2006
3. ACF Aid Workers’ Killing, 2006
4. Missing Eleven: The Abductions of 11 Youth, 2008/09
5. Abduction of Keith Noyahr, 2008
6. Murder of Lasantha Wickrematunge, 2009
7. Disappearance of Prageeth Eknaligoda, 2010

Each of these cases are discussed in detail in the report focusing on the investigations and the steps taken in terms of apprehending alleged perpetrators. While each of these cases highlights a number of different issues, CPA has attempted to identify the general trends that require further attention and recommend broadly the necessary structural and legal reforms which will be discussed in detail in forthcoming CPA reports.

Culture of impunity

A climate of impunity arises in any country when it becomes the norm that criminal cases are not dealt with in a timely and effective manner in accordance with due process, and perpetrators are not held accountable. Over the years, Sri Lanka has witnessed state actors at every level and others contributing to the existing institutionalised impunity in the country. CPA notes that some of the cases discussed in the present report are over a decade old with no action taken in terms of filing indictments for a criminal trial.⁶ CPA also notes there are many other cases which are older with no steps taken to hold perpetrators accountable. A culture of impunity can be seen as an overarching phenomenon which is characterised by the following trends.

Lack of or delays with prosecutions

The alleged perpetrators of the emblematic cases that have been highlighted in the report have either never been prosecuted or have seen delays in prosecution even after a decade of the crime being committed.⁷ While the absences of or delays in prosecutions are caused by many underlying issues in the criminal justice system as a whole (and these are discussed with each case), some of the general causes that have contributed to this are political influence, the backlog of cases in the judiciary, and delays caused in the Attorney General’s Department.⁸ The Sectoral Oversight committee on Legal Affairs (anti-

⁶ No information is publicly available whether indictments have been filed in the cases such as the ACF Aid Workers’ Killings or the ‘Trinco Five’ Killings, and Nimalarajan Mylvaganam and Lasantha Wickrematunge murders.

⁷ There is no public information available on prosecutions in cases such as Nimalarajan Mylvaganam, ACF Aid Workers’ Killings and the ‘Trinco Five’ Cases.

⁸ DBS Jeyaraj, “CID Completes Investigations in Many Cases but No Action Taken Due to Delays in Attorney-General’s Dept” (16 July 2017) available at <<http://dbsjeyaraj.com/dbsj/archives/54266>>

corruption) & Media has provided a number of recommendations in order to address these delays.⁹ CPA has also in the past made specific recommendations with reforming the Attorney General's Department and reiterate these yet again in this report.¹⁰

Lack of independent investigations

Insights into the investigation process in the examined emblematic cases reveal that the investigation bodies in Sri Lanka, including the Sri Lankan Police, the Terrorism Investigation Department (TID) and the Criminal Investigation Department (CID), have in several instances been influenced or forced to derail certain investigations by political actors or various interested parties. This is particularly evident in the cases of the murder of Wickrematunge and the disappearance of Eknaligoda. This said, CPA also notes the courageous and persistent work of some of the investigators that have resulted in breakthroughs with some cases.¹¹ These are welcome, but the challenges facing many other cases raise serious concerns regarding the independence and credibility of investigations.

Deficient victim and witness protection

A common thread that follows almost all cases is the fact that the victims and witnesses of these cases have been intimidated, harassed, kidnapped and in some instances even killed.¹² Although Sri Lanka at present has enacted the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015, there continues to be challenges in its implementation and effectiveness, and further amendments are required to ensure its independence and impartiality.¹³ As an example, the Act provides for Victims of Crime and Witnesses Assistance and Protection Division, under the Inspector General of Police. Under this scheme, the Division will continue to have links with the Police raising questions of independence. This is a fundamental flaw of this Act since consistent

⁹ The Sectoral Oversight committee on Legal Affairs (anti-corruption) & Media, *Recommendations Pertaining to the Expedient and Efficient Administration of Criminal Justice*, 20 September 2017, available at <<https://www.parliament.lk/uploads/comreports/1510738363068517.pdf>>

¹⁰ Centre for Policy Alternatives, "Written Submissions by the Centre for Policy Alternatives to the Subcommittee of the Constitutional Assembly on the Judiciary", 2016, available at <<https://www.cpalanka.org/wp-content/uploads/2016/07/CPA-Submission-on-Judiciary-Final.pdf>>

¹¹ "Phone records lead CID big arrest Keith Noyahr abduction" (*Sunday Observer*, 15 April 2018) available at <<http://www.sundayobserver.lk/2018/04/15/news-feature/phone-records-lead-cid-big-arrest-keith-noyahr-abduction-case>>; "After explosive revelations in Court in Navy 11 youth abduction case: Families of missing boys hope justice is finally within reach", (*Sunday Observer*, 2 September 2018) available at <<http://www.sundayobserver.lk/2018/09/03/news-features/after-explosive-revelations-court-navy-11-youth-abduction-case-families>>

¹² In the cases of the Missing 11 Youth, the Trinco Five and the ACF Aid Workers' Killings there have been several instances where witnesses have been threatened. Sandhya Eknaligoda has over the years consistently faced death threats.

¹³ Centre for Policy Alternatives, *The Need for a Strong Victim and Witness Assistance and Protection Mechanism*, (2014) available at <<https://www.cpalanka.org/the-need-for-a-strong-victim-and-witness-assistance-and-protection-mechanism/>>; *Victim and Witness protection – the need for further reform* (South Asian Centre for Legal Studies, 2015) <http://sacls.org/index.php?option=com_k2&view=item&id=143:victim-witness-protection-the-need-for-further-reform&Itemid=720>

allegations of victim and witness intimidation have been levelled against the Sri Lankan Police in the past.

Evidence tampering, concealment and destruction

It is observed that in a number of cases that various different actors, including the Judicial Medical Officer,¹⁴ Police¹⁵ and TID¹⁶ have played an active role in tampering with, concealing and destroying evidence that is of vital importance for the conclusion of the investigations and bringing the perpetrators to justice. This has contributed to the wider issue of prolonged investigations resulting in the delay of prosecutions as well as the inadmissibility of evidence resulting in the active termination of prosecutions.

Political interference in investigation institutions

While reforms such as the 19th Amendment to the Constitution have sought to ensure the independence of the judiciary and other institutions, political interference at an institutional level persists. Such attempts have been made by political actors and other parties to stall investigations at an institutional level (and not simply at the physical investigation process level). For example, President Maithripala Sirisena has publicly criticised the CID for attempting to conduct investigations.¹⁷ In addition, in early 2016 attempts were made to transfer the Senior State Counsel of the Ekmaligoda case who was highly praised for prosecuting perpetrators of the case.¹⁸ More recently, attempts were made to transfer a principal investigator who has made many breakthroughs in major cases such as the murder of Wickrematunge and the disappearance of Ekmaligoda.¹⁹

¹⁴ "Sri Lanka to investigate crooked judicial medical officers" (*Economy Next*, 22 March 2017) available at <<https://economynext.com/Sri-Lanka-to-investigate-crooked-judicial-medical-officers-3-7640.html>>; "First autopsy report on Lasantha murder issued to mislead probe" (*Sunday Leader*, 13 August 2017) available at <<http://www.thesundayleader.lk/2017/08/13/first-autopsy-report-on-lasantha-murder-issued-to-mislead-probe/>>

¹⁵ "Lasantha murder ex DIG involved in concealing evidence" (*Daily News*, 16 March 2018) available at <<http://www.dailynews.lk/2018/03/16/local/145708/lasantha-murder-ex-dig-involved-concealing-evidence>>

¹⁶ "Sri Lanka police cover up in Lasantha emerge after key arrests" (*Economy Next*, 22 February 2018) available at <<https://economynext.com/Sri-Lanka-police-cover-up-in-Lasantha-murder-emerge-after-key-arrest-3-9963-10.html>>

¹⁷ "Prez perturbed over CDS arrest move" (*Daily Mirror*, 13 September 2018) available at <<http://www.dailymirror.lk/article/Prez-perturbed-over-CDS-arrest-move-155462.html>>

¹⁸ "Confusion over "transfer" of Senior State Counsel on Ekmaligoda case" (*DailyFT*, 9 February 2016) available at <<http://www.ft.lk/article/524035/Confusion-over-%E2%80%9Ctransfer%E2%80%9D-of-Senior-State-Counsel-on-Ekmaligoda-case>>

¹⁹ "CID's IP Nishantha Silva transferred" (*Daily Mirror*, 19 November 2018) available at <<http://www.dailymirror.lk/article/CID-s-IP-Nishantha-Silva-transferred-158572.html>>

Recommendations for Structural and Legal Reform

In order to address the challenges highlighted in this report and break the culture of entrenched impunity, decisive immediate action and long-term structural reforms are needed to be undertaken by multiple stakeholders. These stakeholders include the government, the Attorney General's Department, judiciary, civil society organisations and international actors. CPA provides the following broad recommendations for consideration, which will be looked into in more detail in forthcoming CPA reports focusing on criminal justice reforms.

General Recommendations

Structural

- Strengthen parliamentary oversight over all intelligence and law and order departments and officials, with regular reporting on and monitoring of their activities.
- Provide for a comprehensive and effective Victim and Witness Protection Regime and ensure the witnesses and victims of these crimes do not face intimidation and threats.
- Provide for an independent Public Prosecutor's Office for credible and impartial investigations and prosecutions.

Legislative²⁰

- Review vital laws such as the Victims of Crime and Witnesses Act, Evidence Ordinance, and Police Ordinance and introduce necessary reforms.
- Review and introduce necessary reforms to the Penal Code and the Criminal Procedure Code that incorporate specific crimes such as international crimes and addresses procedural gaps.
- Ensure that the remuneration and working conditions of judges are adequate and that standards of professional conduct and judicial ethics are reinforced.²¹
- Create a necessary framework to set up an independent Public Prosecutor's Office.
- Active measures should be taken to prevent and combat corruption within the investigation bodies and safeguard investigators against corruption.²²

²⁰ These reforms will be looked into in detail in forthcoming CPA reports.

²¹ See the 2001 Opinion No. 1 of the CCJE (Consultative Council of European Judges), available at <<https://rm.coe.int/1680747830>>; *UN Basic Principles on the Independence of the Judiciary*, available at <<https://www.ohchr.org/en/professionalinterest/pages/independencejudiciary.aspx>>

²² Group of States Against Corruption, *Corruption Prevention – Members of Parliament, Judges and Prosecutors – Conclusion and Trends*, (2017, 4th Evaluation Round) <<https://rm.coe.int/corruption-prevention-members-of-parliament-judges-and-prosecutors-con/16807638e7>>

Recommendations for Specific Stakeholders

For the Attorney General's Department

- Take immediate actions to review past cases and make necessary measures to indict and prosecute the perpetrators involved.
- Conduct specialised training programs for officials of the Attorney General's Department and others regarding the prosecution of cases of grave human rights violations and ensure an environment is created in which officials are able to prosecute them without any political interference.
- Issue clear and comprehensive guidelines in the three languages for the investigation and the prosecution of cases on grave human rights violations based on international standards.
- Undertake a review to understand the delays in filing indictments and prosecuting cases with immediate action taken to build capacity and raise awareness among officials in the Department, recruit any additional staff and introduce any other reforms to ensure there is accountability for the cases before the respective counsel in the Department.
- Continue the implementation of structural reforms identified by the Sectoral Oversight Committee on Legal Affairs (Anti-Corruption) & Media.²³
- Maintain a database of the cases of grave human rights violations in order to track their progress effectively.
- Implement an effective case management system and maintain proper filing standards within the department.
- Internal rules and code of conduct should be put in place within the Attorney General's Department in order to develop a culture of openness and transparency whilst ensuring confidentiality in respect of cases under investigation or prosecution under each prosecutor.
- Ensure that individual prosecutors are not subject to undue or illegal pressure from outside or within the prosecution service and that the prosecution service is governed by the rule of law.²⁴

²³ The Sectoral Oversight committee on Legal Affairs (anti-corruption) & Media, *Recommendations Pertaining to the Expeditious and Efficient Administration of Criminal Justice*, 20 September 2017, available at <<https://www.parliament.lk/uploads/comreports/1510738363068517.pdf>>

²⁴ Criminal Justice Standards for the Prosecution Function(American Bar Association , 13 February 2015) available at <https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition/>

For the actors involved in investigations (Police, CID and TID)

- Introduce structural reforms to be able to conduct professional, impartial and independent investigations without being subjected to political or other influences.²⁵
- Maintain transparent procedures in retrieving, copying, and storing evidence related to these crimes, addressing particular tampering with and destruction of evidence.
- Maintain due care in the handling and sharing of confidential information during the conduct of investigations.
- Ensure that investigations are conducted promptly and vital forensic evidence is collected and stored in keeping with international standards.
- Maintain a database containing evidence collected under each case and ensure it is accessible to other actors such as a Parliamentary oversight body or the relevant judicial actors.
- Establish better coordination between investigators and the Attorney General's Department with a system established to monitor the progress of investigations.
- Establish better coordination and cooperation between different investigative bodies.
- Monitor the progress of cases sent to the Attorney General's Department to prevent delays in filing indictments and have a system to check on progress made with case files
- Provide Police Officers with the necessary training to institute an action at the Magistrate's Court (since the Police has prosecutorial powers before the Magistrates' Courts where most of these cases are first taken up).
- Conduct training programs for Investigation Officers in areas such as crime scene investigations, victim and witness interviews and arresting offenders.
- Take measures to ensure that all suspects are treated equally irrespective of status or rank and refrain from special treatment to certain suspects.

For the Judiciary

- Conduct necessary training and awareness programs for Judicial Officers and Court Staff in handling and deciding cases of this nature.
- Take every possible measure to uphold the integrity and independence of the Judiciary by taking necessary legal action against persons attempting to influence the judiciary.

²⁵ These reforms will be discussed into in detail in forthcoming CPA reports.

- Take a strict stand in preventing delays by defence counsels, the Attorney General's Department and investigative authorities. This should also include conducting day-to-day trials.
- Make necessary arrangements to create a conducive court environment where victims and affected parties are able to participate with the necessary protection and without fear of persecution or retribution.

For civil society actors

- Follow up on these emblematic cases and other cases of grave human rights violations, requesting from relevant authorities' further information including any action taken and reasons for delays/inaction.
- Monitor cases that are being prosecuted and raise issues with the relevant authorities if there is cause for concern with delays, interference, victim and witness protection and other issues.
- Use existing accountability tools, such as the RTI Act and complaints to the Human Rights Commission of Sri Lanka, to apply pressure on authorities to initiate and speed up action on cases of grave human rights violations.
- Conduct awareness programs and other initiatives to educate the general public on cases of grave human rights violations and the need for accountability, and generate public pressure for necessary action.
- Provide assistance to victims and witnesses of these cases, such as legal advice, counselling and financial assistance.
- Advocate for and support investigations, prosecutions, judicial proceedings and reporting on grave human rights violations to be conducted in all three languages.

For political leaders

- Adopt and enforce ethical guidelines in relation to the conduct of their representatives, particularly with respect to influencing and interfering with investigations and judicial proceedings.
- Prevent attempts by party members to misuse indictments and progress of the cases for political gain.
- Take strict legal action against party officials and representatives where evidence demonstrates that they have attempted to interfere and meddle with investigations.

For the international community

- Raise with the Government the need to address these emblematic cases and other cases of grave human rights violations in a timely and effective manner and in adherence to the rule of law.
- Encourage the Government to introduce necessary structural and legislative reforms and provide the necessary technical support and resources.

- Provide the Government, lawyers, and civil society with the necessary support and technical expertise in addressing laws delays, protecting the integrity of evidence, victim and witness protection, forensics and other issues.
- Closely scrutinise the Government at international fora and hold the Government to account on its international legal obligations.

The Seven Emblematic Cases

The rest of the report will examine the seven cases and discuss each case according to their developments with investigations and court proceedings. As evident in the report, some investigations have stalled with no public information available while investigations with a few cases are proceeding at a slow pace.

1. Murder of Mylvaganam Nimalarajan, 2000

Many Tamil journalists have been abducted, made to disappear and killed over the last few decades in the line of duty.²⁶ Many of these cases have gone unnoticed and have not seen the perpetrators brought to justice.²⁷ Nimalarajan's case is symptomatic of the Sri Lankan criminal justice system's longstanding failure to act meaningfully on human rights violations perpetrated against Tamil civilians in particular.

The Incident

On 19 October 2000, Mylvaganam Nimalarajan, aged 38, a well-known journalist and father of three, was shot dead in his own home in Jaffna through the window of his room.²⁸ Before the assailants left, they threw two grenades which seriously injured his mother, Lily Mylvaganam, who was 58 at the time, and his nephew, Prasanna Jegathas, who was 11. His father, Sangarapillai Mylvaganam, 66, was also attacked with a long knife and suffered injuries.²⁹ Nimalarajan's three children, all under the age of five, were asleep in the bedroom and unharmed.³⁰ The killing took place during curfew hours in a high-security zone of Jaffna which was under the control of the Sri Lankan government forces at the time.³¹

Nimalarajan was the Jaffna correspondent for the Tamil daily *Virakesari*, the independent Tamil radio station Sooriyan FM, the Sinhala political weekly *Ravaya*, and the Tamil and Sinhala services of the BBC.³² He was also the Secretary of the Northern Journalists' Association. Nimalarajan was known for fearlessly reporting the intimidation, thuggery and election malpractices during October 2000 general elections in Jaffna.³³ It is widely

²⁶ CPJ, "19 Journalists Killed in Sri Lanka between 1992 and 2019", available at https://cpj.org/data/killed/asia/srilanka/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc_fips%5B%5D=CE&start_year=1992&end_year=2019&group_by=location

²⁷ Govt censured for delayed investigations, (*DailyFT*,>) available at <http://www.ft.lk/news/Govt--censured-for-delayed-investigations/56-670650>; "IPS Journalists Who Perished in the Line of Duty" (Sri Lanka Press Institute) available at <http://www.slpi.lk/ips-journalists-who-perished-in-the-line-of-duty/>

²⁸ Frances Harrison, "Four years, Many deaths: Good Bye Sri Lanka", (BBC) available at <https://www.bbc.com/sinhala/fooc.shtml>

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Free Media Movement condemns killing of Journalist, (The Island 2000) available at <http://www.island.lk/2000/10/23/news11.html>

³³ Ibid

suspected that a Tamil political group which was an ally of the then government had been involved in the journalist's murder.³⁴

A bicycle found near the scene of the crime was said to belong to the pro-government Tamil party, the Eelam People's Democratic Party (EPDP), which Nimalarajan had criticised in his reports on alleged election fraud.³⁵ Following the October 10 election, Nimalarajan had reportedly told colleagues that he feared for his safety after receiving several threats.³⁶ He had also noted that the EPDP held him responsible for failing to win votes in Jaffna at the election.³⁷

Investigation

The then President Chandrika Kumaratunga ordered an immediate investigation into Nimalarajan's assassination.³⁸ However, there was wide criticism for the apparent unwillingness on the part of the Government to shed light on the case.³⁹ Consequent to the investigations 10 people were detained, most of them being EPDP cadres.⁴⁰ Yet there were no charges or indictments filed against the suspects. Two suspects, David Michael Collins and a certain Vishua, were released.⁴¹ However, their passports were not confiscated, even though past EPDP cadres had fled the country⁴². By the end of 2002, none of the suspects had been brought to trial.⁴³ Police had not submitted the test results and crucial pieces of evidence found at the scene of the murder, including firearms taken from the EPDP, fingerprints found on a bicycle near the scene of the murder, bullet casings, and the remains of a grenade.⁴⁴

Whilst it is unclear whether the case is halted at present, the only available media report indicates it was struck off the roll call on the 20 of August 2004 by the Jaffna Magistrate until the Attorney General sent his determination on the findings of the Special Police team.⁴⁵ Nineteen years later, Nimalarajan's case remains unresolved.⁴⁶

³⁴ Sri Lankan government ally suspected in murder of BBC's Jaffna correspondent (World Socialist Website, 28 October 2000) available at <[Sri Lankan government ally suspected in murder of BBC's Jaffna correspondent](#)>

³⁵ Ibid.

³⁶ Ibid.

³⁷ "Continued impunity: journalist killings unresolved in 2016" (*Groundviews*, 11 February 2018) available at <<https://groundviews.org/2016/11/02/continued-impunity-journalist-killings-unresolved-in-2016/>>

³⁸ Ibid

³⁹ "Appeal over BBC journalist killing", (BBC, 19 April 2001) available at <http://news.bbc.co.uk/2/hi/south_asia/1285760.stm>

⁴⁰ "Open letter to the Sri Lankan Prime Minister" (Reporters Without Borders, 18 October 2002) available at <<https://rsf.org/en/news/open-letter-sri-lankan-prime-minister>>

⁴¹ Ibid

⁴² Ibid

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Nimalarajan murder case struck off from the roll call", (*Tamilnet*, 20 August 2004) available at <<https://www.tamilnet.com/art.html?catid=13&artid=12703>>

⁴⁶ Continued impunity: journalist killings unresolved in 2016 (*Groundviews*, 11 February 2018) available at <<https://groundviews.org/2016/11/02/continued-impunity-journalist-killings-unresolved-in-2016/>>

2. 'The Trinco Five': Murder of Five Tamil Students 2006

Introduction

On 2 January 2006, five young Tamil university students were summarily executed allegedly by Sri Lanka's Special Task Force (STF) whilst spending the afternoon at a popular location on the Trincomalee beach, known as Dutch Bay.⁴⁷ All five students were aged 20 at the time of their death. The case received national and international attention and was named as one of the four '*emblematic cases*' of the government's failure to ensure accountability by the then UN High Commissioner for Human Rights.⁴⁸

Despite the change of government in 2015, no one has hitherto been tried or found accountable for the murders, and it remains as a reminder of 'the prevalence of impunity and the long struggle for justice on the island',⁴⁹ as has been highlighted by various international fora. The following is a brief account of the incident and the progress of the case to date.

The Incident

On 02 January 2006, five Tamil university students were gunned down at the Trincomalee Dutch Bay near the Mahatma Gandhi statue. The five victims were:⁵⁰

1. Manoharan Ragihar (born 22 September 1985)
2. Yogarajah Hemachandra (born 04 March 1985)
3. Logitharajah Rohan (born 07 April 1985)
4. Thangathurai Sivanantha (born 06 April 1985)
5. Shanmugarajah Gajendran (born 16 September 1985)

According to reports, the five victims, who were all former students of Koneswara Hindu College, were seated on the stone benches facing the sea, when around 7.35 p.m. a green auto rickshaw was seen to drive in towards where the group were seated.⁵¹ A hand grenade was thrown from the said rickshaw into the midst of the group, after which the rickshaw was seen to drive towards Fort Fredrick where the Sri Lanka Army Headquarters is based.⁵² At least five persons were injured in the explosion that occurred. Eyewitnesses claim that Navy personnel had, thereafter, closed off the exit and entry points to the beach, after which a military jeep carrying 10-15 STF members entered the location and started assaulting the students with their rifle butts. Afterwards, it was reported that the group of students had been forced to lie face down on the road and had been shot in the head.⁵³

⁴⁷ University Teachers for Human Rights (Jaffna) Sri Lanka, *Official Secrets and Blind Justice* (Special Report No.35, 2010) available at <<http://www.uthr.org/SpecialReports/spreport35.htm>>

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

However, two other victims survived the massacre. One victim Yoganathan Poongulalon stated,⁵⁴that he ran for about 10 metres south of the beach when the grenade fell and was injured in the explosion⁵⁵. The survivor Pararajasingham Kokularaj, escaped by feigning death and claims that he saw one of his friends, Rohan, being shot, after which he passed out.⁵⁶

Witnesses' Accounts

One of the main witnesses of the incident is Dr Kasippillai Manoharan, father of Manoharan Ragihar, one of the victims killed.⁵⁷ He claimed to have first heard the explosion, which he realised to be a bomb blast. He thereafter went towards the beach in search of his son⁵⁸.

Upon arrival, though, he was denied entry by three naval personnel, one of whom informed him in Sinhala that he was prohibited from entering.⁵⁹ Although he tried arguing with him that he was in search of his son, he was told that there were orders to not let anyone in.⁶⁰ Dr Manoharan claimed that due to the visibility at the time he could not spot any unusual activity, but for about 50-75 metres he could spot only military personnel and not civilians, who were moving amongst the vehicles.⁶¹ He also noted that the lights which normally illuminated the Gandhi statue had 'unusually' been switched off⁶². Despite the poor visibility, however, Dr Manoharan stated that he saw one military vehicle that stood out, a grey unmarked pickup vehicle, which had been parked a few meters away, which was observing the events that were unfolding⁶³. Inside said vehicle sat the then Senior Superintendent of Police (SSP) in charge of Trincomalee Kapila Jayaseker⁶⁴.

In the immediate aftermath of the explosion, parents of the other students, too, had reached the site. Mr Ponnathurai Yogarajah, the father of Yogarajah Hemachandra, is said to have been manhandled by the security forces⁶⁵. He was ordered to lie on the ground, face downwards, and was thereafter beaten by 'masked men'⁶⁶ surmised to belong to the STF.⁶⁷ He claimed to have seen around 20-25 people on the ground in a similar condition⁶⁸. Dr Manoharan, who had continued to argue with the armed forces,

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

suddenly heard cries for help in Tamil followed by gunshots⁶⁹. Looking towards the Gandhi statue, he states he saw flashes-automatic gunfire aimed at the ground.⁷⁰ On demanding to know what had taken place, Dr Manoharan was informed that ‘five civilians were dead and two were badly injured’ from the firing.⁷¹ The shots were heard by Mr Yogarajah, too, who had been lying on the ground.⁷² After the shooting occurred, Dr Manoharan saw the unmarked pick up leave the area, carrying six or seven masked armed soldiers.⁷³ He was informed by a security person that he should look for his son at the hospital.⁷⁴

On the other hand, Mr Yogarajah, having reached the hospital, stated that he checked the bloodstained bodies carried to the hospital by the military jeeps, in order to identify his son⁷⁵. He claimed to have recognised his son’s body which was brought to the hospital in the third military jeep, at which point he had started screaming.⁷⁶

When Dr Manoharan arrived at the hospital, he observed the then SSP Kapila Jayasekera’s vehicle parked outside, with armed soldiers patrolling the corridors.⁷⁷ He was once again obstructed from entering the hospital and had to force his way in⁷⁸. Upon visiting the mortuary, Dr Manoharan claims to have identified the body of his son⁷⁹. Whilst his personal belongings including some petty cash, ID cards and wallet had been missing, there was a wound of 2 to 2 ½ inches at the back of his head⁸⁰. He was, thereafter, approached by six or seven armed military personnel and demanded that he sign a document stating that his son was an LTTE cadre who had been killed in an explosion⁸¹. This was refused by Dr Manoharan who according to reports had later returned with Arthur Tveiten, the head of the Sri Lanka Monitoring Mission (SLMM) in Trincomalee, who had confirmed his opinion⁸².

Since giving evidence before a Magistrate a week after his son’s murder, Dr Manoharan and his family received continuous death threats.⁸³ On 11 March 2006, Dr Manoharan received an anonymous letter written badly in Tamil, warning him against giving further evidence.⁸⁴ The letter allegedly stated that the five boys had been killed since they were ‘Tiger supporters’ and was signed by a group calling themselves ‘The Vigilant Group for

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

the Elimination of the Enemy'.⁸⁵ This letter had reportedly been sent to the families of all the slain victims⁸⁶. On 14 May 2006, Dr Manoharan claims to have yet again seen the vehicle of SSP Kapila Jayasekera parked outside.⁸⁷ Eventually, both he and his family were forced to flee the country and subsequently received asylum in the UK⁸⁸.

There have been several instances of intimidation of witnesses of the incident, including the deaths of the *Sudar Oli* journalist Subramaniam Sugirdharajan⁸⁹ who had accompanied Dr. Manoharan to the morgue and the Buddhist monk Handungamuwe Nandarathana who sympathised with the plight of the victims, both of whom were reportedly gunned down by 'Sinhalese speaking gunmen' a few weeks and a year later, respectively.⁹⁰

The Government Response

In response to a meeting with the then US Ambassador Robert O'Blake in 2006, a former government minister and former Presidential Advisor Basil Rajapaksa in an interview admitted that there was STF involvement in the killing of the five students, although the 'bullet and gun evidence showed otherwise'.⁹¹ He, in fact, stated that although their involvement was fairly well known, there was no evidence to prosecute them since they used 'separate' guns when extrajudicial killings were done. A leaked cable from the US Embassy confirmed the interview between Rajapaksa and the US Ambassador.⁹²

The Investigation Process

The 'Trinco Five' case received renewed attention when it was included in the mandate for a Presidential Commission established in 2006 to investigate 15 prominent human rights cases.⁹³ Chaired by late retired Supreme Court Judge N.K. Udalgama, and appointed by former President Rajapaksa in July 2007, the Commission was vested with the mandate to look into 15 prominent incidents of extrajudicial killings that had taken place during the period of the ethnic conflict which had received global attention.⁹⁴ Out of the 15 incidents, seven reports were concluded by the Commission, including one for the 'Trinco Five' case.⁹⁵ Although the Commission blamed the LTTE for most of the cases,

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Tamil Journalist gunned down in Trincomalee after covering paramilitary abuse (Reporters Without Borders) <<https://rsf.org/en/news/tamil-journalist-gunned-down-trincomalee-after-covering-paramilitary-abuses>>

⁹⁰ Ibid.

⁹¹ "The Trinco Five and a Legacy of Impunity" (*Daily FT*, 11 July 2013) available at <http://www.ft.lk/article/162492/The-Trinco-5-and-a-legacy-of-impunity>

⁹² Ibid.

⁹³ Easwaran Rutnam, "Trinco-5 massacre: A father's cry for justice", (*The Morning*) available at <<http://www.themorning.lk/pg6lead-2/>>

⁹⁴ Tharushan Fernando "Udalagama, Paranagama Commission Reports explained", (*News First*, 21 October 2015) available at <<https://www.newsfirst.lk/2015/10/21/udalagama-paranagama-commission-reports-explained/>>

⁹⁵ Ibid.

in the case of the five youth, the Commission concluded that ‘there are strong grounds to surmise the involvement of uniformed personnel in the commission of the crime.’⁹⁶

Among the recommendations of the Udalagama Commission were:⁹⁷

1. Further investigations into certain cases.
2. A new Commission to be constituted and directed to complete the balance pending cases before the Commission.
3. Appropriate measures of reparation to be provided to the victims of serious violations of human rights investigated and inquired into by the Commission of Inquiry and their next kin.

However, on the Trinco Five Case, the Commission did not accuse any individual, but stated that ‘those responsible should have the courage to admit that they have erred and tender a public apology which could be a catharsis for reconciliation.’⁹⁸ This reflects the consistent pattern of state investigatory mechanisms to downplay and minimise rights violations committed allegedly by state security forces.

Following the representations made by Dr Manoharan and Mr Yaiyamuttu Shanmugarajah, fathers of Manoharan Ragihar and Shanmugarajah Gajendran, at the UNHRC sessions in March 2013, and the intervention of Human Rights Minister, Mahinda Samarasinghe, the CID initiated an inquiry into the incident leading to the arrest of 13 suspects on 04 July 2013. It was reported that an ASP had also been arrested and remanded in connection with the killings.⁹⁹

On an earlier occasion, too, several suspects had been arrested on or around February 12, 2006, but were released in April the same year, due to lack of evidence.¹⁰⁰ However, it is a notable fact that the then SSP Kapila Jayasekera, who reportedly had a direct connection with the killings, was not implicated in the murders, despite his ‘commanding position’ during the ‘highly controversial killings’.¹⁰¹

⁹⁶ “Udalagama Panel Blames LTTE For Killing of 51 Girls”, (*Sri Lanka Brief*, 23 October 2015) available at <<http://srilankabrief.org/2015/10/udalagama-panel-blames-ltte-for-killing-of-51-girls/>>

⁹⁷ Tharushan Fernando, “Udalagama, Paranagama Commission Reports explained” (*Newsfirst*, 21 October 2015) available at <<https://www.newsfirst.lk/2015/10/21/udalagama-paranagama-commission-reports-explained/>>

⁹⁸ “Udalagama Panel Blames LTTE For Killing of 51 Girls”, (*Sri Lanka Brief*, 23 October 2015) available at <<http://srilankabrief.org/2015/10/udalagama-panel-blames-ltte-for-killing-of-51-girls/>>

⁹⁹ “Trinco-5 Operations Commander Reappointed To Trinco As DIG Ahead Of Northern Election” (*Colombo Telegraph* 9 July 2013) available at <<https://www.colombotelegraph.com/index.php/trinco-5-operations-commander-reappointed-to-trinco-as-dig-ahead-of-northern-election/>>

¹⁰⁰ Shamindra Ferdinando “Eyewitnesses shun investigation, claims lawyer representing suspects War-time massacre of Trinco students” (*The Island*, 6 March 2014) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=99269>

¹⁰¹ “Trinco-5 Operations Commander Reappointed To Trinco As DIG Ahead Of Northern Election” (*Colombo Telegraph*, 9 July 2013) available at <<https://www.colombotelegraph.com/index.php/trinco-5-operations-commander-reappointed-to-trinco-as-dig-ahead-of-northern-election/>>

According to reports such as the study conducted by the UTHRJ, the persons who are directly responsible, or who have a direct connection with the murders, are as follows¹⁰²:

1. Superintendent of Police Kapila Jayasekera
2. Naval Officer Udawatte Weerakkody
3. STF personnel Vas Perera
4. DIG Abeywardena
5. DIG and JHU member H.M.G.B. Kotakadeniya

The OHCHR Investigation on Sri Lanka (OISL) subsequently determined that there were 'reasonable grounds to believe that security personnel, including STF personnel, carried out the murders of the five students'¹⁰³ and further stated that the case demonstrated 'the challenges in pursuing accountability at a domestic level in the context of Sri Lanka'¹⁰⁴.

Progress in the case to date

One major drawback that hinders the progress of the case is the reluctance of the eyewitnesses to come forward to give evidence. The two surviving witnesses of the attack, Y. Punkalalogan and G.Kokularaj, believed to be residing overseas, have hitherto not been interviewed, at least according to publicly available sources.¹⁰⁵

Former Law and Order Minister Sagala Ratnayake has confirmed that some positive developments are being made with the case due to the availability of Skype evidence when testifying, as intimidation of witnesses was one of the major drawbacks that were preventing the case from progressing.¹⁰⁶ However, it is unclear whether this alone would be enough to compel overseas witnesses to the crime to come forward and testify.

¹⁰² University Teachers for Human Rights (Jaffna) available at <Sri Lanka, *Official Secrets and Blind Justice* (Special Report No.35, 2010) available at <<http://www.uthr.org/SpecialReports/spreport35.htm>>

¹⁰³ University Teachers for Human Rights (Jaffna) Sri Lanka *The Five Students Case in Trincomalee* (Special Report No.24, 2007) available at <http://www.uthr.org/SpecialReports/spreport24.htm>

¹⁰⁴ Ibid.

¹⁰⁵ Shamindra Ferdinando, "Eyewitnesses shun investigation, claims lawyer representing suspects War-time massacre of Trinco students" (*The Island*, 6 March 2014) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=99269>

¹⁰⁶ "Case over murder of five youth in Trincomalee progressing due to Skype evidence: Sagala" (*Daily FT*,) available at <<http://www.ft.lk/news/Case-over-murder-of-five-youth-in-Trincomalee-progressing-due-to-Skype-evidence--Sagala/56-646538>>

3. Killing of ACF Aid Workers, 2006

On 04 August 2006, 17 aid workers of the French international non-governmental organisation Action Contre La Faim (ACF) were murdered in their office in Muttur, Eastern Trincomalee.¹⁰⁷ Reports indicated that they were shot at from close range¹⁰⁸. Despite several promises to investigate and prosecute, and a Presidential Commission of Inquiry (PCoI) appointed to look into the matter, there has been no credible investigation to date which has led to any indictments being filed. ACF subsequently withdrew from the country in 2008, in protest of the inaction of authorities concerned.

The following will be a brief account of the details that have been hitherto reported on the matter.

Background to the case

On 31 July and 01 August 2006, 17 aid workers were dispatched to Muttur in two batches. The team included three drivers and three vehicles¹⁰⁹. On 01 August 2006, the LTTE attacked Muttur in a bid to overtake this strategic location which controlled the entry to Trincomalee harbour and naval headquarters¹¹⁰. The murders reportedly took place three days after the attack on 04 August 2006.¹¹¹

Timeline of Events

2006

04 August 2006 – According to a BBC report¹¹², the ACF claimed to have lost contact with its office in Muttur around 7 a.m. This was reportedly due to heavy fighting raging around it between the Sri Lanka Army and the L.T.T.E.¹¹³ A religious leader in Muttur¹¹⁴ stated that he had been to the ACF office at around 8.30 a.m. that day,¹¹⁵ to advise the workers to join them as they left the town. At around 10 a.m. a lady who was employed as a cook

¹⁰⁷ Action Contre La Faim “Aid workers’ murders in Sri Lanka: Ten years after Action against Hunger commemorates the Muttur massacre” (*Reliefweb*, 26 July 2016) available at <<https://reliefweb.int/report/sri-lanka/aid-workers-murders-sri-lanka-ten-years-after-action-against-hunger-commemorates>>

¹⁰⁸ University Teachers for Human Rights (Jaffna) *Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff* (Special Report No. 30, 2008) available at <<http://www.uthr.org/SpecialReports/Spreport30.htm>>

¹⁰⁹ “ACF cruelly abandoned its workers and compensation, too :Response to Action Contre La Faim (ACF) available at <” (*The Island*, 23 August 2016) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=150795>

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² “Sri Lanka’s forces accused of massacring aid workers” (*BBC News*, 3 December 2013) available at <<https://www.bbc.com/news/world-asia-25198856>>

¹¹³ Ibid.

¹¹⁴ University Teachers for Human Rights (Jaffna) *Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff* (Special Report No. 30, 2008) pg.07 available at <<http://www.uthr.org/SpecialReports/Spreport30.htm>>

¹¹⁵ University Teachers for Human Rights (Jaffna) *Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff* (Special Report No. 30, 2008) pg.07 available at <<http://www.uthr.org/SpecialReports/Spreport30.htm>>

for the ACF workers is said to have met them to inform them that the townspeople were leaving after the L.T.T.E. had notified them that an attack had been planned on the jetty naval garrison later in the day¹¹⁶.

The ACF workers, however, had reportedly remained as they had received orders from the head office to await pick up¹¹⁷. Townspeople confirm that the ACF workers were seen in town in the afternoon that same day after the L.T.T.E. had vacated the town.¹¹⁸

According to the University Teachers for Human Rights (Jaffna) (UTHRJ) report on the case, the killings had taken place around 5.30 pm on the 4 of August.¹¹⁹ Fifteen bodies all wearing white ACF t-shirts¹²⁰, clearly identifying them as aid workers¹²¹, had been recovered from the ACF compound on or around 7 August. Two other bodies were discovered later in a car nearby, reportedly killed whilst attempting to flee¹²². The BBC reports the details of the victims, 16 ethnic Tamils and one Muslim, including four women¹²³ as follows¹²⁴:

1. R. Arulrajah (24 years) – Water and sanitation technician
2. M. Narmathan (23 years) – Water and sanitation technician
3. S.Koneswaran-(24 years) – Driver
4. T.Pratheeban (27 years) – Water and sanitation technician
5. R. Sivapragasham (25 years) – Hygiene promotion moderator
6. G.Kavitha (27 years) – Hygiene advisor
7. M. Rishikesan (24 years) – Water and sanitation technician
8. A.Jaseelan (27 years) – Water and sanitation technician
9. K.Kovarthani (27 years) – Hygiene promotion moderator
10. V.Kokilavathani (29 years) – Hygiene promotion moderator
11. A.L.M. Jawffar (31 years) – Water and sanitation qualified technician
12. Y.Kodeeswaran(30 years) – Food security technician

¹¹⁶ University Teachers for Human Rights (Jaffna) *Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff* (Special Report No. 30, 2008) pg.07 available at <<http://www.uthr.org/SpecialReports/Spreport30.htm>>

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ “Sri Lanka’s forces accused of massacring aid workers” (*BBC News*, 3 December 2013) available at <<https://www.bbc.com/news/world-asia-25198856>>

¹²¹ Action Contre La Faim (*reliefweb*, 26 July 2016) available at <“Aid workers’ murders in Sri Lanka: Ten years after Action against Hunger commemorates the Muttur massacre” <https://reliefweb.int/report/sri-lanka/aid-workers-murders-sri-lanka-ten-years-after-action-against-hunger-commemorates>>

¹²² University Teachers for Human Rights (Jaffna) *Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff* (Special Report No. 30, 2008) pg.12 available at <<http://www.uthr.org/SpecialReports/Spreport30.htm>>

¹²³ “Sri Lanka: 10 Years Since Aid Worker Massacre International Role Needed to Ensure Justice” (*Human Rights Watch*, 31 July 2016) available at <<https://www.hrw.org/news/2016/07/31/sri-lanka-10-years-aid-worker-massacre>>

¹²⁴ “Sri Lanka’s forces accused of massacring aid workers” (*BBC News*, 3 December 2013) available at <<https://www.bbc.com/news/world-asia-25198856>>

13. S.P. Anantharajah (32 years) – Programme manager
14. I.Muralitharan (33 years) – Driver
15. G.Sritharan (36 years) – Water and sanitation technician
16. M.Ketheeswaran(36 years) – Water and sanitation technician
17. S.Ganesh (54 years) – Driver

According to the ACF report on the murders released in December 2013, the workers had been lined up inside the ACF compound and ‘shot dead at close range.’¹²⁵ According to the UTHRJ Report, evidence has also emerged that the Police had been aware of the plight of the stranded aid workers, and had received orders to ensure their safety, which they had purportedly ignored¹²⁶.

05-07 August 2006 – The Muttur Police claim to have discovered the bodies on 06 August.¹²⁷ The Consortium of Humanitarian Agencies, (CHA) an association of national and international agencies, is the first organisation to witness and photograph the dead bodies on 06 August¹²⁸.

ACF was denied access to their office in Muttur to collect the bodies of the deceased by the armed forces, allegedly citing lack of security¹²⁹. Both the Sri Lanka Monitoring Mission (SLMM) and the International Committee for the Red Cross (ICRC) were also denied access on 05 and 06 August. ACF was allowed to retrieve the bodies only on 7 August, reportedly three days after the killings¹³⁰.

08 August 2006 – The then Minister for Human Rights, Mahinda Samarasinghe condemned the killings of the 17 aid workers, and stated that an investigation will be launched¹³¹.

29 August 2006 – The outgoing head of the Sri Lanka Monitoring Mission (SLMM), Ulf Henricsson condemned the killings as “one of the most serious recent crimes against humanitarian aid workers worldwide.”¹³² SLMM states that evidence indicates that the security forces are to be blamed for the massacre based on three key points: the presence

¹²⁵ “Sri Lanka’s forces accused of massacring aid workers” (*BBC News*, 3 December 2013) available at <<https://www.bbc.com/news/world-asia-25198856>>

¹²⁶ University Teachers for Human Rights (Jaffna) *Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff* (Special Report No. 30, 2008) available at <<http://www.uthr.org/SpecialReports/Spreport30.htm>>

¹²⁷ Action Contre La Faim “The Truth About the Assassination of 17 Aid Workers in Sri Lanka” (*Reliefweb*, 26 July 2016) available at <https://www.actioncontrelafaim.org/en/publication/the-truth-about-the-assassination-of-17-aid-workers-in-sri-lanka/>

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ “ACF cruelly abandoned its workers and compensation, too: Response to Action Contre La Faim (ACF)” (*The Island*, 23 August 2016) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=150795>

¹³² Justin Huggler, “Europe accuses Sri Lankan army of assassinating aid workers” (*The Independent*, 31 August 2006) available at <<https://web.archive.org/web/20070312212142/http://news.independent.co.uk/world/asia/article1222812.ece>>

of the security forces in Muttur at the time of the killings, government forces blocking monitoring forces from entering the premises after the bodies had been discovered and confidential conversations with “highly reliable” sources pointing out the culpability of the security forces.¹³³

12 September 2006 – ACF made a formal complaint to the Human Rights Commission of Sri Lanka (HRCSL) in Trincomalee.¹³⁴

03 November 2006 – The Presidential Commission of Inquiry to Investigate and Inquire into Alleged Serious Violations of Human Rights (the Commission) was appointed¹³⁵ under the chairmanship of late retired Supreme Court Judge N.K. Udalagama, along with an International Independent Group of Eminent Persons (IIGEP) to observe the proceedings of the Commission.¹³⁶

2007

12 January 2007 – HRCSL informed ACF that necessary steps had been taken to appoint a team to investigate the Muttur massacre¹³⁷.

14 May 2007 – First investigation into the killings initiated by the government is conducted by the Presidential Commission of Inquiry.¹³⁸ The Commission conducts approximately 76 sessions from which the evidence of many witnesses is collected.¹³⁹ However, organisations such as Human Rights Watch reported that even at this stage threats to witnesses and the families of the slain aid workers prevailed.¹⁴⁰

01 June 2007 – The International Independent Group of Eminent Persons (IIGEP) submitted its first interim report to the President¹⁴¹. It stated that the Commission had

¹³³ University Teachers for Human Rights (Jaffna) *Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff* (Special Report No. 30, 2008) available at <<http://www.uthr.org/SpecialReports/Spreport30.htm>>

¹³⁴ Ibid.

¹³⁵ “ACF cruelly abandoned its workers and compensation, too :Response to Action Contre La Faim (ACF)” (*The Island*, 23 August 2016) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=150795>

¹³⁶ Centre for Policy Alternatives *Commission of Inquiry and the International Independent Group of Eminent Persons: Commentary on Developments* (Policy Brief No.2,2007) available at <<https://www.cpalanka.org/commission-of-inquiry-and-the-international-independent-group-of-eminent-persons-commentary-on-developmentsjanuaryapril-2007/>>

¹³⁷ Action Contre La Faim “The Truth About the Assassination of 17 Aid Workers in Sri Lanka” (*Reliefweb*, 26 July 2016) available at <https://www.actioncontrelafaim.org/en/publication/the-truth-about-the-assassination-of-17-aid-workers-in-sri-lanka/>

¹³⁸ “Sri Lanka: No Respite for Aid Workers” (*Inter Press Service News Agency*, 19 November 2007) available at <<http://www.ipsnews.net/2007/11/sri-lanka-no-respite-for-aid-workers/>>

¹³⁹ “ACF cruelly abandoned its workers and compensation, too :Response to Action Contre La Faim (ACF) available at <” (*The Island*, 23 August 2016) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=150795>

¹⁴⁰ “Sri Lanka: 10 Years Since Aid Worker Massacre International Role Needed to Ensure Justice” (*Human Rights Watch*, 31 July 2016) available at <<https://www.hrw.org/news/2016/07/31/sri-lanka-10-years-aid-worker-massacre>>

¹⁴¹ Sajjad Karim “Parliamentary Questions: Sri Lanka-Report of International Independent Group of Persons” (*European Parliament*, 22 June 2007) available at

hardly made any progress in the investigations process since its inception in November 2006. It further stated that measures taken by the Government of Sri Lanka and the Commission to address issues such as the independence of the Commission, timeliness and witness protection are inadequate and did not satisfy international norms and standards¹⁴².

18 September 2007 – The IIGEP sent its second report to the President¹⁴³. The report contained details of the IIGEP’s continuing efforts to ensure transparency and monitor the conduct of the work carried out by the Commission, in accordance with basic international norms and standards, as directed in the Presidential Warrant.¹⁴⁴

November 2007 – The mandate of the Commission was renewed until 02 November 2008.¹⁴⁵

14 November 2007 – The HRCSL informed the ACF that documents relating to the investigation would not be immediately available due to the proceedings at the Commission.¹⁴⁶

2008-2011

06 March 2008 – The IIGEP announced that it will be quitting its operations in Sri Lanka due to issues of transparency with regard to the investigations process¹⁴⁷. The main criticism levelled against it is the “lack of political will to find the truth.”¹⁴⁸

June 2009 – Term of Presidential Commission came to an abrupt end, two and a half years after being appointed, and with only seven of fifteen cases concluded.¹⁴⁹

15 May 2011 – The Lessons Learnt and Reconciliation Commission (LLRC) in its final report recommended that the government investigate the killings of the five students in

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2007-3173+0+DOC+XML+V0//EN&language=EN>

¹⁴² Ibid.

¹⁴³ SRI LANKA: The IIGEP reiterates concerns over the work of the Commission of Inquiry” (*Asian Human Rights Commission*, 18 September 2007) available at <http://www.humanrights.asia/news/forwarded-news/FS-034-2007/>

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ “Sri Lanka: The Muttur massacre - a struggle for justice” (*reliefweb*, 19 June 2008) available at <https://reliefweb.int/report/sri-lanka/sri-lanka-muttur-massacre-struggle-justice> > ≥

¹⁴⁷ “Expert panel quits Sri Lanka over rights abuse probe” (*Reuters*, 6 March 2008) available at <https://www.reuters.com/article/idUSCOL44994>

¹⁴⁸ “Sri Lanka to continue right probe despite panel quitting” (*reliefweb*, 22 April 2008) available at <https://reliefweb.int/report/sri-lanka/sri-lanka-continue-right-probe-despite-panel-quitting> >

¹⁴⁹ Chandani Kirinde “The Commission acted as a deterrent: Justice Udalagama” (*Sunday Times*, 21 June 2009) available at http://www.sundaytimes.lk/090621/News/sundaytimesnews_16.html

Trincomalee and the killing of the 17 aid workers.¹⁵⁰ Section 5.163 details the recommendations of the LLRC with regard to the investigations on the ACF killings.¹⁵¹

2015

20 October 2015 – Prime Minister Ranil Wickremesinghe tabled the Udalagama Commission Report in Parliament. Debates on the report were scheduled for 22 and 23 October.¹⁵²

22 October 2015 – Then Minister of Skills Development and Vocational Training, Mahinda Samarasinghe presented the report of the OHCHR to Parliament, which makes reference to the Udalagama Report which states as follows: *“In the course of its investigation, OHCHR obtained access to the unpublished reports of several domestic investigations, including the 2006 Udalagama Commission and the 2012 Army Court of Inquiry. These reports confirm OHCHR’s concerns about their lack of independence……”*¹⁵³ He emphasised the need to publish the said report without which its authenticity could not be established. (Vide pp.1013-1014)

23 October 2015 – Minister of Provincial Councils and Local Government Faiszer Mustapha quoted from the Udalagama Report in Parliament and stated that panel members of the Commission had criticised the police investigations into the murders as *“lacking professionalism”* and being *“shoddy”*.¹⁵⁴ Quoting panel member Manouri Muttetuwegama, he stated that the investigations did not find any individual guilty as *“the Attorney General’s lawyers came out with so many different possibilities in every case that it was not possible to come to definitive conclusions”*.¹⁵⁵

Court/Investigation Proceedings

2006

08 August 2006 – The first autopsy into the killings was carried out by the Muttur Magistrate, although no ballistic evidence is collected.¹⁵⁶

15 August 2006 – The first inquest began in the Muttur Magistrate’s Court.

¹⁵⁰ Ranga Jayasuriya “The Need To Publish The Udalagama Commission Report” (*Colombo Telegraph*, 11 July 2013) available at <<https://www.colombotelegraph.com/index.php/the-need-to-publish-the-udalagama-commission-report/>>

¹⁵¹ “Report of the Commission Of Inquiry On Lessons Learnt And Reconciliation” (*USA Embassy*, November 2011) available at <<http://slembassyusa.org/downloads/LLRC-REPORT.pdf>>

¹⁵² “Prime Minister Presents Udalagama, Paranagama Commission Reports To Parliament” (*Asian Mirror*, 20 October 2015) available at <<http://asianmirror.lk/news/item/12346-prime-minister-presents-udalagama-paranagama-commission-reports-to-parliament>>

¹⁵³ “Parliamentary Debates (Hansard) available at <” (*Sri Lanka Parliament*, 23 October 2015) available at <<https://www.parliament.lk/uploads/documents/hansard/1446089031089971.pdf>>

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ “Joint Submission to the United Nations Universal Periodic Review: Fourteenth Session of the Working Group on the UPR” (*ACF & SPEAK*, 2012) available at <<https://www.actioncontrelafaim.org/wp-content/uploads/2018/01/acf - joint upr submission - sri lanka - october2012-2.pdf>>

05 September 2006 – The case was transferred to the Anuradhapura Magistrate’s Court, on the instructions of the Secretary of the Ministry of Justice and Law Reforms.¹⁵⁷ However, no clear reason was given for the transfer, and it was alleged that it was to further intimidate Tamil witnesses.¹⁵⁸ It was heard by the Anuradhapura Magistrate based in Kantale.¹⁵⁹

16 September 2006 – Two of the bodies were exhumed after obtaining authorisation.¹⁶⁰ They were identified to be those of Muttulingam Narmathan and Matajavarasa Ketheeshwaran.

29 September 2006 – A Memorandum of Understanding (MoU) was signed between the Sri Lankan and Australian governments to officially allow Australian experts to observe and assist in the investigations process¹⁶¹.

October 2006 – The International Commission of Jurists (ICJ) appointed Michael Birnbaum QC, as its observer of the inquest into the killings. He attended two inquest hearings in Kantale on 22 November 2006 and 07 March 2007.¹⁶²

04 October 2006 – The Criminal Investigation Department (CID) submitted 32 empty cartridges and 11 ammunition in Court, together with an investigative report. They were reportedly recovered by the Muttur Police on 08 August and by the CID on 17 August.¹⁶³

18 October 2006 – Nine more exhumations took place¹⁶⁴.

24-25 October 2006 – Autopsies were carried out by Dr. Waidyaratne, JMO of Anuradhapura, in the presence of Australian Pathologist Dr. Malcom Dodd. Seven bullets and three metal fragments were recovered.

01 November 2006 – The exhumed bodies were reburied.

06 December 2006 – The Magistrate ordered a ballistic examination to be conducted by the Sri Lankan authorities in the presence of Australian experts¹⁶⁵.

¹⁵⁷ “Sri Lanka: The Muttur massacre - a struggle for justice” (*Reliefweb*, 19 June 2008) available at <<https://reliefweb.int/report/sri-lanka/sri-lanka-muttur-massacre-struggle-justice>>

¹⁵⁸ “A Grand Failure of the Sri Lankan State” (*Sunday Times*, 2 June 2013) <https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20130602/281818576374320>

¹⁵⁹ *ibid*

¹⁶⁰ “Sri Lanka: The Muttur massacre - a struggle for justice” (*reliefweb*, 19 June 2008) available at <<https://reliefweb.int/report/sri-lanka/sri-lanka-muttur-massacre-struggle-justice>>

¹⁶¹ *Ibid*.

¹⁶² *Ibid*.

¹⁶³ *Ibid*.

¹⁶⁴ *Ibid*.

¹⁶⁵ “Killing of 17 ACF aid workers: ACF asks for a ballistics examination conducted by Sri Lankan experts and Australian observers” (*reliefweb*, 13 March 2007) available at <<https://reliefweb.int/report/sri-lanka/killing-17-acf-aid-workers-acf-asks-ballistics-examination-conducted-sri-lankan>>

2007

07 March 2007 – A hearing was held into the killings of the 17 ACF workers at the Kantale Magistrate’s Court. ¹⁶⁶The Magistrate pronounced his verdict regarding the first inquiry: that there were no leads to those responsible for the murders identified for the moment; that there was the need for the involvement of Australian observers for a ballistics examination and that there were concerns regarding some of the flaws during the inquiry.¹⁶⁷ The verdict of the Magistrate also confirmed that the victims had all been killed by shots to the head, in the early morning of 04 August¹⁶⁸.

October 2007 – 11 corpses were exhumed and a second post-mortem was carried out in the presence of an Australian observer.¹⁶⁹ The second post-mortem revealed that all 17 workers were killed by shots to the head in the early morning of 4 August.

28 November 2007 – The case was transferred back to Muttur¹⁷⁰.

No progress of the case can be traced from thereon. According to available reports no arrests have been made hitherto, and no formal indictment has been laid against any of the persons responsible for the ACF killings.¹⁷¹

Problems with the Investigation Process

The IIGEP had several causes of concern regarding the investigation process of the Commission. These included the continuing slow progress of the Commission’s investigations and inquiries, including the procedures being followed, the independence of the Commission in the light of state counsel from the Attorney General’s Department being part of the panel of counsel assisting the Commission, the continuing need for effective witness and victim protection and assistance, and inadequate disclosure of information.¹⁷²

The ICJ observer, Michael Birnbaum QC, quoting the Sri Lanka Monitoring Mission (SLMM) Report noted that there were ‘very strong indications’ as to the involvement of the armed forces due to three reasons: the Government’s restrictions on the movement of the SLMM, the presence of the security forces making it highly unlikely that any other

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ “Sri Lanka: The Muttur massacre - a struggle for justice” (*reliefweb*, 19 June 2008) available at <<https://reliefweb.int/report/sri-lanka/sri-lanka-muttur-massacre-struggle-justice>>

¹⁷¹ “Sri Lanka: ICJ inquest observer finds flaws in investigation into killing of ACF aid workers” (*reliefweb*, 23 April 2007) available at <<https://reliefweb.int/report/sri-lanka/sri-lanka-icj-inquest-observer-finds-flaws-investigation-killing-acf-aid-workers>>

¹⁷² “SRI LANKA: The IIGEP reiterates concerns over the work of the Commission of Inquiry” (*Asian Human Rights Commission*, 18 September 2007) available at <<http://www.humanrights.asia/news/forwarded-news/FS-034-2007/>>

group could have committed the murders, and lastly the ‘confidential’ conversations the SLMM had with ‘highly reliable sources’ regarding who was responsible for the killings¹⁷³.

CPA has also at the time highlighted several issues concerning the transparency and independence of the Presidential Commission of Inquiry, in the light of the statements made by the IIGEP.¹⁷⁴

The ICJ observer made several recommendations regarding the investigation process into the ACF aid workers’ massacre¹⁷⁵. The recommendations made to the government include establishing a team of independent investigators, establishing a witness protection scheme and considering serious reforms to the criminal justice system¹⁷⁶. The ICJ further recommended that the Commission should investigate the circumstances in which the 17 bodies were discovered including whether certain bodies had been moved before the visit of the Consortium of Humanitarian Agencies (CHA) group; the production of relevant documents by the security forces showing their movement; the dates when they lost and regained control of Muttur; and obtaining video and photographic evidence of the scene and tracing eyewitnesses.

There have been no recent developments regarding the investigation process of the ACF Aid Workers’ killings.

¹⁷³“Sri Lanka: The Muttur massacre - a struggle for justice” (*reliefweb*, 19 June 2008) available at <<https://reliefweb.int/report/sri-lanka/sri-lanka-muttur-massacre-struggle-justice>>

¹⁷⁴ Centre for Policy Alternatives “Response to the statement by the International Independent Group of Eminent Persons IIGEP) available at <(2007) available at <https://www.cpalanka.org/wp-content/uploads/2009/5/CPA_response_to_statement_by_IIGEP.pdf>

¹⁷⁵ Sri Lanka: The Muttur massacre - a struggle for justice” (*reliefweb*, 19 June 2008) available at <<https://reliefweb.int/report/sri-lanka/sri-lanka-muttur-massacre-struggle-justice>>

¹⁷⁶ Ibid.

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

Introduction

The enforced disappearance of 11 youth in Sri Lanka during 2008/09 in an alleged ransom racket has been one of the most closely scrutinised cases of grave human rights violations in Sri Lanka. In this particular case, eleven men including five students between the ages of 17-18 were allegedly abducted by Sri Lankan Navy personnel from the areas of Kotahena, Wattala, Dehiwela and Jinthupitiya between 09 August 2008 and 10 October 2008.

The following is a timeline of the sequence of the events which details events and time taken with the investigations¹⁷⁷.

Timeline of Abductions

2008

09 August 2008 – Kasthuri Arachchige John Reid (21 years) abducted from Wattala along with his vehicle bearing no. 56-5536¹⁷⁸.

25 August 2008 – Amalan Leon (Lyon) (50 years) and Roshan Leon (Lyon) (21 years) abducted from Kotahena.¹⁷⁹

17 September 2008 – Rajiv Naganathan (21 years), P. Vishwanathan (21 years), T. Ramalingam (17 years), Mohomed Sajid (21 years) Mohamed Ali Anver (age unknown) and Jamaldeen Dilan (age unknown) abducted from Dehiwela. They are kidnapped along with their Tata Indica vehicle in which they were travelling¹⁸⁰.

10 October 2008 – Kasthuri Arachchige Anton (48 years) father of Kasthuri Arachchige John Reid, abducted from Kotahena.¹⁸¹

2008 – Thyagarajah Jegan (32 years) abducted from Jinthupitiya. (Exact date of abduction remains unknown)¹⁸²

First held at a location named '*Pittu Bambuwa*' down Chaithya Road, the missing youth were reportedly last held at an underground chamber called 'Gunsite' belonging to the Trincomalee Navy and Ocean Academy by their captors¹⁸³. All communication between

¹⁷⁷ Nirmala Kannangara "Abduction Of 11 Tamil Youths Twists And Turns In The Investigations" (*Daily Mirror*, 21 August 2018) available at <<http://www.dailymirror.lk/article/Abduction-of-Tamil-youths-Twists-and-turns-in-the-investigations-154315.html>>

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Maneshka Borham "Diary entry, et al lead to Commodore's arrest" (*Sunday Observer*, 23 July 2017) available at <<http://www.sundayobserver.lk/2017/07/23/features/diary-entry-et-al-lead-commodore%E2%80%99s-arrest>>

the victims and their families ceased by May 2011, according to Sarojini Naganathan, mother of Rajiv Naganathan, who went missing on 17 September 2008.¹⁸⁴

Timeline of Investigations

2009

10 May 2009 – It was reported that the then Navy Commander Wasantha Karannagoda instructed Sri Lanka Navy Intelligence to conduct an internal inquiry based on information received against Lt. Commander Sampath Munasinghe¹⁸⁵.

26 May 2009 – Then Lt. Commander Sampath Munasinghe's quarters at the Navy Headquarters, Colombo, was searched on the instructions of the then Navy Commander Wasantha Karannagoda. Officers discovered a passport, several NICs together, with many other items including live cartridges, mobile phones, credit cards and SIM cards¹⁸⁶.

28 May 2009 – Former Navy Commander Wasantha Karannagoda filed written a complaint to the CID against his personal security officer then Lt. Commander Sampath Munasinghe regarding his possible involvement in the abductions. ¹⁸⁷In the complaint, Karannagoda made reference to the recovery of four national identity cards, one passport, one mobile phone, promissory notes worth over one million rupees and approximately around 450 rounds of ammunition from Munasinghe's cabin.¹⁸⁸

30 May 2009 – Items found in possession of Lt. Commander Sampath Munasinghe are handed over to the CID by the Navy subsequent to the complaint, for further investigation¹⁸⁹.

May 2009 – Rear Admiral JJ Ranasinghe, Vice Chancellor of the Kotelawala Defence University (KDU) brought the disappearance of 21 year old Rajiv Naganathan, one of the missing 11, to the notice of Admiral Karannagoda.¹⁹⁰ Admiral Karannagoda called for an explanation from Lt. Commander Ranasinghe who denied the allegation.¹⁹¹ Admiral Karannagoda then sent then Eastern Commander Rear Admiral Thusitha Weerasekera to

¹⁸⁴ Ibid.

¹⁸⁵ Anurangi Singh " Karannagoda deemed flight risk" (*Sunday Observer*, 24 February 2019) available at <http://www.sundayobserver.lk/2019/02/24/news-features/karannagoda-deemed-flight-risk>

¹⁸⁶ Nirmala Kannagara "CID on collision course with CDS over the fugitive" (*Daily Mirror*, 19th June 2018) <http://webcache.googleusercontent.com/search?q=cache:ajVIEVLcaNwJ:www.dailymirror.lk/expose/article/CID-on-Collision-course-with-CDS-over-the-fugitive--151466.html+&cd=1&hl=en&ct=clnk&gl=lk>

¹⁸⁷ Ibid.

¹⁸⁸ Shamindra Ferdinando " Ex-Commander among 50 navy officers grilled Wartime disappearances:*DKP to be produced in court today" (*The Island*, 18 July 2017) available at http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=168497

¹⁸⁹ Anurangi Singh " Karannagoda deemed flight risk" (*Sunday Observer*, 24 February 2019) available at <http://www.sundayobserver.lk/2019/02/24/news-features/karannagoda-deemed-flight-risk>

¹⁹⁰ Ibid.

¹⁹¹ ibid

check the junior officer's claim.¹⁹² Rear Admiral Weerasekera also confirmed the claim that no secret prisoners were being held.¹⁹³

10 June 2009 – Maj. Neville Priyantha Attanayake of the Army Intelligence Unit produced Sampath Munasinghe to the CID where the latter is arrested and subsequently given bail¹⁹⁴.

15 June 2009 – The then Director of the CID ordered a full probe into the incidents, which has resulted in 11 arrests of Naval Officers since then.

17 June 2009 – Former Minister for Fisheries and Aquatic Resources, Felix Perera, addressed a letter to the then Navy Commander Wasantha Karannagoda, requesting the release of three of the missing 11: Rajiv Naganathan, Pradeep Vishwanathan and T.Ramalingam who were purportedly in the custody of the Navy.¹⁹⁵

2015

January 2015 – Criminal Investigations Department (CID) initiated a fresh investigation after the change of government¹⁹⁶.

28 Feb 2015 – Statement of Commodore D.K.P. Dassanayake was recorded regarding the disappearances.¹⁹⁷

2016

The CID whilst carrying out investigations into the disappearance of the 11 youth at the Sri Lanka Maritime Naval Academy, had been anonymously informed that the vehicle belonging to John Reid, one of the 11 victims, was being used by the Sri Lanka Navy under a forged license plate 'Navy 2016'.¹⁹⁸ A CID investigation team, led by Inspector of Police (IP) Nishantha Silva discovered the said vehicle within the Sri Lanka Naval Academy¹⁹⁹.

¹⁹² Ibid

¹⁹³ Shamindra Ferdinando "Ex-Commander among 50 navy officers grilled Wartime disappearances: *DKP to be produced in court today" (*The Island*, 18 July 2017) available at

<http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=168497>

¹⁹⁴ Shamindra Ferdinando "Karannagoda initiates legal action against new Chief Sinniah

Case involving navy in abductions takes dramatic turn" (*The Island*, 24 August 2017) available at

<http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=170547>

¹⁹⁵ Maneshka Borham "After Explosive Revelations In Court In Navy 11 Youth Abduction Case." (*Sri Lanka Brief*, 2 September 2018) available at <<http://srilankabrief.org/2018/09/after-explosive-revelations-in-court-in-navy-11-youth-abduction-case/>>

¹⁹⁶ "How CDS became Prisoner 9550 and Welle Suda's neighbour" (*The Island*, 11 December 2018)

available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=195924>

¹⁹⁷ "CID records statement from former Navy spokesman" (*Daily Mirror*, 28 February 2015) available at

<<http://www.dailymirror.lk/article/cid-records-statement-for-former-navy-spokesman-65051.html>>

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¹⁹⁸ Nirmala Kannagara "Abduction Of 11 Tamil Youths Twists And Turns In The Investigations" (*Daily Mirror*, 21 August 2018) available at <<http://www.dailymirror.lk/article/Abduction-of-Tamil-youths-Twists-and-turns-in-the-investigations-154315.html>>

¹⁹⁹ Ibid.

The Navy were unable to produce a single document to claim ownership to the vehicle they were using with the aforementioned forged registration number²⁰⁰. Although the Navy had deleted the engine and chassis numbers, the brother and brother-in-law of the victim had identified the vehicle, which had been repainted blue, the original colour being white²⁰¹.

The CID officers, after obtaining a court order from the Colombo Magistrate's Court, examined Gemunu Base at Welisara for hidden parts of the vehicle, and discovered a heap of vehicle parts hidden in a room adjacent to the Navy Intelligence Sailors' Hostel.²⁰² Upon inspection of the closed room the CID were able to uncover 72 parts of a dismantled vehicle, which the Navy informed them were pieces of a vehicle laden with explosives, although no records showed that they had informed the police or the bomb disposal unit of the vehicle.²⁰³

2017

March 2017 – Lt. Commander Chandana Prasad Hettiarachchi alias 'Navy Sampath' a key suspect in the incident, went missing. It was alleged that he was provided Rs. 500,000 and smuggled out of the country in a 'Fast Attack Craft' (FAC) on the instructions of Admiral Wijegunaratne.²⁰⁴ His disappearance occurred at a time when there were two specific requests to hand him over to the CID in March 2017. Hettiarachchi was also among one of the five suspects who was facing indictment over the assassination of former Jaffna District TNA MP Nadarajah Raviraj and his bodyguard Sergeant Lakshman Lokuwella, and acquitted by the High Court in 2016.²⁰⁵

12 July 2017 – Former Navy Spokesperson Commodore D.K.P. Dassanayake and five others were arrested on charges of aiding and abetting the abductions of 11 youth.²⁰⁶ Colombo Fort Magistrate Lanka Jayaratne ordered them to be remanded till 20 October 2017²⁰⁷.

10 August 2017 – The CID informed Colombo Fort Magistrate Lanka Jayaratne of the involvement of Former Navy Commander Wasantha Karannagoda in the abduction of the

²⁰⁰ Ibid

²⁰¹ Nirmala Kannangara "Abduction Of 11 Tamil Youths Twists And Turns In The Investigations" (*Daily Mirror*, 21 August 2018) available at <<http://www.dailymirror.lk/article/Abduction-of-Tamil-youths-Twists-and-turns-in-the-investigations-154315.html>>

²⁰² Ibid.

²⁰³ Nirmala Kannangara "Abduction Of 11 Tamil Youths Twists And Turns In The Investigations" (*Daily Mirror*, 21 August 2018) available at <<http://www.dailymirror.lk/article/Abduction-of-Tamil-youths-Twists-and-turns-in-the-investigations-154315.html>>

²⁰⁴ Shamindra Ferdinando "CID: A Navy chief helped wanted man flee in FAC, Commanders don't get involved in human smuggling' Wartime disappearances" (*The Island*, 29 April 2018) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=183895>

²⁰⁵ Ibid.

²⁰⁶ Lakmal Sooriyagoda "Former Navy Spokesperson D. K. P. Dassanayake further remanded" (*Daily News*, 9 October 2017) available at <<http://www.dailynews.lk/2017/10/09/local/130662/former-navy-spokesperson-d-k-p-dassanayake-further-remanded>> He was arrested one week prior to the visit of UN Special Rapporteur Ben Emerson.

²⁰⁷ Ibid.

youth who were detained at the Gunsides Navy camp in Trincomalee, and allegedly tortured and killed subsequently.²⁰⁸ The abduction was also known to Commodore Udaya Keerthi, D.K.P. Dassanayake, Lt. Commander Ranasinghe, former intelligence director Guruge and other top Navy officials at the time. The CID alleged that Lt Commander Chandana Prasad Hettiarachchi alias 'Navy Sampath' had committed the murders.²⁰⁹

2018

09 January 2018 – Commodore D.K.P. Dassanayake and five others were granted bail by Colombo High Court Judge Manilal Waidyathilake on strict bail conditions.²¹⁰

22 February 2018 – Colombo Fort Magistrate Lanka Jayaratne ordered the CID to inform her about its decision to arrest Former Navy Commander Wasantha Karannagoda by 05 March 2018. Suspects in the case are named as Sampath Munasinghe, D.K.P. Dassanayake Sumith Ranasinghe, Lakshman Udayakumara, Nalin Prasanna Wickremasuriya, Tammitta Ihalagedara Dharmadasa, Rajapakse Pathiranalage Kithsiri, Kasthuri Gamini and Muthuwa Hennada Aruna Thushara were produced before Court.²¹¹

31 July 2018 – CID Director Shani Abeysekera alleged how former officials of the Attorney General's Department had interfered with the investigations carried out by the CID, and had instructed the OIC and himself to refrain from questioning certain suspects regarding the abductions.²¹²

13 August 2018 – Hettiarachchi Mudiyansele Chandana Prasad Hettiarachchi alias 'Navy Sampath', the main suspect in the case was arrested by the CID.²¹³ The arrest was made by the OIC of the Gang Robbery Unit Nishantha Silva at Lotus Road, Colombo.²¹⁴ At the time of arrest, he was in possession of several fake identity cards, one of which was used to get a passport. The suspect had been impersonating a guard named Polwatte Gallage Ashoka, and was working at an estate in Dompe²¹⁵.

²⁰⁸ "Karannagoda to be Arrested!" (*Sri Lanka Mirror*, 12 August 2017) available at <<https://srilankamirror.com/news/4395-karannagoda-to-be-arrested>> The CID further informed the Magistrate that the incident had been reported to Karannagoda by intelligence and through former Minister Felix Perera.

²⁰⁹ Ibid.

²¹⁰ "Sri Lanka court grants bail to Commodore D.K.P. Dassanayake and others arrested for abducting 11 youths" (*Colombo Page*, 9 January 2018) available at <http://www.colombopage.com/archive_18A/Jan09_1515508626CH.php>

²¹¹ "Karannagoda to be arrested over abductions?" (*Sri Lanka Mirror*, 26 February 2018) available at <<https://srilankamirror.com/news/7436-karannagoda-to-be-arrested-over-abductions>>

²¹² "CID Director reveals how top AG's official impeded probe on Navy abduction case" (*Sunday Observer*, 5 August 2018) available at <<http://www.sundayobserver.lk/2018/08/05/news/cid-director-reveals-how-top-ag%E2%80%99s-official-impeded-probe-navy-abduction-case>>

²¹³ Camelia Nathaniel and Lakmal Sooriyagoda "Navy Sampath' Arrested and Detained" (*Daily News*, 15 August 2018) available at <<http://www.dailynews.lk/2018/08/15/local/159770/%E2%80%98navy-sampath%E2%80%99-arrested-and-detained>>

²¹⁴ Ibid.

²¹⁵ Ibid.

15 August 2018 – Colombo Fort Magistrate Lanka Jayaratne ordered the Bank of Ceylon to release details of transactions between March-May 2017 of an account maintained by the Navy through which Rs.500, 000 was given to Hettiarachchi to flee the country. He was ordered to be further interrogated as to his connections who helped him flee the country for a short period, and further remanded till 29 August 2018.²¹⁶

29 August 2018 – ‘Navy Sampath’ was further remanded till 12 September 2018.²¹⁷ Colombo Fort Magistrate Lanka Jayaratne ordered the arrest of Chief of Defence Staff Admiral Ravinda Wijegunaratne for his role in helping ‘Navy Sampath’ evade arrest.²¹⁸

27 September 2018 – Chandana Prasad Hettiarachchi was further remanded till 10 October 2018.²¹⁹ CID officials further informed the Magistrate’s Court that they would obtain a statement from the Chief of Defence Staff Admiral Ravinda Wijegunaratne regarding his involvement in shielding the main suspect.²²⁰

20 October 2018 – IP Nishantha Silva appearing on behalf of the CID informed Fort Magistrate Lanka Jayaratne that they have enough evidence to arrest Admiral Wijegunaratne²²¹.

02 November 2018 – Colombo Fort Magistrate Ranga Dissanayake ordered the CID to arrest Chief of Defence Staff Admiral Ravinda Wijegunaratne²²².

28 November 2018 – Admiral Ravinda Wijegunaratne surrendered himself to court²²³. He is remanded till the 05 of December 2018 by Colombo Fort Magistrate Ranga Dissanayake.²²⁴

05 December 2018 – Colombo Fort Magistrate Ranga Dissanayake granted Chief of Defence Staff Admiral Ravinda Wijegunaratne conditional bail including two sureties of

²¹⁶ D.B.S. Jeyaraj “CID Tells Court that Ex-Navy Chief Ravindra Wijegunaratne Gave 5 Lakhs From Navy Fund to “Navy Sampath” the Main Suspect in Mass Murder of Abducted Youths to Help Him Evade Arrest”<http://dbsjeyaraj.com/dbsj/archives/60332>>

²¹⁷ “Navy Sampath further remanded in 2008 abduction case”(Colombo Gazette, 29 August) available at <<https://colombogazette.com/2018/08/29/navy-sampath-further-remanded-in-2008-abduction-case/>>

²¹⁸ “Court orders arrest of Sri Lanka’s top military commander”(Economynext, 29 August 2018) available at <<https://economynext.com/Court-orders-arrest-of-Sri-Lanka%E2%80%99s-top-military-commander-3-11703-10.html>>

²¹⁹ Shavini Madhara “Disappearance of 11 youth: ‘Navy Sampath’ further remanded” (*Daily News*, 27 September 2018) available at <<http://www.dailynews.lk/2018/09/27/law-order/163843/disappearance-11-youth-%E2%80%99navy-sampath%E2%80%99-further-remanded>>

²²⁰ Ibid.

²²¹ “CID Says It Has Sufficient Evidence To Arrest CDS: Beleaguered Admiral Makes Public Appearance With Sirisena” (*Colombo Telegraph*, 20 October 2018) available at <<https://www.colombotelegraph.com/index.php/cid-says-it-has-sufficient-evidence-to-arrest-cds-beleaguered-admiral-makes-public-appearance-with-sirisena/> 10t

²²² Nimanthi Ranasinghe “Court orders CDS’ arrest” (*Daily Mirror*, 03 November 2018) available at <<http://mirrorcitizen.dailymirror.lk/2018/11/03/court-orders-cds-arrest/>>

²²³ “CDS arrested!” (*Sri Lanka Mirror*, 28 November 2018) available at <<https://srilankamirror.com/news/11742-cds-arrested>>

²²⁴ Ibid.

Rs. 1,000,000²²⁵. The suspect was warned by the Magistrate not to interfere with witnesses or obstruct them and not to use the suspect's office as a means to intimidate any of the witnesses or investigation officers of the inquiry as it would reverse his bail conditions.²²⁶ The Magistrate also considered a related matter on intimidation filed by one of the witnesses of the incident, Galgamage Laksiri, which stated that the suspect had once tried to assault and shoot him, and expressed his concern that the police had failed to carry out any proper investigation into the said complaint.²²⁷ On the basis of the report filed by the Fort Police, the Magistrate pointed out certain errors in it, which were in contravention to the Criminal Procedure Code.²²⁸

2019

09 January 2019 – A key suspect in the ransom racket nicknamed 'Annachchi' was identified by two witnesses, Thyagaraja Parameswari and Thyagaraja Jaya, respectively.²²⁹ The case was called before Colombo Fort Acting Magistrate Priyantha Liyanage. The Magistrate further ordered that the suspects who were already in remand custody in connection with the case, namely, Navy Lieutenant Commander Prasad Hettiarachchi aka 'Navy Sampath', Navy minor officer Sanjewa Senaratna and 'Annachchi' be further remanded till the next hearing date.²³⁰ Appearing on behalf of the CID Inspector Nishantha Silva reported that the probe revealed that the suspects had committed several offences including demanding extortion money, and that they had also identified a further number of suspects in the case, and that the inquiry was still in progress. The Inspector further informed court that the CID hopes to promptly finish the investigation process before sending case files for perusal by the Attorney General²³¹.

Taking into account the submissions made by Counsel, the Acting Magistrate postponed the case until **27 March 2019**.²³²

22 February 2019 – A sailor attached to KKS Naval base was arrested by the CID for allegedly abducting and killing of three youths (out of 11 youths disappeared in 2008-2009)²³³

24 February 2019 – The Fort Magistrate impounded the passport of former Navy Commander Wasantha Karannagoda after the CID named him the 14th suspect in the high profile case of the abduction of 11 youth, and informed Court that the ex-Navy

²²⁵ Shavini Madhara "CDS released on bail" (*Daily News*, 06 December 2018) available at <http://www.dailynews.lk/2018/12/06/law-order/170515/cds-released-bail>

²²⁶ Ibid.

²²⁷ "CDS released on conditional bail" (*Daily Mirror*, 6 December 2018) available at <http://mirrorcitizen.dailymirror.lk/2018/12/06/cds-released-on-conditional-bail/>

²²⁸ Ibid.

²²⁹ Kavindya Perera "Navy alleged youth abduction case: Suspect identified by witnesses" (*Ceylon Today*, 10 January 2019), available at <https://www.ceylontoday.lk/columns/8/news-more/3771>

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ "Naval Sailor Arrested for abducting and killing three youths" (*adaderana.lk*, 22 February 2019) <http://www.adaderana.lk/news/53390/navy-sailor-arrested-for-abducting-and-killing-3-youths>

Commander is a flight risk²³⁴. The CID also informed the Magistrate that had Karannagoda acted expeditiously upon receiving information of the abduction, the lives of the 11 youth may have been spared.²³⁵

25 February 2019 – Former Navy Commander Wasantha Karannagoda filed a Fundamental Rights Application in the Supreme Court seeking an interim order preventing him from being arrested in connection with the investigations into the abduction and killing of 11 youths in 2008-2009.²³⁶

²³⁴ “WANTED: Manhunt for ex- Navy Chief” (*Sunday Observer*, 24 February 2019) available <<http://www.sundayobserver.lk/2019/02/24/news/wanted-manhunt-ex-navy-chief>>

²³⁵ Ibid.

²³⁶ “Karannagoda files FR against arrest” (*Daily Mirror*, 25 February 2019) available at http://www.dailymirror.lk/top_story/Karannagoda-files-FR-against-arrest/155-162890.

5. Abduction of Keith Noyahr, 2008

Keith Noyahr, the then Deputy Editor of the *Nation* newspaper, was a well-known investigative journalist.²³⁷ On 22 May 2008, at around 11 p.m, he was beaten and abducted by an unidentified gang of men and later released.²³⁸ He was found badly beaten and had multiple injuries including head injuries.²³⁹ Noyahr left the country following the attack and the investigations came to an abrupt end.²⁴⁰ However, the case was reopened in 2015 after the change of Government.²⁴¹

Timeline of Investigations

22 May 2008- Noyahr's wife Roshini together with his colleagues of the *Nation* newspaper gathered at the Dehiwala Police station to complain regarding Noyahr's disappearance.²⁴² It was reported that former Deputy Inspector General (DIG) Anura Senanayake assured the complainants that Noyahr would return without harm.²⁴³

23 May 2008 – Noyahr was found in Dehiwala, not very far from his residence.²⁴⁴ He was unconscious and severely injured. ²⁴⁵He was then rushed to the Colombo National Hospital. ²⁴⁶

January 2015- Criminal Investigation Department (CID) reopens investigations into the abduction of Keith Noyahr's. ²⁴⁷

18 February 2017 – Army Major Prabath Bulathwatte and two others were arrested over the abduction.²⁴⁸

19 February 2017 – Two more military intelligence personnels, Warrant Officer Lasantha Wimalaweera and Corporal Nishantha Jayatillake were arrested by the CID

²³⁷"Tracing the abduction of Keith Noyahr" (*Daily Mirror*, 2 March 2017) available at <<http://www.dailymirror.lk/article/Tracing-the-abduction-of-Keith-Noyahr-124755.html>>

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ "Suspect in Keith Noyahr abduction once nominated for diplomatic post" (*Daily FT*, 6 March 2017) available at <<http://www.ft.lk/article/601547/Suspect-in-Keith-Noyahr-abduction-once-nominated-for-diplomatic-post>>

²⁴²In the pursuit of justice (*Daily News*, 22 February 2017) available at <<http://www.dailynews.lk/2017/02/22/features/108326/pursuit-justice>>

²⁴³"Tracing the abduction of Keith Noyahr" (*Daily Mirror*, 2 March 2017) available at <<http://www.dailymirror.lk/article/Tracing-the-abduction-of-Keith-Noyahr-124755.html>>

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ "2 more suspects remanded over assault on journalist (*Hiru News*) available at <<http://www.hirunews.lk/154888/2-more-suspects-remanded-over-assault-on-journalist-keith-noyahr>, Sri Lanka arrests soldiers over journalist's abduction during war (*Reuters*, 18 February 2017) available at <<https://www.reuters.com/article/us-sri-lanka-rights-idUSKBN15X0LS>>

and produced before the Magistrates Court of Mt Lavinia.²⁴⁹ They were further remanded until 3 of March 2017 and were subsequently presented before an identification parade.²⁵⁰

28 March 2017 – A van suspected to have been used in the abduction of Noyahr was seized by the CID from a house in Piliyandala. ²⁵¹ Police Media Spokesman’s office stated that the house in Piliyandala belonged to a woman, who had been a friend of Major Bulathwatte.²⁵²

5 April 2018 – Former Director of Military Intelligence Major General (Retired) Amal Karunasekara was arrested in connection to the Noyahr abduction almost 10 years after the incident took place.²⁵³ He was charged with aiding and abetting the abduction.²⁵⁴

18 April 2018 – Senior State Counsel (SSC) Lakmini Garihagama reveals to Court that the former Editor of the *Nation* Newspaper Lalith Alahakoon and the former Chairman Krishantha Cooray had spoken to then President Rajapaksa and the then Defence Secretary Gotabhaya Rajapaksa on the day of the abduction and asked that Noyahr be released. ²⁵⁵

2 May 2018 – Mt Lavinia Magistrate’s Orders CID to record a statement from the Chief of the Intelligence Service Sisira Mendis on the abduction.²⁵⁶

11 June 2018 – CID questioned Chief of Intelligence Service Sisira Mendis in connection with the assassination of *Sunday Leader* editor Lasantha Wickrematunge in January 2009 and the abduction and assault of Keith Noyahr in May 2008.²⁵⁷

13 June 2018 –SSC Lakmini Garihagama informed Court that the military intelligence heads are unable to provide the information requested for the investigations and requested the court to grant permission to the CID to obtain the information at a closed

²⁴⁹ “2 more suspects remanded over assault on journalist” (*Hiru News*) available at <<http://www.hirunews.lk/154888/2-more-suspects-remanded-over-assault-on-journalist-keith-noyahr>>

²⁵⁰ Ibid

²⁵¹ “Van allegedly used in Keith Noyahr abduction van seized (*Daily News*, 30 March 2017) available at <<http://www.dailynews.lk/2017/03/30/local/111985/keith-noyahr-abduction-van-seized>>

²⁵² Ibid.

²⁵³ “Phone records lead CID to big arrest in Keith Noyahr abduction case” (*Sunday Observer*, 17 February 2017) available at <<http://www.sundayobserver.lk/2018/04/15/news-feature/phone-records-lead-cid-big-arrest-keith-noyahr-abduction-case>>

²⁵⁴ “Ex-military intelligence chief arrested over journalist abduction” (*Ada Derana*, 5 April 2018) available at <<http://www.adaderana.lk/news.php?nid=46750>>

²⁵⁵ “Keith Noyahr abduction and assault case: Retd. Maj. Gen. Karunasekara further remanded” (*Daily News*, 19 April 2018) available at <<<http://www.dailynews.lk/2018/04/19/law-order/148664/keith-noyahr-abduction-and-assault-case-retd-maj-gen-karunasekara>>>

²⁵⁶ Ibid.

²⁵⁷ “CID questions Ex - intelligence chief Crimes against journalists” (*The Island*, 12 June 2018) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=186224>

location.²⁵⁸ Accordingly, the Magistrate issued an order to the Military Intelligence Chief to give information to the CID in the official chambers of the Magistrate on 26 of June.²⁵⁹

17 August 2018 – The CID obtained a statement from Speaker Karu Jayasuriya in connection with the abduction and assault on Noyahr.²⁶⁰

17 August 2018 – CID officials visited former President Mahinda Rajapaksa at his home to record a statement from him regarding the phone calls received on the night of Noyahr’s abduction.²⁶¹ The CID decided to question the former President after Speaker Karu Jayasuriya who was then a member of Rajapaksa’s cabinet told investigators he had phoned President Rajapaksa to ask him to get Noyahr released.²⁶² The statement by the Speaker was corroborated by the CID which told Court that they had call record evidence that Mahinda Rajapaksa had then called Gotabaya Rajapaksa who in turn called former Intelligence Chief Retired Major General Kapila Hendawitharana who then called Major General Amal Karunasekara, who in turn, takes the final call to Major General Bulatwatte who was believed to have been present at the safe house where Noyahr was detained.²⁶³

20 August 2018 – The CID informed the Court that the former President Rajapaksa in his statement stated that he cannot clearly remember that Karu Jayasuriya had informed him regarding the abduction of Noyahr.²⁶⁴ The CID informed the Court that the former President had told them that he could not at the time even remember whether there had been a journalist named Keith Noyahr as most of the journalists at the time had published cynical articles against his regime.²⁶⁵

Further, the statement obtained by the CID from Noyahr in Australia was summarised before the Court.²⁶⁶ The CID informed the Court that Noyahr had told them that, while he was being abducted, his captors had continued to assault him and demanded to know who was supplying him information for his articles, the sources behind his articles, and

²⁵⁸Keith Noyahr Case: Magistrate orders military intelligence chief to

http://www.colombopage.com/archive_18A/Jun13_1528904988CH.php

²⁵⁹ “Keith Noyahr case: Magistrate orders military intelligence chief to provide necessary information to CID” (ilanka news, 14th June 2018) available at <<http://www.ilankanews.com/keith-noyahr-case-magistrate-orders-military-intelligence-chief-provide-necessary-information-cid/>

²⁶⁰ “Keith Noyahr abduction: Evidence to be led via video conference” (*Sunday Observer*, 19 August 2018) available at <<http://www.sundayobserver.lk/2018/08/19/news/keith-noyahr-abduction-evidence-be-led-video-conference,->>; “The CID record statement at MR’s home” (*Daily News*, 16 August 2018) available at <[²⁶¹ “Keith Noyahr abduction: Evidence to be led via video conference” \(*Sunday Observer*, 19 August 2018\) available at <<http://www.sundayobserver.lk/2018/08/19/news/keith-noyahr-abduction-evidence-be-led-video-conference->>](http://www.dailynews.lk/2018/08/16/local/159819/cid-record-statement-mr%E2%80%99s-home>,”CID to record a statement from MR over Keith Noyahr” (News First ,17 August 2018) available at <https://www.newsfirst.lk/2018/08/17/cid-to-record-a-statement-from-mr-over-keith-noyahr/></p></div><div data-bbox=)

²⁶² Ibid.

²⁶³ Ibid

²⁶⁴ “Lawyers watch CID question MR over Keith Noyahr abduction” (*The Island*, 18 August 2018) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=189817 >

²⁶⁵ “Keith Noyahr abduction: MR tells CID that Gota could order anyone's release” (*Ceylon Today* , 21 August 2018) available at <<https://www.ceylontoday.lk/news-more/2316>>

²⁶⁶ Ibid.

the details regarding his spouse, children and his bank accounts, among others.²⁶⁷ Further Noyahr had told them that he had been taken to the Budawatta house blindfolded before stripping him and taking away his cell phone and his wedding ring.²⁶⁸ While continuing to assault him, one of the captors had received a call and to that, they had replied 'okay, okay sir' and after that, they had stopped the assault and dumped him at a place in Mount Lavinia.²⁶⁹

27 August 2018 – Attorney-at-Law Shehan Silva, appearing for Major General Amal Karunasekara, told the Mt Lavinia Magistrate's Court that his client knew about the Sri Lanka Army safe house in Baduwatta, Gampaha where Noyahr was detained after his abduction.²⁷⁰ The Magistrate ordered the CID to record a special statement from Major General Amal Karunasekara, as a contradictory position had been taken up by that suspect in the first instance in open Court through his lawyer.²⁷¹

10 September 2018 – Mt Lavinia Magistrate's Court permitted the CID to once again record statements from Field Marshall Sarath Fonseka and former Defence Secretary Gotabaya Rajapaksa.²⁷² The court also granted bail to Major General Amal Karunasekara.²⁷³ He was released on three sureties of Rs. 10 million each and was also banned from travelling overseas.²⁷⁴

26 September 2018 –Mt Lavinia Magistrate's Court ordered the CID to complete the investigations in the abduction and assault of Noyahr as soon as possible and to take steps to direct the case to the Attorney General to file charges.²⁷⁵ The CID informed the court that statements were obtained from Gotabhaya Rajapaksa, Sarath Fonseka and lawyer Mohamed Jabir Mansoor who hospitalised Noyahr after he was released. Further statements were recorded from four officers in the Dialog Company on the mobile phone records.²⁷⁶

²⁶⁷ Ibid

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ "Major General Amal Karunasekara admits knowledge of Keith Noyahr abduction" (*Daily FT*, 28 August 2018) available at <<http://www.ft.lk/news/Major-General-Amal-Karunasekara-admits-knowledge-of-Keith-Noyahr-abduction/56-661722>>

²⁷¹ "Keith Noyahr cover up unravels in court" (*News First*, 28 August 2018) available at <<https://www.newsfirst.lk/2018/08/28/the-keith-noyahr-abduction-cover-up-unravels-in-court/>>

²⁷² "Keith Noyahr case : CID to quiz SF & Gota (Sri Lanka Mirror, 11 September 2018) available at <<https://srilankamirror.com/news/10413-keith-noyahr-case-cid-to-quiz-sf-gota>>

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ Keith Noyahr case: CID asked to wrap up investigations (Daily News, 26 September 2018) available at <<http://www.dailynews.lk/2018/09/26/law-order/163677/keith-noyahr-case-cid-asked-wrap-investigations>> Court orders CID to conclude investigations in Keith Noyahr case and direct to AG (Colombo page 26 September 2018) available at <http://www.colombopage.com/archive_18B/Sep26_1537934383CH.php>

The CID further stated that they received a response to the query sent to the current Defense Secretary and the responses have noted that the Army does not have any records on the Baduatta Detention Centre.²⁷⁷

11 December 2018 – The investigations into the abduction and assault on Keith Noyahr were concluded and the case file has been directed to the Attorney General for instructions.²⁷⁸

The case is to be called on the **11 June 2019**.²⁷⁹

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ “CID concludes investigations into Keith Noyahr case” (*News First*, 11 December 2018) available at <<https://www.newsfirst.lk/2018/12/11/cid-concludes-investigations-into-keith-noyahr-case/>>

6. Murder of Lasantha Wickrematunge, 2009

Lasantha Manilal Wickrematunge was a well-known Sri Lankan journalist and the founder and editor of the *Sunday Leader* newspaper.²⁸⁰ He was murdered on 8 January 2009 whilst he was travelling in his car along Attidiya Road, Ratmalana around 10.00 am by four armed assassins riding motorcycles.²⁸¹

Timeline of Investigations

The initial investigations into Wickrematunge's murder were conducted by the Mt Lavinia Police and Mirihana Police. The Kalubowila Judicial Medical Officer (JMO) stated in Lasantha's autopsy that the cause of death was due to craniocerebral injuries following the discharge of a firearm²⁸². However, the reports of the Government Analyst and Prof. Mohan Silva who performed an emergency operation on Wickrematunge soon after his admission to the Kalubowila hospital stated that there were no traces of any gunshot injuries.²⁸³

15 January 2009 – At the inquest into Wickrematunge murder, Sonali Samarasinghe, Wickrematunga's wife requested the court to direct and facilitate an independent investigation into her husband's killing with an international team of inquirers and forensic experts²⁸⁴. She further requested investigations be handed over to the Criminal Investigations Department (CID).²⁸⁵

19 February 2009 – Mt. Lavinia Magistrate Harsha Setunga postponed Wickrematunge's murder trial by a month until 19 of March.²⁸⁶ The Magistrate also instructed the Mt. Lavinia Police to release Wickrematunge's car and other belongings that were removed from the scene to his brother and *The Sunday Leader* Managing Editor, Lal Wickrematunge.²⁸⁷

15 March 2009 – Sonali Samarasinghe, wrote to the Inspector General of Police (IGP) asking him to record 'very important details'²⁸⁸ known to the Sri Lankan President and at least one other senior government minister, based on the minister's own admission, pertaining to the identity of her husband's killers.²⁸⁹

²⁸⁰ "Top Sri Lankan editor shot dead" (*BBC*, 8 January 2009) available at http://news.bbc.co.uk/2/hi/south_asia/7817422.stm

²⁸¹ "Dying for Journalism: Lasantha Wickrematunge of Sri Lanka" (*Time*, 8 January 2009) available at <http://content.time.com/time/world/article/0,8599,1870440,00.html>

²⁸² Evidence unfolding before courts on Lasantha's Murder" (*Daily Mirror*, 28 March 2018) available at <http://www.dailymirror.lk/article/Evidence-unfolding-before-courts-on-Lasantha-s-Murder-147877.html>

²⁸³ Ibid.

²⁸⁴ Is the president hiding Lasantha Wickrematunge's Killer (*Groundviews*, 26 March 2009) available at <https://groundviews.org/2009/03/26/is-the-president-hiding-lasantha-wickrematunges-killers/>

²⁸⁵ Ibid.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

2 April 2009 – The Mt. Lavinia Magistrate directed the police to submit a full investigation report into the case by 16 of April.²⁹⁰

16 April 2009 – The police failed to produce a full investigation report into the murder when the case was called in the Mt. Lavinia Magistrate’s Court.²⁹¹ The murder trial was further postponed to 30 of April.²⁹²

30 April 2009 – The trial was further postponed to 11 of June when it was called in the Mt. Lavinia Magistrate’s Court.²⁹³

21 August 2009 – The Mt. Lavinia Magistrate postponed the Wickrematunge murder trial for 3 of September due to the failure of the Mirihana Police to produce the necessary documents to courts.²⁹⁴ The Mt. Lavinia Magistrate also warned the police to be present in court at future proceedings as the police on several occasions had failed to be present in court.²⁹⁵

17 December 2009 – The investigation conducted by the Mirihana Police into the murder of Wickrematunge was handed over to the CID.²⁹⁶

26 February 2010 – Pitchchai Jesudasan of Nuwara Eliya was arrested by the Terrorist Investigation Department (TID)²⁹⁷ after investigations revealed that Wickrematunge had received telephone calls from five mobile numbers prior to his death.²⁹⁸ The SIM Cards of those mobile numbers had been purchased using the NIC of Jesudasan.²⁹⁹ Further investigations revealed that Jesudasan had lost his wallet after he consumed liquor with a Sinha Regiment soldier one Kandededara Piyawansa in August 2008.³⁰⁰

²⁹⁰ Sunanda Deshapriya, “Lasantha Murder: No Police progress despite Sri Lankan President promise” (05 July 2009) available at <<https://sunandadeshapriya.wordpress.com/2009/07/05/lasantha-murder-no-police-progress-despite-sri-lanka-president-promise/>>

²⁹¹ Nirmala Kannangara, Lasantha Killing – cops still clueless” (*Sunday Leader*, 19 April 2009) available at <<http://www.thesundayleader.lk/archive/20090419/news-4.htm>>

²⁹² Ibid.

²⁹³ Ibid.

²⁹⁴ Nirmala Kannangara, “Lasantha case: Police ordered to be present in court” (*Sunday Leader*, 23 August 2009) available at <<http://www.thesundayleader.lk/20090823/NEWS.HTM#top>>

²⁹⁵ Ibid

²⁹⁶ As stated in the case filed by the suspect in the case against the state - SC. FR. Application No: 458/2010, available at <http://www.supremecourt.lk/images/documents/sc_fr_458_2010.pdf>

²⁹⁷ “Mystery Death of Sole Suspect In Lasantha’s Murder -A Sudden Death In Custody Or Another Extra Judicial Killing?” (*Sri Lanka Brief*, 22 October 2019) available at <<http://srilankabrief.org/2011/10/mystery-death-of-sole-suspect-in-lasanthas-murder-a-sudden-death-in-custody-or-another-extra-judicial-killing/>>

²⁹⁸ “As stated in the case filed by the suspect in the case against the state - SC. FR. Application No: 458/2010 <http://www.supremecourt.lk/images/documents/sc_fr_458_2010.pdf>

²⁹⁹ “Mystery Death of Sole Suspect In Lasantha’s Murder -A Sudden Death In Custody Or Another Extra Judicial Killing?” (*Sri Lanka Brief*, 22 October 2019) available at <<http://srilankabrief.org/2011/10/mystery-death-of-sole-suspect-in-lasanthas-murder-a-sudden-death-in-custody-or-another-extra-judicial-killing/>>

³⁰⁰ Ibid

27 February 2010 – The TID, acting on the information provided by Jesudasan, arrested Kandegedara Piyawansa.³⁰¹

19 April 2010 – The Colombo Magistrate Court gave the TID permission to detain and question two suspects said to be involved in the murder of Wickrematunge.³⁰² The TID told the court that investigations had revealed that the two suspects were involved in the assaults of *Rivira* Chief Editor Upali Tennakoon and *The Nation* Deputy Editor Keith Noyahr.³⁰³

3 December 2010 - The joint investigations that were being carried out by the CID and the TID into the murder was transferred to the sole authority of the TID.³⁰⁴

13 October 2011– Jesudasan dies under suspicious circumstances in prison.³⁰⁵ Jesudasan’s family stressed that he was a healthy person and had suffered no previously reported illnesses.³⁰⁶ The police claimed that Jesudasan died of a heart attack.³⁰⁷

6 September 2013 – Kandegedara Piyawansa was acquitted and released from all charges by the Mt. Lavinia Magistrate Ranga Wimalasena.³⁰⁸

10 January 2015 – Minister Rajitha Senarathne tells media that the new Government will reopen investigations into the murder case.³⁰⁹

23 January 2015- The Mt. Lavinia Magistrate Mohammed Sahabdeen ordered the investigation into Wickrematunge’s murder which was being carried out by the TID to be handed over to the CID.³¹⁰ Taking into consideration the request made by the Attorneys

³⁰¹ “Nirmala Kannangara, ‘Files Take Over by Mount – Lavinia Magistrate’ (26 September 2016) available at <<http://www.thesundayleader.lk/2016/09/26/files-taken-over-by-mount-lavinia-magistrate/comment-page-1/>>

³⁰² “Lasantha murder suspects involved in assaults on Editors –TID tells Court” (*Ada Derana* , 19 April 2010) available at <<http://www.adaderana.lk/news.php?nid=7845>>

³⁰³ Ibid.

³⁰⁴ “TID to handle Lasantha murder (*Daily Mirror* , 3rd December 2010) available at <<http://www.dailymirror.lk/article/tid-to-handle-lasantha-murder-8173.html>>

³⁰⁵ “Police go to Sleep on Lasantha’s Murder Investigations once again” (*Sunday Leader* , 03 November 2012) available at <<http://www.thesundayleader.lk/2012/03/11/police-go-to-sleep-on-lasanthas-murder-investigation-once-again/>>

³⁰⁶ “Mystery Death of Sole Suspect in Lasantha’s Murder -A Sudden Death In Custody Or Another Extra Judicial Killing” (*Sri Lanka Brief*, 22 October 2019) available at <<http://srilankabrief.org/2011/10/mystery-death-of-sole-suspect-in-lasanthas-murder-a-sudden-death-in-custody-or-another-extra-judicial-killing/>>

³⁰⁷ Ibid

³⁰⁸ “Police go to Sleep on Lasantha’s Murder Investigations once again” (*Sunday Leader* , 03 November 2012) available at <<http://www.thesundayleader.lk/2012/03/11/police-go-to-sleep-on-lasanthas-murder-investigation-once-again/>>; “Last suspect in Lasantha’s murder goes free” (*Daily FT*, 7 September 2013) available at <<http://www.ft.lk/article/186810/Last-suspect-in-Lasantha-s-murder-goes-free>>

³⁰⁹ “Sri Lanka’s new president promises ‘no more abductions, no more censorship’” (*The Guardian* , 10 January 2015) available at <<https://www.theguardian.com/world/2015/jan/10/sri-lanka-president-maithripala-sirisena-promise-change>>

³¹⁰ “CID to take over Lasantha Wickrematunge assassination investigation” (*News First*, 23 of January 2015) available at <<https://www.newsfirst.lk/2015/01/23/cid-take-lasantha-wickrematunge-assassination-investigation/>>

appearing on behalf of the late Wickrematunge, the Magistrate ordered that all relevant investigation files be handed over to the CID.³¹¹

8 October 2015 – The police headquarters announced that it seeks public help to identify the suspects involved in the murder of journalist Wickrematunge and was requested to call the police with any leads and information.³¹²

17 February 2016 – The CID released composite sketches of two suspects who are believed to have carried out the murder.³¹³

30 May 2016 – The case was taken up before Mt. Lavinia Magistrate’s Mohammed Sahabdeen.³¹⁴The Court ordered the Army Commander to hand over all information and documents at army intelligence camps related to the Wickrematunge assassination to the CID.³¹⁵

21 June 2016 – Two courts of inquiry were appointed by the Army Commander to look for the missing document pertaining to the murder of Wickrematunge and Prageeth Eknaligoda.³¹⁶ In a statement, the Sri Lankan Army (SLA) Commander pledged SLA’S fullest support to the CID investigations.³¹⁷

15 July 2016 – The CID arrests Premananda Udalagama an officer of the Directorate of Military Intelligence in connection with the murder.³¹⁸ Udalagama was identified as the person who abducted Dias, Wickrematunge’s driver, after his death.³¹⁹

27 July 2016 – Dias (Wickrematunge’s driver) identified Premananda Udalagama at an identification parade held at the Mt. Lavinia Magistrate’s Court in the presence of the Additional Magistrate Sulochana Weerasinghe.³²⁰

³¹¹ Ibid.

³¹² “Police seek public help in Lasantha’s case” (*Ada Derana*, 8 October 2015) available at <<http://www.adaderana.lk/news.php?nid=32632>>

³¹³ Sketches of Lasantha’s murder suspects released (*Daily News*, 17th February 2016) available at <http://www.dailynews.lk/?q=2016/02/17/local/sketches-lasanthas-murder-suspects-released>

³¹⁴ “Army ordered to hand over Lasantha assassination documents to CID” (*News First*, 30 May 2016) available at <<https://www.newsfirst.lk/2016/05/30/breaking-news-army-ordered-hand-lasantha-assassination-documents-cid/>>

³¹⁵ Ibid

³¹⁶ “Two Courts of inquiry (COI) appointed to look into Lasantha and Eknaligoda cases” (*Hiru News*, 21 June 2016) available at <<http://www.hirunews.lk/136058/two-cois-appointed-to-look-into-lasantha-eknaligoda-cases>>

³¹⁷ Ibid.

³¹⁸ “10th Death Anniversary of Lasantha Wickrematunge: What They Did To My Father And Why” (*Daily Mirror*, 9 January 2019) available at <<http://www.dailymirror.lk/article/-th-Death-Anniversary-of-Lasantha-Wickrematunge-WHAT-THEY-DID-TO-MY-FATHER-AND-WHY-160794.html>>

³¹⁹ Ibid.

³²⁰ “Breaking: Driver of late Lasantha Wickremetunge identifies arrested SL Army Officer, (*News First*, 27 July 2016) available at <<https://www.newsfirst.lk/2016/07/27/breaking-driver-late-lasantha-wickremetunge-identifies-arrested-sl-army-officer-abductor/>>

29 July 2016 – Former Inspector General of Police (IGP) Mahinda Balasuriya, was questioned in connection with the murder investigation of journalist Wickrematunge.³²¹

03 August 2016 – CID informed the Mt. Lavinia Magistrate's Court that the details of the telephone interactions from two telecommunication companies and details from the Army Intelligence are yet to be received.³²² The Court was also informed that suspects arrested over the assassination of Wickrematunge are to be included in another identification parade at the Gampaha Courts on the 8 of August over the assault of former newspaper Editor Upali Tennakoon.³²³ The Magistrate also issued an order for the general managers of the two telecommunication companies to release details required for the investigation of the case and further remanded the suspects.³²⁴

11 August 2016 – An eye witness of the murder of Wickrematunge was presented to courts by the CID.³²⁵ The court further ordered the eye witness who is a differently-abled individual, to be submitted for a health check before being taken for the identification parade.³²⁶ The Magistrate also gave permission to the CID to analyse the bank accounts of 63 intelligence officials in connection with the assassination of Wickrematunge.³²⁷

25 August 2016 – When the case was taken up the Mt. Lavinia Magistrate Mohammed Shabdeen ordered the Chairman of the Credit Information Bureau to release the credit status of 41 members of the Army Intelligence Unit.³²⁸ Further, the eyewitness of the murder of Wickrematunge failed to be present before courts.³²⁹

08 September 2016- Mt. Lavinia Magistrate Mohammad Sahabdeen gave permission to the CID to exhume the remains of Wickrematunga.³³⁰ The exhumation was to take place on the 27 of September 2016, under the supervision of the magistrate of Colombo Magistrate's Court No 2.³³¹

³²¹ "Former IGP questioned over Lasantha Wickrematunge killing" (*News First*, 29 July 2016) available at <<https://www.newsfirst.lk/2016/07/29/former-igp-questioned-lasantha-wickrematunge-killing/>> "CID grills former IGP Balasuriya over Lasantha murder", (*Ada Derana*, 29 July 2016) available at <<http://www.adaderana.lk/news.php?nid=36280>>

³²² "Alleged assassin of journalist Lasantha Wickrematunge returned to remand custody" (*News First*, 03 August 2016) available at <<https://www.newsfirst.lk/2016/08/03/alleged-assasin-journalist-lasantha-wickrematunge-returned-remand-custody/>>

³²³ Ibid.

³²⁴ Ibid.

³²⁵ "Breaking News: Remains of Lasantha Wickrematunga to be exhumed" (*News First*, 08 September 2016) available at <<https://www.newsfirst.lk/2016/09/08/breaking-news-remains-lasantha-wickrematunga-exhumed/>>

³²⁶ Ibid.

³²⁷ "Lasantha murder: CID to review bank accounts of 63 intelligence officials," (*Ada Derana*, 01 August 2016) available at <<http://www.adaderana.lk/news.php?nid=36472>>

³²⁸ Ibid.

³²⁹ Ibid.

³³⁰ "Breaking News: Remains of Lasantha Wickrematunga to be exhumed" (*News First*, 08 September 2016) available at <<https://www.newsfirst.lk/2016/09/08/breaking-news-remains-lasantha-wickrematunga-exhumed/>>

³³⁰ Ibid.

³³¹ Ibid.

27 September 2016 – The CID exhumes Wickrematunge’s remains for a new autopsy. The remains are handed over to the Colombo JMO.³³²

22 September 2016 – When the case was taken up before the Mount Lavinia Magistrate’s Court, the CID informed Court that a statement was recorded from DIG Vaas Gunawardena after a court order to that effect.³³³

14 October 2016 – A retired Sergeant Major Edirisinghe Jayamane from Kegalle was found hanging at his home with a note claiming responsibility for the death of journalist Wickrematunge.³³⁴ He also mentioned in his letter to release intelligence officer “Malinda Udalagama” who has been arrested in connection with regard to the murder.³³⁵ The Kegalle Police had failed to get the Scene of Crime Officers (SOCO) to where his body was found.³³⁶ As a result of this failure, Police at that point could not trace fingerprints on the ex-Army officer’s body.³³⁷ An initial post-mortem report ruled that there were no external injuries which suggested that he committed suicide by hanging himself.³³⁸

19 October 2016 – The body of Edirisinghe Jayamane was exhumed on a request made by the CID to the Mt Lavinia Magistrate for further investigation.³³⁹

20 October 2016 – The CID requested the Mt Lavinia Magistrates to conduct a fresh inquest into the death of Edirisinghe Jayamane.³⁴⁰

25 October 2016 – A special judicial autopsy was performed at the Kegalle General Hospital on the body of Edirisinghe Jayamane³⁴¹ by Colombo Chief Judicial Medical

³³² “Lasantha Wickrematunge: Murdered editor's body exhumed in Sri Lanka” (*BBC*)

<<https://www.bbc.com/news/world-asia-37480880>>

³³³ “Chief suspect Lasantha Wickrematunga” (*News First*, 22 September 2016) available at

<<https://www.newsfirst.lk/2016/09/22/chief-suspect-lasantha-wickrematunge-killing-remanded/>>

³³⁴ “Sri Lanka arrests army spies over editor's murder (*The Express Tribune*, 20 Feb 2017) available at

<<https://tribune.com.pk/story/1333106/sri-lanka-arrests-army-spies-editors-murder/>, “ගෛ වැල ලා නිබ්බ

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<<https://www.bbc.com/sinhala/sri-lanka-37655631>>

³³⁵ “Retired army officer commits suicide after claiming responsibility for Lasantha Wickrematunge murder” (*Hiru News*, 14 October 2016) available at <<http://www.hirunews.lk/145216/retired-army-officer-commits-suicide-after-claiming-responsibility-for-lasantha-wickrematunges-murder>>

³³⁶ “Lasantha killing probe spotlight on Military Intelligence community”, (*Sunday Observer*, 23 October 2016) available at <<http://www.sundayobserver.lk/2016/10/23/columns/lasantha-killing-probe-spotlight-military-intelligence-community>>

³³⁷ Ibid.

³³⁸ “Lasantha’s alleged self-confessed killer committed suicide: Postmortem” (*Sunday Times*, 16 October 2016) <http://www.sundaytimes.lk/161016/news/lasanthas-alleged-self-confessed-killer-committed-suicide-postmortem-212790.html>

³³⁹ “Lasantha W killing: Fresh post- mortem on ex- sergeant Major’s body”, (*Sunday Observer*, 23 October 2016) available at <<http://www.sundayobserver.lk/2016/10/23/news/lasantha-w-killing-fresh-post-mortem-ex-sergeant-major%E2%80%99s-body>>

³⁴⁰ Ibid.

³⁴¹ “Lasantha W. murder suspect’s suicide note” (*Sunday Observer*, 16 October 2016) available at <<http://www.sundayobserver.lk/2016/10/16/news/lasantha-w-murder-suspect%E2%80%99s-suicide-note>>

Officer Dr. Ajith Tennakone, Senior Lecturer of the Colombo University Dr Jean Perera and JMO of the Kegalle hospital Dr. Ramesh Alagiyawanna.³⁴²

27 October 2016 – Premananda Udalagama is released on a cash bail of Rs. 50,000 and three sureties of Rs. 500,000 each. However, he was re-remanded due to the absence of sureties.³⁴³ Further, he was barred from visiting any army camp or getting involved in any army intelligence service activities.³⁴⁴ The Magistrate also imposed a travel ban on the suspect.³⁴⁵

16 January 2017 – The CID informed the Mt Lavinia Magistrates court that SIM cards which were found during investigations had been purchased from a store in Pettah.³⁴⁶ The CID further citing the statement given by Wickrematunge's daughter said that she was informed by her father that if there was to be a threat on his life, it would be because of the publishing of an expose³⁴⁷ on the MIG aircraft deal.³⁴⁸ The CID also informed the court that Wickrematunge's driver, who was abducted, had been threatened not to provide statements on the MIG deal.³⁴⁹

20 January 2017 – Minister of Regional Development, Field Marshall Sarath Fonseka was questioned by the CID regarding the murder of Wickrematunge.³⁵⁰

20 March 2017 – The CID filing the B report on the investigation informed the Mt Lavinia Magistrate that according to a statement given by Field Marshall Sarath Fonseka,³⁵¹ an army intelligence team under the direct supervision of the former Director of State

³⁴² "Lasantha Wickrematunge Killing: Judicial autopsy performed on body of former intelligence officer (*News First*, 25 October 2016) available at <<https://www.newsfirst.lk/2016/10/25/lasantha-wickrematunge-killing-judicial-autopsy-performed-body-former-intelligence-officer/>>; "Lasantha W killing fresh post- mortem ex sergeant" (*Sunday Observer*, 23 October 2016) <<http://www.sundayobserver.lk/2016/10/23/news/lasantha-w-killing-fresh-post-mortem-ex-sergeant-major%E2%80%99s-body>>

³⁴³ "Udalagama granted bail, re-remanded due to absence of sureties" (*Daily Mirror*, 27 October 2016) available at <<http://www.dailymirror.lk/article/Udalagama-granted-bail-re-remanded-due-to-absence-of-sureties-118213.html>>; "Suspect in the murder of Lasantha Wickrematunge granted bail" (*Colombopage*, 28 October 2016) available at <http://www.colombopage.com/archive_16B/Oct28_1477632485CH.php>

³⁴⁴ Ibid

³⁴⁵ Ibid

³⁴⁶ "Assassination of Lasantha Wickrematunge – Crime scene fingerprint mismatch" (*News First*, 16 January 2017) available at <<https://www.newsfirst.lk/2017/01/16/cid-presents-facts-pertaining-assassination-lasantha-wickrematunge/>>

³⁴⁷ "Controversial MiG deal and the Lasantha Wickrematunga connection" (*News First*, 19 July 2017) available at <<https://www.newsfirst.lk/2017/07/19/controversial-mig-deal-lasantha-Wickrematunge-connection/>>

³⁴⁸ "Assassination of Lasantha Wickrematunge – Crime scene fingerprint mismatch" (16 January 2017) available at <<https://www.newsfirst.lk/2017/01/16/cid-presents-facts-pertaining-assassination-lasantha-wickrematunge/>>

³⁴⁹ Ibid

³⁵⁰ "Lasantha Wickrematunga murder case: Sarath Fonseka to be questioned further" (*Sunday Observer*, 22 January 2017) available at <<http://www.sundayobserver.lk/2017/01/22/news/lasantha-wickrematunga-murder-case-sarath-fonseka-be-questioned-further>>

³⁵¹ "ලසන්ත ඝාතනය ගැන ආන්දෝලනයක් ප්‍රකාශයක්" (BBC Sinhala, 21 January 2017) available at <<https://www.bbc.com/sinhala/sri-lanka-38706919>>

Intelligence Service Major General Kapila Hendawitharana was responsible for the murder.³⁵² A fresh post-mortem report of Lasantha's death was also produced before the court which stated the cause of death was due to head wounds caused by inserting a machine-operated object to his head ³⁵³ and not gunshot injuries as previously was recorded in the original autopsy.³⁵⁴

19 July 2017 – When the case was taken up before the Mount Lavinia Chief Magistrate, it was revealed that the Government Analyst Reports over the Wickrematunge homicide are still pending.³⁵⁵ The Magistrate ordered the CID to obtain a court order and retrieve the report in question from the Government Analyst's Department and thereafter produce it in court.³⁵⁶

10 August 2017 – The Mt Lavinia Magistrate's Court read out the second post-mortem report on the assassination of Wickrematunge.³⁵⁷ The report cites blunt force trauma as the cause of death.³⁵⁸ Two post mortem reports had been presented before courts with regard to the assassination of Wickrematunge – the court accepted the second report. ³⁵⁹

12 October 2017 – The CID informed the court that palm prints collected from the scene of the crimes do not match other prints collected during the investigation from the suspects.³⁶⁰

18 January 2018 – The CID informs the court that intelligence members of the Army's Tripoli camp had been spotted around the *Sunday Leader* office a day before Lasantha was murdered.³⁶¹ The CID further reveals information regarding an attempt by the Mt. Lavinia Police and the TID to destroy vital evidence of the murder investigation.³⁶² The CID further told the court that the telephone records of the Army Intelligence Officer who

³⁵² "Lasantha Wickrematunge murder – More details uncovered"

<https://www.newsfirst.lk/2017/03/20/breaking-news-lasantha-wickremetunga-murder-details-uncovered/>

³⁵³ "Special Army intel team killed Lasantha" (Daily FT, 21 March 2017) available at

<<http://www.ft.lk/front-page/special-army-intel-team-killed-lasantha-cid/44-604812>>

³⁵⁴ Secret military death squad killed journalist Lasantha Wickrematunge, CID tells court" ([Colombo page](#)) available at <http://www.colombopage.com/archive_17A/Mar20_1490023831CH.php>

³⁵⁵ "Lasantha Wickrematunge murder – More details uncovered" (*News First*, 20 May 2017) available at <<https://www.newsfirst.lk/2017/07/19/lasantha-wickrematunge-homicide-government-analyst-report-pending/>>

³⁵⁶ Ibid.

³⁵⁷ "Lasantha Wickrematunge killing: Second post-mortem report reveals more" (*News First*, 10 August 2017) available at <<https://www.newsfirst.lk/2017/08/10/second-post-mortem-examination-reveals-journalist-lasantha-wickrematunge-died-due-blow-head/>>

³⁵⁸ [Ibid.](#)

³⁵⁹ Ibid.

³⁶⁰ "What be the fate of Lasantha Wickramatunga's murder case?" (*News First*, 12 October 2017) available at <<https://www.newsfirst.lk/2017/10/12/fate-lasantha-wickramatungas-murder-case/>>

³⁶¹ Ibid

³⁶² "CID says Police and TID tried to destroy evidence of Lasantha's killing" (*Daily FT* , 19 January 2018) available at <<http://www.ft.lk/news/CID-says-Police-and-TID-tried-to-destroy-evidence-of-Lasantha-s-killing/56-647605>>

committed suicide claiming responsibility for the murder show he was in Kegalle on the day of the murder.³⁶³ Further, it was revealed that the motorcycles Wickrematunge's assassins were travelling were stolen few days before the assassination by blindfolding and abducting their owners, Balraj Ram Prakash and Kumarasingham Vishnukumar, whilst they were travelling to Settikulam.³⁶⁴ They were killed and their bodies had been burnt a few days prior to Wickrematunge's assassination by an unknown party and their charred bodies were found in the Anuradhapura area.³⁶⁵

02 February 2018 – The Former Crimes OIC of the Mt. Lavinia Police SI Sugathapala was arrested by the CID for concealing evidence in the investigation into Wickrematunge's murder.³⁶⁶

14 February 2018 – Retired Senior DIG Prasanna Nanayakkara was arrested by the CID for concealing evidence in Wickrematunge's murder investigation.³⁶⁷

16 February 2018- CID informed the court that former Senior Superintendent of Police (SSP) in charge of Mt. Lavinia, Hemantha Adhikari, who then held the investigations into the murder of Wickrematunge had consented to make a statement regarding the murder.³⁶⁸ The CID further stated that investigations have revealed that Kalubowila JMO Dr Sunil Kumara, who held the first post-mortem examination of Wickrematunge was a relative of the arrested former senior DIG Nanayakkara and that the former JMO and senior DIG had exchanged telephone conversations at the time.³⁶⁹

21 February 2018 – According to former SSP Adhikari's statement, it was revealed that DIG Nanayakkara attempted to conceal vital evidence of the investigation.³⁷⁰ Nanayakkara had removed the original pages of the Grave Crime Information Book (GCIB) that contained information regarding the license plate numbers of the motorcycles Wickrematunge's assassins were travelling.³⁷¹ He further removed Wickrematunge's notebook and stated that it would be handed over to the then IGP

³⁶³ Ibid

³⁶⁴ "Evidence unfolding before courts on Lasantha's Murder" (*Daily Mirror*, 28 March 2018) available at <<http://www.dailymirror.lk/article/Evidence-unfolding-before-courts-on-Lasantha-s-Murder-147877.html>>

³⁶⁵ Ibid.

³⁶⁶ "Former Mt. Lavinia Crimes OIC detained over Lasantha's Murder" (*Daily News*, 3 February 2018) <<http://www.dailynews.lk/2018/02/03/local/141843/former-mt-lavinia-crimes-oic-detained-over-lasantha%E2%80%99s-murder>>

³⁶⁷ Ex Senior DIG Prasanna Nanayakkara arrested over Lasantha murder (*Ada Derana*, 14th February 2018) <http://www.adaderana.lk/news/45933/ex-senior-dig-prasanna-nanayakkara-arrested-over-lasanthas-murder>

³⁶⁸ Former police OIC, DIG arrested over Lasantha Wickrematunge's killing turn into state witnesses "(*Colombo page*, 17 February 2019) available at <http://colombopage.com/archive_18A/Feb17_1518842896CH.php>

³⁶⁹ ibid

³⁷⁰ "Lasantha Wickrematunge Assassination: CID closes in on top cop" (*Sunday Observer*, 25 February 2018) available at <<http://www.sundayobserver.lk/2018/02/25/features/lasantha-wickrematunge-assassination-cid-closes-top-cop>>

³⁷¹ Ibid.

Jayantha Wickramaratne.³⁷² Evidence obtained by the CID has proved a telephone call from Nanayakkara's personal landline to the IGP and from IGP's command line to Nanayakkara was placed at the time in question³⁷³. The original notebook of Wickrematunge remains missing to this day, sources from the CID believe this book was passed on to a senior government official after which the notebook may have been destroyed.³⁷⁴

02 March 2018 – The Mt. Lavinia Magistrate rejected the bail application filed by former DIG Prasanna Nanayakkara.³⁷⁵ The CID objected to granting bail to the suspect citing it would hinder the investigations.³⁷⁶

15 March 2018 – When the case was called in the Mt. Lavinia Magistrates Court, the CID informed court that seven individuals from the Motorcycle Division of the Army Intelligence Unit had been questioned in connection to the motorcycle used to carry out the murder.³⁷⁷ The Magistrate also permitted the CID to obtain a forensic report on Wickrematunge's cell phone.³⁷⁸

01 June 2018 – The Former Crimes OIC of the Mt. Lavinia Police, Sub Inspector Sugathapala's attorneys requested court to name him as a witness in the Wickrematunge case on the basis that he did not have the *mens rea* or the mental element to commit a crime by hiding evidence and therefore should not be named as an accused.³⁷⁹

19 June 2018 – Reporting on the progress of the investigation to the Mt Lavinia Magistrates Court the CID informed the court that statements have been recorded from the Director of the State Intelligence Service Keerthi Gajanayake and Former Head of Intelligence Maj. Gen. Kapila Hendravitharana.³⁸⁰ Former DIG Prasanna Nanayakkara and Former Inspector Tissa Sugathapala who are in custody for concealing evidence were further remanded until the 3rd of July.³⁸¹

3 July 2018 – Former Police DIG Prasanna Nanayakkara and Mt Lavinia Police Sub-Inspector Sugathapala were further remanded till 9 of July.³⁸² The CID informed Court

³⁷² Ibid.

³⁷³ Ibid.

³⁷⁴ Ibid.

³⁷⁵ "Mastermind behind the murder of Lasantha Wickrematunge revealed in courts" (*News First*, 2 March 2018) available at <<https://www.newsfirst.lk/2018/03/02/mastermind-behind-murder-lasantha-wickrematunge-revealed-courts/>>

³⁷⁶ Ibid.

³⁷⁷ "Lasantha Wickrematunge murder – More details revealed" (*News First*, 15 March 2018) available at <<https://www.newsfirst.lk/2018/03/15/lasantha-wickrematunge-murder-more-details-revealed/>>

³⁷⁸ Ibid.

³⁷⁹ "Lasantha's case to be called on June 12", (*Sunday Observer*, 3 June 2018) available at <<http://www.sundayobserver.lk/2018/06/03/news/lasantha%E2%80%99s-case-be-called-june-12>>

³⁸⁰ "Lasantha Wickrematunge murder – More details revealed" (*News First*, 15 March 2018) available at <<https://www.newsfirst.lk/2018/03/15/lasantha-wickrematunge-murder-more-details-revealed/>>

³⁸¹ Ibid

³⁸² "Lasantha Wickrematunge murder: Former Senior DIG, Crimes OIC further remanded" (*Daily News*, 04 July 2018) available at <<http://www.dailynews.lk/2018/07/04/law-order/155796/lasantha-wickrematunge-murder-former-senior-dig-crimes-oic-further>>

that statements were recorded from former DIG Sisira Mendis, DIG Prasanna Nanayakkara, and former State Intelligence Director Keerthi Gajanayake.³⁸³

16 July 2018 – Former Police DIG Prasanna Nanayakkara and Former Mt Lavinia Police Sub-Inspector Sugathapala were released on bail by the Mt Lavinia Chief Magistrate.³⁸⁴ The Magistrate ordered the release on a cash bail of Rs 50,000 each and two sureties of Rs 1 Million each.³⁸⁵ In addition, the duo were ordered to surrender their passports to court and were barred from travelling overseas.³⁸⁶

28 September 2018 – CID presented to Court statements recorded from Wickrematunge's first wife, brother, daughter, former Defence Secretary Gotabhaya Rajapaksa and former Army Commander Field Marshal Sarath Fonseka.³⁸⁷

08 January 2019 – The date marked the 10th death anniversary of Wickrematunge.³⁸⁸

17 January 2019 – The CID presented a progress report on the investigation into the assassination of Wickrematunge to the Chief Magistrate of Mt. Lavinia.³⁸⁹ Further, the CID's Inspector of Police Nishantha Silva informed the court that according to their investigations, the same group of suspects had carried out the murder of Wickrematunge and the abduction and assault of Keith Noyahr and Upali Tennakoon.³⁹⁰

Further hearing was postponed until **10 May 2019**.

³⁸³ Ibid

³⁸⁴ "Police officers accused of concealing evidence in Lasantha trial, released on bail" (*News First*, 16 July 2018) available at <<https://www.newsfirst.lk/2018/07/16/police-officers-accused-of-concealing-evidence-in-lasantha-trial-released-on-bail/>>

³⁸⁵ Ibid.

³⁸⁶ Ibid.

³⁸⁷ "Lasantha Wickrematunge's murder case postponed until January 17" (*Colombopage*) available at <http://www.colombopage.com/arc_hive_18B/Sep28_1538106211CH.php>

³⁸⁸ Darkest day: 10 years since Lasantha (*Sunday Observer*, 24 February 2019) available at <<http://www.sundayobserver.lk/darkest-day-10-years-lasantha-wickrematunge-assassination>>

³⁸⁹ "CID presents progress report on Lasantha murder investigation" (*News First*) available at <<https://www.newsfirst.lk/2019/01/17/cid-presents-progress-report-on-lasantha-murder-investigation/>>

³⁹⁰ Ibid.

7. Disappearance of Prageeth Eknaligoda, 2010

Prageeth Eknaligoda was a journalist and cartoonist who disappeared on the 24 January 2010.³⁹¹ At the time of his disappearance, Eknaligoda was known for his vehement opposition to the Rajapaksa administration and active support of opposing candidate Sarath Fonseka in the 2010 presidential race.³⁹² His disappearance occurred just two days before the 2010 presidential election.³⁹³ After the Yahapalana government came into power in 2015, fresh investigations into Eknaligoda's disappearance commenced.³⁹⁴ Proceedings in respect of Eknaligoda's disappearance are presently being heard at the Homagama Magistrate Court, Avissawella High Court and the Court of Appeal.³⁹⁵

Timeline of Investigations.

25 January 2010 – Eknaligoda's wife, Sandhya Eknaligoda, complained regarding Eknaligoda's disappearance to the Homagama Police, a day after his disappearance.³⁹⁶ However, the Homagama police initially refused to take down the complaint.³⁹⁷ The police began investigations only two weeks after the initial complaint was made.³⁹⁸

24 February 2010 – One month after the disappearance of her husband, Sandhya, told the Committee to Protect Journalists (CPJ) that she was unable to get the police or other government officials to actively investigate the case.³⁹⁹

23 March 2010 – Reporters Without Borders in an appeal to the then President Mahinda Rajapaksa requested the release of the results of the police investigation into Eknaligoda's disappearance.⁴⁰⁰

Habeas Corpus Petition in the Court of Appeal

Sandhya filed a habeas corpus petition in the Court of Appeal in early 2010 requesting that the police launch a thorough investigation immediately into the disappearance of her

³⁹¹ "More Details Emerge In Eknaligoda Case" (*Sunday Leader*, 25 December 2016) available at <<http://www.thesundayleader.lk/2016/12/25/more-details-emerge-in-eknaligoda-case/>>

³⁹² "Govt. responsible' for Prageeth abduction" (*BBC*, 5 March 2010) available at <https://www.bbc.com/sinhala/news/story/2010/03/100305_sandhya_mahinda.shtml>

³⁹³ "Prageeth: A politically motivated Crime" (*Sunday Observer*, 20 January 2019) available at <<http://www.sundayobserver.lk/2019/01/20/news-features/prageeth-%E2%80%9C-politically-motivated-crime%E2%80%9D>>

³⁹⁴ Ibid

³⁹⁵ "Eknaligoda case before Avissawella HC on Monday: Six Military Intelligence personnel seek bail" (*The Island*, 16 September 2016) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=152164>

³⁹⁶ "Prageeth: A politically motivated Crime" (*Sunday Observer*, 20 January 2019) available at <<http://www.sundayobserver.lk/2019/01/20/news-features/prageeth-%E2%80%9C-politically-motivated-crime%E2%80%9D>>

³⁹⁷ Ibid.

³⁹⁸ Ibid.

³⁹⁹ "No sign of Sri Lankan journalist Eknaligoda one month on" (24 February 2010) available at <<https://www.refworld.org/docid/4b9658fb23.html>>

⁴⁰⁰ Cartoonist kidnapped two months ago still missing (*Reporters Without Borders*, 23 March 2010) <<https://rsf.org/en/news/cartoonist-kidnapped-two-months-ago-still-missing>>

husband.⁴⁰¹ However, the police have repeatedly called for postponements of the case requesting to give them more time to conduct the investigation.⁴⁰² Further, the police did not produce anything in the courts for years.⁴⁰³

19 February 2010 – Sandhya and their two children Bandara Eknaligoda and Sooriya Eknaligoda filed a habeas corpus petition in the Court of Appeal.⁴⁰⁴ DIG Nandana Munasinghe, Homagama Police OIC IGP Mahinda Balasooriya, the Attorney General and Prageeth Eknaligoda were cited as respondents.⁴⁰⁵ The petition sought a writ order from the court directing the Police to produce Eknaligoda before the Court of Appeal.⁴⁰⁶ Chrishmal Waranasuriya appeared for the petitioners while the then Additional Solicitor General (ASG) Shavindra Fernando with State Counsel (SC) Shamindra Wickrama appeared for the State.⁴⁰⁷

14 December 2010 – The Attorney General informed the Court of Appeal that the Colombo Crimes Division of the Police has begun an investigation into the disappearance of Eknaligoda.⁴⁰⁸ The Attorney General was called to present objections with regard to the petition.⁴⁰⁹ However, the State requested further time on this day.⁴¹⁰ The judges of the Court of Appeal emphasized the importance of the trial and advised the State to present objections to the petition on the next court date.⁴¹¹

25 June 2011 – The habeas corpus petition was taken up before Justice D.S.C. Lekamwasam and fixed for argument on 23 of August 2011.⁴¹²

23 August 2011 – When the habeas corpus application was taken up, the Court of Appeal directed the Homagama Magistrate to give priority and inquire into the complaint regarding the disappearance of Eknaligoda as speedily as possible and to report to the Court of Appeal.⁴¹³

⁴⁰¹ Ibid

⁴⁰² *Report of the OHCHR Investigation on Sri Lanka* (OISL) available at <<https://www.refworld.org/pdfid/55ffb1d04.pdf>>

⁴⁰³ Ibid.

⁴⁰⁴ “Eknaligoda disappearance: Decision on including Army chief, DMI as respondents on Oct 12” (*Daily Mirror*, 29 June 2016) available at <<https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20160629/282497182972619>>

⁴⁰⁵ Ibid

⁴⁰⁶ Ibid

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid.

⁴⁰⁹ Ibid

⁴¹⁰ Ibid.

⁴¹¹ Ibid.

⁴¹² “EKNELIGODA HABEAS CORPUS CASE ON AUG.23” (*Sri Lanka Brief*, 25 June 2011) available at <<http://srilankabrief.org/2011/06/ekneligoda-habeas-corpus-case-on-aug-23/>>

⁴¹³ “Appeal Court orders Homagama Magistrate: Give priority to Eknaligoda disappearance complaint” (*The Island*, 23 August 2011) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=33103>

24 of April 2012-The Court of Appeal granted more time to the Homagama Magistrate to conduct investigations into the disappearance of Eknaligoda.⁴¹⁴ It was presented before Court that the Homagama Magistrate is currently conducting an investigation into the incident and will give a decision on 17 of May on whether or not to call upon former Attorney General Mohan Peiris to give evidence in the case.⁴¹⁵ Therefore, the Court of Appeal decided to call the petition once again on the 31 of May 2012.⁴¹⁶

23 December 2012 – The Court of Appeal decided to take up the habeas corpus case of Eknaligoda after the Magistrate’s Court inquiry is concluded.⁴¹⁷ However, Counsel Chrishmal Warnasuriya, appearing for Sandhya informed Court that if any problems or issues arose during the magisterial inquiry, he would raise the issues before the Court of Appeal.⁴¹⁸

19 October 2015 – The Court of Appeal bench comprising of Justices Vijith K Malalgoda and H.C.J. Madawala issued an order directing the Homagama Magistrates to summon Army Commander A.W.J.C de Silva and the Director of Military Intelligence Corps and the other officers to inquire into the disappearance.⁴¹⁹ The Court further granted permission to include these army officers as added respondents in the habeas corpus application and issued notice on them returnable for the 30 of October.⁴²⁰ Sunil Watagala, the lawyer representing the interests of Eknaligoda, also informed court that recent investigations have revealed that the abduction of Eknaligoda was done with the knowledge of certain army officials.⁴²¹

30 October 2015 – The Court of Appeal issued an order to suspend its previous order issued on 19 of October directing the Homagama Magistrate to summon Army Commander A.W.J.C. de Silva, the Director of Military Intelligence Corps and other officers to record evidence.⁴²² The Army Commander and Director of Military Intelligence who had been newly named as the respondents in the habeas corpus petition sought time to

⁴¹⁴ “Homagama Magistrate given more time on Eknaligoda investigation” (*Ada Derana*, 24 April 2012) available at <<http://www.adaderana.lk/news.php?nid=17861>

⁴¹⁵ Ibid.

⁴¹⁶ Ibid.

⁴¹⁷ “Eknaligoda habeas corpus case before Appeal Court (*Sunday Times*) available at <<http://www.sundaytimes.lk/121223/news/ekneligoda-habeas-corpus-case-before-appeal-court-25929.html>>

⁴¹⁸ Ibid.

⁴¹⁹ “Appeals Court permits to name the army commander and the head of the Intelligence unit as respondents in the Eknaligoda case” (*Hiru News*, 19 October 2015) available at <<http://www.hirunews.lk/118722/appeals-court-permits-to-name-army-commander-head-intelligence-unit-as-respondents-in-eknaligoda-case>

⁴²⁰ Ibid.

⁴²¹ “Army Commander, Director – Intelligence to be named as parties in Eknaligoda case” (*News First*, 19 October 2015) available at <<https://www.newsfirst.lk/2015/10/19/army-commander-director-intelligence-to-be-named-as-parties-in-eknaligoda-case/>>

⁴²² “CA suspends order on arm chief,” (*Daily Mirror*, 31 October 2015) available at <<http://www.dailymirror.lk/article/ca-suspends-order-on-army-chief-93419.html>>

file objections.⁴²³ Accordingly, the Court of Appeal temporarily suspended the magisterial inquiry into the missing journalist until objections were filed by the respondents.⁴²⁴ The Bench comprising Justices Vijith K. Malalgoda and H.C.J. Madawala permitted them to file objections before 8 of December.⁴²⁵

12 October 2016 – The Court of Appeal bench comprising Justice Kumuduni Wickremasinghe and Justice Lalith Jayasuriya decided to refer the habeas corpus petition filed by Sandhya and her two sons before a bench comprising the President of the Court of Appeal on 20 of October.⁴²⁶

23 January 2017 – The Court of Appeal decided to “*lay by*” (pause) the habeas corpus petition filed by Sandhya .⁴²⁷ However, the Court of Appeal directed the Magistrate’s Court to go ahead with the inquiry into Eknaligoda’s disappearance.⁴²⁸

Proceedings at the Magistrate’s Court of Homagama

The Magistrate’s Court of Homagama is presently conducting investigations into the disappearance of Eknaligoda. In the period from 2010-2015, there was no noticeable breakthrough in these investigations.

9 November 2011 – Former Attorney General Mohan Peiris made a statement at the UN Committee Against Torture in Geneva that Eknaligoda was alive overseas.⁴²⁹

26 March 2012 – Homagama Magistrate T.G.S.A. Perera reserved order for 17 of May the decision as to whether or not to call former Attorney General Mohan Peiris as a witness.⁴³⁰ The Magistrate reserved the order after the prosecution challenged the validity of the transcript copy of the statement made by the former Attorney General in Geneva in 2011.⁴³¹ Counsel for the complainant Sandhya Eknaligoda also moved the court to call a UN representative, to ascertain the validity of the document, if it was not admissible.⁴³²

⁴²³ “Eknaligoda Habeas Corpus petition inquiry laid by” (*Daily News*, 24 January 2017) available at <<http://www.dailynews.lk/2017/01/24/law-order/105570/ekneligoda-habeas-corpus-petition-inquiry-laid?page=59>>

⁴²⁴Ibid.

⁴²⁵ “CA suspends order on army chief”, (*Daily Mirror*, 31 October 2015) available at <<http://www.dailymirror.lk/article/ca-suspends-order-on-army-chief-93419.html>>

⁴²⁶ “Habeas Corpus filed by Eknaligoda’s wife fixed for Oct. 20” (*Daily News*, 13 October 2016) available at <<http://www.dailynews.lk/2016/10/13/law-order/95813>>

⁴²⁷ “Eknaligoda Habeas Corpus petition inquiry laid by” (*Daily news*, 24 January 2017) available at <<http://www.dailynews.lk/2017/01/24/law-order/105570/ekneligoda-habeas-corpus-petition-inquiry-laid?page=59>>; “Eknaligoda involuntary disappearance: CA vacates Stay Order on MC proceedings”, (*Daily FT*, 24 January 2017) available at <[Http://www.ft.lk/article/593473/ft](http://www.ft.lk/article/593473/ft)>

⁴²⁸ Ibid

⁴²⁹ “Eknaligoda Case - Note from hearing at Appeal Court today” (*Sri Lanka Guardian*, 31 May 2012) available at <<http://www.srilankaguardian.org/2012/05/ekneligoda-case-note-from-hearing-at.html>>

⁴³⁰ “Ex-AG Mohan Peiris as witness: Court will decide on May 17” (*Sunday Times*, 1 of April 2012) available at <http://www.sundaytimes.lk/120401/News/nws_035.html>

⁴³¹ Ibid.

⁴³² Ibid.

17 May 2012 – The Magistrate’s Court of Homagama issued an order to summon Mohan Peiris for testimony regarding a statement he made in November 2011.⁴³³

05 June 2012 – Giving a statement before Homagama Magistrate’s Court, Mohan Peiris stated that he did not know much information regarding the case and that he does not remember which government department gave him information that Ekmaligoda was alive.⁴³⁴

05 June 2013 – UPFA MP Arundika Fernando stated in Parliament that journalist Ekmaligoda is living in France⁴³⁵

16 July 2013 - UPFA MP Arundika Fernando giving evidence at the Homagama Magistrate’s Court revealed that JVP MP Sunil Handunetti had told him that Ekmaligoda was alive and living in Belgium.⁴³⁶

08 of January 2014 – Homagama Magistrate Y.R.C. Nelumdeniya issued a warrant for former Officer in Charge (OIC) of the Homagama Police, Charith Jayasundera, as he had failed to appear in court to testify.⁴³⁷

2015 The Inspector General of Police (IGP) ordered a fresh investigation into Ekmaligoda’s disappearance⁴³⁸

07 August 2015 – Two former LTTE cadres Kanapathipillai Suresh alias Satya Master and Sumathipalan Suresh alias Nagulan were taken into custody by the CID. ⁴³⁹ Information received from them led to several army officials being identified as being connected in the disappearance.⁴⁴⁰

09 August 2015 – Sergeant Major Ranbanda, alleged to be involved in the abduction, was arrested by the CID at Kurunegala ⁴⁴¹

⁴³³ “Ekmaligoda Case - Note from hearing at Appeal Court today” (*Sri Lanka Guardian*, 31 May 2012) available at <<http://www.srilankaguardian.org/2012/05/ekmaligoda-case-note-from-hearing-at.html>>

⁴³⁴ “Former AG Mohan has ‘no idea’ of reporter’s fate (*Daily FT*, 6 June 2012) available at <<http://www.ft.lk/news/former-ag-mohan-has-no-idea-of-reporters-fate/56-90559>>; “Sri Lanka official has ‘no idea’ of reporter’s fate” (*BBC world*, 5 June 2012) available at <<https://www.bbc.com/news/world-south-asia-18332987>>

⁴³⁵ “Disappeared Journalist Ekmaligoda in France-MP Arundhika tells Parliament” (*Hiru News*, 16 July 2013), available at <<http://www.hirunews.lk/60371/disappeared-journalist-ekmaligoda-in-france-mp-arundika-tells-parliament>>

⁴³⁶ “Video: Handunetti told me Prageeth was alive –Arundika” (*Daily Mirror*, 16 July 2013) available at <<http://www.dailymirror.lk/article/arundhika-says-he-relied-on-buddys-word-on-ekmaligoda-32492.html?fbrefresh=refresh>>

⁴³⁷ “Court issues warrant over disappearance of Ekmaligoda” (*News First*, 8 Jan 2014) available at <<https://www.newsfirst.lk/2014/01/08/court-issues-warrant-disappearance-ekmaligoda/>>

⁴³⁸ “Sri Lanka detains soldiers in case of missing cartoonist (Thomas Reuters Foundation News, 23 October 2015) available at <<http://news.trust.org/item/20151023093657-akcpw/>>

⁴³⁹ “Ekmaligoda abduction another suspect in custody, (Sri Lanka Brief, 2015) available at <<http://srilankabrief.org/2015/08/ekmaligoda-abduction-another-suspect-in-custody/>>

⁴⁴⁰ Ibid.

⁴⁴¹ Ibid.

13 August 2015 – Sergeant Major Ranbanda confessed that he interrogated Eknaligoda at the Girithale Army camp.⁴⁴² He had questioned Eknaligoda on a publication titled “the family tree” (pawul gaha) and his alleged affiliations with former Army Commander Field Marshal Sarath Fonseka,⁴⁴³ Sergeant Major Ranbanda further confessed that on the third day Eknaligoda was taken away by a Major temporarily promoted to Colonel. This particular Colonel was acting as the second in command of the Camp at the time.⁴⁴⁴

24 August 2015 – Lieutenant Colonel Siriwardena and three personnel were arrested.⁴⁴⁵ Amongst the arrested were Lieutenant Colonel Kumararatne who was in charge of the Giritale army camp, Staff Sergeant Rajapakse and Corporal Jayalath.⁴⁴⁶

25 August 2015 – Military Intelligence Officers Priyantha Kumara and Ravindra Rupasinghe were arrested.⁴⁴⁷

12 September 2015 – Army Spokesperson Brigadier Jayantha Jayaweera in a statement informed that the Army would extend its fullest support in relation to the disappearance of Eknaligoda.⁴⁴⁸

28 September 2015 – The Homagama Magistrate’s Court granted permission to the CID to enter the Giritale Army Camp to conduct further investigations.⁴⁴⁹

06 October 2015 – The CID on the advice of the Attorney General visited the Giritale Army Camp to conduct further investigations over the disappearance of Eknaligoda.⁴⁵⁰ The CID is said to have made observations where Eknaligoda was alleged to have been kept and interrogated at the Giritale camp.⁴⁵¹

⁴⁴² “Unravelling the Eknaligoda abduction” (*Sunday Observer*, 16 August 2015) available at <<http://archives.sundayobserver.lk/2001/pix/PrintPage.asp?REF=/2015/08/16/fea15.asp>>

⁴⁴³Ibid.

⁴⁴⁴ “Prageeth Eknaligoda Murder Probe Intensifies” (Sri Lanka Brief, 14 of December 2015) available at <<http://srilankabrief.org/2015/12/prageeth-eknaligoda-murder-probe-intensifies/>>

⁴⁴⁵ “Prageeth: “A politically motivated Crime” (*Sunday Observer*) available at <<http://www.sundayobserver.lk/2019/01/20/news-features/prageeth-%E2%80%9C-politically-motivated-crime%E2%80%9D>>Update : CID summons four army officers over Journalist Eknaligoda’s disappearance” (*News First* , 24 August 2015) available at < <https://www.newsfirst.lk/2015/08/24/cid-summons-four-army-officers-over-journalist-eknaligodas-disappearance/>

⁴⁴⁶ Ibid.

⁴⁴⁷ “We are facing much hardship – lament wives of jailed military intelligence officers” (*News First*, 22 January 2016) available at <<https://www.newsfirst.lk/2016/01/22/wives-of-jailed-military-intelligence-officers-say-they-are-facing-much-hardship/>>

⁴⁴⁸ “No intervention of Army in to Eknaligoda case” (*Hiru News*, 12 September 2015) available at <<http://www.hirunews.lk/116442/no-intervention-army-in-to-eknaligoda-case>>

⁴⁴⁹ “Military Hierarchy Yet to Be Questioned” (*The Sunday Leader*, 2015) available at <<http://www.thesundayleader.lk/2015/10/11/military-hierarchy-yet-to-be-questioned/comment-page-1/>>

⁴⁵⁰ “CID officers visit Giritale Army Camp for investigations over Eknaligoda disappearance (*News First*, 6 October 2015) available at <<https://www.newsfirst.lk/2015/10/06/cid-officers-visit-giritale-army-camp-for-investigations-over-eknaligoda-disappearance/>>

⁴⁵¹ “Military Hierarchy Yet to Be Questioned” (*Sunday Leader*, 2015) available at <<http://www.thesundayleader.lk/2015/10/11/military-hierarchy-yet-to-be-questioned/comment-page-1/>>

22 December 2015 – Former President Mahinda Rajapaksa visited the prison hospital in Welikada to meet five army personnel arrested for the involvement in the abduction of Eknaligoda.⁴⁵²

11 January 2016 – When the case was taken up before the Homagama Magistrate, the CID complaint to Magistrate Ranga Dissanayake that the Army was not cooperating with the investigation.⁴⁵³ The then Senior State Counsel (SSC) Dileepa Peiris who appeared on behalf of the Attorney General further submitted to Court that because the Army had not fully cooperated with the investigations, the prosecutors have not been able to receive vital administrative material pertaining to the investigations.⁴⁵⁴ The Magistrate observed that if the Army did not cooperate with the investigation in contravention to the Court order, the responsible parties could be dealt with under Section 185 of the Penal Code for disobedience of an order duly promulgated by a public servant.⁴⁵⁵

13 January 2016 – The Military Intelligence Corps camp at Giritale was sealed by Army Commander Chrisantha de Silva to provide conditions conducive to the investigations.⁴⁵⁶ Army spokesperson Brigadier Jayanath Jayaweera stated that a team of military police has been deployed to the Giritale Army Camp in order to examine certain documents which have been requested by the court over Eknaligoda's disappearance.⁴⁵⁷

25 January 2016 – The General Secretary of the Bodu Bala Sena (BBS) organisation, Galagoda Aththe Gnanasara Thero behaved in an unruly manner during the hearing of the Eknaligoda case in Homagama Magistrate's Court.⁴⁵⁸ Gnanasara Thero reportedly attempted to intervene to speak on behalf of military personnel being investigated in connection with the disappearance.⁴⁵⁹ The Magistrate had refused to permit the intervention since the monk was not a party to the case.⁴⁶⁰ The monk had then raised his voice inside the courtroom in the presences of the Magistrate and officials from the

⁴⁵² "Mahinda visits arrested military personnel" (*Hiru News*, 22 December 2015) available at <<http://www.hirunews.lk/122585/mahinda-visits-arrested-military-personnel>

⁴⁵³ "Eknaligoda killing: tug-of-war is continuing" (Sri Lanka Brief, 19th January 2016) available at <<http://srilankabrief.org/2016/01/eknaligoda-killing-tug-of-war-is-continuing/>

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ "Giritale Army INT. Camp sealed by Army chief" (*Hiru News*, 13 January 2016) available at <<http://www.hirunews.lk/123941/giritale-army-int-camp-sealed-by-chief>

⁴⁵⁷ Journalist Eknaligoda disappearance investigations extended" (*News First*, 13 January 2016) available at <<https://www.newsfirst.lk/2016/01/13/journalist-eknaligoda-disappearance-investigations-extended/>

⁴⁵⁸ "Gnanasara Thero's six-month jail term for threatening missing journalist's wife suspended for five years" (available at <http://www.colombopage.com/archive_19A/Feb08_1549647246CH.php

⁴⁵⁹ "Court orders arrest of Gnanasara Thero" (*Daily FT*, 26 January 2016) available at <<http://www.ft.lk/article/521203/Court-orders-arrest-of-Gnanasara-Thero>

⁴⁶⁰ Ibid.

Attorney General's Department.⁴⁶¹ Subsequent to this he also threatened Sandhya Eknaligoda in the Homagama Magistrate's Court premises on the same day.⁴⁶²

09 February 2016 – The CID officials informed the Homagama Magistrate that they received evidence to the effect that Eknaligoda who had been detained at the Giritale Army camp, was blindfolded and taken to a location in Akkaraipattu where he was subsequently killed.⁴⁶³ The then Superintendent of Police (SP) of the CID Shani Abeysekera submitting a further report told the court that the investigators have received evidence that suspects Lieutenant Colonel Arjuna Kumararatne, Ravindra Rupasinghe, and Sergeant Kanishka Gunaratne were involved in the abduction of Eknaligoda.⁴⁶⁴ It was further revealed that their telephone conversations had confirmed that the suspects had taken Eknaligoda to Akkaraipattu.⁴⁶⁵

16 February 2016 – The two former LTTE cadres arrested in connection with the disappearance gave statements as State witnesses to the Homagama Magistrate Ranga Dissanayake.⁴⁶⁶ The CID investigations further revealed that the SIM of the telephone used during the abduction had been bought by producing the identity cards prepared for one of the two former LTTE cadres.⁴⁶⁷

24 February 2016 – It was reported to the Homagama Magistrate's Court that the CID received a voice recording suspected to be the conspiracy discussion of the Eknaligoda abduction.⁴⁶⁸ SP Shani Abeysekera informed the court that the first conspiracy meeting to kill Eknaligoda had taken place on 27 August 2008 and that the second suspect in the case had participated in that first meeting.⁴⁶⁹ Nine Army Intelligence suspects were also produced before the court and further remanded till 8 of March.⁴⁷⁰

08 March 2016 – The Homagama Magistrate Ranga Dissanayake ordered the Army Commander to hand over all documents belonging to Sri Lanka Army in connection with

⁴⁶¹ Ibid.

⁴⁶² "Supreme Court rejects Gnanasara Thero's appeal against prison sentence" (*Daily FT*, 6 October 2018) available at <<http://www.ft.lk/news/Supreme-Court-rejects-Gnanasara-Thero-s-appeal-against-prison-sentence/56-664215>>

⁴⁶³ "CID tells Homagama Magistrate: Evidence shows that Eknaligoda killed in Akkaraipattu" (*Daily News*, 10 February 2016) available at <<http://www.dailynews.lk/2016/02/10/security/cid-tells-homagama-magistrate-evidence-shows-ekneligoda-killed-akkaraipattu>>

⁴⁶⁴ Ibid.

⁴⁶⁵ Ibid.

⁴⁶⁶ "A statement from 2 form 2 former LLTE carders at the Eknaligoda case", (*Hiru News*, 17 February 2016) available at <<http://www.hirunews.lk/126442/statement-from-2-former-ltte-cadres-at-eknaligoda-case>>

⁴⁶⁷ Ibid.

⁴⁶⁸ "CID receives voice recording of Ekanligoda abduction" (*Hiru News*, 25 February 2016) available at <<http://www.hirunews.lk/127102/cid-receives-voice-recording-ekanaligoda-abduction>>

⁴⁶⁹ "Eknaligoda case: who's covering up facts, asks magistrate" (*Sri lanka brief*, 25 February 2016) available at <[Http://Srilankabrief.Org/2016/02/Eknaligoda-Case-Whos-Covering-Up-Facts-Asks-Magistrate/](http://Srilankabrief.Org/2016/02/Eknaligoda-Case-Whos-Covering-Up-Facts-Asks-Magistrate/)>

⁴⁷⁰ "CID receives voice recording of Ekanligoda abduction" (*Hiru News*, 25 February 2016) available at <<http://www.hirunews.lk/127102/cid-receives-voice-recording-ekanaligoda-abduction>>

the investigations into the abduction of Eknaligoda.⁴⁷¹ The Army Commander was also ordered not to destroy the documents maintained at Giritale Army camp where Eknaligoda was suspected to have been detained.⁴⁷² SP Shani Abeysekera informed the court that a proper investigation had not taken place with regard to the incident till 2015.⁴⁷³ He said with the CID taking over investigations, evidence is surfacing that Eknaligoda had been murdered.⁴⁷⁴ The Magistrate ordered police to expedite the investigations into the Eknaligoda case and ordered to further remand the suspects.⁴⁷⁵

05 April 2016 – SP Shani Abeysekera of the CID informed the Homagama Magistrate that the ninth suspect who was remanded over the abduction of Eknaligoda, has changed his signature.⁴⁷⁶ He further mentioned that they have received information that Eknaligoda had been taken to a place in Akkaraipattu in January 2010 and the suspects have obtained fuel from a filling station belonging to the Sri Lanka Army.⁴⁷⁷ He informed Court that the signature was found from documents of the Sri Lanka Army filling station.⁴⁷⁸

23 May 2016 – The Homagama Magistrate Ranga Dissanayake further remanded seven suspects taken into custody in connection abduction and disappearance of Eknaligoda.⁴⁷⁹ SP Shani Abeysekera, making a statement before the court, stated that a report obtained from the Army Commander giving details of the soldiers who visited the Akkaraipattu army camp and left on 25 January 2010 had gone missing.⁴⁸⁰ He also said a statement had been obtained from Captain Wickremesinghe, who was in charge of the camp on the day in question and that he had identified some of the signatures on the attendance register on the 26 January 2010.⁴⁸¹ The Magistrate ordered the CID to conduct further investigations and submit a report to court on 7 of June.⁴⁸²

27 May 2016 The Homagama Magistrate Ranga Dissanayake granted bail to the second suspect Lieutenant Colonel Prabodha Siriwardena.⁴⁸³ He was released on cash bail of Rs 2 million and surety bail of Rs 6 million and additionally was subjected to a foreign travel ban and ordered to appear before the CID every Sunday.⁴⁸⁴

⁴⁷¹ Ibid.

⁴⁷² “Army Commander ordered to hand over documents” (*Daily News*, 9th March 2016) available at <<http://www.dailynews.lk/2016/03/09/security/army-commander-ordered-hand-over-documents>>

⁴⁷³ Ibid.

⁴⁷⁴ Ibid.

⁴⁷⁵ Ibid.

⁴⁷⁶ “Eknaligoda abduction: suspects have changed their signature – ASP” (*Daily News*, 9 April 2016) available at <<http://www.dailynews.lk/2016/04/09/security/78713>>

⁴⁷⁷ “Eknaligoda abduction: suspects have changed their signature – ASP” (*Daily News*, 9 April 2016) available at <<http://www.dailynews.lk/2016/04/09/security/78713>>

⁴⁷⁸ Ibid.

⁴⁷⁹ “Eknaligoda disappearance :suspects further remanded” (*The Island*, 24 May 2016) available at <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=145793>

⁴⁸⁰ Ibid.

⁴⁸¹ Ibid.

⁴⁸² Ibid.

⁴⁸³ Ibid.

⁴⁸⁴ “Ekanaligoda case: Lieutenant colonel bailed out” (*Hiru News*, 27 May 2016) available at <<http://www.hirunews.lk/134149/ekanaligoda-case-lieutenant-colonel-bailed-out>>

21 June 2016 – The Sri Lanka Army Headquarters stated that two courts of inquiry have been established to locate the documentation believed to have been misplaced during investigations into the killings of Journalists Lasantha Wickrematunge and Prageeth Eknaligoda.⁴⁸⁵

24 August 2016 – The CID informed the Homagama Magistrates' Court that Eknaligoda had no links to the LTTE neither had he funded them nor was there any legal action taken against him for terrorist activities.⁴⁸⁶

06 September 2016 – SSC Dileepa Peiris appearing on behalf of the Attorney General's Department informed the Homagama Magistrate Ranga Dissanayake that the CID investigations had revealed that Sergeant Premananda Udagama, who is in remand on charges in the murder of Sunday Leader Editor Lasantha Wickrematunge, guided the team in Ekeneligoda's abduction.⁴⁸⁷ SSC Peiris informed Court that on two occasions, the missing journalist Eknaligoda was subjected to abduction; once in August 2009 and once in January 2010.⁴⁸⁸ He submitted to Court that investigations pertaining to telephone conversations had revealed that Sergeant Udagama was allegedly involved in coordinating these two incidents.⁴⁸⁹

19 September 2016 – Four military intelligence officers arrested in connection with the disappearance were granted bail by the Avissawella High Court.⁴⁹⁰ The High Court released them on cash bail of Rs. 500,000 each and two personal sureties of Rs. 3 million. The suspects were also ordered to appear before the CID every Sunday.⁴⁹¹

23 October 2016 – The first suspect Army Intelligence Officers Lieutenant Colonel Shammi Arjuna Kumararatne and third suspect Staff Sergeant Rajapaksa Mudiyansele Priyantha Kumara Rajapaksa alias Nathan were granted bail by the Avissawella High Court Judge Amal Thiakarathna.⁴⁹² The suspects were bailed out on a cash bail of Rs. 1.5 million and two sureties of Rs 3 million each.⁴⁹³ It was reported that the Attorney

⁴⁸⁵ Preliminary courts established to locate documents in Eknaligoda, Wickrematunge investigations" (*News First*, 21 June 2016) available at <<https://www.newsfirst.lk/2016/06/21/preliminary-courts-established-locate-documents-eknaligoda-wickrematunge-investigations/>>

⁴⁸⁶ "CID informs court Eknaligoda had no links with LTTE" (*Daily News*, 24 August 2016) available at <<http://www.dailynews.lk/2016/08/24/law-order/91270>>

⁴⁸⁷ Suspect in Lasantha murder allegedly involved in Eknaligoda abduction" (*Daily News*, 7 September 2016) available at <http://www.dailynews.lk/2016/09/07/law-order/92557?page=49&qt-popular_articles=1>

⁴⁸⁸ Ibid.

⁴⁸⁹ Ibid.

⁴⁹⁰ "Eknaligoda disappearance: Two more intelligence officers get bail" (*Daily News*, 21 Feb 2019) available at <<http://www.dailymirror.lk/116125/Eknaligoda-caes-Suspects-to-remain-in-remand>>

⁴⁹¹ "4 suspects intelligence officers of the Prageeth Eknaligoda case, granted bail" (*Hiru News*, 19 September 2016) available at <<http://www.hirunews.lk/143338/4-suspected-intelligence-officers-prageeth-eknaligoda-case-granted-bail>>

⁴⁹² "Two more army intelligence officers connected to prageeth eknaligoda case granted bail" (*Hiru News*, 24 October 2016) available at <<http://www.hirunews.lk/145961/two-more-army-intelligence-officers-connected-to-prageeth-eknaligoda-case-granted-bail>>

⁴⁹³ Ibid.

General's Department objected to bail being granted because there was clear evidence to testify to their direct involvements in the abduction and illegal detention of Eknaligoda.⁴⁹⁴

08 November 2016 – The Awisawella High Courts granted bail to the last two remaining military intelligence officers in remand custody in connection with the disappearance of Eknaligoda.⁴⁹⁵ The High Court Judge Amal Thilakaratna released the fourth and fifth suspects sergeant Major Wadugedara Winnie Nilanjan and Corporal Senevirathne Mudiyanseelage Ravindra Rupasena on a cash bail of Rs. 1 million and two sureties of Rs. 3 million.⁴⁹⁶

January 2018 – Sandhya handed over a letter to Army Commander Lieutenant General Mahesh Senanayake requesting his assistance in the probe into the disappearance of her husband.⁴⁹⁷ In the letter, Sandhya noted that it has been eight years since her husband had disappeared on 24 of January 2010, but that she had received little or no help in tracing what had happened to Eknaligoda.⁴⁹⁸ She accused the system of favouring the guilty while continuously penalising the victims.⁴⁹⁹

21 September 2018 – The CID arrested the Lieutenant Colonel of the Army Intelligence Unit Erantha Peiris when he arrived at the CID to record a statement.⁵⁰⁰ He was arrested on two charges: for the involvement in the abduction and release of Eknaligoda on the 8 of August 2009 and for the abduction and disappearance of Eknaligoda since the 24th of January 2010.⁵⁰¹ Erantha Peiris was produced before the Homagama Magistrate Court on the following day and was further remanded until 28 of September.⁵⁰²

⁴⁹⁴ "Prageeth Abduction case: bail given to accused ignoring AG's advice" (*Sri Lanka Brief*, 27 October 2016) available at <<http://srilankabrief.org/2016/10/prageeth-abduction-case-bail-given-to-accused-ignoring-ags-advice/>>

⁴⁹⁵ "Two more army intelligence officers connected to prageeth eknaligoda case granted bail" (*Hiru News*, 24 October 2016) available at <<http://www.hirunews.lk/145961/two-more-army-intelligence-officers-connected-to-prageeth-eknaligoda-case-granted-bail>>

⁴⁹⁶ "Two more intelligence officers get bail in Eknaligoda case" (*Ada Derana*, 8 November 2016) available at <<http://www.adaderana.lk/news/37755/-two-more-intelligence-officers-get-bail-in-eknaligoda-case>>

⁴⁹⁷ "Wife seeks army support probing Eknaligoda case" (*Daily News*, 18 January 2018) available at <<http://www.dailynews.lk/2018/01/18/local/140307/wife-seeks-army-support-probing-ekneligoda-case>>

⁴⁹⁸ "Wife seeks army support probing Eknaligoda case" (*Daily News*, 18 January 2018) available at <<http://www.dailynews.lk/2018/01/18/local/140307/wife-seeks-army-support-probing-ekneligoda-case>>

⁴⁹⁹ Ibid.

⁵⁰⁰ "Eknaligoda disappearance case , Lt colonel remanded" (*Daily News* 22 September 2018) available at <<http://www.dailynews.lk/2018/09/22/local/163377/ekneligoda-disappearance-case-lt-colonel-remanded>>

⁵⁰¹ "Eknaligoda case heard in Magistrates Court" (*News First*) available at <<https://www.newsfirst.lk/2018/09/21/journalist-ekneligoda-case-heard-in-magistrates-court/>>

⁵⁰² "Two COI appointed to look into Lasantha and Eknaligoda cases" (*Hiru News*, 21 June 2016) available at <<http://www.hirunews.lk/136058/two-cois-appointed-to-look-into-lasantha-eknaligoda-cases>>

30 September 2018 – Sandhya speaking at a media conference vowed to launch a series of protests for 60 days to show her discontent against the government’s attempt to hold-up investigations into his case.⁵⁰³

18 November 2018 –Inspector of Police (IP) Nishantha Silva of the CID who was the lead investigator in high profile cases such as the murder of Lasantha Wickrematunge and the disappearance of Ekmaligoda was transferred with immediate effect to the Negombo division on service requirements.⁵⁰⁴ IGP Pujith Jayasundera is reported to have ordered the transfer.⁵⁰⁵

20th November 2018 – Sri Lankan police chief cancelled his decision to transfer IP Nishantha Silva after the National Police Commission sought a report on the transfer. ⁵⁰⁶

December 2018 – It was reported that the CID is to seek the advice of the Attorney General to file legal action against military intelligence officers that stand accused in the abduction and disappearance of Ekmaligoda.⁵⁰⁷

24 January 2019 -. The day marks the ninth anniversary of the kidnapping of Ekmaligoda.⁵⁰⁸ Sandhya staged a sit-in protest in front of the President’s office, demanding his administration bring to justice the perpetrators responsible for her husband’s disappearance nine years ago.⁵⁰⁹

Sandhya in a letter written to President Maithripala Sirisena requested not to grant a presidential pardon to General Secretary of the BBC Gnanasara Thero, who is serving a 6 year prison sentence for contempt of court.⁵¹⁰ Sandhya in her letter pointed out that since the contempt of court charge was related to the case of her husband's disappearance, pardoning the Thero would exert undue influence on the case and other related cases.⁵¹¹

⁵⁰³ “Sandya Ekmaligoda to protest delay in investigations” (*Sunday Observer*, 30 September 2018) available at <<http://www.sundayobserver.lk/2018/09/30/news/sandya-ekmaligoda-protest-delay-investigations>>

⁵⁰⁴ “Sri Lanka Police reverse decision to remove top detective probing alleged crime by Rajapaksa family” (*Freepress Journalist*, 20 November 2018) available at <<<https://www.freepressjournal.in/india/sri-lanka-police-reverse-decision-to-remove-top-detective-probing-alleged-crimes-by-rajapaksa-family/1400061>>

⁵⁰⁵ “Police chief cancels controversial transfers of senior police inspector” (*Colombopage*, 20 November 2018) available at <http://www.colombopage.com/archive_18B/Nov20_1542693519CH.php>

⁵⁰⁶ “IGP terminates CID IP Nishantha’s transfer” (*News First*, 20 Nov 2018) available at <<https://www.newsfirst.lk/2018/11/20/igp-terminates-cid-ip-nishanthas-transfer/>>; “police chief cancels controversial transfer of senior police inspector” (*Colombopage*, 20 November 2018) available at <http://www.colombopage.com/archive_18B/Nov20_1542693519CH.php>

⁵⁰⁷ “Showdown between CID and military” (*The Morning*, 30 December 2018) available at <<http://www.themorning.lk/showdown-between-cid-and-military/>>

⁵⁰⁸ “Sri Lankans demand justice for slain, abducted journalists” (AP news) available at <<https://www.apnews.com/5a030e80f71d47b186094da1512c4b38>>

⁵⁰⁹ Ibid.

⁵¹⁰ “Sandya Opposes presidential pardon to Ganasara thera” (*Sri Lanka Mirror*) available at <<https://srilankamirror.com/news/12731-sandya-opposes-presidential-pardon-to-gnanasara-thera>>

⁵¹¹ Ibid

The Case against Gnanasara Thera for Threatening and Intimidating Sandhya Eknaligoda

26 January 2016 –Gnanasara Thera was arrested for threatening Sandhya Eknaligoda in the Homagama Magistrate’s Court Premises.⁵¹²

14 June 2018 – Gnanasara Thera was found guilty of threatening Sandhya inside the Homagama Magistrate’s court premises.⁵¹³ Homagama Magistrate Udesh Ranatunga delivering the judgement sentenced the Thera to one year’s rigorous imprisonment to be ended in 6 months and a fine of Rs.3,000. The Thera was also ordered to pay compensation of Rs. 50,000.⁵¹⁴

15 June 2018 – Lawyers for Gnanasara Thera filed an appeal requesting the Thera to be acquitted and released.⁵¹⁵

25 June 2018 – Sandhya Eknaligoda filed a complaint to the CID that she is being threatened and harassed via social media since Gnanasara Thera was jailed.⁵¹⁶

8 February 2019 – Considering the appeal filed by Gnanasara Thera, the Homagama High Court judge Amal Ranaraj suspended the sentence of 6 months rigorous imprisonment for a period of five years.⁵¹⁷ The judge also upheld the guilty verdict against Gnanasara Thera delivered by the Homagama Magistrate's Court.⁵¹⁸ The Thero is currently serving a six-year jail term after being convicted of contempt of court.⁵¹⁹

⁵¹² “BBS general Secretary Ganasara Thera Re- remanded” (*Hiru News*, 2016) available at <<http://www.hirunews.lk/126415/bbs-general-secretary-gnanasara-thera-re-remanded>>

⁵¹³ “Ven Gnansara sentenced to Rigorous Imprisonment” (*Hiru News*, 14 June 2018) available at <<http://www.hirunews.lk/193048/ven-gnanasara-sentenced-to-rigorous-imprisonment>>

⁵¹⁴ Ibid.

⁵¹⁵ “Gnansara Thera’s Lawyers submit appeal” (*Hiru News*, 15 June 2018) available at <<http://www.hirunews.lk/193128/gnanasara-theras-lawyers-submit-appeal>>

⁵¹⁶ “Sandya Eknaligoda goes to CID” (*Hiru News*, 25 June 2018) available at <<http://www.hirunews.lk/193871/sandya-eknaligoda-goes-to-cid>>

⁵¹⁷ “Homagama High Court suspends six month sentence of Gnanasara Thero to five years in Sandhya Eknaligoda case” (*Sunday Times*) available at <<http://www.sundaytimes.lk/article/1069163/homagama-high-court-suspends-six-month-sentence-of-gnanasara-thero-to-five-years-in-sandya-ekneligoda-case>>

⁵¹⁸ Ibid

⁵¹⁹ “Galagoda Aththe Thero gets 6 year jail term for contempt of Court” (Daily FT, 9 August 2018) available at <<http://www.ft.lk/front-page/Galagoda-Aththe-Thero-gets-6-year-jail-term-for-contempt-of-court/44-660560>>